



Charity Commission

Question and Answer Sheet

Alexandra Park and Palace (reg. no. 281991)

1 What is this question and answer sheet about?

The Charity Commission is the independent regulator for charitable activity in England and Wales. (See www.charitycommission.gov.uk for further information).

We propose to make a legal document called an Order for Alexandra Park and Palace (charity reg. no. 281991). This question and answer sheet answers some questions and sets out why we need to make the Order. This is not a full explanation of our decision making process.

2 What is the background?

Alexandra Park and Palace in Wood Green in the London Borough of Haringey is a registered charity. The Palace is set in 196 acres of parkland and the whole entity comprises the charity's entire asset. The building is currently used as an event and exhibition centre.

The charity is administered by a body of trustees. They have responsibility for directing the affairs of the charity, and ensuring that it is solvent, well-run and delivering the charitable outcomes for which it has been set up.

After careful consideration of the options available, the trustees have decided to dispose of the Palace and its immediate surround. They advertised the property and completed a two-stage competition process. They now wish to grant a long lease to Firoka (Alexandra Palace) Limited. Firoka will develop the Palace and immediate surrounding area for uses consistent with the Alexandra Park and Palace Acts and Orders 1900-2004, which govern the charity.

3 Why are we making an Order for Alexandra Park and Palace?

In 2004, after giving public notice, we made a Scheme for the charity permitting the grant of a 125 year lease of the Palace and its immediate surround for the best rent reasonably obtainable. However, our consent is still needed before the lease can be granted.

The trustees therefore need our consent to grant the lease to Firoka, as required by the 2004 Scheme. The Order will provide this consent.

4 What information have the trustees provided us with?

The trustees have provided us with information to show that the lease to Firoka is in the interests of the charity and that it is permitted by the 2004 Scheme.

5 Is granting the lease in the interests of the charity?

The trustees have considered the financial situation of the charity. The charity has been making, and continues to make substantial losses year on year. To date these losses have been met by Haringey Council. The Council is concerned it should not be using the money available to provide Council services to subsidise a loss making charity. The lease therefore provides the prospect of a capital payment and a rent by which the Charity can continue its activities.

The lease furthers the objects of the charity by providing an opportunity for the charity to receive its own money with the aim of securing its financial position in the future.

6 What about the lease to CUFOS?

Part of the property is leased to the Community Use for the Old Station (CUFOS). The proposed lease to Firoka provides that Firoka takes the property subject to the terms of that lease, which expires in 2011. This will not affect the occupation or rights of CUFOS.

7 What is the 'publication period'?

The Charity Commission's Order will have public notice given to it for a minimum period of a month. During this time members of the public are able to make representations about the Order to us for consideration. We are publishing the draft Order in a number of places to ensure it is available for public comment. These places include the Times newspaper, our website, the Alexandra Palace web site, local London papers including the Hampstead & Highgate Express and the Muswell Hill Journal and also on notice boards at the Palace and Park. The Order will be published the last week in November and representations should be made by noon on Friday 5th January 2007.

8 What will happen to those representations received by the Charity Commission?

An officer who has not dealt with this charity will consider all the representations made and will decide if we should go ahead and make the Order and/or if changes should be made to the Order. The final decision on whether to make the Order will take account of all the information, evidence and arguments received.

9 How do I make representations about this Order?

You can send representations about this Order by post or by e.mail to:

Charity Commission Direct
PO Box 1227
Liverpool
L69 3UG

e.mail to: enquiries@charitycommission.gsi.gov.uk

Please quote reference number 522431. They must be received by noon on Friday 5 January 2007.

10 When will I hear from you?

If we need more information we will ask you for it. Otherwise we will let you know when a final decision has been made.

**ORDER OF
THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

To authorise the trustees to enter into a lease
under the powers given in the Charities (Alexandra Park and Palace) Order 2004
and section 26 of the Charities Act 1993

dated

XXXX

for the charity known as

ALEXANDRA PARK AND PALACE (281991)

in the

Borough of Haringey, London

ORDER

1 In this Order:

"the lease" means a lease substantially in the form of the draft provided to the Charity Commission on 2 November 2006 in respect of land at Alexandra Palace for a term of 125 years and between the Mayor and Burgesses of the London Borough of Haringey, Firoka (Alexandra Palace) Limited and Firoka (Kings Cross) Limited.

"the charity" means the charity identified at the beginning of this Order.

"the trustees" means the trustees of the charity acting under this Order.

"the project agreement" means the project agreement substantially in the form of the draft provided to the Charity Commission on 2 November 2006.

"the tenant" means Firoka (Alexandra Palace) Limited.

"the governing documents" mean the Alexandra Park and Palace Acts 1900- 1985, the Alexandra Park and Palace Order 1966 and the Charities (Alexandra Park and Palace) Order 2004.

2 The Commissioners being satisfied that the grant of the lease will be within the power to lease granted by the Charities (Alexandra Park and Palace) Order 2004, that the grant of the lease represents a proper exercise of that power, and that the grant is expedient in the interests of the charity, make the following Order.

3 The trustees may, subject to compliance with the directions given in clauses 4 and 5 of this Order, grant the lease to Firoka (Alexandra Palace) Limited within six months of the date of this Order.

4 (1) The trustees shall throughout the term of the lease, frequently and regularly monitor and review the performance by the tenant of the covenants contained in the lease and shall, before the execution of the lease, devise proper procedures for doing so.

(2) These procedures shall address in particular, covenants which restrict the use of the leased premises to uses consistent with the governing documents and covenants preventing the use of the leased premises interfering with the use of the charity's retained land.

Contd.

- 5 (1) The trustees shall, at the same time as granting the lease, enter into the project agreement with Firoka (Alexandra Palace) Limited.
- (2) The project agreement must identify the development works to be carried out in suitably defined phases with means to identify the performance (or non performance) of development obligations and the completion of each phase.
- (3) The project agreement shall also include the valid guarantee of a suitably secure guarantor in respect of those obligations and any cap on the guarantee shall not, in the trustees' reasonable opinion based on appropriate professional advice, materially prejudice the charity given the risks of non-performance or part performance of each phase and the risk of cost over-runs.

-- E N D --

Hornsey Historical Society

The Old Schoolhouse
136 Tottenham Lane

Hornsey

LONDON N8 7EL

Registered charity no. 274424

From the Conservation Officer

HYPERLINK <mailto:joc@cix.co.uk> joc@cix.co.uk

By e-mail and post

Mrs Victoria Crandon
Charities Commission Direct
PO Box 1227
Liverpool
L69 3UG

4 January 2007

Dear Mrs Crandon

Draft Order and Draft Lease of land belonging to Alexandra Palace and Park charitable trust

Our substantive objections to this Order are contained (and their background) in the letter already sent to you (3 November 2006). The letter raised certain specific queries and issues. Unfortunately you chose not to reply to these.

Our argument boils down to this: the commission would be acting outside its powers in making this Order because as drafted it changes the purposes of this charity.

Only in limited, exceptional circumstances can such a change-of-purpose, s 13 scheme be made, as has already been confirmed to the statutory advisory committee in a letter from the commission to the chair dated 17 July 1998, copied to its then members including myself. I would refer you to this letter. Instead, Parliament only granted a s 17 scheme which sets out the powers under which the commissioners may make any order for a lease. The s 17 of the Charities Act procedure only allows Orders for minor, administrative, non-contentious changes. On this basis Parliament's Standing Committees on Statutory Instruments allowed the draft SI for the s 17 scheme to go before the House.

It was to allow non-contentious, merely administrative Orders.

I believe you have had to date 200 objections. Articles have appeared in the national Press, and on a networked BBC programme fears were expressed. The constituency MP has put down an EDM.

We would be interested in the commission's definition of "non-contentious".

Also I would again refer you to the Hansard report of the debate on the s. 17 scheme and the undertakings given by the Minister in reply to concerns and fears, made to her by MPs during the debate:

Column Number: 020

(Fiona MacTaggart:)

The scheme does not amend the charity's purposes. The trustees have a legal responsibility to ensure that those purposes are achieved, and the charity commissioners, as the regulatory body, will hold them to that. The scheme does not provide for the palace to be sold for commercial development; it [merely] provides the power to lease it and the immediate surrounding area for 125 years.

The charity's purposes *are* being changed by your order. The palace *is* to be sold for commercial development.

The objects and purposes of the charity being changed, are set out in the 1900 Act, s 17: "the park palace and other lands shall be available for the free use and recreation of the public for ever" – it does not say, you will notice, "the park *or* palace".

The order refers to the proposed lease. Although neither the terms of this lease, nor a plan of the exact land to be leased, have been included as an appendix to the published draft order, so making this "consultation" meaningless (because one cannot comment on something one is not allowed to see), the commission knows, as we do, that the area of the land in the proposed lease to be reserved for the purposes of this charity is in reality confined to the theatre and a tiny corner for a museum.

(Please take this letter as also constituting our formal request for sight of the lease and of all correspondence between the commission and the trustee about this order under the Freedom of Information Act.)

In particular the south-east wing under all the previous amending acts has to be used for charitable purposes and the 1985 Act states that this shall be connected with its world-famous television history, but the order together with the lease purport to change that purpose and those provisions. We are sorry but we repeat: that is *ultra vires* the commission's powers under the s 17 scheme. Under the existing charity law in general, and the 1985 Act in particular, this area *must* properly remain available for the free use of the public to see for themselves the actual studios where television was born and developed, the costs of this educational activity to be provided from the profits of commercial activities permitted elsewhere in the building. They should be adequate for the purpose and further grants from English Heritage and others and donations should be available for repairs and restoration as the museum/exhibition is charitable. This would not be the case with a commercial activity there. Neither will the tax advantage that the

charity enjoys be available – a considerable sum.

The commission has provided a question and answer section. It gives the impression that the trusts have failed and the charity's endowment is insufficient. That is untrue. If the present trustee has managed the charity incompetently that is no fault of the endowment. As a former member of the statutory advisory committee I know from correspondence that the trust's solicitor tried to argue that the trusts had failed and to apply for a *cy-pres* scheme. I will write separately to the commission about the statements made to you by the solicitor. The point is that he failed to prove, and the commission did not accept, that the endowment was insufficient, except that in the limited administrative matter of the term of the leases.

The commission should have ensured that this order was advertised to all the beneficiaries of the charity. The beneficiaries include the people of London, or at least of north London. Arguably the beneficiaries are the national public. We, and others, know that this order has not been so advertised.

This is property belonging to the public being disposed of by stealth. It appears that the trustee and the commission hoped that no-one would notice or realize the significance of the proposed change of purpose. We are sorry to disappoint but we have noticed it.

Yours sincerely

J O'Callaghan

For HHS

Return to Conservation

Hornsey Historical Society

The Old Schoolhouse
136 Tottenham Lane
Hornsey
LONDON N8 7EL
Registered charity no. 274424

From the Conservation Officer
joc@cix.co.uk

FOR THE ATTENTION OF VICTORIA CRANDON
The Senior Caseworker for Alexandra Park and Palace charitable trust
Charity Commission
Woodfield House
Tangier
Taunton, Somerset, TA1 4BL

3 November 2006

Dear Madam

Proposed lease for Alexandra Palace

Further to our telephone conversation I am faxing as promised our letter.

Hornsey Historical Society is an educational charity whose members study, research and conserve the historical events of Hornsey, Wood Green and surrounding areas. We have in the past arranged many activities, for the benefit of members and public, at Alexandra Palace, such as tours and publications, and we were instrumental in this important building being listed as of special historical interest (Grade II) by the Department of the Environment. The writer represented the Society as member of the statutory Advisory Committee when preliminary and ominous moves were first being made to apply for schemes to alter the governing statutes, but, co-incidentally, the council then decided that we no longer qualified and removed our membership.

On behalf of our General Committee I already wrote to the commission on behalf of the society stating our grave concerns about the proposed Parliamentary Scheme. I wrote on January 8 2001 stating the reasons for our concern and you will have this on file, so I will not rehearse them again in detail.

However, we have been advised of some details of the lease now being proposed pursuant to the Scheme and it is evident that there is grave doubt as to whether undertakings given in the Debate about the scheme by the Minister, including assurances as to the preservation of the historic structures and areas, are being honoured. My committee have therefore again asked me to write. However, it is self-evident that we

cannot object in detail to the scheme and the lease *until we have sight of both*, and we trust that you will direct that this be done, in line with the undertakings given in Parliament about the rights of objectors.

We remind you that Parliament and public were assured that the scheme preserved the charitable objects and uses **and a cy-pres scheme was not justified** : " **the trustees may not grant any such lease which permits a use otherwise than is consistent with the said purposes**". While I was a member of the Advisory committee I saw correspondence showing the council were unsuccessful in persuading the commission that the trusts had failed as there was no evidence for this. In fact showed evidence that contrary to the council's assertions the pre-1967 trustees' accounts had many times showed surpluses. Therefore the trusts declared in 1900 remain. The case which defined these was reported in the Times Law Reports as *Alexandra Park Trustees and another v Haringey London Borough and Others*, 1967. The judge found that the subsequent enabling acts did not affect the trust declared in 1900, and that this trust was one which " ***imposes on the trustees the duty to use the park and palace and to apply the income for purposes which are wholly charitable, the only substantive purposes being the free recreation on the part of the public ... and educational purposes.***" Like all charities, all profits from secondary commercial activities (after deduction of administration and other expenses), must be allocated to those primary charitable purposes.

1. An assurance was duly given by the minister, Fiona Mactaggart, during the parliamentary debate on 14 January 2004, to the MPs (Simon Hughes and Don Foster) who had called the debate, that the charity was not being abolished or the educational charitable purposes removed. " ***The scheme does not amend the charity's purposes. The trustees have a legal responsibility to ensure that those purposes are achieved, and the charity commissioners, as the regulatory body, will hold them to that. The scheme does not provide for the palace to be sold for commercial development*** " [Hansard at col 020]
2. Yet according to the coloured plan we now see in the draft lease prepared by Aukett Fitzroy Robinson, the area of the palace reserved for primary charitable purposes will be confined to the theatre and a tiny area in a corner for a TV museum. In effect, and contrary to the Minister's undertaking above, the proposed lease envisages perhaps 90% of the area of the Palace, the charity's primary asset, being alienated for purely commercial activities. This is so disproportionate that in effect the charity, so far as the Palace is concerned, will have ceased to operate. It is no defence to assert that rent will be applied to the Park. *Public access to the palace* for the 1900 purposes has always been one of the essential charitable objects.
3. Linked with this and of profound concern to us is the absence of any provision in the lease that the internal layout of the 1936 studios A and B, from which the world's first regular television programmes were transmitted, and the linking corridor and dressing-rooms, all of which still survive, is to be protected and preserved, as normal in an important listed building. Indeed the developer has specifically stated that they may be gutted (Muswell Hill Times 19.10.2006 p1) In fact, the plan shows a "museum" in a different area of the building from the existing studios, and they have disappeared. Mr Firoka, or his advisers, does not seem to know or care about the implications and duties of owning and managing a listed

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building.

4. This is totally unacceptable for any part of such a nationally important listed building whose internal structure defines and preserves the special historical interest of the building and was a material reason for its listing. It is not acceptable that the trustee and developer leave this to the planning stage. It is universal good practice when drawing up an agreement with a developer concerning an important listed building that the developer must agree to respect and preserve those areas and they are usually defined by *previous commissioning of a detailed conservation brief* from an authoritative independent source. This essential first stage has already been done in the case of Hornsey Town Hall. *Astonishingly, the council have refused to do this in the case of the Palace. They must be challenged on this.*
5. A sop is made that a small area is to be offered to the BBC or other not-for-profit organization to take on the charitable purposes and establish a museum, but far from providing funds *to them for this* in order for the public to have access on a free or not-for-profit basis, the developers it appears, want to charge such body, *at commercial rates*, for carrying out these same charitable purposes for them!
6. An important point has been made to the undersigned by other possible bidders. If the lease will in practice be unrestricted, in charitable and planning terms, the asset is being acquired for far below its open-market commercial value. The lease's final terms seem to have been dictated by, and various restrictions stealthily eroded by, the developer, whereas it was originally advertised under the EC regulations (as it legally had to be), when Firoka was selected subject to all these restrictions.

In short, we believe the intention seems to be to ignore the undertakings given in Parliament and the 1900 trusts and this is not acceptable. This scheme would lead to a situation in which our own objectives, together with those of other charities associated with the Palace, would be rendered ineffective in relation to it, and some of these other charities would be obliged to dissolve. We would question whether the scheme and lease represents "best value" for the public money and effort already invested in the charity, both in 1900 by the neighbouring authorities and Middlesex County Council, and since its ownership and redevelopment by Haringey ratepayers. If the commercial uses allowed are disproportionate to, and the income of any activities described in the lease, is not being applied for, "***purposes which are wholly charitable***" and educational, as the 1967 case established, then the lease cannot be lawful.

We would ask you to urgently reconsider the Scheme, the lease, and their implications, and we appeal to you to allow a proper period and method of consultation with this charity and other relevant parties. Is the commission really content that no charitable activities will effectively be left within a building which was acquired for and should be devoted to them?

Should the commission decide not to intervene to address our concerns, please could you advise what formal appeal procedures against the commission's decision are then available to us.

I am copying this to Mr Simon Hughes because, as the Hansard report shows, we have

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been obliged to him and Mr Foster for putting many of the points and objections about which we were concerned, to the Minister in the debate (the local MP was not allowed to take part in the debate). Equally, we are keenly aware that the Mayor of London and Nicky Gavron, Deputy Mayor, take a great interest in the future of Alexandra Palace as a London landmark, but have so far had no power to intervene, despite the Middlesex County Council being founder trustees of the charity. We will always be grateful that Ms Gavron, as the then Chair of the local borough Planning Committee, intervened more than once at our behest to decisively prevent historic features of the Palace being altered or destroyed - most importantly the mast and surviving features of the television station at a time when English Heritage were still considering the application for Listing which we made and which the Palace management opposed.

Yours faithfully

Jacob O'Callaghan

Conservation Officer

cc Sir Neil Cossons, Chairman, English Heritage
Mr Ken Livingstone, Mayor of London
Ms Nicky Gavron, Deputy Mayor of London
Lynne Featherstone MP
Simon Hughes MP

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4a Bishopswood Road
Highgate
London N6 4NY

joc@cix.co.uk

By e-mail and post

Mrs Victoria Crandon
Charities Commission Direct
PO Box 1227
Liverpool
L69 3UG

5 January 2007

Dear Mrs Crandon

Draft Order and Draft Lease of land belonging to Alexandra Palace and Park charitable trust

I promised that I would write further to you. I am writing the following from my personal experience and knowledge as a former member of the statutory Advisory Committee to the trustee of Alexandra Palace and Park.

Don Foster MP, Simon Hughes MP and other MPs insisted on the statutory instrument (giving the commission power to grant an order for a 125-year lease) being debated in Committee.

They pointed out, as I do to you now, that there were grave doubts about the information provided to the commission and Parliament about the charity's financial history in order to procure the scheme (see below).

Also that the commission, under their own operational guidelines, should have considered taking the trusteeship from the council as single trustee (effectively a political partisan charity trusteeship).

The commission has provided a question and answer section on the Order. It gives the impression that the trusts have failed and the charity's endowment is insufficient. That is untrue. If the present trustee has managed the charity incompetently that is no fault of the endowment. This information is partly based on untrue statements made by the trust's solicitor:

In 1997 the statutory advisory committee of which I was then a member were shown correspondence showing that the trust's solicitor, Iain Harris of Howard Kennedy (who in my experience has recently seemed to me to be acting, with the General Manager, Mr Holder, solely for the majority group members and their policies – see below) tried to argue that the trusts had failed and wanted to apply for a *cy-pres* scheme (permitting change of the purposes). He failed to prove, and the commission did not accept, that the endowment was insufficient, except that in the limited administrative matter of the term of the leases.

However Howard Kennedy has continued to report, falsely, to the commission and the council that the charity has "never in living memory balanced its books". I provided the SAC with official copies of audited trust accounts conclusively proving that this statement was untrue, because the accounts showed the charity had many times in living memory and as recently as the 90's carried forward substantial surpluses on its annual balance sheet. I was very shocked to find therefore Mr Harris continued to repeat this utterly false and misleading statement to the council and its committees, when he knew it to be false (when they were considering the process that led to this Order); and, presumably, to the commission.

The point was that if it was viable under the old trusteeship of a consortium of local north London councils, it was potentially still viable and the proposed sale could be seen as a party politically-biased attempt to conceal the fact that any present continued losses are in reality largely due to incompetent and possibly corrupt trusteeship.

Effectively, the only way to receive full legal advice, co-operation and information from the solicitor to the trust and the General Manager, has been a member of the majority political party on Haringey council (and I should here declare that I am not a member of any political party).

The other factor I discovered as a member of the SAC was that the council as single trustee was abusing its power to be monopoly provider of administrative and other services, effectively charging many times the going market rate for these services – so simultaneously profiting by its trusteeship, contrary to a very old principle of trust law, and tipping the charity's balances into the red. The charity's auditor, Pesh Framjee, many times warned the charity trustees about this. I can provide chapter and verse about this if required.

I would submit that the above two abuses are inescapable dangers and temptations when a large charity has a single local government corporation as its sole trustee, and Parliament should in my view legislate that local councils can no longer ever become single trustees.

This has not led to effective and efficient governance of this charity.

I have made or am making all these points to Lynne Featherstone MP in connection with the Early Day Motion.

I am copying this letter to Howard Kennedy. I do not expect to receive any writs, and the commission may draw its own conclusions that they know that what I have stated in this letter is true. Despite the cynicism endemic in public life at present over the value of truth, I would expect the commissioners to want to take some action over it.

Yours sincerely

J O'Callaghan

**RESPONSE of LOCAL RESIDENT, PETER THOMPSON of
9 Hillfield Park Muswell Hill N10 3QT**

THE ORDER PROPOSED IN RESPECT OF ALEXANDRA PALACE

I am responding to the consultation on the draft Order to authorise the trustees of Alexandra Palace to grant Firoka a lease of Alexandra Palace.

1 Preliminary The Palace has been visited by the public for over 100 years: and it has a history of being used for theatre, concerts and exhibitions, as well as being the cradle of television broadcasting. It should be possible to incorporate an hotel into the structure without detracting from the benefits currently enjoyed by the public. Presumably the aims of the scheme are to see that a compromise is achieved between the commercial goals of the lessees and the charitable aspirations of the lessor. In this way the trustees can dispose of a high maintenance asset but the public can still enjoy its traditional attractions. So far so good.

2 My concerns My concerns about the Order are focused on compliance and enforcement. I appreciate that the lease contains covenants, that observance will be monitored and that there will also be a "project agreement" underwritten by a guarantor. But what if the lessees decide not carry out the work after all? It might make better sense, commercially, simply to sit tight and do nothing and then either sell on at a profit or ask to be released from irksome covenants as the price for a fresh promise to honour the project agreement. Their most powerful threat might be to hand it all back.

3 Crucial importance of the terms of the lease which have not been disclosed The commercial priorities of the lessees are clear. Why else should they be so secretive about the terms of the lease? And why else should they shy away from any kind of meeting with residents to explain their intentions? They have been invited repeatedly to a meeting (public or private, their place or ours) to explain their intentions and they have always been too busy. We have been left in the dark and must conclude that they want to keep it that way.

4 So the questions I would like to see answered are

- 1 Are the lessees paying a substantial sum up front, as a premium for the purchase of the lease? If so, then that will provide a strong disincentive to inaction and make it much less likely that they will wish to hand the lease back if they can't make a profit out of it.
- 2 How will the "guarantee" work if the lessees simply go slow on the project agreement, or perhaps find excuses for not starting? One knows how easily large building contracts drift into arbitration and lawyers' fees. Wembley Stadium anybody (?)
- 3 Finally, in what circumstances will the lessor be entitled to forfeit the lease? A flagrant breach of covenant would provide solid grounds. But what if there is a failure, or refusal, to comply with the project agreement. Is this tied in with the lease? Or can the lessees break the agreement but keep the lease and sell it on, notwithstanding?

Without satisfactory answers to these questions the Order should not be made

Because the lessees have refused to let the public in on the terms of the lease and the project agreement I do know whether there are satisfactory answers to these questions. But I suspect not; and I urge the Charity Commission to proceed no further with this Order unless there are clear and positive answers to all three.

Peter Thompson QC

2 January 2007

CH
Clifford Hart

020 8489 2920

020 8881 2660

clifford.hart@haringey.gov.uk

14 February 2007

To: All Members of the Alexandra Palace and Park Board

Dear Councillor,

Alexandra Palace and Park Board - Tuesday, 20th February, 2007

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

4. CHARITY COMMISSION - PUBLIC REPRESENTATIONS (PAGES 1 - 54)

To consider a formal response to questions raised by the Commission following the period of public representation. (Report of the Trust Solicitor)

Please also find attached the comments of the London Borough of Haringey's Director of Finance's comments in respect of Item 4 above, together with comments in relation to exempt Item 6 – Appointment of Monitoring Surveyor which was previously circulated.

Yours sincerely

Clifford Hart
Non-Executive Committees Manager

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SPECIAL ALEXANDRA PALACE & PARK BOARD

Agenda Item No 4

20 FEBRUARY 2007

REPORT OF HOWARD KENNEDY, THE TRUST'S SOLICITORS

RESPONSIBLE PARTNER: Iain Harris Tel: 020 - 7546 8986

REPORT TITLE: Charity Commission – Public Representations

REPORT AUTHORISED BY: Iain Harris of Howard Kennedy of 19
Cavendish Square, London W1A 2AW.
Trust's Solicitors.

1. PURPOSE

- 1.1 To report to the Board upon the Summary of Representations provided by the Charity Commission following advertisement of the Commission's intention to make an Order published on 28 November 2006.
- 1.2 To consider and comment on the issues raised in the Summary of Representations.

2. SUMMARY

- 2.1 Board Members will need to consider the representations and attached draft letter.

3. RECOMMENDATIONS

- 3.1 That the Trustees approve the draft letter addressed to the Commission attached to this Report, together with the appended enclosures.
- 3.2 To indicate whether any additional comments are required and if so, to record those.

4. LOCAL GOVERNMENT (ACCESS TO INFORMATION)

ACT 1985

4.1 Our continuing correspondence with the Charity Commission.

5. THE REPORT

5.1 At its Special Meeting on 25 October 2006 the Board resolved to give its approval to completing the Charity Commission Application for an Order containing a scheme under Section 16 of the Charities Act 1993.

5.2 Having so resolved and advised the Charity Commission, it advertised its intention to make the Order giving a period of 1 month for representations to be made to it. Advertisements were placed, in accordance with the Commission's requirements in:-

- The North London Group of Newspapers
- The Times Newspaper
- Noticeboards inside the Park and inside the Palace

In addition to the requirements of the Commission the General Manager caused advertisements to be placed in the public libraries operated by the London Borough of Haringey.

5.3 The advertisements indicated that comments or representations on the proposals could be made to the Charity Commission before noon on Friday 5 January.

5.4 Following closure of the period for representations to the Commission it has carried out an analysis of the 328 representations received.

5.5 The Commission has now provided a copy of its Summary of Representations which is attached to this Report. As appears from paragraph 2, of the 328 representations, 4 were clearly in support whilst 324 respondents expressed "at least some concern about aspects of the proposals."

5.6 The Commission has now indicated that it would be helpful if it could have the comments of the Trustees on the issues raised in the Summary. The Commission has highlighted four specific areas where it would like more detailed comment.

- 5.7 In accordance with instructions from the General Manager we have prepared a substantive response with supporting documentation. This is in the form of a letter, attached to this Report, and annexed supporting documents. It is presented to the Board for consideration.
- 5.8 The Charity Trustees are invited to review this letter and if they feel able to do so approve it and resolve that it be dispatched. If they have any additional comments that they wish to be made, as the letter indicates, we would propose to record these in a second letter.



Alexandra Park and Palace (reg. no. 281991)

Summary of representations

1. Introduction

This is a summary of the representations received to the publication of the draft Order (case reference 522431) to dispose of Alexandra Palace and its surroundings to Firoka (a development company). The comments and assertions made under each of the representations reflects solely those of the respondents. It does not provide answers, comment or evidence to verify or gainsay any points of representation.

2. Summary

We received 328 representations in response to the publication of the draft Order. Not all respondents stated whether they supported or opposed the making of the Order. However 324 respondents expressed at least some concern about aspects of the proposals, whilst 4 were clearly in support of them.

3. Background

Alexandra Park and Palace is presently used as a conference venue and is set in 196 acres of grounds in the London Borough of Haringey. The charity is governed by a number of Acts of Parliament and the Commission's Order of 2004. The trustee, Haringey Council, has provided evidence that, for many years, the charity has operated at a substantial loss, which the Council has met out of public funds. The Council, as local authority, is not willing to continue to subsidise this loss. The trustee has looked into various options for the way forward for the charity and, after public consultation and a tender process, has decided to lease part of Alexandra Palace and its surround to Firoka (a development company).

The lease requires the Commission's consent (under the 2004 Alexandra Palace Act and section 26 Charities Act 2006). During a Parliamentary debate in 2004, Fiona McTaggart MP announced that she had received an undertaking from the Commission to publish the draft of any order that it might make authorising a lease and to invite and consider any representations that it may receive.

The trustee made a case to the Commission to demonstrate that the disposal was in the best interests of the charity. It therefore agreed to authorise the transaction by Order, subject to the analysis of representations made to it following a period of public notice. Consequently public notice was given for a period of 5 weeks, which ended on 5th January 2007. Publication was in The Times newspaper and 6 local London papers on 28th November 2006. Notices were also placed in the Park and Palace and in local libraries. We produced a Q&A sheet to explain the proposals.

The process has given the opportunity for those with concerns about the proposals to give their point of view. It should be noted that those who had concerns about a particular aspect of the proposals did not necessarily express overall support or opposition to the granting of the lease.

4. Overall reaction to the proposals

A total of 328 individual representations were received and analysed during the publication period. These are broken down as follows:

- 4 letters of support;
- 324 letters with representations of concern (including two from MPs).

The representations contained a number of specific proposals for the Commission to consider, which are included in the analysis below.

During the period, a 1,600 signature petition was also received, signed in 2004. The petition is as follows:

We the undersigned wish to raise our concerns regarding the parliamentary scheme to enhance the powers of the Alexandra Park and Palace trustees. We are concerned that any alterations may be detrimental to the building and its broadcasting history, which would mean the loss of the single most important historical site in the world marking the beginning of the first high definition television service. If any scheme is put in place we consider it vital that the historical areas of the palace must be preserved.

The issues that were most important to the respondents were:

- 1 The continued community use of the Old Station Building by CUFOS after the current lease expires.
- 2 The retention of the original TV studios and the establishment of a museum.
- 3 The preservation of the Willis Organ and Theatre.
- 4 Whether the Commission has power to make the Order.
- 5 The sufficiency of the notice period, the lack of consultation and the lack of disclosure of information.
- 6 The sufficiency of the lease.
- 7 The adequacy of the monitoring arrangements following execution of the lease.
- 8 The trustee's potential conflict of interest and the adequacy of the bidding process.

These are considered in more detail below.

There was a widely held view that, being built as a 'Palace for the People', it should continue to be used as a place of public resort and recreation open to the public. There was general concern that the proposed developments are not consistent with the charitable status of the Palace. Respondents pointed to the Palace's unique heritage and many felt that it should be kept as charitable property and not passed to a company with commercial aims.

5. Detailed representations

5.1 The Old Station building

- the CUFOS building should be removed from the footprint of the lease to Firoka.

Community Use For The Old Station (CUFOS) (charity 296940) leases the old station building to provide a community centre. We received 73 representations supporting continued community use of the old station building, along with a petition signed by 47 people to remove it from the lease.

There was a general view that the CUFOS building should not be included in the area to be leased to Firoka. Representations included the following points:

- CUFOS provides excellent recreational and educational services. Over 30 organisations use the CUFOS building, including a multiple sclerosis club, multi faith charities and charities for people with Downs Syndrome.
- The proposed lease does not impose any contractual duty for Firoka to seek to negotiate with the present tenant when the current lease expires in 2011, or any contractual obligation to offer a lease at an affordable rent to the charity. If rent is charged on a commercial basis or 'best rent reasonably obtainable', CUFOS is likely to close. Therefore, including the old station in the lease, puts the charity at risk. There is also a shortage of local community halls in the local area to provide alternative accommodation.
- CUFOS does not have access to the Palace or Park and is a separate structure/self contained building with its own entrance. It would therefore be possible to keep it out of the lease to Firoka.
- The aims of CUFOS are consistent with the aims of the Alexandra Palace Charity and the benefit to the community should continue. It is not a financial liability for the Palace Trust. There is an internal repair lease and, if the Trust remains as landlord, it does not represent an 'unacceptable' liability to the Trust as any future lease should reflect the future repair and maintenance costs in the usual way.
- Including CUFOS in the lease was an administrative oversight, which the trustees consider 'too difficult' to change.
- The Statutory Advisory Committee recommended to the Board of Trustees that CUFOS should be taken out of the lease or the future of CUFOS should be safeguarded in the lease. Both recommendations were turned down by the Trustee.

5.2 Retention of original TV studios

- the original TV studios in the south-east corner of Alexandra Palace, should be preserved and restored.

- ***the lease should contain a covenant specifying the nature, size and type of museum, and ensure that it will have the resources necessary to run it.***

There were 186 individual representations about the site of the original TV studios. The principal concern is that the lease does not contain a requirement to maintain the historic TV studio. The majority view is that the original TV studios should be preserved in their original position and this should be written into the lease.

Representations received include:

- The TV studios are part of the national heritage, are of international importance and have a unique place in TV and broadcasting history. Many of the firsts for broadcasting happened here, including the first HD broadcast in 1936. This is the birthplace of TV, which should be celebrated and cherished.
- The TV studios are in good condition and should be preserved. Once lost, they can never be replaced. They should therefore be maintained and restored as a public exhibition. What independent assessment has been made by the developer to say that the TV studios are dilapidated beyond repair?
- The re-development is not opposed, but this should be done in a sympathetic way.
- Other parties (including the National Trust or Alexandra Palace Television Group) may be willing to take on stewardship of the areas in question. There is a support group who could help restore the studios.
- Although there is a requirement for a 'television heritage facility' in the lease, the full requirement of this is not specified. What is it and who will approve it? These are not 'best terms' which can be reasonably obtained. This provision is not sufficient for such a unique aspect of our technological heritage.
- Facilities, such as a bar, could make a museum commercially viable.
- Commercial interests should not be put above public interest. Firoka should not charge a commercial rent to the organisation taking on the museum.
- Why are the offices not moved, rather than the TV studios?
- Can a group of people interested in working on this 'engage' with a property developer who will have a different agenda?

5.3 Willis Organ and Theatre

- ***The Willis organ should be protected and restored and the theatre opened to the public.***
- ***The Willis organ and theatre should be transferred to a body willing to restore and protect them.***

The salient points from respondents were the need to protect and restore the Willis Organ and to re-open the theatre to the public. Comments included:

- The Willis Concert Organ should be preserved where it is, in a perfect acoustic environment. It is of national importance and was once the finest in the world. It is a unique treasure and has a place in the history of British organ-building. The evolution of the organ should be recorded, with sound recordings.
- The auditorium of the theatre is one of the oldest surviving in London and should be protected, it has significant technical importance. (There is an Alexandra Palace Theatre Friends Group).
- The Alexandra Palace Organ Appeal is itself a registered charity (285222). Can ownership not pass to the Appeal charity; in a charity to charity transfer?
- The words '*in consultation with key stakeholders*' should be inserted after the words '*shall*' in subsection (1) & (2) of Order.

5.4 Doubts about the Commission's power to make the Order

- ***The Commission should consider if it has the power to make the Order; and***
- ***if it has this power, if it has been properly utilised.***

Some respondents thought that the Commission did not have power to make the Order because the lease would conflict with the charity's purposes and is contrary to the provisions contained in the Acts of Parliament that govern the charity. There was concern that the lease will not impose any obligation upon Firoka to devote any part of the Palace to charitable purposes.

There was also concern that assurances given in the Parliamentary debate have not been honoured. (Debate on the draft Charities (Alexandra Palace) Order 2003 by the First Standing Committee on Delegated Legislation held on 14 January 2004.)

Comments include:

- The Council do not have power to dispose of the property for non-charitable purposes - the 1990 Act of Parliament does not allow this. It provides for the Palace and Park to be made available for the free use and recreation of the public forever.
- The 1900 Act authorises lettings '*at the best rent that can be reasonably obtained*', does this extend to granting a lease at a peppercorn rent on payment of a fine? (Bearing in mind that other statutory powers make express reference to such a power ie Settled Land Act 1925.)
- Is it within the powers of the Council, as trustee, to delegate a power to curtail outright charitable activity at the Palace?

5.5 Sufficiency of notice period & notices, lack of consultation and lack of disclosure of information.

- ***The Commission should consider if the notice period was sufficient and if the notices have been correctly displayed.***

- ***The Commission should consider if there has been a lack of consultation during this process.***
- ***The Commission should consider if the lack of disclosure of the draft lease and other documents during the publication period is a critical factor when considering whether to authorise the disposal***

There was a general concern amongst respondents about an insufficient consultation and lack of transparency about the proposals. A number of respondents thought that the Commission's notice period was insufficient and should not have included a holiday period. Representations include:

- The public notices did not include details about the TV studios.
- The notices could not be found in the Park and Palace.
- The trustee dismissed the representations made to it (as required by section 36(6) Charities Act 1993) and the general manager's report did not accurately reflect the representations made.
- There should have been a public open meeting and consultation with local groups.
- The lease and project agreement should have been made public (or parts of it) before the notice period. As it is, the public do not know what covenants are contained in the lease or what else they may wish to make representations about.

5.6 Sufficiency of lease

- ***The Commission should consider if the sufficiency of the lease is an area for it to consider, and if so, review the sufficiency of the lease based on the representations provided.***

Respondents raised the issue of whether the sufficiency of the lease is within the Commission's jurisdiction. A number of specific technical points were made about the sufficiency of the lease, which are too detailed to summarise here.

5.7 Monitoring arrangements

- ***The Commission should consider if the monitoring arrangements are an area for its consideration, and if so, whether the monitoring arrangements are sufficient.***

Respondents queried the trustee's proposed monitoring and review arrangements for the covenants contained in the lease, specifically the need to monitor that the lease does not interfere with use of the Park. It was suggested that the monitoring arrangements should be included in the lease. Specific comments include:

- The trustees have a statutory obligation to consult with local representatives on the likely impact of development on local residents. How will this be done?
- The monitoring regime should be independent of Firoka or the trustee.

- Will the Statutory Advisory Committee and Consultative Committee provide a monitoring role in the lease? The Statutory Advisory Committee should meet with the trustee and Firoka regularly as part of the monitoring process. Other bodies with an interest should also be involved.
- What happens if the lessee decides not to carry out the work? Can they just hand back the Palace after a period of time? Is the project agreement tied in with the lease? If there is a flagrant breach of covenant in the project agreement, will the lease continue?

5.8 Conflict of interest & concern over bidding process

- ***The Commission should consider if there is a conflict of interest, and if there is, what effect this has had on the proposed disposal.***

Concern was expressed about a perceived conflict of interest with Haringey Council being both the trustee and the only funder of the charity. Concern was also expressed about the bidding process. Representations included:

- The bidding process appears to have been artificially manoeuvred to exclude all bidders except Firoka. Only three bidders came forward and one dropped out. One company failed to provide public information for the three and a half day consultation in Palm Court. The trustee have not sought other bidders – ie museums, educational users or Princes Trust.
- The trustee is abdicating its responsibilities to the charity. The lease is in conflict with the Palace being held as a place of public resort and recreation. The trustee could be considered to be putting the assets at risk and acting in breach of the governing document.

5.9 Other issues

5.9.1 Statutory Advisory Committee

- ***The Commission should consider the role of the Statutory Advisory Committee throughout the process and whether its involvement has been in line with that agreed during the Parliamentary debate.***

The Alexandra Park and Palace Statutory Advisory Committee (SAC) is an external body, established under the terms of the Alexandra Park and Palace Act 1985. Respondents expressed concern that the SAC has not been involved in the process and has had no contact at all with the proposed developer. Comments include:

- Although the role of the SAC will not change after the lease is executed, it will no longer have direct input into how the Palace is run by the tenant, whose commercial aims will take precedence over community interests.
- The SAC has been ignored during the run up to the draft Order. The SAC, other than the Chair, has not had sight of the draft lease.
- The SAC's questions to the Board have not been answered. These include a request for an explanation of how the Board will fulfil its obligation to consult with

local representatives and how the Park will be funded and managed after the lease is granted.

- Does the lease include the role of the SAC, in accordance with assurances given in the Parliamentary debate?

5.9.2 Traffic and Noise problems

- ***The Commission should consider the representations raised regarding noise and traffic problems.***

A small number of representations raise the issue of parking and traffic problems in the area and parking in the park.

- The SAC asked for an overall traffic assessment of the scheme as a whole. The local community and Board need to gauge the impact of the development as a whole. Paragraph 19(iv) Part III of the Schedule 1 to the Act, requires that the charity must consider *'the adequacy of the car parking arrangements within the Park and Palace, so as to avoid overflow into adjoining residential streets'*.
- There is concern about noise pollution, and a suggestion that the lease should require the Palace to be sound proofed.

5.9.3 Listing and Planning Permission

- ***The Commission should consider the representations raised regarding planning permission.***

Concern was expressed that planning permission for changes implied by the lease will be contrary to planning polices and may be illegal in a listed building.

5.9.4 Casino

- ***The Commission should consider the representation raised regarding the casino.***

Concern was expressed that the provision for part of the premises to be used as a casino may conflict with the 1900 Act (ie an activity taking place which was illegal at the time of the Act).

5.9.5 Park

- ***The Commission should consider if further information is needed regarding the charity's retained land.***

Concerns was expressed that there are no means to prevent the use of the leased premises interfering with the use of the charity's retained land. Further, there has been no explanation by the Board of how the Park will be funded or managed following the lease of the Palace.

5.9.6 Metropolitan Open Land

- ***The Commission should consider if the charity holds Metropolitan Open Land, and if this has any effect on the disposal.***

5.9.7 Health and Safety Concerns

- ***The Commission should consider if the Health and Safety concerns have an effect on the disposal.***

Health and Safety concerns were raised about the construction period, including: environmental emissions, the logistics of construction traffic in the Park and encroachment on the Park land. The increase in visitor numbers will mean more parking in the Park area with consequential health and safety concerns.

6. Letters in support

The respondents considered that the proposal will facilitate economic development and growth throughout Haringey, in one of the 10 most deprived areas in the UK.

Comments included:

- It will provide employment opportunities, will improve business tourism once developed and will regenerate the Borough. Given the financial realities of the situation, the Council shouldn't have this burden.
- A commercial venture should be allowed on the site, but cultural activities should also be supported.

The letters in support do though offer the view that the lease could contain provision to ensure the creation of a museum and visitor centre to celebrate broadcast heritage and remove CUFOS from the footprint of the lease.

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13 February 2007

Dear Ms Crandon

SUBJECT TO TRUSTEE BOARD APPROVAL

Alexandra Park and Palace **Response to Representations**

Thank you for letting me have the Summary of Representations. You have indicated it would be helpful if you could have the comments of the Trustees on the issues raised in the Summary. You have also highlighted four specific areas in respect of which you would appreciate my detailed comments (I assume you mean the Trustees comments) namely on CUFOS, the TV studios, the Willis organ and theatre and monitoring of the covenants in the Lease.

Following receipt of the Summary of Representations it was agreed to convene a Special Meeting of the Board for Tuesday 20 February. I have been instructed to prepare a Report for consideration by the Board. I have agreed with the General Manager that the most expeditious way of proceeding is by presenting a draft of this letter to the Board for consideration, review and approval. If any of the charity Trustees wish to make additional comments I will record these in a second letter.

In setting out comments I adopt the numbering format on your Summary:-

3. Background

- 3.1 Alexandra Park and Palace's present use is much wider than "a conference venue". It is used as an exhibition centre, for concerts, trade shows, events and conferences. It is a licensed wedding venue and contains a major ice rink and bar.
- 3.2 The Charity is also governed by The Alexandra Park and Palace Order 1966. The convenient shorthand by which the governing documents are referred to is "The Alexandra Park and Palace Acts and Orders 1900-2004".
- 3.3 In addition to the Council not being willing to continue to subsidise the Charity's continuing loss there are also unresolved questions as to its power to subsidise the loss.

- 3.4 The decision by the Charity Trustees is to lease all of Alexandra Palace and the immediate hard-standing surround as defined in the 2004 Order.
- 3.5 The reference to the 2004 Alexandra Palace Act should be a reference to The Charities (Alexandra Park and Palace) Order 2004 and the reference to Section 26 of the Charities Act should be to the 1993 Act not the 2006 Act.

4. Overall reaction to the proposals.

- 4.1 In response to the "widely-held view that, being built as a "palace for the people", it should continue to be used as a place of public resort and recreation open to the public" the Trustees concur.
- 4.2 It is, however, of considerable importance to bear in mind the fact that this charity is only able to continue as a going concern upon the basis that the local authority uses its own corporate funds to support the Charity.
- 4.3 In circumstances in which there are doubts as to the authority's powers to fund, should funding be withdrawn, the Trustees will have to close the business and effectively prevent access to the Charity's buildings and land. The only way in which this outcome can be avoided is by securing investment from a third party developer, precisely the steps the trustees have taken.
- 4.4 What is expressed as the "general concern that the proposed development is not consistent with the charitable status of the Palace" may be due to a misunderstanding over its charitable status and what it entails to be a Charity.
- 4.5 The basis upon which the trusts under which the Park and Palace were held to be charitable, by the decision of Mr Justice Pennycuik in *Alexandra Park Trustees and another v Haringey London Borough and others* 66 LGR 306, was that they provide for free use and recreation of the public. "Free," in the context of use, has always been interpreted in the manner in which it was originally understood in 1900, namely unlimited use, as opposed to uncharged use. With the exception of use of the Park, which is uncharged and is unaffected by the present development proposal, the Trustees their licensees and lessees have frequently levied charges for use and recreation at the Palace.
- 4.6 The issue of charging was specifically considered by the Court of Appeal in *Alexandra Palace Ski Centre Limited v London Borough of Haringey* [1994] New Property Cases 73. The Court held that there was an implied power for the Trustees to charge the public for admission and to permit its lessees to charge the public for admission.
- 4.7 In any event under the existing arrangements much of the Palace is subject to the licence granted to a trading company, whose aims are commercial.
- 4.8 The Trustees wish to distance themselves from any suggestion that holding "charitable property" means that charges cannot be imposed or levied and businesses cannot be run commercially for profit. The restraint imposed by charitable status is upon distribution of any profits made. The Trustees wholeheartedly accept that restraint. In the event that there are profits generated these will clearly be reinvested back into the charity and the improvement of the fabric of its assets, not subject to the Lease, and facilities.

5. Detailed Representations

5.1 The Old Station Building

- 5.1.1 The area of the Palace buildings and immediate surround in respect of which the Trustees were granted power to lease was shown on the plan annexed to the 2004 Order. It was always the clear intention of the Trustees to secure power to lease the whole of the area on that plan. This included any areas that were subject to leases, for example the Old Station Building and the top floor of the south-east tower.
- 5.1.2 On 8 February 2002 the Trustees entered into a Lease with named Trustees for the time being of Community Use For the Old Station (CUFOS). The Lease was for a 10-year term commencing on 25 March 2001 until 24 March 2011. The rent was an annual sum of £1,075 and the permitted user was as a play group/community centre.
- 5.1.3 This Lease regularised an informal occupation which had commenced many years previously. As part of the negotiations it was agreed that CUFOS would not have security of tenure. The Lease was authorised as a contracted-out lease by Order of the Mayor's and City of London Court made on 14 January 2002.
- 5.1.4 In accordance with their statutory obligation it was agreed at the time that the rent was the best that could reasonably be obtained and the Lease so declared at clause 15(2). The Trustees received valuation advice before reaching their decision to grant the Lease. Any suggestion that this rent is not the best reasonably obtainable is disputed.
- 5.1.5 When the contractual term expires on 24 March 2011 CUFOS will have no right to a new lease or continuing occupation, regardless of whether its landlord is the Trustee or Firoka. If the landlord remains the Trustee and it chooses to grant a new lease, this will have to be at the best rent reasonably obtainable. If the landlord is Firoka it may, if it is willing to grant a new lease, do so on some concessionary basis.
- 5.1.6 Whilst the Lease to CUFOS contains an obligation to keep the interior of the premises in good repair the Trustees have a continuing obligation in relation to the repair of the fabric. The upkeep of fabric is not without its costs and expenses and it is entirely unclear why the representations suggest that this liability does not represent an "unacceptable" liability. The continuing problem of the Trustees is that they do not have funds with which to carry out maintenance of the external fabric of the Palace and the surrounding buildings. Whilst the Old Station Building was refurbished following the transfer of trusteeship in 1980 it is an old building and will not be without future costs.
- 5.1.7 The suggestion that "including CUFOS in the Lease was an administrative oversight" is baseless. As indicated above it was always the Trustees' intention to secure power in relation to all of the Palace buildings and the immediate surround and the development proposals following the 2004 Order made this abundantly clear. Specifically paragraph 1.9 of the Development Brief referred, at 1.9.4, to the fact that the development footprint was subject to the occupancy of the Old Station Building and a copy of the Lease was provided to the short listed bidders
- 5.1.9 The suggestion in the Summary that the Statutory Advisory Committee has recommended to the Board that "CUFOS" should be taken out of the Lease is not correct.
- 5.1.10 .At the Special Board Meeting on 30 January 2006 the Charity Trustees considered advice and recommendations arising from the meeting of the Statutory Advisory Committee on 24 January 2006. The advice and recommendations were presented to the Board and the