

**MINUTES OF THE ALEXANDRA PARK AND PALACE ADVISORY COMMITTEE.
TUESDAY, 5 FEBRUARY 2008**

NOMINATED BY LOCAL RESIDENTS' ASSOCIATIONS

* indicates attendance

*Ms. J. Hutchinson : Alexandra Residents' Association
* Mr P. Wastell : Alexandra Residents' Association
*Ms. M. Myers) : Muswell Hill and Fortis Green
Association
*Ms J. Baker : Palace Gates Residents' Association
Ms P. Lacroix : Palace View Residents' Association
Ms S. Rees (deputy) : Palace View Residents' Association
*Mr. D. Frith : The Rookfield Association
*Mr. F. Hilton (deputy) : The Rookfield Association
*Mr. D. Liebeck : Warner Estate Residents' Association
(Chair)
*Mr H. Aspden : Warner Estate Residents' Association

APPOINTED MEMBERS

*Councillor S. Oatway : Alexandra Ward
Councillor A. Demirci : Bounds Green Ward
Councillor S. Beynon : Fortis Green Ward
*Councillor M. Whyte : Hornsey Ward
Councillor J. Bloch : Muswell Hill Ward
*Councillor A. Dobbie : Noel Park Ward
Councillor J. Patel : Council Wide appointment
Vacancy : Council Wide appointment

* indicates Member present

Also in attendance:

Councillor B. Hare
Councillor J. Oakes

Denise Feeney – Muswell Hill and Fortis Green Association

Mr D. Loudfoot – General Manager Alexandra Palace
Mr K. Holder – Consultant Development Manager
Mr M. Evison - Park Manager Alexandra Palace
Mr C. Hart – Clerk to the Committee – LB Haringey Non Executive Committees Manager

**MINUTE
NO.**

SUBJECT/DECISION

APSC24. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Demirci and Patel due to attendance at a special Licensing A Sub-Committee of which they are Members, Councillor Bloch due a work commitment outside of the UK, and

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	<p>Councillor Beynon due to the recent birth of her child.</p> <p>The Clerk – Clifford Hart sought, and the Committee unanimously agreed to send its congratulations to Councillor Beynon on the recent birth of her daughter Megan.</p> <p>NOTED</p>
APSC25.	<p>DECLARATIONS OF INTEREST: MEMBERS OF THE COMMITTEE ARE INVITED TO DISCLOSE ANY INTEREST THEY MAY HAVE IN ANY OF THE ITEMS APPEARING ON THIS AGENDA.</p> <p>There were no declarations of interests.</p> <p>NOTED</p>
APSC26.	<p>MEMBERSHIP: TO NOTE ANY CHANGES TO THE MEMBERSHIP OF THE ADVISORY COMMITTEE.</p> <p>The Clerk to the Committee Mr Hart advised of the resignation of Councillor Justin Portess from the Council and the resultant Council-wide vacancy on the Advisory Committee. Mr Hart advised that the Committee would be informed of newly appointed Member once they had been appointed thereto.</p> <p>NOTED</p>
APSC27.	<p>MINUTES</p> <p>Minutes of the meeting of the Advisory Committee – 16 October 2007</p> <p>RESOLVED</p> <p>That the minutes of the Alexandra Park and Palace Advisory Committee held on 16 October 2007 be confirmed as an accurate record of the proceedings, subject to the amendment of the date in para 3 – page 3 – to read 17 and not 16.</p> <p>Matters arising</p> <p>(i) Page 5 – last bullet point</p> <p>Councillor Dobbie commented on the requirement for a special Advisory Committee or an Urgency Sub Committee and as he was not a Member of the Urgency Sub-Committee asked if he could be notified if any such meeting was called. Councillor Oatway commented that she had originally suggested Councillor Dobbie sit on the Urgency Sub-Committee.</p> <p>The Clerk advised that in the event of any urgent matter requiring consideration by the Urgency Sub-Committee all Advisory Committee Members would be notified of the date and time and were welcome</p>

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to attend the meeting if they so wished to observe.

NOTED

(ii) Page 7 – Resolution (ii)

Councillor Oatway sought clarification as to whether the requested maps had been circulated in an A4 mode. The Park Manager – Mr Evison responded that the maps had been TABLED at the meeting in A3 form. He would undertake to ensure that the maps were sent to all Members in A4 form and he apologised for the oversight.

NOTED

(iii) Page 3 (ii) Cricket Club

In response to a query from Jane Hutchinson on progress with the Cricket Club application – Mr Loudfoot advised that no formal proposals had been received as yet. When an application for planning permission was received then the application would come before the Advisory Committee.

With reference to Park usage for the proposed new school and should the football/sport facilities around the park require floodlighting, such matters would be considered by the Advisory Committee.

iv) In response to points of clarification in relation to the attaching of the Judicial Review Judgement to the minutes of the meeting of 16 October 2007 from Mr Aspden, Mr Hart advised that they were placed on file with the minutes automatically but would not form part of the actual minutes when circulated. Should any Member of the public wish to view the minutes files they would see the copy there for viewing if they so wished.

At this point in the proceedings the Chair felt it appropriate for the Committee to discuss the resolution passed by the Board which was attached to the Minutes of the meeting of the Advisory Committee of 16 October 2007.

Resolution of the Alexandra Palace and Park Board - 30 October 2007

Mr Aspden asked whether it was appropriate to raise the issue of the Judicial Review Judgement at this juncture. On a point of order from Councillor Dobbie that this part of the meeting should be dealing with Matters Arising from the previous minutes, the Chair ruled that anything relating to the Judicial Review be raised under the item “ Future of the Asset”.

The Chair then referred to the deliberations, and resolution, of the Board, (attached to the minutes) relating to the resolutions of this Committee dated 16 October 2007. The Chair commented that they were clear.

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The Committee then discussed the matter further, the main points of the discussion being:

- The total lack of due consideration by the Board of the Advisory Committee advice and recommendations including the previous requests from the Advisory Committee to have sight of the complete documentation (unredacted) relating to Firoka;
- ,that the Board is now formally requested, especially in light of the Judicial Review judgement, to ensure that the Advisory Committee are given sight of all of the relevant documents (un redacted) when the Charity Commission commences its further consultation process in order to enable the Advisory Committee to give clear advice to the Board;
- That the Advisory Committee did not wish to be seen as being obstructive and their request was in line with their powers and duties as set out in the 1985 Act, acting in the best interests of the Palace as a whole;
- That the Advisory Committee wish to remind the Board of the stated policy of Haringey in relation to any consultation process and that they should respond to any advice or recommendations proffered to the Board by giving its detailed reasons for either accepting or rejecting such advice;
- That this Committee considered that the Board would be failing in its duties to act in accordance with the 1985 Act by not respond in such a manner;
- That although the Advisory Committee did not have a power of veto of decisions taken by the Board, the Board was required to use its best endeavours to have due regard to the advice provided.

The Chair then summarised and it was:

RESOLVED

that in respect of a number of recommendations put to the Board by the Advisory Committee on 16th October 2007 (and the subsequent response of the Board to those recommendations on 30th October 2007) (see attached marked A) the Advisory Committee request the Board to respond to the following points of clarification in a clear and considered manner giving reasons for either accepting or rejecting the Advisory Committee's advice:

- i. that the decision of the Board on 30th October 2007 not to review and/or reconsider the Board's responses of 14th November 2006 (as per attachment B), and deferring such consideration until the Charity Commission had indicated its position, was in the view of

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the Advisory Committee, unacceptable and that it appeared to this Committee that the Board was thereby failing to act in accordance with the 1985 Act;

- ii. that in view of the Judicial Review Decision of 5th October 2007 that the consultation process carried out by the Charity Commission was flawed; when the Charity Commission publishes its statement on how it intends to carry out a further consultation the Advisory Committee be provided with the relevant documents (unredacted) in order to enable the Advisory Committee to consider the proposals and express their view and tender advice to the Charity Commission and to the Board;
- iii. that the Board be asked to consider the points previously made in respect of the lack of disclosure of the proposed Lease and Project Agreement to the Advisory Committee, and to comment on the view of this Committee that, had proper disclosure been made, the outcome of the Judicial Review may have been different;
- iv. that the Board should confirm that in respect of this Committee it will in future adopt the policy, principles and objectives of the London Borough of Haringey and central Government in relation to the consultation process concerning the Firoka proposals;
- v. that the Board agrees to respond in detail to the Advisory Committee's advice in future and provide the reasons for either accepting or rejecting such advice; and
- vi. that the Advisory Committee did not wish to be seen as being obstructive in its requests but was merely seeking be properly equipped to fulfil its duties under the 1985 Act and to act in the best interests of the charity.

Councillor Dobbie asked that his dissent to above resolutions be recorded.

- iii) **Draft minutes of the meeting of the Alexandra Palace and Park Board held on 30 October, 5 & 17 December 2007 (Special meetings), Alexandra Palace and Park Panel – 22 & 29 November 2007) and the Alexandra Palace and Park Consultative Committee of 23 October 2007.**

The Chair asked if there were any points of clarification to the circulated minutes. The Committee's attention was drawn to the comments (at page 16 of the minutes of the Board of 30 October 2007) licensing arrangements entered into between Firoka and Alexandra Palace Trading Ltd, as referred to in the summary of exempt minutes of the Special Board meeting of 17 December 2007. Questions were raised concerning the details of the licence, which the Committee were advised were of an exempt/confidential nature.

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The Committee expressed its concerns in relation to the lack of consultation and/or knowledge of the terms of the licence and/or the intention to enter into such a licence. The Committee considered that the Board should inform the Advisory Committee as to why it had not felt it necessary to notify the Committee of the professed Licence before it was entered into with the Firoka Group and the consequences of such arrangements on the finances of APTL.

Reference was made to a presentation by the 'Save Ally Pally campaign' at the Consultative Committee in October 2007 and decided that it would be useful for the organisation to address this Committee. Following a brief discussion as to a possible special meeting in March or April 2008 to receive the presentation due to there being no further Advisory Committee scheduled until June 2008 the Committee identified 18 March 2008 at 19.30hrs.

The Chair then summarised and it was:

RESOLVED

- i. that the Draft minutes of the meeting of the Alexandra Palace and Park Board held on 30 October, 5 & 17 December 2007 (Special meetings), Alexandra Palace and Park Panel – 22 & 29 November 2007) and the Alexandra Palace and Park Consultative Committee of 23 October 2007 be noted;
- ii. that the Board be requested to explain why the Board had not notified the Committee of the proposed Licence agreement to be entered into with the Firoka Group by APTL in May 2007, and the consequences of such arrangements on the finances of APTL; and
- iii. that a Special meeting of the Advisory Committee be convened on Tuesday 18 March 2008 commencing at 19.30hrs and as part of the business of that meeting the 'Save Ally Pally Campaign' be invited to make a presentation to the Advisory Committee.

Councillor Dobbie asked that his dissent to resolution (ii) above be recorded.

APSC28. FUTURE OF THE ASSET – UPDATE (VERBAL REPORT OF THE CONSULTANT DEVELOPMENT MANAGER, ALEXANDRA PALACE) TO ADVISE THE COMMITTEE ON PROGRESS.

The Chair asked for a brief update and introduction.

The Consultant Development Manager, Mr Holder, advised the Committee that the circulated report detailing the Chair of the Board's statement to the press on 23 January 2008 was the most up to date position as to where the situation was in terms of the future of the asset. The Firoka Group had confirmed its continuing intention and to that end officers were attempting to arrange a further meeting at

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which Mr Kassam could be present in order to progress matters. It was unlikely that any further progress would be made before the Board's scheduled meeting on 26 February 2008.

In response to points of clarification from Councillors Oatway and Whyte, Mr Holder advised that following the quashing of the order in the High Court on 5th October 2007 the Board had met on 10 October 2007 and had confirmed its strategy of 'holistic' development. The Board further confirmed its intentions on 5th December 2007 and had asked that the Firoka Group confirm its continuing interest in developing the Palace. Following the Christmas and New Year period the Firoka Group confirmed its continuing interest.

In response to a number of points of further clarification from the Committee Mr Holder responded that he had been advised that the Charity Commission, in light of the Court's decision, were now seeking advice on how it should proceed in terms of further consultation. In respect of the existing lease, project agreement, master agreement and supplementary documents agreed with the Firoka Group some further discussion would take place but it was unlikely that the content of any of the documents, other than the Master Agreement, would be substantially amended.

At this point Mr Aspden read a personal statement that he felt the Committee should consider in relation to the judgement.

The Chair commented that he was of the view that it was not in the remit of this Committee did not include comments on the detail of a court judgement . The Advisory Committee's remit was to consider matters relating to the Park and Palace and its operation. Councillor Dobbie commented that he wholeheartedly agreed with the Chair's comments and if the Committee were to accept the comments expressed then he would seek legal advice as to whether this Committee should be considering such issues.

Councillor Oatway also commented that in her view it was not a matter that this Committee should be commenting upon but that a number of the points had already been covered in the resolution passed earlier although she personally agreed with some of the comments expressed.

Ms Myers commented that the point was that the Charity Commission had not consulted properly, whether influenced by the Board/Council or otherwise and that that was the point of the judicial review and the resultant judgement. It was not in the best interest of the Charity Commission to be humiliated in this manner as a result of the judgement. Mr Frith shared this view and commented that the judgement had indeed been very clear on the issue of consultation.

In drawing the discussion to a close those present concurred with the comments expressed in relation to the judgement.

NOTED

**APSC29. HERITAGE LOTTERY FUNDED LANDSCAPE DEVELOPMENT PROJECT
UPDATE (REPORT OF THE PARK MANAGER) TO UPDATE THE COMMITTEE**

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	<p>ON PROGRESS</p> <p>The Chair then asked for a brief introduction of the report.</p> <p>In a succinct introduction to the circulated report Mr Evison gave a brief update of each of the areas of HLF work and answered points of clarification.</p> <p>The Committee particularly commented and/or sought clarification as to the following issues:</p> <ul style="list-style-type: none">• the possibility of a gravel path or paving at the Redston Road entrance, and the need for general improvements to paths across the Park as a whole• the possibility of having details of the birds that nest in the park both on signage and on the website• the excellent boating facilities• the need for a new crossing point on the western corner of the palace <p>RESOLVED</p> <ol style="list-style-type: none">i. that the HLF update be noted; andii. that the comments expressed during discussion of the item be noted and actioned, and report backs to the next Advisory Committee.
<p>APSC30.</p>	<p>FORTHCOMING EVENTS (REPORT OF THE GENERAL MANAGER, ALEXANDRA PALACE) TO ADVISE THE COMMITTEE ON FORTHCOMING EVENTS TO THE END OF THE FINANCIAL YEAR. (TO FOLLOW)</p> <p>The General Manager advised the Committee of those events provisionally confirmed (<i>in italics</i>) and those confirmed on the events sheet. In particular he referred the Committee to 'Slammin Vinyl' on 21-22 March 2008 which would now not be taking place.</p> <p>In response to questions from the Chair, Mr Loudfoot commented that it was likely that recent issues had affected the events programme and that some months for example July and August were quite quiet, but with the resumption of APTL it was expected that the take up of events would improve.</p> <p>NOTED</p>
<p>APSC31.</p>	<p>PLANNING APPLICATION - AIRWAVE SOLUTIONS LTD - ADDITIONAL ANTENNA TO BE MOUNTED ON THE MAST. (TO FOLLOW)</p> <p>The General Manager Mr Loudfoot gave a brief introduction to the report and explained the background to the requirement for additional antenna</p> <p>RESOLVED</p> <p>That the application by National Grid Wireless to install two new antennas on the existing transmission mast be supported.</p>

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APSC32.	<p>ANY OTHER BUSINESS</p> <p>i. Items raised by Muswell Hill & Fortis Green Association</p> <ul style="list-style-type: none">• The Committee being consulted and disclosure being given to the Committee of the terms of the ongoing negotiations with Firoka, and the terms eventually agreed;• The Board's response to recommendations of the Committee should not be simply "noted", as in the past, but the Board should explain their reasoning in the case of rejecting the Committee's recommendations. <p>Ms Myers commented (and the Chair concurred) that the issues raised by the Association had been dealt with earlier in the meeting.</p> <p>NOTED</p> <p>ii. Items raised by Warner Estate Residents Association</p> <ul style="list-style-type: none">• Application made for a permanent gambling licence for track betting in the Panorama Room.• Traffic arrangements for Fireworks night 2007 <p>In response to questions from Harry Aspden as to the application for a permanent track betting licence the General Manager emphasised that the need for the licence had been solely to accommodate the world professional darts championships and not (as had been suggested in the local press) an attempt to provide a gambling venue outside that event (or future darts events) as a whole, nor was it an attempt to keep the concept of a casino alive, nor was it the thin end of a wedge designed to soften up the public. There were no other plans to expand betting beyond the darts championships.</p> <p>The General manager further commented that the Licence application was made by Trethowans Solicitors working with Ladbrokes who were the major sponsors of the event. It was submitted as a permanent licence due to the high fees that would be due each year if a permanent licence was not in place. Regrettably ,there had been some confusion over in whose name it should be processed which had been resolved in discussions with the Local Authority.</p> <p>He also explained that due to the licence not being granted in time the organisers had acted under the provisions of the Gaming Act and taken out an 'occasional' use License for, in any one calendar year up to 10 days but, the allocation meant that the facility was not used on some days of the event in order to keep within the limits.</p> <p>In response to points raised by Mr Aspden, Councillor Whyte commented that the rules and criteria governing the objection to grant of a licence were very clear and set out in statute, and the advice given by the Local Authority was correct in what could/could not be objected to. . Mr Aspden explained</p>
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that it was the very fact that the objection criteria were so narrow that led him to believe that the matter should be referred to the Committee before the application was even submitted.

The Chair questioned whether it was within the remit of the Statutory Advisory Cttee to consider such applications, as it did indeed cover planning applications relating to the Palace and Park. In referring to Part III, para 19(a) of the Act, the Chair asked that advice be sought from the Council's Head of Legal Services in this respect.

RESOLVED

- i. That clarification/advice be obtained from the Council's Head of Legal Services as to whether applications for gaming licences for the Palace and Park fall within the remit of the Statutory Advisory Committee; and
- ii. In respect of concerns relating to traffic arrangements for the Fireworks' Display of 2008, and for 2009, the Chair asked that officers report further to the Advisory Committee in June 2008.

NOTED

There being no further business to discuss the meeting ended at 21.40hrs.

**David Liebeck
Chair**