



## NOTICE OF MEETING

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# Alexandra Palace and Park Board

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TUESDAY, 30TH JUNE, 2009 at 19:30 HRS - THE LONDESBOROUGH ROOM,  
ALEXANDRA PALACE, ALEXANDRA PALACE WAY, WOOD GREEN, LONDON N22.

**Councillors:**

Councillor Egan (Chair), Hare, C. Harris, Peacock, Scott, Thompson (Vice Chair) and Williams

**Non-voting representatives:**

Ms V. Paley, Mr M. Tarpey and Mr N Willmott  
(Alexandra Palace and Park Consultative Committee).

**Observer:**

Mr D. Liebeck (Chair, Alexandra Park and Palace Advisory Committee).

### AGENDA

**1. APOLOGIES FOR ABSENCE**

**2. URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (late items will be considered under the agenda item where they appear. New items will be dealt with at items 15 & 23)

**3. DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

**4. QUESTIONS, DEPUTATIONS OR PETITIONS : TO CONSIDER ANY QUESTIONS, DEPUTATIONS OR PETITIONS RECEIVED IN ACCORDANCE WITH PART 4, SECTION B29 OF THE COUNCIL'S CONSTITUTION**

**5. APPOINTMENT OF DIRECTORS TO THE BOARD OF ALEXANDRA PALACE TRADING LIMITED (PAGES 1 - 14)**

Report of Acting General Manager – Alexandra Palace - To report to the Board the resignation of Councillors Dogus and Oakes as Directors of APTL on the 21 and 29 May 2009 respectively and to seek nominations for two replacements to act as Directors of APTL.

**6. 2008/09 BUDGET OUTTURN (PAGES 15 - 20)**

Report of the Head of Finance – Alexandra Palace – advising the Board of the draft results for the year ending 31 March 2009, and of the timetable for completion of the statutory report and accounts.

**7. BUDGET POSITION OF THE TRUST AND BUDGET MONITORING 2009/10 - 2 MONTH RESULTS TO 31 MAY 2009 (PAGES 21 - 28)**

Report of the Acting General Manager – Alexandra Palace - To advise the Board of the budget position of the Trust, and of the indicative results for the two month period April/May 2009

**8. REFORM OF GOVERNANCE OF APPCT (PAGES 29 - 34)**

Report of the Acting General Manager – Alexandra Palace - To outline to the Board a revised approach to developing the necessary improvements to governance and ultimately to the revision of the Charity's strategy and objectives.

**9. BANK SIGNATORY CHANGES FOR 2009/10 (PAGES 35 - 36)**

Report of the Head of Finance – Alexandra Palace - seeking a nomination for an additional trustee signatory to the Trust bank account

**10. FORTHCOMING EVENTS (PAGES 37 - 40)**

Report of the Managing Director Alexandra Palace Trading Limited (APTL) – To advise the Board of the forthcoming events to March 2010.

**11. CONTINGENCY ARRANGEMENTS FOR THE ICE RINK (PAGES 41 - 46)**

Report of the General Manager – Alexandra Palace - To advise the Board of a formal request by Alexandra Palace Trading Limited to nominate a Project Manager to lead a project team to oversee the feasibility and delivery of major refurbishment works to the ice rink (subject to scope and funding).

**12. PARK ACTIVITIES UPDATE (PAGES 47 - 50)**

Report of the Park Manager – Alexandra Palace - To inform the Board of the recent activities carried out in Alexandra Park.

**13. GREAT HALL CAPACITY - APPLICATION FOR VARIATION OF LICENCE FOR INCREASED CAPACITY (PAGES 51 - 58)**

Report of the Managing Director – Alexandra Palace Trading Limited (APTL) – To inform the Board proposals to request a variation in the premises licence enabling the capacity for live music/concert events to be extended from 7,250 to 10,400 inclusive of all staff.

**14. MINUTES (PAGES 59 - 112)**

- (1) To approve the minutes of the meeting of the Board held on (a) 24 February 2009, and the special meetings held on (b) 19 March & (c) 16 April 2009 (**attached**), and minutes of the Alexandra Palace and Park Panel held on (d) 3 March, (e) 29 April (**attached**);;
- (2) To approve the minutes of the Consultative Committee held on (a) 17 February 2009 (**ATTACHED**) and **23 June 2009 (if available)**; and
- (3) To receive the minutes of the Urgency Committee of the Alexandra Park and Palace Advisory Committee held on (a) 21 May 2009 (**ATTACHED**), to consider any recommendations contained therein (**see ATTACHED MARKED a**). and Legal Advice from the Trust Solicitor to the Board further to the Alexandra Park & Palace Statutory Advisory URGENCY Sub Committee held on 21st May 2009 (**also attached**)
- (4) To receive the minutes of the Advisory Committee of 16 June 2009 (**TO FOLLOW**) and to consider any recommendations for the Board to consider (**see ATTACHED MARKED a**).

#### **15. NEW ITEMS OF UNRESTRICTED BUSINESS**

To consider any new items of urgent unrestricted business admitted under Item 2 above.

#### **16. EXCLUSION OF THE PUBLIC AND PRESS**

The following items are likely to be subject of a motion to exclude the press and public from the meeting as they contain exempt information as defined in Section 100a of the Local Government Act 1972; namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, and information relating to the business or financial affairs of any particular person (including the authority holding that information)

#### **17. NON-EXECUTIVE DIRECTORS - ALEXANDRA PALACE TRADING LIMITED - APPOINTMENT AND RECRUITMENT (PAGES 113 - 130)**

Report of the Acting General Manager – Alexandra Palace – To advise the Board of the need to regularise the role of Non Executive Director and strengthen the governance of the Trading Company.

#### **18. ALEXANDRA PALACE SECURITY CONTRACT (PAGES 131 - 136)**

Report of the Acting General Manager – Alexandra Palace - To define the options available for continuing the Security Manned Guarding Services at Alexandra Palace.

**19. INTERIM STAFFING ARRANGEMENTS - ALEXANDRA PALACE (TO FOLLOW)**

Report of the Director of Corporate Resources – LB Haringey

**20. CLARIFICATION OF LEGAL MATTERS (PAGES 137 - 142)**

Report of the Director of Corporate Resources – LB Haringey

**21. TENDERING PROCESS FOR OBTAINING LEGAL SERVICES (TO FOLLOW)**

Report of the Acting General Manager – Alexandra Palace

**22. MINUTES (PAGES 143 - 158)**

To approve the exempt minutes of the meeting of the Board held on (a) 24 February 2009, and the special meeting held on (b) 16 April 2009 (attached), and exempt minutes of the Alexandra Palace and Park Panel held on (c) 3 March, (d) 29 April and 3 June 2009 (attached)

**23. NEW ITEMS OF EXEMPT BUSINESS**

To consider any new items of urgent exempt business admitted under Item 2 above.

Yuniea Semambo  
Head of Local Democracy & Member Services  
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225 High Road  
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London N22 8HQ


Clifford Hart  
Committee Manager - Non Cabinet  
Ctees  
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22 June 2009

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Agenda item: 6

<b>Alexandra Palace &amp; Park Board</b>	<b>On 30 June 2009</b>
Report Title: Appointment of Directors to Alexandra Palace Trading Limited	
Report of: <b>Andrew Gill, Acting General Manager</b>	
<p><b>1. Purpose</b></p> <p>1.1 To report to the Board that Cllrs. Dogus and Oakes have resigned as Directors of APTL on the 21 and 29 May 2009 respectively.</p> <p>1.2 To seek nominations for two replacements to act as Directors of APTL.</p>	
<p><b>2. Recommendations</b></p> <p>2.1 That the Board notes the resignation of Cllrs. Dogus and Oakes.</p> <p>2.2 That the Board nominates two Trustees to act as replacement Directors of APTL.</p>	
Report Authorised by: <b>Andrew Gill, Acting General Manager:</b> 	
Contact Officer: <b>Andrew Gill, Acting General Manager, Alexandra Palace &amp; Park, Alexandra Palace Way, Wood Green N22 7AY Tel No. 020 8365 2121</b>	
<p><b>3. Executive Summary</b></p> <p>3.1 The resignation of Cllrs. Dogus and Oakes require replacement nominees from amongst the board members to serve as a Directors of APTL.</p>	
<p><b>4. Reasons for any change in policy or for new policy development (if applicable)</b></p> <p>4.1 N/A</p>	
<p><b>5. Local Government (Access to Information) Act 1985</b></p> <p>5.1 No specific background papers other than those attached to the report were used in compiling this report.</p>	

**6. Report.**

- 6.1 Cllrs. Dogus and Oakes have resigned as directors of APTL, these resignations were made on 21 and 29 May 2009 respectively and were with immediate effect.
- 6.2 Appendix 1 details the Memorandum and Articles of APTL and attention is drawn to Clause 7.2.1 which provides that of a maximum of 8 Directors up to 4 shall be trustees of the Charity.
- 6.3 The Board has previously received legal advice from the Council that the political balance rules are not applicable to the selection of Directors for APTL.
- 6.4 The remaining directors are :

Cllr Egan (as trustee)  
Cllr Hare (as trustee)

Julie Parker (as an employee of the LB Haringey)

Graham Golby (non-exec Director)  
Terence Golding (non-exec Director)

Rebecca Kane (job title Managing Director) as an employee of the company

Accordingly two (trustee) Directors are required to be appointed.

Board members are asked to nominate and appoint two directors to APTL.

**7. Recommendations**

- 7.1 That the Board notes the resignations of Cllrs. Dogus and Oakes as Directors of APTL.
- 7.2 That the Board nominates two replacement Directors of APTL.

**8. Financial Implications**

- 8.1 Trustees acting as Directors do not receive any remuneration for the responsibility and as such appointment of a new director from the trustees has no cost implications.
- 8.2 The LBH Chief Financial Officer has been provided with a copy of this report and has no formal comment to add.

**9. Legal Implications**

- 9.1 The Trust's solicitor has been consulted in connection with the preparation of this report and his advice has been taken into account.

- 9.2 Previous Legal advice from the council is that the political balance rules are not applicable to the selection of Directors for APTL.
- 9.3 The LBH Head of Legal Services has been supplied a copy of this report.

**10. Use of Appendices / Tables / Photographs**

- 10.1 Appendix 1 - APTL Memorandum and Articles of Association

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THE COMPANIES ACTS 1985 TO 1989

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COMPANY LIMITED BY SHARES

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MEMORANDUM OF ASSOCIATION

of

ALEXANDRA PALACE TRADING LIMITED

(As amended by Special Resolutions dated 19<sup>th</sup> August 1999,  
12<sup>th</sup> October 1999)

1. The Company's name is Alexandra Palace Trading Limited.
2. The Company's registered office is to be situated in England and Wales.
- 3A. The object of the company is to carry on business as a general commercial company to procure profits and gains for the purpose of paying them to Alexandra Palace and Park Charitable Trust (registered charity number 281991) or any other charitable body which succeeds to its charitable purposes.
- 3B. The company shall pay such profits and gains at such times and after making such retention for the purposes of the company's continued trade and development as the directors think fit.
4. The liability of the members is limited.
5. The Company's share capital is £100 divided into 100 shares of £1 each.

We the subscribers to this Memorandum of Association wish to be formed into a company pursuant to this Memorandum; and we agree to take the number of shares shown opposite our respective names.

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NAMES AND ADDRESSES OF SUBSCRIBERS	Number of Shares taken by each Subscribers
LONDON LAW SERVICES LIMITED Temple Chambers Temple Avenue London EC4Y OHP	One
LONDON LAW SECRETARIAL LIMITED Temple Chambers Temple Avenue London EC4Y OHP	One
Total of shares taken	Two

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Dated the 29<sup>th</sup> day of July 1999

Witness to the above signature:-

COLIN A LAW  
Temple Chambers  
Temple Avenue  
London EC4Y OHP

THE COMPANIES ACTS 1985 – 1989

COMPANY LIMITED BY SHARES

ARTICLES OF ASSOCIATION

of

ALEXANDRA PALACE TRADING LIMITED

(As amended by Special Resolutions dated 19<sup>th</sup> August 1999,  
12<sup>th</sup> October 1999 and 13<sup>th</sup> February 2002)

INTERPRETATION

1. In these articles:-
  - 1.1 “the Act” means the Companies Act 1985 including any statutory modification or re-enactment thereof for the time being in force.
  - 1.2 “the Articles” means these articles of the company.
  - 1.3 “the Charity” means Alexandra Palace and Park Charitable Trust (registered charity number 281991) or any other charitable body which succeeds to its charitable purposes.
  - 1.4 “clear days” in relation to the period of a notice means that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect.
  - 1.5 “the Council” means Haringey Council of Civic Centre, Wood Green, London N22 8LE.
  - 1.6 “the Memorandum” means the memorandum of association of the company.
  - 1.7 “Secretary” means the secretary of the company or any other person appointed to perform the duties of the secretary of the company.
  - 1.8 Unless the context otherwise requires, words or expression contained in the Articles bear the same meaning as in the Act but excluding any statutory modification thereof not in force when the Articles become binding on the company.
  - 1.9 The provisions of Table A shall not apply to and are expressly excluded from the Articles except where they are expressly included.

SHARES

2. Subject to the provisions of the Act any share may be issued with such rights or restrictions as the company may by ordinary resolution determine.
3. No share shall be transferred except with the consent of the member which may in its absolute discretion and without giving any reason decline to register any transfer of any share.

AUTHORISED REPRESENTATIVES

4. The company secretary from time to time of each corporate member (or such other person as is from time to time notified to the company in writing) shall be the duly authorised representative of such corporate member.

MEETINGS AND COMPANY RESOLUTIONS

5. Subject to the provisions of the Act, the company shall dispense with the holding of general meetings and all resolutions of the company shall be passed by way of written resolution signed by the member or, in the case of a corporate member, by its duly authorised representative.
6. If in accordance with the Act a general meeting is required to be called then the provisions of articles 40 to 63 inclusive of Table A in force on the date of incorporation of the company shall apply to such meeting.

DIRECTORS

- 7.1 The maximum number of directors shall be eight and the minimum two.
- 7.2 The Board of directors shall comprise eight directors of which:
  - 7.2.1 up to four shall be trustees of the Charity;
  - 7.2.2 one shall be an employee of the Company;
  - 7.2.3 one shall be an officer of the Council;
  - 7.2.4 two others who shall not be officers or members of the Council, employees of the Company or trustees of the Charity.

Appointment and Removal of Directors

8. The directors shall be appointed by resolution of the member. The directors shall be removed by service of a notice as provided for in article 9.7.
9. The office of a director shall be vacated if -
  - 9.1 he or she ceases to be a director by virtue of any provision of the Act or he or she becomes prohibited by law from being a director; or
  - 9.2 he or she ceases to be a member of the London Borough of Haringey and is disqualified from such duty; but this Article will not apply to any director whose membership of the Council terminates in the period immediately prior to Council elections as part of the Council's election cycle. Any such director shall continue in office until replaced by a successor or re-appointed following the Council elections.
  - 9.3 he or she becomes bankrupt or makes any arrangement or composition with his or her creditors generally; or
  - 9.4 he or she is, or may be, suffering from mental disorder and either:-
    - (i) he or she is admitted to hospital in pursuance of an application for admission for treatment under the Mental Health Act 1983 or in Scotland, an application for admission under the Mental Health (Scotland) Act 1960; or
    - (ii) an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for his or her detention or for the appointment of a receiver, curator bonis or other person to exercise powers with respect to his or her property or affairs; or
  - 9.5 he or she resigns his or her office by notice to the company; or
  - 9.6 he or she shall for more than six consecutive months have been absent without permission of the directors from meetings of directors held during that period and the directors resolve that his or her office be vacated.
  - 9.7 a written notice dismissing the director signed by the member's authorised representative, is served on the company at its registered office.

Powers of Directors

10. Subject to the provisions of the Act, the Memorandum and the Articles and to any directions given by special resolution, the business of the company shall be managed by the directors who may exercise all the powers of the company. No alteration of the Memorandum or Articles and no such direction shall invalidate any prior act of the directors which would have been valid if that alteration had not been made or that direction had not been given. The powers given by this article shall not be limited by any special power given to the directors by the Articles and a meeting of directors at which a quorum is present may exercise all powers exercisable by the directors.
11. The directors may, by power of attorney or otherwise, appoint any person to be the agent of the company for such purposes and on such conditions as they determine, including authority for the agent to delegate all or any of his or her powers.

Delegation of Directors' Power

12. The directors may delegate any of their powers to any committee consisting of one or more directors. They may also delegate to any managing director or any director holding any other executive office such of their powers as they consider desirable to be exercised by him or her. Any such delegation may be made subject to any conditions the directors may impose, and either collaterally with or to the exclusion of their own powers and may be revoked or altered. Subject to any such conditions, the proceedings of a committee with two or more members shall be governed by the Articles regulating the proceedings of directors so far as they are capable of applying.

Remuneration of Directors

13. The directors (other than the director identified in Article 7.2.3 and directors who are also trustees of the Charity) shall be entitled to such remuneration as the company may by ordinary resolution determine.

Directors' Expenses

14. The directors may be paid all travelling, hotel, and other expenses properly incurred by them in connection with their attendance at meetings of directors or committees of directors or general meetings or otherwise in connection with the discharge of their duties.

Directors' Appointments and Interests

15. Subject to the provisions of the Act a director

- 15.1 may be a director or other officer of, or employed by the Charity or any body corporate promoted by the company or in which the company is otherwise interested provided that no director who is also a trustee of the Charity shall be remunerated or receive other benefits in respect of such employment or office; and
- 15.2 shall not, by reason of his or her office, be accountable to the company for any benefit which he or she derives from any such office or employment and no transaction or arrangement of the company shall be liable to be avoided on the ground of any such benefit.

#### Proceedings of Directors

16. Subject to the provisions of the Articles, the directors may regulate their proceedings as they think fit. A director may, and the secretary at the request of a director shall, call a meeting of the directors. Questions arising at a meeting shall be decided by a majority of votes. In the case of an equality of votes, the chair shall have a second or casting vote.
17. The quorum for the transaction of the business of the directors may be fixed by the member and unless so fixed at any other number shall be two.
18. The continuing directors or a sole continuing director may act notwithstanding any vacancies in their number, but, if the number of directors is less than the number fixed as the quorum, the continuing directors or director may act only for the purpose of calling a general meeting.
19. The directors may appoint one of their number to be the chair of the board of directors and may at any time remove him or her from that office. Unless he or she is unwilling to do so, the director so appointed shall preside at every meeting of directors at which he or she is present. If there is no director holding that office, or if the director holding it is unwilling to preside or is not present within five minutes after the time appointed for the meeting, the directors present may appoint one of their number to be chair of the meeting.
20. All acts done by a meeting of directors, or of a committee of directors, or by a person acting as a director shall, notwithstanding that it be afterwards discovered that there was a defect in the appointment of any director or that any of them were disqualified from holding office, or had vacated office, or were not entitled to vote, be as valid as if every such person had been duly appointed and was qualified and had continued to be a director and had been entitled to vote.

21. A resolution in writing signed by all the directors entitled to receive notice of a meeting of directors or of a committee of directors shall be as valid and effectual as if it had been passed at a meeting of directors or (as the case may be) a committee of directors duly convened and held and may consist of several documents in the like form each signed by one or more directors. The date of a written resolution of the directors shall be the date on which the last director signs.
- 22.1 Save as otherwise provided by the Articles, a director shall not vote at a meeting of directors or of a committee of directors on any resolution concerning a matter in which he or she has, directly or indirectly, an interest or duty which is material and which conflicts or may conflict with the interests of the company.
- 22.2 Any person who is both a director and an officer of the Council should at a meeting of directors or of a committee of directors declare his interest and not vote on a resolution concerning any matter which relates to the relationship between the Company and the Council.
23. A director shall not be counted in the quorum present at a meeting in relation to a resolution on which he or she is not entitled to vote.
24. The company may by ordinary resolution suspend or relax to any extent, either generally or in respect of any particular matter, any provision of the Articles prohibiting a director from voting at a meeting of directors or of a committee of directors.
25. Where proposals are under consideration concerning the appointment of two or more directors to offices or employments with the company or any body corporate in which the company is interested the proposals may be divided and considered in relation to each director separately and (provided he or she is not for another reason precluded from voting) each of the directors concerned shall be entitled to vote and be counted in the quorum in respect of each resolution except that concerning his or her own appointment.
26. If a question arises at a meeting of directors or of a committee of directors as to the right of a director to vote, the question may, before the conclusion of the meeting, be referred to the chair of the meeting and his or her ruling in relation to any director other than himself or herself shall be final and conclusive.

SECRETARY

27. Subject to the provisions of the Act, the secretary shall be appointed by the directors for such term, at such remuneration and upon such

conditions as they may think fit; and any secretary so appointed may be removed by them. The secretary shall not be remunerated if he or she is a trustee of the Charity but shall be entitled to reimbursement of expenses to the same extent that the directors are entitled.

#### MINUTES

28. The directors shall cause minutes to be made in books kept for the purpose:-

28.1 of all appointments of officers made by the directors; and

28.2 of all proceeding at meetings of the company and of the directors, and of committees of directors, including the names of the directors present at each such meeting;

and the directors shall cause all written resolutions of the members and of the directors to be kept in such books.

#### ACCOUNTS

29. Accounts shall be prepared in accordance with the Act.

#### NOTICES

30. Notices under the Articles may be sent by hand, or by post or by suitable electronic means. The only address at which the member is entitled to receive notices is the address shown in the register of members. Any notice given in accordance with the Articles is to be treated for all purposes as having been received three days after being sent by first class post to that address or immediately if sent by electronic means effecting immediate transmission and receipt or, if earlier, on being handed personally to the member or, in the case of a corporate member, its duly authorised representative.

#### WINDING UP

31. If the company is wound up all remaining assets of the company after paying the debts of the company and the costs of winding up shall be paid to the Charity.

#### INDEMNITY

32. Subject to the provisions of the Act but without prejudice to any indemnity to which a director may otherwise be entitled, every director or other officer or auditor of the company shall be indemnified out of

the assets of the company against any liability incurred by him or her in defending any proceedings, whether civil or criminal, in which judgment is given in his or her favour or in which he or she is acquitted or in connection with any application in which relief is granted to him or her by the court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the company.

DIRECTORS' INDEMNITY INSURANCE

33. The directors shall have power to resolve to effect directors' indemnity insurance despite their interest in such policy.

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NAME AND ADDRESSES OF SUBSCRIBERS

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LONDON LAW SERVICES LIMITED  
Temple Chambers  
Temple Avenue  
London EC4Y OHP

LONDON LAW SECRETARIAL LIMITED  
Temple Chambers  
Temple Avenue  
London EC4Y OHP

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Dated the 29<sup>th</sup> day of July 1999

Witness to the above signature:-

COLIN A LAY  
Temple Chambers  
Temple Avenue  
London EC4Y OHP



Agenda item:

**ALEXANDRA PALACE & PARK BOARD****On 30<sup>th</sup> June 2009**Report Title: **2008/09 BUDGET OUTTURN**Report of: **Helen Downie, Head of Finance, Alexandra Palace & Park****1. Purpose**

- 1.1 To advise the Board of the draft results for the year ended 31<sup>st</sup> March 2009.
- 1.2 To advise the Board of the timetable for completion of the statutory report and accounts

**2. Recommendations**

- 2.1 The Board is asked to note the draft results for the year ended 31<sup>st</sup> March 2009
- 2.2 The Board is asked to note the progress of the audit and the timetable for completion of the statutory accounts

Report Authorised by: **Helen Downie, Head of Finance**..... *H. Downie*.....

Contact Officer: Helen Downie, Head of Finance, Alexandra Palace &amp; Park, Alexandra Palace Way, Wood Green, London N22 7AY. Telephone number 0208 365 4310.

**3. Executive Summary**

- 3.1 The draft results for the financial year ended 31<sup>st</sup> March 2009 are tabulated against forecast and budget at Appendix 1.
- 3.2 The Trust net deficit for the year, before the gift aid payment from the trading company, is £31k below forecast. The trading company's operating profit for the year was £467k (£17k above forecast); however, adjustments relating to the defined benefit pension scheme reduced reported profit by £32k. The gift aid payment to the Trust was therefore £435k (£15k below forecast).
- 3.3 The additional funding requirement from the Council is therefore £333k, £16k below that reported to the Council in January 2009.
- 3.4 The audit fieldwork is substantially complete, although further work is required to confirm the existence of fixed assets which are more than three years old. Deloitte will also perform a review of post balance sheet events prior to signing the accounts.

**4. Reasons for any change in policy or for new policy development (if applicable)**

4.1 N/A

**5. Local Government (Access to Information) Act 1985**

5.1 No specific background papers were used in compiling this report.

**6. Description**

- 6.1 The figures given below are draft and subject to completion of the audit
- 6.2 The forecast results for the 2008/09 financial year were presented to the Board on 24<sup>th</sup> February 2009. At that stage, the Trust was anticipating an under spend of £200k against the original budget, although the gift aid payment from the trading company was forecast to be £550k lower than budgeted. This would result in an increased requirement for deficit funding from the Council of £350k.
- 6.3 The tabulation at Appendix 1 summarises the draft results for the 2008/09 financial year. Overall, income is £15k above forecast and expenditure is £16k below forecast, giving a net favourable variance of £31k. Explanations for the key variances are given in sections 6.5 and 6.6 below.
- 6.4 The trading company's operating profit for the year was £467k, £17k above the forecast. However, the trading company adopted FRS17 'Retirement Benefits' in 2007/08, which requires any surplus/deficit on defined benefit pension schemes to be incorporated into the financial statements. Year end adjustments relating to FRS17 resulted in reported profit being reduced by £32k. The gift aid payment from the trading company is therefore £15k below forecast, at £435k.
- 6.5 Income is £15k above forecast, largely due to higher than anticipated service charges for utilities costs, which are invoiced annually in arrears. This reflects the sharp increase in fuel costs over the past twelve months.
- 6.6 Prime costs are £40k or 3% below forecast for the year, primarily in contracted services. The under spend is mainly in Parks, with the Park contract being £20k and Park security contract being £5k below forecast.

Fixed overheads are £28k below forecast. This is due to an under spend in central admin charges from the Council; the budget and forecast included an allowance for officers' time; it has now been established that this will not be charged.

Variable overheads are £64k above forecast overall. There are a number of over and under spends in this category as follows;

Category	(Over)/Underspend	Explanation
Repairs building	£24k	Spend restricted to essential maintenance
Repairs road	(£12k)	Repairing damage due to cold weather
Professional fees	(£33k)	Governance work, partially offset by £12k underspend on development costs
Maintenance Park	£20k	Spend restricted to essential maintenance
Gas	(£11k)	Usage higher than forecast due to cold weather
Fireworks	(£24k)	Receipt of late invoices from PRS*/APTL
Y/E adjustments	(£21k)	Audit preparation
Other	(£7k)	Small over/under spends
<b>Total overspend</b>	<b>(£64k)</b>	

\*Performing Rights Society

6.7 At the time of writing, the audit fieldwork is substantially complete. No material adjustments to the accounts have been identified at this stage. However, the following matters are outstanding or subject to change before the date of signing the accounts;

- Further work needs to be done to confirm the existence of fixed assets which are more than three years old, for which there is no detailed fixed asset register.
- A partial bad debt provision has been made in the trading company accounts against an outstanding debt relating to an event which was cancelled by the client, despite having a signed contract in place. The trading company is still actively negotiating with the client in order to recover the debt. Deloitte will monitor the progress of the negotiations in order to assess the adequacy of the provision prior to signing the accounts.
- On 25 March 2009, a pre action protocol letter of claim was submitted by solicitors acting for Firoka against the Council as trustee of Alexandra Park and Palace Charitable Trust. The letter asserted that the trustee was in breach of contract and intimated Firoka's intention to claim damages. On 26 May 2009, a detailed response was sent by solicitors acting for the Council as trustee denying any liability. No reply has been received and no legal proceedings have been commenced. The draft accounts do not currently include any provision relating to this. Deloitte will monitor the progress of this matter in order to assess the correct treatment and disclosures in the accounts.

6.8 It is anticipated that the APTL annual report and accounts will be signed at the company Board meeting on 4 September 2009 and the consolidated annual report and accounts will be signed at the Trust Board meeting on 6 October 2009. In

order to achieve this, a draft of the trading company's annual report and accounts will be circulated to APTL Directors for comment by the end of July. A draft of the consolidated report and accounts will be circulated to trustees for comment by the end of August 2009.

**7. Consultation**

7.1 N/A

**8. Legal and Financial Comments**

8.1 The Trust's Solicitor has been sent a copy of this report.

The LBH CFO has been sent a copy of this report and his comments are as follows:

'The report presents the year end results for the financial year 2008/09 and it is noted that the overall outturn is marginally lower than the revised estimate given in January 2009. The progress of the external audit is noted and welcomed.'

**9. Equalities Implications**

9.1 There are no perceived equalities implications in this report.

**10. Use of Appendices / Tables / Photographs**

10.1 Appendix I – Summary of the actual versus forecast for the financial year ended 31<sup>st</sup> March 2009.

## APPENDIX 1

ALEXANDRA PALACE AND PARK CHARITABLE TRUST  
ACTUAL VERSUS FORECAST FOR THE FINANCIAL YEAR ENDED 31ST MARCH 2009

	Forecast	Actuals	Variance	Variance %	Budget	Actuals	Variance	Variance %
Concessions/Leases	286,187	289,204	3,017	1%	251,775	289,204	37,429	15%
Community Events	43,147	41,895	(1,252)	-3%	53,000	41,895	(11,105)	-21%
Sundry Sales	1,270	1,946	676	53%	4,000	1,946	(2,055)	-51%
Service Charges	27,563	39,714	12,151	44%	8,000	39,714	31,714	396%
<b>TOTAL INCOME</b>	<b>358,167</b>	<b>372,758</b>	<b>14,591</b>	<b>4%</b>	<b>316,775</b>	<b>372,758</b>	<b>55,983</b>	<b>18%</b>
<b>EXPENDITURE</b>								
Salaries	308,248	323,626	(15,378)	-5%	261,381	323,626	(62,245)	-24%
Contracted Services	1,095,109	1,039,622	55,487	5%	1,048,000	1,039,622	8,378	1%
<b>TOTAL PRIME COSTS</b>	<b>1,403,357</b>	<b>1,363,248</b>	<b>40,109</b>	<b>3%</b>	<b>1,309,381</b>	<b>1,363,248</b>	<b>(53,867)</b>	<b>-4%</b>
Fixed overheads	403,731	375,100	28,631	7%	397,000	375,100	21,900	6%
Variable overheads	886,748	950,671	(63,923)	-7%	1,082,220	950,671	131,549	12%
<b>TRUST BEFORE DEVELOPMENT COSTS</b>	<b>(2,335,669)</b>	<b>(2,316,261)</b>	<b>19,408</b>	<b>1%</b>	<b>(2,471,826)</b>	<b>(2,316,261)</b>	<b>(43,599)</b>	<b>2%</b>
Development costs	145,574	133,643	11,931	8%	210,000	133,643	76,357	36%
<b>TOTAL TRUST OPERATION</b>	<b>(2,481,243)</b>	<b>(2,449,905)</b>	<b>31,338</b>	<b>1%</b>	<b>(2,681,826)</b>	<b>(2,449,905)</b>	<b>(119,956)</b>	<b>4%</b>
Deed of Covenant/Gift aid payment	450,000	435,000	(15,000)	-3%	1,000,000	435,000	(565,000)	-57%
<b>NET DEFICIT</b>	<b>(2,031,243)</b>	<b>(2,014,905)</b>	<b>16,338</b>	<b>1%</b>	<b>(1,681,826)</b>	<b>(2,014,905)</b>	<b>(333,079)</b>	<b>-20%</b>
<b>ORIGINAL BUDGET</b>								
		(1,681,826)						
<b>ADDITIONAL FUNDING REQUIREMENT</b>		333,079						
<b>AS REPORTED TO BOARD ON 24 FEBRUARY 2009</b>		349,417						

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Agenda item:

**ALEXANDRA PALACE & PARK BOARD****On 30<sup>th</sup> June 2009**Report Title: **Budget Position Of The Trust And Budget Monitoring.**Report of: **Andrew Gill, Acting General Manager****1. Purpose**

- 1.1 To advise the Board of the budget position of the Trust,
- 1.2 To advise the Board of the indicative results for the two month period April/May 2009

**2. Recommendations**

- 2.1 The Board is asked to note the current position of the Trusts' budget and the potential savings from the budget review
- 2.2 The Board is asked to note the situation regarding pension provision.
- 2.3 The Board is asked to instruct the Acting General Manager to conclude the matters above while achieving the best outcome for the Charity.

Report Authorised by: **Andrew Gill, Acting General Manager:**

Contact Officer: **Andrew Gill, Acting General Manager, Alexandra Palace & Park,  
Alexandra Palace Way, Wood Green N22 7AY Tel No. 020 8365 2121.**

**3. Executive Summary**

- 3.1 The Trustee's budget for the current year was originally drafted in October 2008 and anticipated a covenant from the trading Company of circa £1 million. This budget included a deficit funding figure from LBH of approximately £1.7 million.
- 3.2 The impact of the recession, together with increases in utility costs, has led to a reduction in the budgeted contribution from APTL from £1 million to £0.6 million.
- 3.3 Although the Charity was already reducing overall expenditure, the effect of this has been to increase the required deficit funding from LBH to £2.03 million.
- 3.4 The Trustees met on 19 March 2009 and approved the Trust budget as prepared by the former General Manager making the request that LBH consider the position and grant additional funding.
- 3.5 LBH Cabinet have considered the Trustees request for funding, but Cabinet resolved not to grant the additional funding and have requested that Trustees consider what savings might be possible to reduce the overall deficit.
- 3.6 The results for April/May 2009 were not available at the time of writing, but a verbal update will be given at the Board meeting on 30 June by the Head of Finance, Helen

Downie with a formal report being sent after the meeting to Trustees.

**4. Reasons for any change in policy or for new policy development (if applicable)**

4.1 N/A

**5. Local Government (Access to Information) Act 1985**

5.1 No specific background papers were used in compiling this report.

**6. Report**

6.1 The Trustee's budget for the current year was originally drafted in October 2008 and anticipated a covenant from the trading Company of circa £1 million. This budget included a deficit funding figure from LBH of approx £1.7M. The Trust operating loss in this budget is reduced year on year by £77k. However, APTL operates in a highly competitive environment and the impact of the recession, together with increases in utility costs, has led to a reduction in the budgeted contribution from APTL from £1 million to £0.6 million.

6.2 It must be recognised that despite the Charity already reducing overall expenditure, the effect of this has been to increase the required deficit funding from LBH.

6.3 All the above figures are draft and subject to audit.

6.4 The Trustees met on 19 March 2009 and approved the Trust budget as prepared by the former General Manager making the request that LBH consider the position and grant additional revenue funding of £300k and a further sum of £300k for capital investment. In doing so, Trustees were aware of the CFO's comments on trying to limit expenditure and the views of the APTL MD that any further deterioration in the condition of the building would be an impediment to APTL's ability to deliver its profit target.

6.5 The CFO wrote to the former General Manager on 28 April 2009 informing him that the LBH Cabinet had considered the Trustees' request for funding, as agreed at the Board meeting on 19 March, to a level of £2.03m. The cabinet resolved not to grant the additional funding and requested that the Trust carry out a review of its costs to identify some efficiencies for 2009/10 to attempt to stay within the £1.7m cash limit.

6.6 A comparison with the annual budget for 2008/09 (budget, forecast and actual) and the budget for 2009/10 approved by Trustees and the Acting General Manager's budget review is attached at appendix 1.

6.7 The Acting General Manager has reviewed the Trust's 2009/10 budget and identified a number of potential reductions to the £300K, including;

- higher than anticipated income from leases

- lower than anticipated contract costs
- agreement with LBH not to charge a fee for central admin
- savings achieved via tendering services
- removal of additional park improvements
- reduced reliance on external consultants

These savings are outlined in the Acting General Manager's letter to the CFO dated 19 June 2009 at appendix 2 and amount to £238K (excluding pension provision).

- 6.8 The recent security tender has allowed a saving of £33k on the original estimates. However, the actuarial report for the pensions was received on 14 May and indicates that the original provision of £90k is inadequate and the true cost may well be £202k.
- 6.9 The estimated cessation payment of £202k is in respect of 3 members of staff, one of whom was transferred to Mitie Security from the Trust under TUPE when the security service was put out to tender and another two who retired on medical grounds during the period of Mitie's contract. In order to enable the individual to retain his pension rights, Mitie entered into an admissions agreement with the LB Haringey pension scheme. Under the terms of the Trust's contract with Mitie, the trust is liable for any shortfall in pension contributions should Mitie cease to be a contributing employer in the scheme.
- 6.10 When the Trust re-tendered the security contract, Mitie was unsuccessful. It is assumed that the individual concerned is thus to be transferred (again under TUPE) from Mitie to Work Facilities, the successful bidder (and subsequently to Europa if the proposed novation of the contract goes ahead). This is why the £202k has become payable immediately - to reimburse Mitie for their share of the scheme's deficit which becomes payable on ceasing to contribute into the scheme. The estimate of £202k assumes that the new security provider will become a participating employer in the LBH scheme.
- 6.11 The £90K pension provision has been removed from the revised budget and is shown in the Budget Review as an exceptional item of £202K.
- 6.12 The CFO has been asked to consider whether he will consider taking the £202K pension provision an exceptional item, i.e. taking it out of the Trust's revenue budget. If this request is not approved, the budget review will deliver savings of only £39K.
- 6.13 In reviewing the Trust's budget and the potential savings, the Acting General Manager has been mindful of the following considerations;
- the initial review of the current income and expenditure is the first stage in a more detailed Value for Money
  - there may be scope for further savings than one can confidently predict at this stage
  - the potentially high cost of urgent and necessary repairs to infrastructure such as the Palace fire main which is reaching the end of its operational life

- the transfer of the ice rink to the Trading Company has left the principal income streams restricted to the various leases for parks buildings, the licence fee and community events
- the expenditure beyond prime costs, salaries and fixed overheads is mostly on repairs and maintenance of the estate
- much work has been undertaken in the park via the HLF project and the improvements must be maintained by adherence to the management plan agreed with the HLF. The alternative is that HLF may ask for funds to be returned
- the views of the APTL Managing Director that any further deterioration in the condition of the building would be an impediment to APTL's ability to deliver its profit target
- the charity budget has always been frugal in nature and principally focussed on preserving the building and park. Where the group financial position at the end of the year has required savings, these have invariably been made at the expense of the maintenance programme to the building
- considering the current financial climate it would be unwise to forecast an increase in income but the potential income for the lease currently being negotiated for the workshop building has been included

6.15 The results for April/May 2009 were not available at the time of writing, but a verbal update will be given at the Board meeting on 30 June by the head of Finance, Helen Downie. A formal report will be sent to trustees after the meeting.

## **7. Recommendations**

7.1 The Board is asked to note the current position of the Trusts' budget and the potential savings from the budget review

7.2 The Board is asked to note the situation regarding pension provision.

7.3 The Board is asked to instruct the Acting General Manager to conclude the matters above while achieving the best outcome for the Charity.

## **8. Consultation**

8.1 N/A

## **9. Legal and Financial Comments**

9.1 The Trust's Solicitor has been sent a copy of this report.

The LBH CFO has been sent a copy of this report and his comments are attached as Appendix 3.

## **10. Equalities Implications**

10.1 There are no perceived equalities implications in this report.

**11. Use of Appendices / Tables / Photographs**

Appendix I – Budget Position Review

Appendix 2 – Comments of LBH CFO.

**Appendix 2 – LBH Chief Financial Officer comments**

The review that has been undertaken by the trust of its budget for 2009/10 is welcomed and the Trust is encouraged to ensure the potential savings identified are achieved.

Whilst it is accepted that the additional pension costs are exceptional and beyond the control of the trust it will still have a bottom line impact and therefore will still impact on the deficit position of the Trust that will fall upon the Council. Therefore the net savings found to bring the Trust budget in line with council resources is £37k.

The Trust is asked to ensure that all discretionary and non-essential expenditure is restricted during 2009/10 to ensure that all possible effort is made to bring the final actual position in line with the Council's budget.

## Consolidated Alexandra Palace 2009-10 - Budget Review June 2009

## APPENDIX 1

	Annual Budget 2008/09	Forecast 2008/09	Variance on Budget	% Variance	Original Annual Budget 2009/10	AG's Revised Budget 2009/10	Variance	Explanatory Note
<b>INCOME</b>								
SUNDRY SALES	4,000	1,270	(2,730)	-68%	5,000	5,000	0	
COMMUNITY EVENTS INCOME	53,000	43,147	(9,853)	-19%	50,000	50,000	0	
CONCESSION INCOME	164,450	161,895	(2,555)	-2%	165,000	165,000	0	
LEASE INCOME	87,325	124,292	36,967	42%	119,350	132,650	(13,300)	Inc Workshop & CUFOS
SERVICE CHARGES	8,000	27,563	19,563	245%	12,000	12,000	0	
<b>TOTAL INCOME</b>	<b>316,775</b>	<b>358,168</b>	<b>41,393</b>	<b>13%</b>	<b>351,350</b>	<b>364,650</b>	<b>(13,300)</b>	
<b>EXPENDITURE</b>								
SALARIES	261,381	308,248	(46,867)	-18%	294,145	294,145	0	
PARK CONTRACT	250,000	236,080	13,920	6%	265,000	258,000	7,000	Inflation on contract lower than estimated
SECURITY/ENG CONTRACTS	758,000	819,028	(61,028)	-8%	917,500	777,000	140,500	Reflects actual costs for security/park contracts.
EXCEPTIONAL ITEM PENSION PROVISION						202,000	(202,000)	* Security pensions costs - see note below.
PARK SECURITY CONTRACT	40,000	40,000	0	0%	30,000	15,000	15,000	Restrict additional summer/holiday security to 1 person for 13 wks. ;
<b>TOTAL PRIME COSTS</b>	<b>1,309,381</b>	<b>1,403,356</b>	<b>(93,975)</b>	<b>-7%</b>	<b>1,506,645</b>	<b>1,548,145</b>	<b>(39,500)</b>	
<b>FIXED OVERHEADS</b>								
GENERAL RATES	44,000	41,580	2,420	6%	48,000	48,500	(500)	Actual NNDR bill
GENERAL INSURANCES	250,000	256,776	(6,776)	-3%	240,000	236,500	3,500	£192K property, £40K liability, £4.5K pro fees.
AUDIT	20,000	21,401	(1,401)	-7%	22,000	22,000	0	
LEGAL COSTS	41,000	41,000	0	0%	40,000	40,000	0	
CENTRAL ADMIN. CHARGES from LBH	42,000	42,975	(975)	-2%	51,000	21,000	30,000	Reduced charge as agreed with LBH
<b>SUB TOTAL FIXED O/H</b>	<b>397,000</b>	<b>403,731</b>	<b>(6,731)</b>	<b>-2%</b>	<b>401,000</b>	<b>366,000</b>	<b>33,000</b>	
<b>VARIABLE OVERHEAD</b>								
REPAIRS - BUILDINGS	311,000	117,758	193,242	62%	205,000	205,000	0	
REPAIRS - ROAD	50,000	43,208	6,792	14%	60,000	60,000	0	
MAINTENANCE - BUILDING	120,000	82,305	37,695	31%	90,000	90,000	0	
REPAIR/ MAINTAIN- EQUIPMENT	98,000	135,211	(37,211)	-38%	81,000	81,000	0	
MAINTENANCE - PARK	100,000	101,059	(1,059)	-1%	125,000	100,000	25,000	Removed discretionary expenditure e.g. deer pen extension and ext
CONTRACT CLEANING park toilets	12,500	12,500	0	0%	16,500	16,500	0	
INTERNAL AUDIT	5,000	0	5,000	100%	5,000	5,000	0	
PROFESSIONAL FEES	92,500	142,235	(49,735)	-54%	97,155	92,000	5,155	Reduced use of external consultants
UTILITIES	17,000	32,751	(15,751)	-93%	41,584	41,584	0	
COMMUNITY EVENTS (fireworks)	90,000	96,375	(6,375)	-7%	100,000	100,000	0	
MARKETING EXPENSES	10,000	775	9,225	92%	5,000	5,000	0	
GENERAL OFFICE COSTS	15,400	21,821	(6,421)	-42%	27,950	27,950	0	
STAFF TRAINING AND WELFARE	820	933	(113)	-14%	5,900	5,900	0	
DEPRECIATION - Existing assets	160,000	99,817	60,183	38%	101,331	101,331	0	
DEPRECIATION - New Assets					56,250	56,250	0	
<b>TOTAL VARIABLE OVERHEADS</b>	<b>1,082,220</b>	<b>886,747</b>	<b>195,473</b>	<b>18%</b>	<b>1,017,670</b>	<b>987,515</b>	<b>30,155</b>	
Development Costs	210,000	145,574	64,426	31%	30,000	30,000	0	
<b>ALL OVERHEADS</b>	<b>1,689,220</b>	<b>1,436,053</b>	<b>253,167</b>	<b>15%</b>	<b>1,448,670</b>	<b>1,385,515</b>	<b>63,155</b>	
<b>TOTAL INCOME</b>	<b>316,775</b>	<b>358,168</b>	<b>41,393</b>	<b>13%</b>	<b>351,350</b>	<b>364,650</b>	<b>(13,300)</b>	
<b>TOTAL EXPENDITURE</b>	<b>2,998,601</b>	<b>2,839,409</b>	<b>159,192</b>	<b>5%</b>	<b>2,955,315</b>	<b>2,931,660</b>	<b>23,655</b>	
<b>TRUST OPERATING LOSS</b>	<b>(2,681,826)</b>	<b>(2,481,242)</b>	<b>200,584</b>	<b>7%</b>	<b>(2,603,965)</b>	<b>(2,567,010)</b>	<b>(36,955)</b>	
APIL covenant	1,000,000	(450,000)	(550,000)	-55%	600,000	600,000	0	SAVING EXCL PENSION
<b>TRUST TOTAL OPERATION</b>	<b>(1,681,826)</b>	<b>(2,031,242)</b>	<b>(349,416)</b>	<b>-21%</b>	<b>(2,003,965)</b>	<b>(1,967,010)</b>	<b>(36,955)</b>	<b>-£238,955</b>

\* SECURITY/ENG CONTRACTS; original budget included provision of £90K for security pension costs but Actuary estimates costs at £202K. Suggest this is taken as exceptional item.

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Agenda item:

**Alexandra Palace & Park Board On 30th June 2009**

Report Title: **Reform of governance of APPCT**

Report of: **Andrew Gill, Acting General Manager**

**1. Purpose**

- 1.1 To outline for Trustees a revised approach to developing the necessary improvements to governance and ultimately to the revision of the Charity's strategy and objectives.

**2. Recommendations**

- 2.1 That the Trustees are asked to consider revising the previously agreed approach to achieving changes in governance.
- 2.2 That the draft code of governance and associated schedules, previously presented to Trustees is further developed by the Acting General Manager to reflect the approach outlined above and in preparation for formal adoption at a later date.

Report Authorised by: **Andrew Gill, Acting General Manager:**

Contact Officer: **Andrew Gill, Acting General Manager, Alexandra Palace & Park, Alexandra Palace Way, Wood Green N22 7AY Tel No. 020 8365 2121.**

### **3. Executive Summary**

- 3.1 The LBH section 151 officer provided an independent report to the trustees that contained a series of actions which were recommended to improve the governance of the Charity for the future.
- 3.2 The action plan to detail implementation of the various recommendations was presented to Trustees at their meeting on 26 September 2008 and refers to the draft code of governance and associated schedules for the trustees to consider.
- 3.3 The draft code of governance was presented to the Trustees at their meeting on 24 February 2009, where it was agreed to hold an Away day to discuss this and that a special Alexandra Palace Park and Board meeting be convened following the away day in order to formally adopt the draft code of governance.
- 3.4 It was not possible to arrange the Away day before September 2009.
- 3.5 It has not been possible to update the Action Plan owing to changes in staff at the Trust
- 3.6 In April 2009, The General Manager and the MD of APTL met with the Chair of the Board and the LBH Director of Corporate Resources to review work to date and the rationale for the governance review.
- 3.7 The Chair of the Board has indicated his desire to review the previously agreed approach to governance.

### **4. Reasons for any change in policy or for new policy development (if applicable)**

- 4.1 The independent report identified some deficiencies and a more comprehensive system of governance is being defined.
- 4.2 The Chair of the Board has indicated his wish to review the previously agreed approach to governance and he will be informing Trustees of his views

### **5. Local Government (Access to Information) Act 1985**

- 5.1 The Independent review for the London Borough of Haringey, "development of a licence to operate with Firoka" report has been referred to in the preparation of this report.

### **6. Report.**

- 6.1 An independent report which identified some weaknesses in the APPCT governance was presented on 26 September 2008 to a special meeting of the

Trustees. This report was commissioned by the LBH Director of Corporate Resources using section 151 officer powers in response to concerns raised about the process and implementation of the temporary Licence to Firoka.

- 6.2 On 26 September 2008 the General Manager presented an action plan and identified that the key priorities will be the initial drafting of the code of governance and the scheme of delegation with the other actions then following on from this point.
- 6.3 The draft code of Governance is a comprehensive document drawing on best practice from the charity sector. It consists of 9 schedules which combine to form the code. An Executive summary is provided at the beginning of the appendix.
- 6.4 The draft code of governance was presented to the Trustees at their meeting on 24 February 2009, where it was decided that approval be given to the holding of an away day to discuss the draft code of governance and associated schedules and that a special Alexandra Palace and Park Board be convened following the proposed away day in order to formally adopt the draft code of governance.
- 6.5 Owing to changes in management at the Trust and the difficulty of agreeing a date during the summer when all the attendees are available. It was not possible to arrange the Away day until recently. The Away day has now been scheduled for 26 September 2009
- 6.6 The draft code of Governance contains a substantial amount of detail (it was circulated to Trustees for comment during May 2009) and although Trustees may not be asked to formally adopt it at this time, the documents may form the basis of a future sound governance structure.
- 6.7 In April 2009, the Chair of the Board met with The General Manager (the Lead Officer for this project), the MD of APTL and the LBH Director of Corporate Resources to review work to date on this project and the methodology for the governance review.
- 6.8 The key output was for the General Manager to liaise with the APTL MD to review this project and make recommendations to the Chair regarding the way forward. In particular they were asked to review;
  - a. the format and need for facilitation at the Trustees' Away day
  - b. produce a Communications Strategy and other essential papers to aid the delivery of the governance review

The work above is in progress and has been picked up by the Acting General Manager.

- 6.9 External assistance has been identified in the form of an expert facilitator and change agent, Dr Alison Milward.

## **7. Legal Implications**

- 7.1 The Trust's solicitor has been consulted in respect of the preparation of this report and on the code of governance.
- 7.2 The action plan implementation will contribute to the reduction of overall risk of governance failure of the charity.

## **8. Financial implications.**

- 8.1 The LBH Chief Financial Officer has been provided with a copy of this report. His comments are provided at Appendix 1.
- 8.2 The requirement for additional trustee meetings, engagement and use of external assistance will also have a cost implication which has been included in the budget for the FY 2009/10.

## **9. Use of Appendices / Tables / Photographs**

- 9.1 Appendix 1 LBH Chief Financial Officer Comments

**Appendix 1 - LBH Chief Financial Officer Comments**

The report and progress to date by the Trust is noted. The Trustees are encouraged to ensure the action plan previously agreed is implemented as soon as possible along with the code of governance.

Any comments on the revised approach to implementation are reserved until the full details of the approach and timetable for implementation, along with any revised action plan, are known

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Agenda item:

**ALEXANDRA PALACE & PARK BOARD****On 30<sup>th</sup> June 2009**Report Title: **BANK SIGNATORY CHANGES FOR 2009/10**Report of: **Helen Downie, Head of Finance, Alexandra Palace & Park****1. Purpose**

1.1 To seek a nomination for an additional trustee signatory to the Trust bank account.

**2. Recommendations**

2.1 That the Board nominates a trustee to replace Cllr Dilek Dogus as signatory on the bank mandate

Report Authorised by: **Helen Downie, Head of Finance**.....*H. Downie*.....

Contact Officer: Helen Downie, Head of Finance, Alexandra Palace &amp; Park, Alexandra Palace Way, Wood Green, London N22 7AY. Telephone number 0208 365 4310.

**3. Executive Summary**

3.1 Following the resignation of Cllr Dogus, the Board is required to nominate a Trustee to replace Cllr Dogus as signatory to the mandate.

3.2 Natwest require a revised mandate to be completed when account signatories change. There have been no changes to the signing authorities i.e. one signatory where the payment is below £5,000 and two signatories where the payment is £5,000 or greater.

**4 Reasons for any change in policy or for new policy development (if applicable)**

4.1 N/A

**5 Local Government (Access to Information) Act 1985**

5.1 No specific background papers were used in compiling this report.

**6. Consultation**

7.1 N/A

**7. Legal and Financial Comments**

7.1 The Trust's Solicitor has been sent a copy of this report.

The LBH CFO has been sent a copy of this report and endorses this report.

**11. Equalities Implications**

11.1 There are no perceived equalities implications in this report.

**12. Use of Appendices / Tables / Photographs**

12.1 N/A

Agenda item: No.

**Alexandra Park and Palace Board****On 23 June 2009.**Report Title: **Forthcoming Events**Report of: **Rebecca Kane, Managing Director, Alexandra Palace Trading Limited****1. Purpose**

1.1 To advise the Board of the forthcoming events to March 2010.

**2. Recommendations**

2.1 That the Committee notes the report.

Report Authorised by: **Rebecca Kane** .....

Date.....

*22/6/09*Contact Officer: **Rebecca Kane, Managing Director APTL 0208 365 2121****3. Executive Summary**

3.1 N/A

**4. Reasons for any change in policy or for new policy development (if applicable)**

4.1 N/A

**5. Local Government (Access to Information) Act 1985**

5.1 Further information about this report can be obtained from Rebecca Kane, Managing Director, Alexandra Palace Trading Limited, Alexandra Palace Way, Wood Green, London N22 7AY. Telephone number 020 8365 2121.

## 6. Description

### 6.1 Confirmed public events and first provisional options.

<b>Event</b>	<b>Date</b>	<b>Area</b>
Farmers Market	7 Jun 09	Park
Turkish Folk Concert	13 Jun 09	GH
BTCV Conservation Tasks	14 Jun 09	Park
Farmers Market	14 Jun 09	Park
Farmers Market	21 Jun 09	Park
Cyprus Wine Festival	27 & 28 Jun 09	GH
Hornsey Carnival	4 Jul 09	Park
Farmers Market	5 Jul 09	Park
BTCV Conservation Tasks	12 Jul 09	Park
Organ Concert	12 Jul 09	GH
Farmers Market	19 Jul 09	Park
Family Funfair	26 Jul – 13 Sep 09	Pavilion
Farmers Market	2 Aug 09	Park
Farmers Market	9 Aug 09	Park
BTCV Conservation Tasks	9 Aug 09	Park
Organ Concert	19 Aug 09	GH
<i>Grand Carnival Splash</i>	<i>22 – 23 Aug 09</i>	<i>GH</i>
<i>Bird Watching Walk</i>	<i>30 Aug 09</i>	<i>Park</i>
<i>Success Resource Conference</i>	<i>29 – 31 Aug 09</i>	<i>WH</i>
Farmers Market	6 Sep 09	Park
Miracles of Ministries Conference	11 Sep 09 *	GH
BTCV Conservation Tasks	13 Sep 09	Park
<i>Best of India Gifts Expo</i>	<i>15 – 17 Sep 09</i>	<i>WH</i>
<i>London Open House</i>	<i>19 Sep 09</i>	<i>Theatre &amp; Studio</i>
<i>Antique &amp; 20<sup>th</sup> Century Fair</i>	<i>20 Sep 09</i>	<i>GH</i>
<i>Alzheimer's Memory Walk</i>	<i>20 Sep 09</i>	<i>Park</i>
Big Stamp Show	26 – 27 Sep 09	WH & PS
<i>Organ Concert</i>	<i>29 Sep 09</i>	<i>GH</i>
<i>Success Resource Conference</i>	<i>30 Sep – 4 Oct 09</i>	<i>WH</i>
<i>Cross Country Races (Chingford League)</i>	<i>Oct 09</i>	<i>Park</i>
<i>Knitting &amp; Stitching Show</i>	<i>8 – 11 Oct 09</i>	<i>All Areas</i>
BTCV Conservation Tasks	11 Oct 09	Park
<i>British Inventors Show</i>	<i>14 – 17 Oct 09</i>	<i>WH</i>
<i>Friends of Amma Conference</i>	<i>21 – 23 Oct 09</i>	<i>WH, PR</i>
<i>Freestyle Festival</i>	<i>31 Oct &amp; 1 Nov</i>	<i>All areas</i>
<i>Fungi Foray</i>	<i>1 Nov 09</i>	<i>Park</i>
<i>Metropolis Concert</i>	<i>5 Nov 09</i>	<i>GH</i>
Fireworks	7 Nov 09	Park, GH, WH
BTCV Conservation Tasks	8 Nov 09	Park
Forever Living Conference	14 Nov 09	WH

<b>Event</b>	<b>Date</b>	<b>Area</b>
<i>Fresh Business Thinking Trade Show</i>	<i>17 &amp; 18 Nov 09</i>	<i>GH, WH &amp; PR</i>
<i>Asian Wedding Show</i>	<i>21 – 22 Nov 09</i>	<i>GH</i>
<i>Organ Concert</i>	<i>25 Nov 09</i>	<i>GH</i>
<i>Antique &amp; 20<sup>th</sup> Century Fair</i>	<i>29 Nov 09</i>	<i>GH</i>
<i>PDC World Darts Championship</i>	<i>18 Dec 09 – 3 Jan 10</i>	<i>WH &amp; PR</i>
<i>Running, Fitness Show</i>	<i>9 &amp; 10 Jan 10</i>	<i>GH &amp; WH</i>
<i>Sth East Tourism Show</i>	<i>16 Jan 10</i>	<i>WH/PR</i>
<i>Model Engineering Show</i>	<i>22 – 24 Jan 10</i>	<i>GH</i>
<i>Make-up Show</i>	<i>30 &amp; 31 Jan 10</i>	<i>WH &amp; PR</i>
<i>Woodwork Show</i>	<i>6 &amp; 7 Feb 10</i>	<i>GH</i>
<i>Antique &amp; 20<sup>th</sup> Century Fair</i>	<i>14 Feb 10</i>	<i>GH</i>
<i>Motorcycle Show</i>	<i>26 - 28 Feb 10</i>	<i>GH, WH &amp; PR</i>
<i>Dinghy Show</i>	<i>6 &amp; 7 Mar 10</i>	<i>GH, WH &amp; PR</i>
<i>Sparkle &amp; Wow Wedding Exhibition</i>	<i>21 Mar 10</i>	<i>PR</i>
<i>Railway Modelling Exhibition</i>	<i>27 &amp; 28 Mar 10</i>	<i>GH &amp; WH</i>

*Note: 1<sup>st</sup> Option Provisional Bookings are typed in Italic  
\* Overnight event until 05:00*

## **7. Summary and Conclusions**

7.1 N/A

## **8. Recommendations**

8.1 The Board notes the report.

## **9. Legal and Financial Comments**

9.1 The Director of Finance and the Trust's solicitor have been sent a copy of this report.

## **10. Equalities Implications**

10.1 There are no perceived equal opportunities implications in this report.

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Agenda item:

**ALEXANDRA PALACE & PARK BOARD****On 30<sup>th</sup> June 2009**Report Title: **Ice Rink Contingency Plan**Report of: **Andrew Gill, Acting General Manager, Alexandra Palace & Park****1. Purpose**

1.1 To advise the Board that the Board of Alexandra Palace Trading Limited has formally requested that the Trust take the following action in relation to the ice rink;

- Nominate a Project Manager to lead a project team to oversee the feasibility and delivery of major refurbishment works to the ice rink (subject to scope and funding)
- Invest up to £7k to undertake core sample drilling and the production of a structural engineer's report for the East Hall which will inform the scope of the project
- Based on the conclusions of the engineer's report, present worked-up options to APTL Board (4 Sept 09) with a view to formulating a capital investment bid to be submitted to LB Haringey in the Sept/Oct '09 bidding round.

**2. Recommendations**

2.1 The Board is asked to formally respond to the trading company's request, taking into consideration all relevant supporting arguments as well as the availability of funding.

Report Authorised by: **Andrew Gill, Acting General Manager:**

Contact Officer: Andrew Gill, Acting General Manager, Alexandra Palace & Park, Alexandra Palace Way, Wood Green, London N22 7AY. Telephone number 0208 365 4310.

**3. Executive Summary**

3.1 The Leisure Services Manager presented a paper to the Alexandra Palace Trading Limited Board meeting of 29<sup>th</sup> May 2009 which:

- highlighted the threats to the longevity of the ice rink plant
- drew the Board's attention to the ongoing deterioration of the facility
- emphasised the importance of the ice rink facility to the delivery of bottom line

profit; and

- set out a number of options for refurbishing the facility, giving some indicative costs for each

3.2 The APTL Board resolved to formally approach the Trust to request the following:

- Immediate investment by the Trust of up to £7k to undertake core sample drilling and the production of a structural engineer's report for the East Hall which will inform the scope of any project.
- The appointment of a Project Manager to oversee the work.
- The Trust to present worked-up options with a view to formulating a capital investment bid to be presented to 4 September 2009 APTL Board meeting.

#### **4. Reasons for any change in policy or for new policy development (if applicable)**

4.1 N/A

#### **5. Local Government (Access to Information) Act 1985**

5.1 No specific background papers were used in compiling this report.

## **6. Context**

6.1 The award winning ice rink facility in the East Hall of Alexandra Palace has been in continuous operation since the summer of 1990 and currently welcomes more than 250,000 visitors annually. As a commercial facility the ice rink provides a good income and is critical to the trading company's ability to generate the £600k profit budgeted for 2009/10.

6.2 The ice making plant is largely original and has been in continuous use for nineteen years, several years beyond its design life. It has had no significant investment for at least ten years other than general servicing and running repairs as required. The two key threats facing the ice rink facility relate to the phasing out of the refrigerant gas and the age of the ice pad and associated machinery.

6.3 The refrigerant gas (Freon R22) which has commonly been used in refrigeration plant equipment for many years, including this facility, is currently being phased out and will become more scarce and expensive as the supply of recycled refrigerant dwindles over the next two to three years. To comply with modern F-Gas regulations an alternative must be found and the refrigeration plant replaced accordingly.

6.4 A failure during the early 1990s of the 'heater mat' system beneath the ice pad has caused an amount of movement of the floor slabs upon which the ice sits. The full extent of this permafrost is not currently known and would need to be dug out as the first stage of any development of the East Hall. The observed

effects of this heave are changes in gradient in certain areas of the ice pad and large variances in ice depth making it difficult to provide and maintain good quality ice. The ice pad and all pipe work would need complete replacement to remedy this problem.

## **7. Options**

7.1 The APTL Board was presented with the following options;

- Do nothing
- Replace the ice pad and plant, close the rink during works
- Replace the ice pad and plant, provide alternative temporary rink during works

7.2 The first option was discounted as the medium/long term risks to the facility were considered unacceptable and it is unlikely that APTL could generate equivalent levels of income/profit from other uses of the East Hall in the short to medium term. The second option was also discounted due to the likely adverse impact on trading performance, AP's reputation and relations with clubs, associations and other frequent users of the facility. The Board therefore approved option 3.

## **8. Financial Impact**

8.1 There are three major elements of expenditure required; the replacement of the plant, ice pad and associated pipe work; general refurbishment of the services (e.g. WCs/changing rooms) and the provision of a temporary rink. In order to progress this project the civil works need to be established. Minor investment of between £4 – 7k would result in core sample drilling and a structural engineer's report of the East Hall. With this information quotes for the total project could be obtained.

8.2 It is possible that a refurbished ice rink facility may enable the trading company to generate additional income, either through increased footfall or 'dual purpose' solutions. There may also be ongoing servicing/maintenance costs associated with replacing the equipment. All capital and revenue implications of the project will be fully explored during the project planning stage.

## **9. Non-financial impact**

9.1 The benefits of this proposal include the ability to demonstrate commitment to the ongoing provision of an ice rink at Alexandra Palace, a much-loved facility which contributes to the delivery of the Trust's principal object to maintain the Park and Palace for the free use and recreation of the public.

9.2 The risks of not addressing this issue in a planned and proactive manner are numerous. An accident related to the heave on the ice pad could have serious financial and PR implications for the site. If the rink was to fail completely APTL would be found negligent for failing to tackle the inherent issues or putting a contingency plan in place to ensure continuity of skating offer at the site.

## **10. Consultation**

10.1 N/A

**11. Legal and Financial Comments**

11.1 The LBH CFO has been sent a copy of this report and his comments are attached as Appendix 1.

11.2 There are no perceived legal implications at this stage although the Board should be aware of the inherent risks and potential for civil action should an accident occur as a result of the damage and resultant heave on the ice pad.

**12. Equalities Implications**

12.1 There are no perceived equalities implications in this report.

**13. Use of Appendices / Tables / Photographs**

13.1 Appendix I – Comments of LBH CFO.

**Appendix 1 – LBH CFO comments**

As the ongoing provision of the ice rink is essentially, both culturally and financially, to Alexandra Palace and therefore it is welcomed that the Trust and trading company are proposing to proactively examine the options available for replacing essential plant.

The additional costs of £7,000 being requested should be met by the Trust from existing budgets, to ensure there is no additional call on the council, in relation to the deficit funding.

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Agenda item:

**Alexandra Park & Palace Board****On 30<sup>th</sup> JUNE 2009**Report Title: **Park Activities Update**Report of: **Mark Evison, Park Manager****1. Purpose**

1.1 To inform the Committee of the recent activities carried out in Alexandra Park

**2. Recommendations**

2.1 That the Board notes the report.

2.2 That the Board note the progress made on the Workshop lease.

Report Authorised by: **Mark Evison, Park Manager:** pp  AP GILLContact Officer: **Mark Evison, Park Manager,  
Alexandra Park & Palace Charitable Trust, Alexandra Palace Way,  
Wood Green N22 7AY. Tel No. 020 8365 2121.****3. Executive Summary**

3.1 This report details the activities and projects that have recently taken place in the park.

3.2 Officers are progressing the Workshop lease negotiations.

**4. Reasons for any change in policy or for new policy development (if applicable)**

4.1 N/A

**5. Local Government (Access to Information) Act 1985**

5.1 Reports and draft Minutes of APCT Panel meeting, 29 April 2009

**6. Description**

**Park Events**

- 6.1 The British Trust for Conservation Volunteers have been booked for another year as the tasks they do are very popular. Their current project is the replacement of the chestnut pale fencing around the conservation pond. This fencing excludes people and dogs from the pond and its surrounds in order that birds can nest without disturbance.
- 6.2 The volunteers also planted a new hedgerow along the northern boundary of the pitch and putt course. Native species such as hawthorn, hazel and field maple provide new nesting and foraging opportunities for birds and insects. The hedgerow was mulched with material recycled from the park's tree and shrub pruning works.
- 6.3 The tasks take place on the second Sunday of each month from 10.00am and all are welcome to join in. Register interest by calling the *British Trust for Conservation Volunteers* on 020 7278 4294.
- 6.4 The Lakeside Café recently hosted an outdoor art exhibition called Good News. This follows the successful event last year and provides a great opportunity for park users to experience site-specific art produced by local artists.
- 6.5 Twenty-three exhibits were on show around the boating lake for a week. They included cow sculptures, a giant newspaper and an upholstered duck. The show took place over the late-May bank holiday and school half-term in order to maximise the audience.
- 6.6 The Friends of Alexandra Park recently hosted a *Park Open Day* in the Grove. The event saw the launch of the new Grove Nature Trail and park photo competition. The event was well attended by families who had the opportunity to plant sunflower seeds in recyclable pots and take a look at the birdlife through a powerful telescope.

**Park Concessions – Workshop Building**

- 6.7 An urgent Panel of the Board was convened to consider the tenders for the Workshop Building on 29<sup>th</sup> April 2009. The Panel agreed to lease the workshop to tenderer 3 subject to receiving advice from the SAC (as referred to at 6.12 below) and delegated to officers and legal advisers the power to conclude negotiations and finalise lease terms once that advice had been received and considered.
- 6.8 Tenderer 3 proposed to refurbish the building for use as a children's soft play centre and ancillary café. This will provide a high quality facility for the families in the local community.
- 6.9 The Trustees resolved that the Board receives a progress report from officers at the next regular meeting of the Board.
- 6.10 The Trust Solicitor, Howard Kennedy, has prepared a draft lease for the building. This has been sent to the tenant's solicitor for consideration.
- 6.11 The agreement is subject to planning permission and the tenant submitted a planning application to LB Haringey on 15<sup>th</sup> May 2009.

- 6.12 The Advisory Committee will consider this planning application at its meeting of 16<sup>th</sup> June 2009. This is part of the process set out in the Alexandra Park and Palace Act 1985.

### **Park Concessions – Pitch & Putt Course**

- 6.13 The pitch and putt course has opened for the summer season. This year coaching and a kids club will be on offer and discounts offered at off-peak times.
- 6.14 Whilst the maintenance of the course is necessarily intensive in certain areas, where possible the mowing regime is relaxed to allow the grasses to grow. This softens the edges of the course and improves the available wildlife habitats.

### **Green Flag Award**

- 6.15 Judging for this award took place on 29<sup>th</sup> May 2009 and the results will be announced in July. The eight criteria of the award are:
- Welcoming
  - Healthy, safe & secure
  - Clean & well maintained
  - Sustainability
  - Conservation & Heritage
  - Community involvement
  - Marketing
  - Management
- 6.16 The judges spent six hours touring the site and their feedback was very positive. They were impressed with the Grounds Maintenance operation, site security and the work of the Friends of Alexandra Park.
- 6.17 The contribution made by volunteers and community groups is greatly appreciated and forms a large part of our submission.

### **External Funding Bids**

- 6.18 The Alexandra Park Ornithological Group has been shortlisted by Haringey Council for a 'Making a difference' grant. Their proposal is to improve the habitats available for birds and other wildlife in the area adjacent to the reservoirs. The grant figure could be up to £3,885.
- 6.19 The Environment Agency has contributed £13,000 towards a project to improve the Boating Lake for fish and angling. New fish-refuges have been installed together with new aquatic vegetation. Two new fishing platforms will also be constructed to supplement the four existing ones.

### **Grounds Maintenance**

- 6.20 The Grounds Maintenance team continue their work in all weathers and the park continues to attract compliments from users
- 6.21 A survey was recently sent to all members of the Board, the Advisory and the Consultative committees. The return rate was disappointing at 13%, but the results were very encouraging with most answers in the good or very good categories.

**7. Recommendations**

7.1 That the Board notes the report.

7.2 That the Board notes the progress made on the Workshop lease.

**8. Legal Implications**

8.1 The Trust's solicitor was provided with a draft of this report and his advice has been taken into account in the production of this final version.

8.2 The LBH Head of Legal Services has been sent a copy of this report.

**9. Financial Implications**

9.1 A new tenant for the Workshop Building will secure a new income stream for the Trust. The rental figures were previously discussed in the exempt section of the Panel meeting on 29<sup>th</sup> April 2009.

9.2 This building currently attracts small annual costs due to insurance, standing charges on the utilities and maintenance of the fire alarm system. Letting the building on a fully repairing basis will pass those costs onto the tenant.

9.3 The two grant funded projects will provide additional improvements in the park with no impact on revenue budgets.

9.4 The LBH Chief Financial Officer has been sent a copy of this report and his comments have been incorporated into this final version.



Agenda item:

**Alexandra Palace APPCT Board Meeting  
30<sup>th</sup> June 2009**

Report Title: Variation to increase licence capacity of the Great Hall for live music/concerts.

Report of: **Mark De'Ath, Acting Head of Operations & Events**

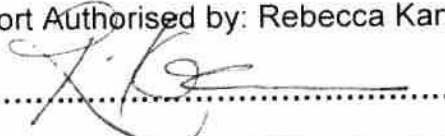
**1. Purpose**

- 1.1 This report is for information only and details Alexandra Palace Trading Limited's proposal to request from the London Borough of Haringey a variation in the Premises Licence enabling the capacity for live music/concert events to be extended from 7,250 to 10,400 inclusive of all staff.
- 1.2 An independent specialist consultant, Capita Symonds, from the events/live music industry has been engaged to undertake the technical work and calculation to investigate the possibility of increasing the capacity. Their findings and report are attached in Appendix I.
- 1.3 The current Licence already permits up to 10,000 persons in the building at any one time.

**2. Recommendations**

- 2.1 That the committee discuss the report and raise any concerns or observations they feel may be appropriate. APTL would be pleased to consider any advice/comment that the Committee feels would enhance this application before submission to LB Haringey.
- 2.2 That the Committee advise their representative groups of this planned action and the option should they so wish, to respond within the consultative period as specified by the London Borough of Haringey following formal submission.

Report Authorised by: Rebecca Kane, Managing Director APTL

  
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Contact Officer: **Mark De'Ath, Acting Head of Operations & Events, Alexandra Palace & Park, Alexandra Palace Way, Wood Green N22 7AY Tel No. 020 8365 4142**

<p><b>3. Executive Summary</b></p> <p>3.1 N/A</p>
<p><b>4. Reasons for any change in policy or for new policy development (if applicable)</b></p> <p>4.1 N/A</p>
<p><b>5. Local Government (Access to Information) Act 1985</b></p> <p>5.1 No specific background papers other than those attached to the report were used in compiling this report.</p>

## **6.0 Background**

- 6.1 The original calculation of capacity for the Great Hall and remainder of Alexandra Palace was determined by the number of available doors and an agreed number of persons that could escape through those doors in a given time. A figure of 250 per set of doors was determined.
- 6.2 The Great Hall at Alexandra Palace has 34 available doors of exit. Removing the largest exit route out of the building in the event of a fire or the need to evacuate, 29 doors would be available giving the current license capacity of 7250.
- 6.3 In recent years as a result of Risk Assessment and consultation with all of the Responsible Authorities i.e. Police, Fire and relevant Local Authority departments it was agreed to create four further doors within the hall to increase the capacity of the Great Hall for such events to 8250.
- 6.4 The Licensing Act 2003 and subsequent Fire Safety Order 2005 has significantly changed the way Venues have been allowed to be managed. Both pieces of legislation delegated responsibility of the management of events, in particular Health & Safety, with the Venue Operator/Hirer.
- 6.5 The Fire Safety Order 2005 introduced a formula already used within the Event Industry and by many Fire and Building Control Officers in calculating the amount of exits/space available/required to evacuate premises.

## **7. The Issues**

- 7.1 Adopting this formula has allowed Alexandra Palace to review the total capacity of the building should it so wish, however the management at APTL understands the possible impact this may have and have therefore subsequently only concentrated on an area where the current business could receive most benefit.

- 7.2 Music events/concerts have taken place at Alexandra Palace for many years. More recently Alexandra Palace has seen resurgence in its use for such events and therefore believes it is a market worth developing to maintain its business profile. The Great Hall has always had the ability to accommodate larger numbers if necessary, however has had the restriction of the current calculation determining the licensed numbers.
- 7.3 APTL is aware of its responsibilities both under the License and to the Local Community/ Residents and will continue to work with these groups to ensure any nuisance is kept to a minimum. The increase in numbers may have an impact in certain areas and any issues raised will be addressed where necessary.
- 7.4 APTL can already confirm the following measures in place:-
- i) All Concert events will continue to finish no later than 11.00pm. Many Promoters are now recognizing their responsibility in this area and are actively finishing their events by 10.30pm in order the visitors have sufficient time to travel home safely.
  - ii) APTL has more recently developed a very good relationship with both TFL and the relevant Bus Operators and they will continue to be advised of our events programme, the timings and the potential numbers attending.
  - iii) APTL will continue to fund an increased courtesy shuttle bus service to and from both Alexandra Palace and Wood Green Train Stations to ensure any potential late night nuisance is kept to minimum.
  - iv) Although large percentage of Concert goers arrive by public transport APTL will continue to fund, manage and make available all car parking areas to ensure no indiscriminate parking takes place on residential streets.
  - v) APTL will continue to fund Noise Consultants to ensure noise propagation from the building is maintained at an acceptable level to both London Borough of Haringey Enforcements Officers and Local Residents.
- 7.5 Concerts in the Great Hall generally take place during the period from October to March. Subject to availability the number of dates currently ranges from six to twelve evenings of events. It is not yet known how much this will grow but following consultation with the Promoters all have expressed an interest in our proposal to increase the capacity of the hall.

7.6 This report primarily relates to Page 54 events rather than other music events that may go on through the night. The License already allows for a figure of 10,000 in the building for such events, APTL does not intend to or wish to change this figure. APTL fully realizes the issues and understands its responsibilities in respect of such events and will continue to operate these in a continued professional manner.

7.7 APTL understands the increased demand the additional capacity may place upon the current infrastructure. Promoters will only be in a position to utilize this capacity extension on agreement of the contract terms highlighting the need to meet these demands. I.e. Security, stewarding, toilet facilities, disabled provision etc.

## 8.0 The Benefits

The ability to increase the capacity will provide a number of significant benefits.

These are:-

- i) Allow APTL to re invest in facilities and equipment to make them comparable with their venue competitors. Thus increasing the covenant back to the Trust.
- ii) Provide APTL with additional income from both facility fee and catering income.
- iii) Alexandra Palace becomes largest standing venue in London, during a time when many bands prefer standing audiences.
- iv) Provide savings to Promoters who would normally have to book an alternative venue for two nights with all associated production costs.
- v) Make Alexandra Palace a "Venue of Choice" as detailed within its most recent Business Plan.
- vi) Continue to develop business partnerships that raise the status, profile and brand of Alexandra Palace.

## 9.0 Next Steps

9.1 APTL to complete engagement with the key Responsible Authorities to seek their endorsement of the Consultants' Report and confirm permitted capacity.

9.2 APTL to submit the Variation application form to London Borough of Haringey following the Trust Board Meeting on 30<sup>th</sup> June 2009, with subsequent Public Notice to be detailed in the relevant local papers w/c 6<sup>th</sup> July 2009.

**10.0 Legal & Financial Comments** Page 55

- 10.1 The chief Financial Officer has been sent a copy of this report and has no specific comments to add.
- 10.2 The Trust's solicitor has been sent a copy of this report.

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6<sup>th</sup> June 2009

Mark De'Ath  
Alexandra Palace Trading Ltd  
Alexandra Palace  
Alexandra Palace Way  
Wood Green  
London N22 7AY

## **Great Hall Capacity – Capacity based on Fire Exiting**

Further to our earlier communications in this matter we are pleased to confirm that our calculations for the capacity of the Great Hall concluded that the fire exiting capacity would govern any overall consideration.

In calculating the capacity we have looked at the fire exiting available from firstly the Great Hall using all available exits, and secondly from the building as a whole given that a significant proportion of the fire exits pass through other areas of the building or would use the exit routes used by these areas.

The calculations conclude that the maximum capacity for the building demise as a whole including staff and event crew in addition to the public is 10,400 persons. This capacity does require a strict management regime that incorporates fire escape strategies and pro-active management of the exit routes. It should be noted in addition that the instance where the adjacent Ice Rink is used at high occupancy co-incident with a high occupancy in the Great Hall requires individual review to ensure that the overall capacities are satisfactory.

This capacity is based primarily upon consideration of a standing audience within the Great Hall. The effects of events infrastructure will serve to reduce the physical capacity in many cases.

The calculations and supporting notes of the review against BS 9999:2008 are attached for further reference.

We trust that the above is satisfactory. Should you require any further detail on this matter please do not hesitate to contact us.

Yours sincerely



Jeff Protheroe  
Senior Health and Safety Consultant  
For Capita Symonds Ltd

Enc – Fire Exiting Calculations and Notes

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**UNRESTRICTED MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD  
TUESDAY, 24 FEBRUARY 2009**

**PRESENT \***

Councillors \*Egan (Chair), \*Dogus (Vice-Chair), \*Hare, \*Oakes, \*Peacock,  
\*Williams and \*Stanton

Non-Voting \*M. Tarpey, \*V. Paley, \*N. Willmott  
Representatives:

Observer: \*D Liebeck

Also present: Mr D Loudfoot – General Manager Alexandra Palace  
Mr I Harris – Trust Solicitor  
Ms R Kane – Director - Alexandra Palace Trading Limited (APTL)  
Ms H. Downie – Finance Manager – Alexandra Palace  
Ms J Parker – Director of Corporate resources – LB Haringey  
Mr C Hart – Cttee Manager – LB Haringey (Clerk to the Committee)

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**MINUTE  
NO.**

**SUBJECT/DECISION**

<b>APBO59.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>An apology for leaving early was received from Councillor Oakes.</p> <p><b>NOTED</b></p>
<b>APBO60.</b>	<p><b>URGENT BUSINESS</b></p> <p>The Chair advised that in respect of Item 9 – Budget and Business Plan 2009-2010 – this item had been marked ‘TO FOLLOW’ and forwarded to the Board after the agenda had been published. Consequently the item would require stated reasons for lateness from officers upon consideration.</p> <p>The Chair also advised of an item forwarded from the Consultative Committee arising from discussions at its meeting on 17 February 2009 in respect of the Palace Theatre which he intended to consider agenda item – urgent business.</p> <p><b>NOTED</b></p>
<b>APBO61.</b>	<p><b>DECLARATIONS OF INTERESTS</b></p> <p>There were no declarations of interest stated.</p>
<b>APBO62.</b>	<p><b>QUESTIONS, DEPUTATIONS OR PETITIONS ; TO CONSIDER ANY QUESTIONS, DEPUTATIONS OR PETITIONS RECEIVED IN ACCORDANCE WITH PART FOUR, SECTION B 29 OF THE COUNCIL'S CONSTITUTION</b></p> <p><b>(i)Deputation from L. Rivlin re Horse riding for the Alexandra Palace Board</b></p>

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A deputation was received from Ms Rivlin requesting the Board to consider the provision of horse riding and stable facilities in the park.

Following the deputation and points of clarification the Chair thanked Ms Rivlin for her attendance and asked that she work up detailed plans and an outline proposal which would then be given further consideration

noted

**(ii) Questions for the Alexandra Palace Board from Ms Christofis:**

**1. Why have the Byelaws been removed from display at the Palace yet again, this time by the Friends of the Park? Please can you put them back!**

Answer :

The byelaws were removed from the park notice boards after consultation with the Consultative committee who advised that a simple list of 'do's and please do not' nature would be better for the public to have.

The byelaws are still in force and can be viewed in the visitor centre and on the website at [www.alexandrapalace.com](http://www.alexandrapalace.com).

There are no plans to put them back onto the park notice boards, this policy would be in line with common practice in other organisations managing open spaces.

**2. What is the program of APCT (main charitable body) Charitable events for 2009. What are they and where are they programmed?**

Answer :

The charity will be organising the annual fireworks display in November and will also be facilitating outside events and nature walks in the summer period. These include the very popular farmers markets, Hornsey fun-run, Alzheimer's society walk, London orienteering club day, lakeside art exhibition as well as the larger events such as funfairs and circus shows.

The charity will also be coordinating indoor community events by the organ society and friends of the theatre.

The charity is planning to partake in London open house and will also be arranging a repeat of the studio open day in late December.

These events will appear in the schedule of events posted on the website and also on park notice boards when they are programmed.

**3. What is the current program of incremental 'fit for purpose' renovations for the coming year and what is the 5- 10 year plan for further 'beneficial' developments? Specifically, when will the theatre and all the other parts of**

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**the Palace that did not burn down or receive insurance money be made fit for human habitation and community usage by this Trust?**

Answer:

The trust is planning to undertake minor decoration and renovation works to various areas of the building but this programme has not yet been finalised. These works are of a minor nature and are intended to preserve the building in its current condition.

The project to develop the building and effectively bring it back to full use was stalled by the high court and as yet the trustees have not decided on the future means by which they can achieve the full restoration of the building.

It is intended to repair the roofs above the east wing pavilions in this year and an approach has been made to English heritage for support in funding this.

Beyond the above, the trustees are unable to currently define a timescale in which the theatre or other derelict parts of the building could be brought into a better condition.

**4. Where is the literature to be found for the Beneficiaries of the Alexandra Palace and Park Trust outlining their rights, responsibilities and privileges? Where can we obtain a copy?**

Answer:

There is no literature which outlines the rights responsibilities and privileges of the beneficiaries of the trust.

The law gives trustees of a charity rights and responsibilities. In respect of this charity they are set out in the Alexandra Park and Palace Acts and Orders 1900 to 2004. Copies of this documentation can be provided by the General Manager.

The closest there is to such literature is the proviso in the 1900 Act which stipulates that subject to its provisions

“the park and other lands shall be maintained as an open space and the park palace and other lands shall be available for the free use and recreation of the public for ever.”

**5. What measures are to be put in place to encourage and ensure that it is the Beneficiaries of the Trust who benefit from the Trust and not the staff or other non related interest groups.**

Answer:

There are no specific measures presently under discussion to achieve this aim.

However all the activities of the charity are intended to benefit the public. This

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intention covers all the activities of the charity as well as its trading subsidiary. Details of the charity's activities are set out in its annual report.

**5. What measures are to be put in (or are in) place to ensure that the lands and buildings that are held in Trust are protected from the wants of other non Beneficiary interest groups. e.g. 'The Friends' the staff or other non related local/interest groups. (Again I question the removal of the Byelaws by the 'friends'?)**

Answer:

In considering any matters with regard to use of the charity's land and buildings the trustees seek independent legal advice as and where appropriate.

They also consult the Statutory Advisory Committee (SAC) and have regard to its advice in accordance with Section 9 and Schedule 1 of the Alexandra Park and Palace Act 1985.

In addition to the SAC, the trustees also consult with the members of the Consultative Committee who provide wider advice and guidance on the uses of the Park and Palace in the context of interested groups and users.

**6. When will the soft furnishing, contents and artefacts be reintroduced and returned to the interior and exterior of the Palace Buildings where they have been removed or destroyed due to fire and neglect.**

Answer:

**The soft furnishing, contents and artefacts removed or destroyed due to the fire cannot be reintroduced and returned because the trustees do not have sufficient capital funds for such purposes.**

**7. Where is the literature to be found for the Beneficiaries outlining the role and remit of the APTL (trading arm), APCT(main charitable body) and all the other numerous Palace staff and what is the structure of both of these main internal residuary entities. Exactly how much money they have they raised and from where and how this money is spent on the building for the Benefit of the Beneficiaries of the charity? Where is the explanation for the Beneficiaries written, about these residuary entities and exactly how or in what way do they benefit the Palace and/ or Beneficiaries and where can we get a copy of this Literature?**

Answer:

The trustees were authorized by a Charity Commission scheme of August 1999 to incorporate and own the shares in a trading company. Accordingly the Alexandra Palace Trading Company Limited was incorporated.

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Its Memorandum and Articles are available from Companies House and the General Manager. They are also regularly put before the trustees in their public board meetings. The last such occasion was on 6 January 2009 (when a copy was attached to the General Manager's report on Agenda Item 4.)

The role and remit of individual staff is set out in their individual contracts which are confidential.

The structure of the charity is that its trustees are responsible for its general control and administration in accordance with the Charities Act. The trustees meet on a regular basis and as much as possible of its proceedings are in public in accordance with the provisions of the Local Government Act 1972 as amended.

The structure of the trading company is that its directors are responsible for its activities in accordance with company law. They meet regularly to make decisions in respect of the conduct of the company's business.

The trading company covenants its profits to the charity. The figures for the years to 31 March 2007 and 2008 were £660,885 and £713,000 respectively (See note 5 to the 2008 accounts.). This covenanted income is then utilized by the charity in defraying its running costs.

Copies of the above referred to documents are available from the General Manager, with the exception of individuals contracts of employment which are confidential.

**8. What measures have been (or will be) put in place at Alexandra palace in recognition of the actual real Allied Beneficiaries of the Trust and their wants, needs and requirements of the Trust during these difficult times?**

Answer:

The trustees will continue to ensure that the charity is operated in such a way as to comply with their statutory obligations.

The trustees will continue to consult with the Statutory Advisory Committee in accordance with the 1985 Act.

The trustees also consult with the Consultative Committee to exchange views with it and provide information to it.

The General Manager is always available as a point of contact as is the Committee Clerk, for any member of the public that wishes to contact the Charity to discuss the operation of the Charity.

**9. Can the Board confirm that the remit of the advisory committee is primarily to promote the objects of the charity and to outline exactly what the objects of the charity are and by objects of the charity does the board mean :**

*What your charity sets out to do:*

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1. *general charitable purposes*
2. *education/training*
3. *medical/health/sickness*
4. *disability*
5. *relief of poverty*
6. *overseas aid/famine relief*
7. *accommodation/housing*
8. *religious activities*
9. *arts/culture*
10. *sport/recreation*
11. *animals*
12. *environment/conservation/heritage*
13. *economic/community development/employment*
14. *other charitable purposes*

10. *Who your charity helps:*

1. *children/young people*
2. *elderly/old people*
3. *people with disabilities*
4. *people of a 'particular' ethnic or racial origin (Londoners)*
5. *other charities/voluntary groups*
6. *other defined groups*
7. *general public/mankind*

11. *How your charity operates:*

1. *makes grants to individuals*
2. *makes grants to organisations*
3. *provides other finance*
4. *provides human resources*
5. *provides buildings/facilities/open space*
6. *provides services*
7. *provides advocacy/advice/information*
8. *sponsors or undertakes research*
9. *acts as umbrella or resource body*
10. *other charitable activities*

*Answer:*

*The remit of the SAC*

The remit of the Statutory Advisory Committee (SAC) is in part to promote the objects of the charity.

The SAC is a creature of the Alexandra Park and Palace Act 1985.

Section 9(1) provides that there shall be an advisory committee. Sub section 3 provides that the trustees shall consult the SAC on the matters specified in the schedule to the Act "and have due and proper regard to advice from the SAC and use their best endeavours to give effect to such reasonable recommendations as are expedient in the interests of the charity and consistent with the trusts thereof."

The 'matters specified', following the reference above, are set out in paragraphs 19 and 20 of Part III of the schedule. This stipulates that the powers and duties are to promote the objects of the charity by considering and advising upon matters there specified.

The remit is not therefore simply to promote the objects. It is to promote the objects by considering and advising upon specified matters.

This remit must be considered in the light of what the then Attorney General, Michael Havers QC MP wrote when he reported to Parliament in his advice of 7

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	<p>June 1984.</p> <p>He said</p> <p>"It is in my view essential that subclause (3) of clause 8(a) continues to contain the words</p> <p>"shall use their best endeavours to give effect to such recommendations of the said committee as are expedient in the interests of the charity and as are consistent with the trust."</p> <p>It could be the position that the committee would come to a conclusion to give advice to the trustees which would conflict with their duties as charity trustees or not be expedient in the interests of the charity, It is essential that they are not placed in a position whereby to follow the advice of the committee would make themselves liable to a breach of trust. Furthermore advice given could be reasonable but could impose financial obligations on the trustees which they would not wish to accept."</p> <p>The objects of the charity</p> <p>The clearest statement of the objects of the charity is in the tailpiece to paragraph 17 in schedule 3 of the 1985 Act, reproducing the words that were in the same section of the 1900 Act. These are</p> <p>"that the park and other lands shall be maintained as an open space and the park palace and other lands shall be available for the free use and recreation of the public for ever."</p> <p>In <i>Alexandra Park Trustees and another v Haringey London Borough and others</i> 66 L.G.R. 306 decided in June 1967 by Mr Justice Pennycuik it was held that the 1900 Act</p> <p>"imposed on the trustees the duty to use the whole of the park and palace and to apply the income for purposes which were wholly charitable since the only substantive purposes were the free recreation of the public by the maintaining of the park and palace as a place of public resort and recreation and the provision of certain accommodation for volunteer forces and for recreational purposes."</p>
<p><b>APBO63.</b></p>	<p><b>MINUTES</b></p> <p>i. Unrestricted Minutes of the Alexandra Palace and Park Board – 21 October, and 5 November (Special) 2008, and 6 January 2009 (Special)</p> <p>On a MOTION by the Chair it was:</p> <p><b>RESOLVED</b></p>

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That the unrestricted Minutes of the Alexandra Palace and Park Board – 21 October, and 5 November (Special) 2008, and 6 January 2009 (Special) be agreed and signed by the Chair as an accurate record of the proceedings.

- ii. Minutes of the Alexandra Palace and Park Consultative Committee – 14 October 2008, and 17 February 2009

The Clerk advised that the minutes of the Consultative Committee of 14 October 2008 were for the Board to note, and also that the minutes of the meeting held on 17 February 2009 were not available. However there was a tabled paper with recommendations of the Consultative Committee for consideration in relation to the Palace Theatre, and also the Redston Field path which would be considered under agenda items 11 and 6 respectively.

**NOTED**

**It was then:**

**RESOLVED**

That the Minutes of the Alexandra Palace and Park Consultative Committee held on 14 October 2008 be received and noted.

- iii. Minutes of the Alexandra Park and Palace Advisory Committee – 10 February 2009 (TABLED) and recommendations for the Board to consider arising there from.

The Clerk advised that the minutes had been TABLED this evening but the recommendations arising from the meeting of 10 February 2009 had been circulated with the agenda (page 49 – attachment A).

*N.B the recommendations are detailed below for ease of reference:*

**(a)the interaction between the Alexandra Park and Palace Board and the Statutory Advisory Committee, and Consultative Committee**

**RESOLVED**

- i. That the Advisory Committee, in welcoming the views of the Chair of the Alexandra Palace and Park Board as expressed at the commencement of the meeting, in respect of talking individually with Members of the Statutory Advisory Committee, and also the Consultative Committee, asks that the Board considers the concept of having up to 2 joint meetings a year with both the Advisory Committee and Consultative Committee to talk about common issues and concerns in relation to the Park and Palace, in either an informal or semi formal basis;

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- ii. That the Advisory Committee requests the Board's agreement, in terms of any future proposals for recreation or leisure activity /uses of the Park and specifically in relation to the new Heartlands School, that the Board seeks the views and advice of the Advisory Committee; and
- iii. That in respect of (ii) above the Board be referred to the Advisory Committee's remit, namely to assist and advise the Board to achieve its objectives within the Alexandra Palace and Park Act 1985, and it is not the intention of the Advisory Committee to hinder the Board in its management and operation of the Park and Palace;

**(b) Alexandra Park entrance at Muswell Hill**

**RESOLVED**

That the Board be asked to consider exploring a joint funding venture in conjunction with the local Community and external funders in respect of revamping and improving the entrance to the Park at Muswell Hill including a newly designed bridge and path.

**(c) Legal clarification of advice given by the LB Haringey re: the Gaming Licence (Occasional Use Notice) under section 39 of the Gambling Act 2005, and the Advisory Committee's remit**

**RESOLVED**

That in noting the written advice of the LB Haringey's Legal adviser that the Board was not obliged to consult the Advisory Committee regarding the granting of the gaming licence, with which it does not concur, the Committee requests the Board to consider, as part of its relationship and arrangements with the Advisory Committee, that in future it be consulted in respect of such applications as a matter of course.

- (d) The proposal for an all-weather path to replace the present informal, and very muddy, desire line from the top of Park Avenue North across the Redston Road playing field and the old race-course to join the Lower Road at the eastern end of the car park**

**RESOLVED**

That the Alexandra Palace and Park Board be asked to note that the Alexandra Park and Palace Advisory Committee endorses the proposal of the Warner Estate Residents Association for an all-weather path to replace the present informal, and very muddy, desire line from the top of Park Avenue North across the Redston Road playing field and the old race-course to join the Lower Road at the eastern end of the car park, and requests that the Board gives consideration to and approves the proposal as outlined.

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The Chair asked Mr Liebeck - Chair of the Advisory Committee and Observer on this Board to give a brief explanation of each of the recommendations.

Mr Liebeck referred to (a) (i) in respect of the proposed joint meeting of the Statutory Advisory Committee, the Consultative Committee, and the Board and that as stated in the resolution it was felt that this would be an opportunity to come together as a collective body to discuss issues relating to the Palace and its future. Mr Liebeck felt that the meeting could be in the form of an AGM type arrangement.

Members expressed their support for the concept of a meeting in this vein which would be a useful event. However it was felt that there needed to be some clear structure to the actual event in the form of an agenda and topics for discussion.

The Trust Solicitor – Mr Harris commented that the Board needed to be mindful of the principles of the decision making process and the rules governing the relationship of the Board to its Sub Bodies. It was the case that it needed to be clear that the proposed event was not in the form of a formal meeting, but should be referred to as a Forum, and that in no way could the event be construed as a decision making process.

In thanking the Trust Solicitor for his clarification the Chair summarised and it was agreed that a 'Forum' type event take place in the early Autumn of 2009 –the details of which to be worked on by officers for further discussion.

In respect of (a)(ii) following clarification from Mr Liebeck the Chair summarised and it was agreed to note the comments expressed by the Advisory Committee, and that the issue be raised as part of the Board's further future discussions in relation to the governance of the Board and its relationship with the Advisory Committee.

In respect of (a)(iii) the Board noted the recommendation and comment of the Advisory Committee.

With regard to (b) the Board welcomed the recommendation and asked that the General manager explore the possible external/local community funding and report back to a future meeting of the Board.

In respect of (c) following clarification from Mr Liebeck the Chair summarised and it was agreed to note the comments expressed by the Advisory Committee, and that the issue be raised as part of the Board's further future discussions in relation to the governance of the Board and its relationship with the Advisory Committee.

In respect of (d) the Chair asked that this item be raised under agenda Item 6.

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	<p>The Chair then summarised and it was:</p> <p><b>RESOLVED</b></p> <p>That the Advisory Committee be advised of the deliberations of the Board in relation to a-d above.</p>
<p><b>APBO64.</b></p>	<p><b>PARK UPDATE (ACTIVITIES)</b></p> <p>The Chair, in reference to the recommendations of both the Consultative Committee (tabled) and those of the Advisory Committee in relation to the proposed path at Redston Fields asked that the Board discuss this issue now at this point in the proceedings.</p> <p>Following clarification from Mr Liebeck in terms of the endorsement of the proposal by the Advisory Committee of 10 February 2009 in support of the proposal, (and adding that he himself was actually ambivalent), which was in tandem with that of the Consultative Committee the following week (17 February 2009) the Chair felt that consideration of the matter should be deferred pending a site visit by the Board, together with representatives of the Warner estate residents association. The Chair commented that his reasoning for this was because the actual citing of the path was not clear and some members of the Board were unfamiliar with the location. The Chair also added that personally he was unconvinced at the need for the path and that he did therefore think that clarity was required. The Chair referred to discussions at both the Advisory and Consultative Committees in relation to its location and the suggestion of members at the different location of the proposed path, and the existing desire lines of users of that area of the park.</p> <p>In sharing the views of the Chair the Board Councillor Stanton commented that in reference to the proposal there needed to be some professional opinion as to the merits of placing a path in the particular position together with a conservation view of the proposal. He expressed his concern that locating the path there could alter the character of the existing open space and therefore it was essential to have a professional study done of the proposal and the Board receive a briefing prior to a site visit. Councillors Dogus and Peacock shared the expressed concerns.</p> <p>In response to comments from Ms Paley in respect of the actual persons requiring the path and the likelihood of these users being the children living at Warner, Danvers and Redston Roads as a cut through to the school, Mr Evison responded that the Head Teacher had given her approval to the scheme.</p> <p>Councillor Hare commented on his expressed comments at the Consultative Committee with regard to the path being cited around the edge of field to join to the existing path which would then not encroach on the existing open space area. He shared the views of Councillor Stanton in terms of the need to ensure that the character of the open space was not changed and that there needed to be some conservation comment in relation to this.</p>

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(Councillor Oakes left the proceedings at 20.40hrs).

The Park Manager then gave a brief outline of the circulated report and responded to a number of question put to him from Members.

In respect of the proposed extension to the Deer enclosure the Chair felt that a site visit was necessary to consider the extension and its implications.

The trust Solicitor – Mr Harris advised the Board that in terms of both the Redston Path and the Deer extension these would require planning permission being sought from the LB Haringey, and in the vent of this both applications would be required to be considered by the Statutory Advisory Committee.

The Board then considered and discussed the concepts of uses for the Actual Workshop Building as detailed in paragraph 6.6 of the report. Mr Evison advised in terms of the 6 concepts received – the cycle shop and environmental community centre had been withdrawn.

There being no further points of clarification or comment, the Chair MOVED and it was:

**RESOLVED**

- i. that the contents of the report be noted;
- ii. that consideration of the proposals for a path at the Redston Field entrance to the Park be deferred pending a site visit, and that the Board receive a professional conservation evaluation of the proposals prior to the site visit;
- iii. that in tandem with the site visit referred to in (ii) above a site visit be arranged on the same date to visit the proposed extension to Deer enclosure;
- iv. that in respect of the concepts for the Actual Workshop approval be given to the concepts as detailed below noting that the concept for a cycle shop and environmental community centre had been withdrawn:
  - community café with arts and crafts activities
  - training centre for outdoor sports instructors
  - children’s soft play and refreshments
  - mini-golf
  - community art centre

The Clerk to the Board advised the Board that should the item regarding the proposed Redston Field Path, and Deer enclose extension be brought to the Board for formal consideration as a planning application then those Members of the Board who also sat on the LB Haringey’s Planning Committee would need to give some personal consideration as to declaring a personal and prejudicial interest and at where they would wish to give such declaration – either the Board or the Planning Committee, and that at whatever body they took part in the

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	<p>discussion and decision they would be unable to consider the matter at the other.</p> <p><b>NOTED</b></p>
<p><b>APBO65.</b></p>	<p><b>NINE MONTHS RESULTS TO THE END OF DECEMBER 2008 AND FULL YEAR FORECAST 2008/09</b></p> <p>The Chair asked for a brief introduction of the report.</p> <p>The Head of Finance – Alexandra Palace – Ms Downie reported that Board had agreed to set its net budget estimate for 2008/09 at £1.68m. This estimate included a net operating loss of £2.68m and a gift aid payment from APTL of £1m. In respect of the financial position of the Trust for the 9 months up to the end of December 2008, overall, income was £24k above budget and expenditure £179k below budget, giving a net favourable variance of £203k.</p> <p>In respect of the consolidated position (APPCT+APTL) Ms Downie advised that there was to be a short fall in APTL covenant which in effect would mean an overrun of the allocated budget from LB Haringey by £350k. The APTL management accounts had been prepared for the 9 months ending December 2008, together with forecast results for the year, and indications had now showed that the target of a net gift aid payment of £1m was not achievable, having a consequential impact on the deficit funding requirement from London Borough of Haringey.</p> <p>Ms Downie outlined the primary reasons as to why the trading company had been unable to achieve its target profit for the year;</p> <ul style="list-style-type: none"> <li>• the APTL budget was set before the current recession was predicted. Whilst income for the year to December was broadly in line with budget, the economic downturn had had an impact on the company being able to secure the anticipated level of hires for the period January – March 2009</li> <li>• Utility costs increased by roughly 100% from October/November 2008. The Trust was a member of the OGC, which negotiates utility prices with energy suppliers on behalf of a number of public sector bodies. Annual contract prices were fixed in advance. This had the advantage of greater certainty for budgeting purposes within the contract period itself but meant that there was a time lag between changes in oil prices and increases or reductions in utility costs. APTL currently bore 95% of the utility costs for the site, thus the increase had had a significant impact on the company's profits.</li> <li>• The budget for 2008/09 was drawn up using a number of assumptions based on the best financial information available at the time. The process was hampered by a lack of detailed financial information in some areas. This led to some incorrect assumptions being used in areas such as cost</li> </ul>

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of hires and overheads.

- In some areas of the business, prices had remained static for two/three years whilst costs have increased, eroding the profitability of the business in these areas. The company was currently undertaking a review of prices in key areas; however, any decision to increase prices would now need to be taken in the context of the economic downturn.
- A lack of investment in the fabric of the building had made the Palace an increasingly difficult 'sell' for the Sales Team. Whilst the World Darts Championship proved that the Palace could be transformed into a world class venue with the right vision and investment, not all prospective clients would share that imagination and many would prefer a purpose-built venue already 'fit for purpose'.

In response to a number of points of clarification from the Board Ms Downie advised that the estimated gift aid payment was £450k which, combined with the forecast underspend of £201k, gave a net deficit of £2.03million. This would require a request being made to London Borough Haringey for extra funding of £349k in addition to the £1.7m already agreed.

Mr Oliver – representing the LB Haringey's Director of Corporate Resources advised that in terms of the extra funding emphasised the comments of the Chief Financial Officer of Haringey and that in terms of the current situation there needed to be some further thought as to how this could be handled in future years in order to have an earlier awareness of such issues. Mr Oliver expressed his concerns in relation to the risks between now and 31 March 2009 and the need to ensure that any potential issues were flagged as a matter of urgency.

In response to further points of clarification Ms Downie advised of the actions that had been taken now in order to minimise the shortfall including reducing to a strict minimum expenditure by the charity for the remainder of the year to ensure that the charity revenue deficit is minimised. Ms Downie reported that other than expenditure of a health and safety nature, non essential repairs and maintenance would not be commissioned and existing commitments were under review to reschedule works where possible so as to fall after year end, together with a limit on capital expenditure. Ms Downie further commented that expenditure on fixed assets for the year to December had been £44k, largely in the category of fixtures and fittings, which would be depreciated over four years. It was now not possible to make the targeted capital purchases that were proposed earlier in the year to assist the trading company. No further capital items would be purchased. Ms Downie highlighted the prime, fixed, and variable costs as detailed in para 6 of the report, and commented that variable overheads were £210k under budget due largely to planned underspends on building repairs and maintenance (£212k) and depreciation (£46k). Professional fees were £43k over budget, partly offset by a £27k underspend on Development costs.

The Board commented that there was a robust business planning mechanism which had shown relatively quickly the situation as regards the budget situation. The Board also commented on the positive features of the budget – namely the £568K assets in comparisons to other year trading figures for APTL.

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	<p>The Chair then outlined the recommendations for the Board to consider.</p> <p>Following the Chair's summary it was:</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>i. that the income and expenditure for 9 months to the end of December 2008 as detailed in the circulated report and summarised at Appendix I, together with the explanations for key variances given, be noted;</li> <li>ii. that the advice given by the Head of Finance Alexandra Palace be noted in respect of the effect of the reduced covenant expected from APTL, and that due to the need for additional financial support as a result of the effect of the reduced covenant expected from APTL, approval be given to seek a further £349K from the London Borough of Haringey; and</li> <li>iii. that the measures put in place by the charity officers to minimise the shortfall as outlined in (ii) above be noted: <ul style="list-style-type: none"> <li>a) Freeze on all new commitments except urgent health and safety works.</li> <li>b) Freeze on capital expenditure.</li> <li>c) Rescheduling of committed works where possible.</li> </ul> </li> </ul>
<p><b>APBO66.</b></p>	<p><b>ACTION PLAN FOR REFORM OF GOVERNANCE OF APPCT (UPDATE NO 2)</b></p> <p>The Chair asked for a brief introduction of the report.</p> <p>The General Manager Alexandra Palace advised the Board that the report before it detailed progress with the action plan which had been adopted by the Board on 26 September 2008. This was the 2<sup>nd</sup> update and particular detailed the draft code of governance which had been drawn up in conjunction with the code in operation at the LB Haringey, as well as best practice from the charity sector. The draft code had been drawn up by an independent consultant – Ralph Tingle – from CIPFA Placements.</p> <p>In reference to the considerable detail of the draft code Mr Loudfoot advised that he proposed a half day away day specifically to discuss its contents, and he referred the Board to para 6.8 which detailed the invitees, and that in addition to those detailed he proposed that the Clerk to the Board also attend to assist in the process.</p> <p>The Board briefly discussed the contents of the draft code and sought clarification on some of the elements.</p> <p>In response to clarification as to whether the code was substantially different from</p>

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	<p>what had been in operation before the Trust Solicitor – Mr Harris – advised that in a sense the new draft code did not add anything to the documents that Board Members were given annually at the commencement of each Municipal Year. It did give some clarification as to the relationship with the LB Haringey, and the objectives of the Charity and how the Board of Trustees should operate. It was also the first occasion that such a document had been given to the Board to comment upon.</p> <p>Following further points of clarification as to the forthcoming proposed away day, the Chair summarised and it was:</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>i. that the progress to date in respect of the circulated action plan be noted;</li> <li>ii. that approval be given to the holding of an away day to discuss the draft code of governance and associated schedules with the invitation being extended to the 3 non-voting representatives on the Board, and that the Clerk to the Board be added to those officers attending; and</li> <li>iii. that a special Alexandra Palace and Park Board be convened following the proposed away day in order to formally adopt the draft code of governance.</li> </ul>
<p><b>APBO67.</b></p>	<p><b>BUDGET AND BUSINESS PLAN 2009 - 2010 -</b></p> <p>The Chair, following an introduction of the report and brief discussion as to its contents advised the Board that given the lateness of the evening – 21.53hrs he asked whether the Board were in agreement to suspending standing orders at 22.00hrs to complete the business on the agenda.</p> <p>Members expressed their concerns at the lateness of the evening and felt that they would not consider suspending standing orders and to defer this item and subsequent items to a special Board meeting.</p> <p>Following clarification by the General Manager that the Board did need to consider an exempt agenda item that could not wait till mid March 2009 the Chair MOVED and it was agreed nemine contradicente that consideration of this and the remaining items on the agenda with the exception of exempt Items 13 &amp; 14 be deferred to a special meeting of the Board in Mid March 2009.</p> <p>The Board agreed nemine contradicente the suspension of Standing Orders to complete Items 13 and 14 on the agenda.</p> <p><b>NOTED</b></p>
<p><b>APBO68.</b></p>	<p><b>CHARITY INDEMNIFICATION OF LONDON BOROUGH OF HARINGEY</b></p> <p><b>ITEM DEFERRED</b></p>

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<b>APBO69.</b>	<b>NEW ITEMS OF UNRESTRICTED URGENT BUSINESS</b>  <b>ITEM IN RESPECT OF THE PALACE THEATRE BE DEFERRED</b>
<b>APBO70.</b>	<b>EXCLUSION OF PUBLIC AND PRESS</b>  <b>AGREED</b>
<b>APBO71.</b>	<b>MINUTES -</b>  AGREED
<b>APBO72.</b>	<b>TENDER FOR INSURANCE OF THE PALACE AND PARK</b>  AGREED RECOMMENDATIONS AS CONTAINED IN THE REPORT
<b>APBO73.</b>	<b>TENDER OF THE SECURITY FUNCTION OF THE PARK AND PALACE - TO FOLLOW</b> Deferred
<b>APBO74.</b>	<b>NEW ITEMS OF EXEMPT URGENT BUSINESS:</b>  NIL

The meeting ended at 22.19hrs.

COUNCILLOR PAT EGAN  
Chair

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PRESENT:

**\* DENOTES ATTENDEES**

Councillors            \*Egan (Chair), Dogus    \*Hare, \*Peacock, Oakes, \*Stanton and  
                                 \*Williams

Non-Voting            Ms V Paley, Mr M Tarpey, Mr N Willmott  
Representatives:

Observer:             Mr D Liebeck (substituted by Cllr Oatway (Vice-Chair APPA))

Also present:

Mr D. Loudfoot – General Manager Alexandra Palace  
Mr I Harris – Trust Solicitor  
Mr T Mitchison – Principal Legal Advisor – LB Haringey  
Mr B Mehmet – Finance Officer – LB Haringey  
Mr C Hart – Committee Manager – LB Haringey (Clerk to the Board)

**MINUTE  
NO.**

**SUBJECT/DECISION**

<b>APBO75.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence were received on behalf Councillors Dogus, and Oakes, Ms Paley, Mr Tarpey, and Mr Willmott, and also from Mr Liebeck for whom Councillor Oatway was substituting, and from Ms Parker – Director of Corporate Resources, LB Haringey for whom Mr Mehmet was attending for.</p> <p><b>NOTED</b></p>
<b>APBO76.</b>	<p><b>URGENT BUSINESS</b></p> <p>The Clerk to the Board advised the meeting that whilst there were not items of urgent business there was a TABLED revised Item 4 – Budget and Business Plan and that the General Manager Alexandra Palace would comment on this revised report when introducing Item 4.</p> <p><b>NOTED</b></p>
<b>APBO77.</b>	<p><b>DECLARATIONS OF INTERESTS</b></p> <p>There were no declarations of interest.</p> <p><b>NOTED</b></p>
<b>APBO78.</b>	<p><b>BUDGET AND BUSINESS PLAN 2009 - 2010</b></p> <p>The Chair asked for an introduction of the report.</p>

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In a succinct introduction the General Manager – Mr Loudfoot advised the Board that the report that had been circulated with the agenda was actually an earlier draft and was therefore an incorrect version. The correct report was now TABLED for the Board's consideration. Mr Loudfoot apologised to the Board for this error which was solely his own. The error had been rectified in terms of the web copy of the agenda.

Mr Loudfoot then took the Board through the TABLED report and advised that the report recommended that the Board formally request financial support of £2.0m from LB Haringey Council. Mr Loudfoot briefly outlined the capital requirement of £300k for 2009/10 and the requirement to make a formal request to the LB Haringey for this funding. The depreciation amount that would generate would already be included in the overall revenue budget. The budgeted out-turn, was £2,003,965. The trust's funds had continued to be in deficit and in consequence this amount of funding support would have to be requested from the council. Though the operating loss of £2.60m before the covenant was lower than the 2008/9 budget figure of £2.68m, the effect of the reduced available covenant was that the budgeted funding required from the council would rise to £2.0m for 2009/10.

The Chair asked if there were any points of clarification.

In response to clarification from Board Members with regard to capital support Mr Loudfoot advised that the LB Haringey had not agreed to the requested £210k of capital support in 2008/9 and only a very limited number of essential items were purchased. The requirements this year amounted to £300K, and that this funding was essential to the function of APTL in delivering the events programme. With reference to the Council's budget for support to the Board this had been agreed at £1.728m, and therefore if the trustees were to agree the budget they would need to notify the council of the additional support above that which the council had already agreed.

In respect of concerns expressed in terms of the future of the ice rink Mr Loudfoot outlined the current risk of failure of the ice rink plant due to its age and an associated risk of significant impact upon the budgeted gift aid from APTL if the ice rink was unavailable for any length of time. The Board were informed that officers of APTL and the Charity were examining the options and preparing contingency plans. Mr Loudfoot also advised that a feasibility study/business case for the replacement of the aged plant in the ice rink should be considered as the risk of failure of the ice rink plant would have a significant impact upon the out-turn due to lost income and that replacement of the plant would require in excess of £1.1m capital. It should also be noted that there was no indication at this point that the council would be willing to fund the works.

With reference to comments from the Board as to how the budget had been compiled Mr Loudfoot referred to the budget estimate attached at Appendix 1 of the report, and that the budget had been drawn up with full consideration of the current economic climate as well as the need to undertake various works to the building to prevent any further deterioration of the fabric and ensure the target gift aid payment from APTL could be delivered. In respect of considering the budget and as part of the budget process, the Board were required to consider the setting of the Licence fee to APTL, which could be reviewed if required, though

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Mr Loudfoot advised that given the current economic climate a rise would not be advisable. The Board was being recommended to delegate authority to the General Manager to review and set the licence fee.

In seeking clarification as to why the Board were being asked to agree to the delegation, given the recent history of the licence arrangements Mr Mitchison – LB Haringey Legal adviser commented on the fact that 4 Board members were Directors of APTL and this therefore precluded them from considering matters directly relating to APTL therefore it was appropriate operationally to have authority delegated to the General Manager. In response to further points of clarification the Trust Solicitor – Mr Harris advised that the fee level was based in previous years on the professional opinion of valuers and adopted as an agreed fee based on that professional advice. The fee had been based on figures obtained in 1999, and increased once to allow for the usual rises etc but he was unsure as to whether a professional valuation had been sought since that date.

Mr Loudfoot explained that the trading company covenanted all its profits to the charity so that all things being equal, any change in the level of the fee would be reflected in the covenant.

In response to points of clarification in terms of budget planning for a 3 year period. Mr Loudfoot explained that until the trustees had determined a future strategy it was not possible to have prepared a three year plan as had originally been suggested. This plan was aligned with the timescales of the current APTL plan which was also for 1 year.

In response to questions relating to the budget provision for the future development Mr Loudfoot commented that in respect of the future of the asset, that if the development route were to be continued then additional funding would need to be provided, though this would be dependent upon the outcome of the trustees' deliberations which were currently ongoing. The budget currently only allowed for £30k for this, and the figure could only be considered sufficient for initial feasibility, and therefore any further work to be undertaken, e.g. a substantive marketing and consultation exercise, would require additional funding to be identified.

In terms of comments from Board Members in respect of any likely claim from the Firoka Group the Chair commented that at this stage no such claim had been received and that therefore it was speculation as to what if any that figure might be.

In highlighting the trust's income being derived from income from community events in the park, and concession income, including the licence fee from APTL, Lease income, Service charges for leased buildings, and the APTL gift aid payment (estimated at £600k), Mr Loudfoot advised that prime costs expenditure was limited to staffing costs for the management/governance of the charity; planned maintenance to the main building and security provision for both the building and the park. The total prime costs was £1.5m of which £918k was allocated for security and engineering maintenance contracts.

Mr Loudfoot advised that in terms of fixed and variable overheads, the fixed overheads total of £401k had within it NNDR for the Palace, general insurances

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including public liability, audit fees, legal costs and central administrative charges which cover the committee secretariat for the servicing of five meetings each administrative cycle, postage and the use of the service by associated bodies. The variable overheads amounting to £1.02m reflected ongoing repairs to the building and equipment. Specific repairs and maintenance planned for the year total £376k. Mr Loudfoot also highlighted professional fees of £97k which covered on-going legal advice, consultant support and marketing as well as the financial and HR support provided by the trading company. The £142k of expenditure on park maintenance and cleaning had been included in order to maintain the benefits achieved via the HLF Project which was now completed, and resulted in the award of a Green Flag.

Mr Loudfoot further stated that the Charity's revenue budget included depreciation on existing assets of £101k and on new capital purchases of £56k for the year, being based on capital purchases of £300k during the course of the financial year. This budget had been set in consultation with the trading company and consisted of capital purchases which were essential to the delivery of the target gift aid payment for 2009/10. Mr Loudfoot referred to the most urgent needs – being the replacement of flooring for west hall; the industrial dishwasher; cleaning machines and equipment for halls; the expansion of IT capability to include events diary and remote access; Serveries and catering equipment refresh programme; A/V and wireless IT facilities in meeting rooms.

Mr Loudfoot advised that it would be necessary to formally seek approval from the local authority in respect of the capital budget, and officers from the LB Haringey had suggested this be supported by specific business case submission to the council. The Board should note that APTL's business plan upon which the covenant is based assumes the capital funding be provided and the covenant will be negatively affected without this expenditure.

In response to a request for further information relating to central administration costs and charges Mr Loudfoot undertook to write to all Board Members with a breakdown of such costs.

The Chair in drawing the discussions to a close thanked the Board for its contributions.

On a **MOTION** by the Chair it was:

**RESOLVED**

- i. That in respect of the Budget for 2009/2010 approval be given to the levels of expenditure as detailed in Appendix 1 attached to the report;
- ii. That authority be delegated to the General Manager Alexandra Palace to set the Alexandra Palace Trading Limited (APTL) licence fee for 2009/2010 subject to such professional advice as may be necessary.
- iii. That the London Borough of Haringey be formally requested to agree to provide the sum of £2.0m out of its corporate resources,

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	<p>required to balance the revenue budget for 2009/10;</p> <p>iv. That the London Borough of Haringey be formally requested to provide £300k of capital funding for 2009/2010; and</p> <p>v. That the London Borough of Haringey be advised that once the Alexandra Palace and Park Board has formally decided upon its future direction in terms of a development project for the future of the asset, that should there be a requirement of additional revenue funding support in the 2009/2010 financial and beyond, then such funding will be formally sought from the LB Haringey for this purpose.</p>
<p><b>APBO79.</b></p>	<p><b>CHARITY INDEMNIFICATION OF LONDON BOROUGH OF HARINGEY</b></p> <p>The General Manager – Alexandra Palace – Mr Loudfoot advised the Board that report before it examined the position in relation to monies expended by the London Borough of Haringey out of its corporate assets on behalf of the Charity and shown in the Charity's accounts as liabilities due to the Council but which have been written out of the Council's accounts. It also examined the position as regards the Council continuing to fund the Charity's ongoing annual deficits. It invites the Trustees' guidance as to the approach they wish to be taken toward the Council.</p> <p>In terms of the background to the matter Mr Loudfoot gave a brief history since the Trusteeship of Alexandra Palace was transferred to the London Borough of Haringey (LBH) on the 1<sup>st</sup> January 1980. Following the Palace being devastated by a fire in the summer of 1980 and in the following rebuilding of the palace, costs overran and Charity funds were exhausted in 1987/88. The Council expended its corporate funds on providing capital for the refurbishment and also revenue support to meet the continuing annual revenue deficits of the trust.</p> <p>Mr Loudfoot further advised that during the early 1980's the LB Haringey (LBH) tried to persuade the Attorney General that it had behaved reasonably and properly both as regards meeting capital expenditure and funding the annual ongoing revenue deficits. The position was eventually agreed that certain sums could be recovered from the assets of the Charity if and when its financial future was secured and parts of the historic and ongoing annual revenue deficits could similarly be recovered. The definitive position was set out in correspondence between LBH and the Attorney General in the period May 1996 to September 1996 and the public interest report of the District Auditor dated 1 September 1999. This was at a time when the Trustees proposed to grant a long lease from the capital proceeds of which they would repay monies to LBH. The LBH Council met on 30<sup>th</sup> May 1996 and agreed that <i>"without admitting that any part of the accumulated deficits were other than reasonably and properly incurred on behalf of the Charity, advise the AP&amp;P board that the Council will not pursue its claim for indemnification beyond the revenue deficits plus interest 1987/88 onwards"</i>. This effectively resolved the issue of the capital debt. The Council also decided that <i>"the Council agreed in principle to continue to funding, subject to its right to full indemnification, for annual deficits on APP&amp;P until the Palace becomes the responsibility of the preferred developer. In addition such funding is subject to the</i></p>

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*Councils satisfaction as to the progress made on the development proposals.”*

Mr Loudfoot further reported that by September 1996 the agreed position between the Council and the Attorney General was that the Council would write off the capital debt as it was not recoverable from the Charity but would still seek recovery of the revenue debt for the operation of the Charity. The entitlement of the Council to seek recovery was subject to the future of the Charity being secured and it being in a position to make payment.

In advising that these matters were reported to the Board in the report of the trust solicitor in November 1996 (detailing the outlined and referenced background correspondence,) Mr Loudfoot advised that as the Board were aware the Charity produced a budget estimate each year for consideration and approval by the Board, all such budgets produced from the financial year 1991/92 and onwards had shown a deficit budget requirement. The accounts of the Charity had been independently audited, in accordance with the provision of the Charities Act 1993 and regulations thereunder, since 1997/98 financial year. The accounts from 1994/95 onwards showed a debt due by way of a provision for the years 1990-1991 and an indemnification to LBH in respect of 1991 onwards. This was in line with the advice from the correspondence with the treasury solicitor, and broken down as follows:-

- (a) provision for 1988/99-1990/91 £3,396,000.

This figure was comprised of £755,000 provided by LBH to the Charity and accumulated interest of £2,641,000

This was in respect of the operational deficits from 1988-1991 and was still in dispute.

The trust annual report indicated at note 18 on page 29 of the agreed Accounts for 2007/8 that the Council “may be entitled to this”.

- (b) provision for 1991/2-1994/5 £14,886,000

This figure was comprised of £5,005,000 provided by LBH for operational deficit and accumulated interest of £9,881,000

- (c) Indemnification for 1995/6 - 2007/8 £19,082,000

This figure was comprised of £14,228,000 provided by LBH for operational deficits and accumulated interest (up to 31/3/2005) of £4,854,000.

The Treasury Solicitor had agreed in correspondence that in respect of the indemnifications at b & c above that “the Council is entitled to this”

Mr Loudfoot further reported that from 2005/6 onwards the Council ceased to charge interest on this balance as it had been written out of the Council’s

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accounts. At the Trustees meeting on 6 January 2009 the Trustees requested that a paper be submitted on the subject of the 'debt' and setting out the Trustees' options. The current position in the statutory accounts was that the provision was shown as a liability to the Council.

In the 2007/8 accounts, the total liability was £37,363,918. It was clear that the treatment of this item had been agreed by the Attorney General, district auditor and the Charity's auditors. It was equally clear that unless the Council formally discharged the debt the Trustees must continue to show this as a liability in their accounts.

Mr Loudfoot further advised that during discussions on 6 January 2009, in answer to questions relating to the 2007/8 accounts, he had stated that his understanding of the position of the Council was that "*it wrote the amount out of its books in 2005/6 and it no longer appears on its balance sheet, however, the Council has not formally discharged the debt and whilst there are no particular conditions surrounding any potential repayment, at present it would only be if circumstances allowed*".

In conclusion Mr Loudfoot advised that the options for the Trustees were that they may continue to accept the current treatment as this had been substantiated as correct or if they wished, to formally request that the Council release the Charity from any liability to indemnify the Council. It would be a matter for the Council, upon receipt of any request from the Trustees for release, to make its decision. Mr Loudfoot further concluded that the Trustees should note that if the Council were to agree to this discharge, it would need a further agreement to discharge any further annual deficit balance otherwise the trust would again begin to have a mounting deficit showing on the balance sheet.

The Board then had a wide ranging discussion in respect of the issues raised by the General Manager, and received responses to points of clarification from the General Manager, and Trust Solicitor. Arising from the discussions the main points were:

- That the outlined position in terms of the provision for 1988/99-1990/91 £3,396,000, and provision for 1991/2-1994/5 £14,886,000, Indemnification for 1995/6 - 2007/8 £19,082,000 was clear in terms of the course of action open to the Board in terms of asking the Council in terms of discharge;
- Particular concerns as to whether, given the fact that the position as regards to three periods was clear, the options for the Trustees were that they may continue to accept the current treatment as this had been substantiated as correct, as opposed to seeking the agreement of the Council in terms of discharge;
- That the debt issue had historically been referred to as 'so called debt issue' and therefore should be referred to as such as opposed to 'claim'
- Whether there was any merit in seeking the agreement of the LB Haringey to annually discharge any future accumulation of debt from the operating deficits of the Charity

The Chair sought an adjournment at 20.54hrs which was agreed nemine contradicente.

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	<p>The Board adjourned at 20.54hrs and reconvened at 20.58hrs.</p> <p>On a MOTION by the Chair there being 4 for (Councillors Egan, Hare, Peacock, and Williams) and 1 against (Councillor Stanton) it was:</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"><li>i. That in respect of discharging the trust from the debt relating to the periods 1988 – to 2007/08 that LB Haringey be requested, having already written the debt out of its books in 2005/06 though it was entitled to indemnification, to release the Charity from the indemnifications;</li><li>ii. That it <b>be not agreed</b> to request the LB Haringey to discharge annually any future accumulation of debt from the operating deficits of the Charity.</li></ul> <p>There being no further business to discuss the meeting ended at 21:00hrs.</p>
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COUNCILLOR PAT EGAN  
Chair

**UNRESTRICTED MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD  
THURSDAY, 16 APRIL 2009**

Councillors Egan (Chair), Dogus (Vice-Chair), Hare, Oakes, Peacock, Williams and Stanton

Non-Voting Representatives: Ms V. Paley, Mr M. Tarpey and Mr N. Willmott

Observer: Mr D. Liebeck

Also present:

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>
<b>APBO80.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for lateness were received on behalf of Cllr Dogus. There were no apologies for absence.</p> <p><b>NOTED</b></p>
<b>APBO81.</b>	<p><b>URGENT BUSINESS</b></p> <p>It being a special meeting of the Board, there were no new items of urgent business.</p>
<b>APBO82.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>There were no declarations of interest.</p> <p><b>NOTED</b></p>
<b>APBO83.</b>	<p><b>FURTHER INDEPENDENT REVIEW OF A LICENCE TO OPERATE GRANTED TO FIROKA AND THE LOSSES CAUSED TO THE CHARITY</b></p> <p>Julie Parker, Haringey Council's Director of Corporate Resources, introduced the report on the further independent review by Martin Walklate, which had been commissioned by the Trustees following the meeting of the Board on 28 September 2008, at which the first independent review had been received. The Board was advised that some of the information contained within the report was in the exempt part of the agenda, and would be discussed when the meeting moved into exempt session.</p> <p>Ms Parker advised that the first recommendation of the report was that the Board accept the findings of the further investigation, summarised in the report. Mr Walklate had concluded that there was little opportunity for the recovery of any losses, approximated to be £1.5m, and that the benefits would be exceeded by legal costs. Mr Walklate had also concluded that the Trust should now focus on developing good governance structures and moving forward.</p>

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Cllr Dogus commented that the lack of paperwork identified in the review was of great concern, and that it was essential that this be addressed in the development of tightened governance structures. It was hoped that from this point on there would be an appropriate flow of information.

In response to a question from the Board, Ms Parker reported that Council officers were not aware of the existence of the licence until late October or early November 2007, and that by the end of November a copy of the licence had been made available to officers. Iain Harris, Trust Solicitor confirmed that he too had not been aware of the terms of the licence until that time.

In response to questions from Cllr Stanton regarding the proposed governance framework going forward, Ms Parker reported that an action plan based on the findings of the first review had been agreed at the meeting of the Board in September and that the Board was receiving regular progress reports against the action plan. The Council's Internal Audit service was also monitoring progress. It was reported that an away day to consider the draft code of governance was being planned for Summer 09. It was agreed that copies of the action plan, minutes of the previous two away days and other relevant documentation would be forwarded to Cllr Stanton.

Cllr Hare raised the question of why Mr Walklate's questionnaire had not been sent to any Liberal Democrat Members. Ms Parker responded that the former Chair of the Board had indicated that he had discussed the issue with Labour colleagues, and it was on this basis that the enquiries had focussed on Labour Members. Cllr Hare expressed concern that he had not had an opportunity to contribute to the investigation, as he had a large volume of correspondence between himself and the former Chair of the Board regarding the financial implications of the licence, which may have proved valuable to the investigation, particularly in respect of looking at the Council's role in monitoring the governance arrangements at the Palace. In response to a question from the Chair as to whether other Trustees had been copied into the correspondence referred to, Cllr Hare reported that different Members had been copied into different correspondence as appropriate at the time. Cllr Williams noted that the issues raised in the correspondence had also been raised at meetings, and so all Trustees were aware of the issues. It was suggested that Cllr Hare forward the correspondence in his possession to Mr Walklate for consideration.

Ms Parker reported that Mr Walklate was unavailable until mid-May but that, if Trustees wished to pursue the issue of the correspondence held by Cllr Hare after this time, Mr Walklate could be asked if he would be willing to consider any further information.

Cllr Williams expressed concern that only half the information had been investigated by not interviewing Liberal Democrat members of the Board, and that he was not confident that the further review adequately addressed all the issues. Cllr Williams suggested that an additional, third review might be necessary. Ms Parker responded that the terms of reference of the review focussed on the conduct of Mr Holder, and that Mr Walklate would have determined the actions necessary in order to address the terms of reference during the course of his investigation. Cllr Williams suggested that further investigation was needed of the

**UNRESTRICTED MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD  
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systems and arrangements that enabled issues to go unaddressed at the time. Ms Parker responded that the governance framework and monitoring mechanisms would be key in addressing these issues in future.

The Board agreed that the issue of reports being tabled was of great concern to all Trustees, and welcomed the fact that this was addressed in the new governance arrangements. Cllr Hare stated that overall responsibility for governance issues lay with the Chief Executive, and expressed concern that the Chief Executive's role in monitoring the governance arrangements of the Trust had not been covered in the further review.

Cllr Williams asked whether Mr Walklate should have been present at the meeting to speak to his report, in response to which Ms Parker reported that it had not been in the terms of reference of the work that Mr Walklate would present the report to the Board in person, and that Mr Walklate was unavailable on the date of the meeting. In response to the length of time taken to produce the report, Ms Parker reported that no timescale had been established when the report was commissioned, and that the interviewing and sequence of research had taken a substantial amount of time. The Trust Solicitor advised that one of the concerns raised regarding the first review was that there had been no draft report. To meet that concern, a draft had been produced for the further review, and that this had extended the time taken.

Cllr Williams expressed concern that the terms of reference of the further review did not cover the period after the granting of the licence, and that it was important that this period also be investigated, particularly as it was during this period that significant losses were incurred. Ms Parker responded that this had been covered in the terms of reference and that the period following the issuing of the licence had been investigated as part of the review.

In response to concerns raised by Mr Liebeck that the further review did not cover the key period around the drafting and signing of the licence, Mr Harris reported that this had been covered in the first review. Mr Harris confirmed that the licence had been drafted by Mr Holder on a template basis, with no legal advice. Mr Liebeck asked how money was transferred to Firoka once the licence had been entered into, and who would have been aware of these arrangements. Ms Parker responded that the salaries of staff were being paid for by the trading company, and that Firoka was taking the income from events and the ice rink, and incurring the operational costs. As a result, Firoka was receiving income directly from the customers, and no money was being transferred from the company to Firoka. Ms Parker reported that contracts with clients had been novated, with the involvement of the Head of Finance.

Mr Tarpey emphasised the importance of good governance, and of Trustees acting only in the best interests of the Trust, independent of any political allegiance, as he felt that this had been the cause of difficulties in the past. Ms Paley felt that consistency of Board membership was essential, as it was important for all Trustees to have a good knowledge of the background information, and suggested that Trustees should be willing to commit to serve for a number of years. This view was endorsed by Cllr Hare. Cllr Stanton suggested, however, that the reality of the Councillors requiring election meant that this

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	<p>would be not be practical.</p> <p>The Chair emphasised the essential importance of good governance, and of all Trustees acting together for the future of the Palace. Cllr Dogus agreed that focussing on governance structures and ensuring that all relevant information was passed on to new Trustees were the best ways of addressing the issues, and that good progress was being made with the governance development.</p> <p>In response, Cllr Williams stated that governance structures had been in place at the time the licence was entered into, but that these had been disregarded, and that organisational culture was the fundamental issue, rather than governance. Cllr Dogus responded that the first review had demonstrated that the governance structures in place at the time had been very weak in themselves and that strengthening of the arrangements had been necessary.</p> <p>Regarding the issue of organisational culture, Cllr Stanton noted that in addition to the whistleblowing policy, other courses of action should be available to officers being asked to do something they disagree with, such as asking that the request be put in writing, so that they have a record of it. Cllr Williams noted that senior officers should have the capability to deal with such situations, and that appropriate training should be identified if this were not the case. Ms Parker reported that recruitment and training processes were in place to ensure that staff were equipped to deal with such situations.</p> <p>Concern was expressed that the recommendation to “accept” the “recommendations” of the review might suggested that the Trustees agreed fully with Mr Walklate’s view, and it was suggested that the wording of the recommendation be amended to reflect that the Board was receiving the report. On a motion by the Chair it was:</p> <p><b>RESOLVED</b></p> <p>That the Board of Trustees note the findings of the second independent review.</p>
<b>APBO84.</b>	<p><b>EXCLUSION OF THE PUBLIC AND PRESS</b></p> <p><b>RESOLVED</b></p> <p>That the press and public be excluded the from the meeting for consideration of Items 6 and 7 as they contain exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); namely information relating to any individual, information which is likely to reveal the identity of an individual and information relating to the business or financial affairs of any particular person (including the authority holding that information).</p>
<b>APBO85.</b>	<p><b>FURTHER INDEPENDENT REVIEW OF A LICENCE TO OPERATE GRANTED TO FIROKA AND THE LOSSES CAUSED TO THE CHARITY</b></p> <p>It was agreed that items 6 and 7 would be discussed concurrently, under the following item.</p>

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<b>APBO86.</b>	<p><b>FURTHER INDEPENDENT REVIEW OF A LICENCE TO OPERATE GRANTED TO FIROKA AND THE LOSSES CAUSED TO THE CHARITY</b></p> <p>The Board discussed the exempt information relating to the report of the Director of Corporate Resources and Chief Financial Officer on the further independent review of a licence to operate granted to Firoka and the losses caused to the Charity, and the report of the Trust Solicitor.</p> <p>The Board considered the legal advice provided, and amendments to the wording of the second recommendation in the report were agreed by the Board. On a motion by the Chair, it was:</p> <p><b>RESOLVED</b></p> <p>That the Board, having considered the report of the Trust Solicitor in the exempt part of the agenda, agreed to take no further action to recover losses, estimated to have been suffered by the charity, from Keith Holder.</p>
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COUNCILLOR PAT EGAN

Chair

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**UNRESTRICTED MINUTES OF THE ALEXANDRA PALACE AND PARK PANEL  
TUESDAY, 3 MARCH 2009**

Councillors Egan (Chair), Peacock and Hare

Apologies Councillor Williams and Dogus

Also Present: Mr D Loudfoot – General Manager Alexandra Palace  
Mr C. Hart – Committees Manager – LB Haringey

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>APSC31.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence were received on behalf of Councillors Dogus, and Williams.</p> <p><b>NOTED</b></p>	
<b>APSC32.</b>	<p><b>URGENT BUSINESS</b></p> <p>The Clerk to the Panel advised that there were no additional reports in relation to Item 5 on the agenda. The General Manager would give reasons for urgency and lateness when introducing Item 5.</p> <p><b>NOTED</b></p>	
<b>APSC33.</b>	<p><b>DECLARATIONS OF INTERESTS</b></p> <p>There were no declarations of Interests.</p> <p><b>NOTED</b></p>	
<b>APSC34.</b>	<p><b>EXCLUSION OF THE PUBLIC AND PRESS</b></p> <p><b>RESOLVED</b></p> <p>That the press and public be excluded the from the meeting for consideration of Item 5 as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); namely information relating to the business or financial affairs of any particular person (including the authority holding that information).</p>	
<b>APSC35.</b>	<p><b>TENDER OF SECURITY FUNCTION OF THE PARK</b></p> <p>AGREED RECOMMENDATIONS AS DETAILED IN THE REPORT</p>	

**MINUTES OF THE ALEXANDRA PALACE AND PARK PANEL  
TUESDAY, 3 MARCH 2009**

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The meeting ended at 09.27hrs.

COUNCILLOR PAT EGAN

Chair

**MINUTES OF THE ALEXANDRA PALACE AND PARK PANEL  
WEDNESDAY, 29 APRIL 2009**

Present:

Councillors Egan (Chair), Peacock and Hare

Apologies Councillor Williams and Dogus

Also Present: David Loudfoot (Alexandra Palace and Park General Manager), Mark Evison (Alexandra Park Manager), James Goldberg (Head of Catering), Natalie Cole (Committee Co-ordinator)

MINUTE NO.	SUBJECT/DECISION	ACTION BY
<b>APSC01.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence were received from Cllrs. Dogus and Williams. An apology for lateness was received from Cllr. Hare.</p>	
<b>APSC02.</b>	<p><b>URGENT BUSINESS</b></p> <p>There were no additional reports in relation to Items 4 and 6 on the agenda.</p>	
<b>APSC03.</b>	<p><b>DECLARATIONS OF INTERESTS</b></p> <p>There were no declarations of interest.</p>	
<b>APSC04.</b>	<p><b>PROPOSED LEASING OF THE 'WORKSHOP' BUILDING IN THE GROVE, ALEXANDRA PARK</b></p> <p>RECEIVED the report of Mark Evison, Alexandra Park Manager.</p> <p>In a brief introduction to the report of the Park Manager, Mr. Evison provided Panel Members with further details of the five tenders and the scoring procedure. He explained that some tenders requested the lease to be rent free for a period of time, in order that they could carry out the necessary refurbishment of the building.</p> <p>In response to questioning from the Chair, Mr. Evison explained that responsibility for maintenance and repairs within the boundary fence of the Workshop building would be included in the lease.</p> <p>In response to a question from Councillor Peacock, Mr. Evison stated that delivery access would be permitted via the path to the Workshop building but the lease would not allow any other vehicular access or parking in the area.</p> <p>Councillor Hare suggested the lease should include that any signage advertising the new business would need to be consistent with advertising in the Palace and Park and must be approved by the relevant department. Councillor Peacock suggested that the new business be advertised on existing Palace and Park signage at a cost to the</p>	

**MINUTES OF THE ALEXANDRA PALACE AND PARK PANEL  
WEDNESDAY, 29 APRIL 2009**

leaseholder. David Loudfoot (General Manager, Alexandra Park and Palace Charitable Trust) explained that this would be part of the lease and that advertising for any other business would not be permitted.

Mr. Evison advised the Panel further that:

- The lease would include that all relevant licenses, permissions and checks must be obtained and maintained by the leaseholder.
- The lease would contain usage and opening hours clauses (subject to the approval of the Trustees) specifically for children and café facilities, although the leaseholder would have the right to approach the Board for a change of use (which must be within the Alexandra Park and Palace Act 1985).
- In response to concerns raised by Councillor Hare, maintenance of the trees surrounding the Workshop would be excluded from the lease. Trees would continue to be maintained by the Palace and Park.
- In response to questions from Councillor Peacock, Mr. Loudfoot explained that whilst any extension of the Workshop building's footprint would require planning permission this was something that officers would allow if it met the Trust's objectives and the appropriate permission was obtained.

In response to Councillor Hare's concerns about how the business would run alongside the Grove Kiosk, Mr. Loudfoot explained that the successful tenderer would not be permitted to sell refreshments to be taken off the premises. This would ensure that the current business at the Grove Kiosk would not be lost.

In response to Councillor Peacock asking whether the business would have the opportunity to extend Mr. Loudfoot stated that the tenderer's long term vision included having outdoor equipment, which would have to be consistent with the Park's equipment and approved by the Panel.

In response to concerns raised by the Chair, Mr. Evison confirmed that adult entry to the business would only be permitted when accompanying a child.

Mr. Loudfoot drew the Panel's attention to page 7 which stated that the Chief Finance Officer, London Borough Haringey, supported the recommendations.

At this juncture in the proceedings the Panel resolved to exclude the public and press. Following the consideration of exempt matters it was:

**RESOLVED:**

- i. That the tender results matrix shown in paragraph 8.2 of the report be noted.

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	<ul style="list-style-type: none"> <li>ii. That the report of Strutt and Parker shown at Appendix 4 (exempt) be noted and the leasing of the building to Tenderer 3 detailed in the exempt paragraph of the report be agreed.</li> <li>iii. That power be delegated to the London Borough of Haringey officers and legal advisors to conclude negotiations and finalise lease terms.</li> <li>iv. That the requirement for the tenant to obtain Planning Permission prior to sealing of the lease be noted.</li> <li>v. That the London Borough of Haringey's Corporate Services (Borough Solicitor / Head of Legal Services) be authorised to seal the finalised lease on behalf of the Board of Trustees.</li> <li>vi. That a progress report from officers be reported at the next regular meeting of the Alexandra Palace and Park Board.</li> <li>vii. That in the event of the tender not taking up the lease as agreed in (ii) above, officers be requested to report this to the Alexandra Palace and Park Board.</li> </ul>	
<b>APSC05.</b>	<p><b>EXCLUSION OF THE PUBLIC AND PRESS</b></p> <p><b>RESOLVED</b></p> <p>That the press and public be excluded the from the meeting for consideration of Item 6 as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); namely information relating to the business or financial affairs of any particular person (including the authority holding that information).</p>	
<b>APSC06.</b>	<p><b>PROPOSED LEASING OF THE 'WORKSHOP' BUILDING IN THE GROVE, ALEXANDRA PARK</b></p> <p><b>RESOLVED to agree the recommendations as detailed in the report.</b></p>	

COUNCILLOR PATRICK EGAN

Chair

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**UNRESTRICTED MINUTES OF THE ALEXANDRA PALACE AND PARK CONSULTATIVE COMMITTEE - TUESDAY, 17 FEBRUARY 2009**

**In attendance;**

Councillors: \*Egan, \*Dogus, \*Hare, Oakes \*Peacock, \*Stanton and \*Williams

**Nominated Members:**

Alexandra Palace Allotments Association	*	Mr S. Ballard
Alexandra Palace Amateur Ice Skating Club	*	Mr M. Tarpey
Alexandra Palace Angling Association		Mr K. Pestell
Alexandra Palace Organ Appeal		Mr J. Apperley
Alexandra Palace Television Society		Mr S. Vaughan
Alexandra Palace Television Group		Mr J. Thompson
Alexandra Residents' Association		Ms C. Hayter (Ms Hutchinson deputising)
Bounds Green and District Residents' Association	*	Mr K. Ranson
Friends of Alexandra Park		Mr G. Hutchinson
Friends of the Alexandra Palace Theatre	*	Mr N. Willmott
Hornsey Historical Society	*	Mr J. O'Callaghan
Muswell Hill and Fortis Green Association	*	Ms D Feeney
Muswell Hill Metro Group	*	Mr J. Boshier
New River Action Group	*	Mr F.W.Clark
Palace View Residents' Association	*	Ms V. Paley (Mr Williams deputising)
Union of Construction, Allied Trades and Technicians		Mr J. McCue
Warner Estate Residents' Association	*	Prof. R. Hudson

\*Members present.

**Also In Attendance:**

David Loudfoot - General Manager, Alexandra Palace  
 Rebecca Kane – Managing Director, Alexandra Palace trading Limited (APTL)  
 Mark Evison – Park Manager, Alexandra Palace  
 Clifford Hart – Clerk to the Committee – Committees Manager – LB Haringey

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>APCC54.</b>	<b>APOLOGIES FOR ABSENCE</b>	
	Apologies for absence were received on behalf of Kevin Pestell, John Apperley, Gordan Hutchinson, Caroline Hayter (for whom Ms J Hutchinson was substituting) and Val Paley (for whom Me H Williams was substituting), and also from Paul Brayebrooke - APTL.	

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	<p><b>NOTED</b></p>
<b>APCC55.</b>	<p><b>URGENT BUSINESS</b></p> <p>The Chair sought clarification as to whether there were any items of urgent business.</p> <p>The Clerk to the Consultative Committee advised that he had been notified of an item of business raised by Mr Willmott on behalf of the Friends of the Theatre relating to a question to the Board regarding the Board's policy towards the AP Theatre and as a request to the board to discuss and outline its policy.</p> <p>The Chair agreed to take the item under urgent business.</p> <p><b>NOTED</b></p>
<b>APCC56.</b>	<p><b>DECLARATIONS OF INTERESTS</b></p> <p>There were no declarations of interests.</p> <p><b>NOTED</b></p>
<b>APCC57.</b>	<p><b>MINUTES</b></p> <p>i. Minutes of the Alexandra Palace and Park Consultative Committee – 14 October 2008</p> <p>The Committee briefly discussed the circulated minutes and queried the figure quoted in page 8 – penultimate paragraph of £750K for the overall running costs per annum for maintaining the Palace. Following clarification from the General manager of the inaccuracy of the figure the Chair asked that the minutes be corrected, and that the correct version be circulated to the Committee, and posted on the web. The Committee also queried the name quoted in page 10 – ‘Mark Thomas’ and that this should read ‘Mark Thompson’.</p> <p>There being no further comments it was;</p> <p><b>RESOLVED</b></p> <p>That the minutes of the Alexandra Palace and Park Consultative Committee held on 14 October 2008 be agreed subject to the amendment at page 7 of the minutes and amendment at page 10, and that the amended minutes be circulated to the Committee for information, and placed on the web.</p> <p>ii. Minutes of the Alexandra Palace and Park Board – 21 October, &amp; 5 November 2008, and 6 January 2009</p> <p><b>RESOLVED</b></p>

**MINUTES OF THE ALEXANDRA PALACE AND PARK CONSULTATIVE COMMITTEE.  
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That the minutes of the Alexandra Palace and Park Board held on 21 October, and 5 November 2008 (special) , and 6 January 2009 (special) be noted.

Following a brief clarification and discussion in relation to the issue of raising issues contained within the minutes as circulated when there was no opportunity to question items discussed under matters arising.

The Clerk advised that if Members had any matters they wished to raise then they could do so at this point. The Clerk also advised that if there were any issues the Committee wished to put to the Board then this could be done via a resolution agreed upon by the Committee, or also channelled through the three Consultative Committee members who sat on the Board.

Mr O'Callaghan commented that he wished to raise an issue in relation to the operation and performance and activities etc at the Palace, together with the deliberations of the Board, as partly reflected during the discussion at the Board on 6 January 2009 in relation to the Accounts, and sought clarification as to whether the accounts had been unanimously agreed and signed off.

The Chair, in response advised that he would take the item under any other business.

**NOTED**

- iii. Minutes of the Alexandra Park and Palace Advisory Committee – 7 October 2008, and 10 February 2009

The Clerk advised that the minutes of the meeting held on 10 February 2009 were not available.

**RESOLVED**

That the Minutes of the Alexandra Park and Palace Advisory Committee held on 7 October 2008 be noted.

**APCC58. PARK ACTIVITIES UPDATE**

The Chair asked for a brief introduction of the report.

In a succinct introduction to the circulated report Mr Evison gave a brief update of recent activities carried out in Alexandra Park and answered points of clarification.

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TUESDAY, 17 FEBRUARY 2009**

The Committee then raised the following points of concern;

- The difficulties with the Thames Water work at the Bedford road end of the lower road and the resultant difficulties with traffic movement etc and the expected completion of the works the following day;
- issues relating to pathway surfaces and the preference to gravel as opposed to the use of tarmac (being visually un-natural in landscaping terms);
- the problem with drainage in the general vicinity of the upper part of the Lower Road with running off of water , and issues of drainage blocking and urban flooding in the vicinity of the Park, and also across the Borough, and in London as a whole;
- the issue of restricting speed of vehicles across the Park given the number of vehicles exceeding speed limits, including buses , and the need for some clear indication of the Park entrances now that the gantries no longer were at each end, and the need for signage at both ends of the Park stating 'you are entering/leaving the Park' to celebrate the fact that a Park was what was being driven through, as well as clear speed restrictions of 20 mph;
- the usage of the road as a cut through, and its status as a private or public road and the consequential maintenance/upkeep costs and whether such cost should be met solely by the Trust, or with a contribution by the Mayor of London/TfL;
- the proposed expansion of deer enclosure which would require planning permission, and the issue of the increase in 'Lime Disease' which can be contracted from Deer and the need to ensure regular checks by vets to ensure prevention;
- the absence of byelaws on the notices boards around the Park and whether these could be placed on notice boards;
- Discussions in relation to pros and cons of the proposals by Warner Estate Residents Association in respect of a proposal for a all-weather path to replace the present informal, and very muddy, desire line from the top of Park Avenue North across the Redston Road playing fields and the old race-course to join the Lower Road at the eastern end of the car park, and the Committee's discussion in relation to 'desire lines' for the path across the particular area, and the Committee's endorsement ( on a vote of 7 for, and 6 against) of this proposal for recommending to the Board, noting that the proposal will be considered by the Alexandra Palace and Park Board on 24 February 2009, and endorsed by the Alexandra Park and Palace Advisory Committee on 10 February 2009;

There being no further discussion it was:

**RESOLVED**

- i. that the report and discussions be noted;
- ii. that the Park Manager be asked to investigate the possibility of for signage at both ends of the Park stating 'you are entering/leaving the Park' to celebrate the fact that a Park was what was being driven through, as well as clear speed restrictions of 20 mph;
- iii. that the proposals by Warner Estate Residents Association in respect of a proposal for a all-weather path to replace the present informal, and

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	<p>very muddy, desire line from the top of Park Avenue North across the Redston Road playing fields and the old race-course to join the Lower Road at the eastern end of the car park, be endorsement for recommendation to the Alexandra Palace and Park Board on 24 February 2009.</p>
<p><b>APCC59.</b></p>	<p><b>FORTHCOMING EVENTS</b></p> <p>The Chair asked for a brief introduction o the report.</p> <p>The Managing Director of Alexandra Palace Trading Limited (APTL) – Ms Kane, referred to the circulated report and the events shown therein. Ms Kane confirmed that those events shown in <i>italics</i> were yet to be confirmed, and she also highlighted the 3 large events confirmed – the Bike, Dinghy, and Railway modelling exhibitions. Ms Kane commented on the knock on effects of the recession and the fact that people did not have as much readily available disposal cash therefore this would have an influence but the sales team at APTL were currently working to secure events that were yet to be confirmed.</p> <p>In commenting on the number of successes during the past year Ms Kane made particular reference to the Darts event during late December to early January 2008/09 and its high attendance, noting that the event hosted up to a max of 2500 on any one day. The other main event s were the Annual Fireworks display and also the immensely popular Knitting and Stitching event, which showed the each attracting a diverse range of attendees.</p> <p>The Committee then discussed the report and Ms Kane responded to a number of comments in relation to individual events.</p> <p>Arising from the discussions the Committee commented on the issue of publicity for free events that were available at the Palace, citing in particular the event that took place in late December in terms of the tour of the Palace, especially the part that involved the Theatre and TV studios., and how such publicity could be improved. Ms Kane confirmed that the website was currently being revamped which would go some way to improve this. In response to other comments Mr Loudfoot and Ms Kane confirmed that public events were shown on notice boards in and around the Palace and Mr Loudfoot undertook to review the matter of public information in and around the Palace and Park, in conjunction with Mr Evison.</p> <p>Further discussions also ensued in relation to the monies collected at the Fireworks event and whether this money could be put back into the up keep of the studios/theatre and other parts of the Palace.</p> <p>Mr Loudfoot undertook to report the matter to a future meeting of the Committee in respect of the income share out for such events including a breakdown of the amounts etc.</p>

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	<p><b>RESOLVED</b></p> <p>That the report be noted.</p>
<p><b>APCC60.</b></p>	<p><b>ITEMS REQUESTED BY NOMINATED REPRESENTATIVES</b></p> <p>(i)</p> <p>Professor Hudson raised the issue of the proposal for a path at Redston Fields as detailed in the circulated document by the Warner Estate Residents Association.</p> <p>In detailing the proposal as circulated, Professor Hudson commented that the matter had also been discussed by the Statutory Advisory Committee, who had endorsed the proposal for consideration by the Alexandra Palace and Park Board.</p> <p>The Committee then had a lengthy discussion in relation to the proposals, the main points being:</p> <ul style="list-style-type: none"> <li>• the direction of the proposed path across an area originally intended for a football pitch and by having such a path would prevent such usage in the future</li> <li>• the natural 'desire lines' of individuals using the area currently and where the best possible sighting would be</li> <li>• the number of people actually desiring the path to be placed in this location and whether there had been a survey carried out of residents in the near vicinity to the Redston entrance</li> <li>• whether the path could be routed around the edge of the Park up towards the Lower Road, to the existing path which would then conserve and keep the green space intact</li> <li>• the need to ensure the proliferation of tracks and 'desire' lines stops and by the introduction of such an outline edge path would prevent such proliferation</li> <li>• the need for a visual idea of the path and the likely need for a site visit</li> <li>• the need for clear professional advice in terms of the proposed path and its overall effect on the existing green space etc</li> </ul> <p>Following a summary by the Chair, on a show of hands there being 7 for and 6 against, it was:</p> <p><b>RESOLVED</b></p> <p>That the Alexandra Palace and Park Board be asked to note that the Alexandra Palace and Park Consultative Committee endorses the proposal of the Warner Estate Residents Association for an all-weather path to replace the present informal, and very muddy, desire line from the top of Park Avenue North across the Redston</p>

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	<p>Road playing field and the old race-course to join the Lower Road at the eastern end of the car park, and requests that the Board gives consideration to and approves the proposal as outlined.</p> <p>The Clerk reminded the Councillor Members that should the matter be brought to the Board then should it endorse the proposals, which would require planning permission, those Board Members sitting of the LB Haringey's Planning Committee would require to declare their interest and if were to agree the proposal at the Board, and would then have to not take part in consideration of the item at that Committee.</p>
<p><b>APCC61.</b></p>	<p><b>ANY OTHER BUSINESS</b></p> <p>i. The Chair advised of the item raised by Mr Willmott on behalf of the Friends of the Theatre relating to a question to the Board regarding the Board's policy towards the AP Theatre and as a request to the board to discuss and outline its policy. Mr Willmott thanked the Chair for allowing this item and commented on the issue of the Theatre which was one that needed to be clarified by the Board in terms of its future intention as to its future usage/renovation. In briefly outlining the history of the theatre usage and the current situation the Board now found itself in terms of moving forward with a blank canvass the Theatre group were asking through this committee that the Board states its short and long term views as to the Theatre's future. The existing facility could be improved by the introduction of some effective heating which would make the space useable for both rehearsal and small production.</p> <p>The Chair responded that the core Trustees were currently having a number of away days where it was discussing the blank canvass and he stressed that no idea of concept was being ruled either in or out. One of the issues that no doubt would be discussed was the issue of the Theatre and studios. Following on from the informal away days it was proposed to have some widened discussions in a similar vein to have an idea of what the representatives of both this, and Advisory Committee would see the future of the Palace.</p> <p>Arising from the further discussion a number of points were raised including:</p> <ul style="list-style-type: none"> <li>• the possibility of making a business case for the securing of further funding in the form of grants to improve the fabric, and heating of the theatre, and studios through national organisations such as the National Trust/English Heritage</li> <li>• the previous difficulties in attempting to have the theatre used as was intended and the spiralling costs that that detailed and the lack of existing funds to improve the theatre currently</li> <li>• the fact that the theatre in its 'heyday' since 1924 had failed to attract interest or money and whether this was still the case today</li> <li>• the concept of theatre production was welcomed particularly for certain types of Victorian melodrama/Dickensian type productions given the current state of the theatre</li> <li>• the possible usage of the theatre and studios as a place for rehearsals, show cases which in themselves were concepts not unachievable</li> </ul>

**MINUTES OF THE ALEXANDRA PALACE AND PARK CONSULTATIVE COMMITTEE.  
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The Chair then summarised and it was:

**RESOLVED**

- i. That the Alexandra Palace and Park Board be asked to note that the Alexandra Palace and Park Consultative Committee discussed the future of the Alexandra Palace theatre in the context of possible utilization of the existing facility for possible usage for workshops, theatre production and events, and that the Board be asked to consider whether there were any possible avenues open to it in order to further this request; and
- ii. That the General Manager Alexandra Palace be asked to prepare a short briefing paper outlining the past history of the theatre and a response to the Consultative Committee's request .

**ii. Issue raised by J. O'Callaghan**

Mr O'Callaghan

Mr O'Callaghan commented that he had wished to raise an issue in relation to the operation and performance and activities etc at the Palace and whether the issues of concern could be clarified. However, he advised that during discussions this evening a number of his concerns had been aired and discussed and he was much reassured as a result and would be raising any further point in this respect. However he sought clarification in relation to the recent deliberations of the Board, as partly reflected during the discussion at the Board on 6 January 2009 in relation to the Accounts, and whether the accounts had been unanimously agreed and signed off.

In response, the General Manager advised that the Accounts had been signed off by the Board and forwarded to the Charity Commission.

Councillor Williams clarified that there had been some issues in relation to the narrative of the accounts and some proposed changes put forward by 3 Board members but these had not been incorporated, and consequently the accounts had not been signed off by 3 Trustees.

**NOTED**

In response to a point of clarification by Mr Ballard relating to the review of the strategy the Chair advised that this matter formed part of issues relating to Governance and the action plan that the Board would be considering at its next meeting.

**NOTED**

**MINUTES OF THE ALEXANDRA PALACE AND PARK CONSULTATIVE COMMITTEE.  
TUESDAY, 17 FEBRUARY 2009**

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The meeting ended at 21.40hrs

COUNCILLOR PAT EGAN

Chair

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**MINUTES OF THE ALEXANDRA PARK AND PALACE STATUTORY ADVISORY URGENCY  
SUB COMMITTEE  
THURSDAY, 21 MAY 2009**

Members of the Urgency Sub-Committee

\* indicates attendance

Mr P. Wastall	:	Alexandra Residents' Association
*Mr. D. Liebeck	:	Warner Estate Residents' Association (Chair)
*Councillor S. Oatway	:	Alexandra Ward (Vice-Chair)
Councillor C. Harris	:	Noel Park Ward

Also in attendance:

Mr D Frith – The Rookfield Association  
Mr Andrew Gill – Acting General Manager – Alexandra Palace  
Mr Mark Evison – Park Manager – Alexandra Palace  
Ms Rebecca Kane – Managing Director - APTL  
Ms Natalie Cole - Clerk to the Committee – LB Haringey  
Mr Clifford Hart – Clerk to the Committee – Committee Manager – LB Haringey

MR D. LIEBECK IN THE CHAIR

**LC1. APOLOGIES**

Apologies for absence were received from Mr Paul Wastall and Ms Jane Hutchinson (Alexandra Residents Association) and Ms Monica Myers (Muswell Hill & Fortis Green Association).

It was noted that Cllr. Catherine Harris was no longer a member of the Advisory Sub-Committee but was now a member of the Alexandra Palace and Park Board.

**LC2. URGENT BUSINESS**

There was no urgent business.

**LC3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**LC4. HARINGEY HEARTLANDS - OUTLINE PLANNING APPLICATION**

The Park Manager – Alexandra Palace – Mr Evison introduced the report highlighting that the outline planning application being considered related to fixing “access” to the redevelopment of Haringey Heartlands. Mr Evison circulated extracts from the Environmental Assessment for the scheme. The section entitled Potential Effects (paragraph 11.108) stated that the impact of the construction phase on the skyline view from the

**MINUTES OF THE ALEXANDRA PARK AND PALACE STATUTORY ADVISORY URGENCY  
SUB COMMITTEE  
THURSDAY, 21 MAY 2009**

Palace “would affect the “open” character of Alexandra Palace and Park and the setting to Alexandra Palace” and would be “long-term, local and range from moderate to high adverse significance”.

The Committee undertook a wide ranging discussion in respect of the outline planning application, the main points raised and concerns expressed were as follows:

- that the Advisory Committee would not be given a further opportunity to comment on the entire scheme before it was approved by the LB Haringey’s Planning Committee, and therefore whether there was a need to discuss the scheme in its totality at this juncture;
- that, if the full application went ahead, increased accessibility from the development to the park should be considered, and concerns were expressed in relation to the current access through a rundown subway at the south end of the development site;
- that the access road detailed in the application would not necessarily connect satisfactorily with the Palace and Park;
- that a Development Control Forum was due to be held on 2<sup>nd</sup> June at the Greek Cypriot Community Centre at Earham Grove, N22. which venue was not in close proximity to the development, and a meeting closer to the site should be considered (Councillor Oatway undertook to raise this issue with LB Haringey Planning Services);
- the email from Ms Jane Hutchinson - Alexandra Residents’ Association- expressing concerns as to the overall scheme was noted, and that Ms Hutchinson be asked to submit her expressed concerns to the LB Haringey’s Planning Service;
- that the letter expressing the views of the Avenue Residents Association as circulated be noted, and that the Association be asked to ensure that its comments be forwarded to the LB Haringey’s Planning Service;
- that the email from Mr Aspden (Advisory Committee Member), noting the limited influence of the Advisory Committee given that the application was outside the ambit of the Advisory Committee under the 1985 Act, and whether the Board was obliged to give due regard to the views expressed by this Committee, be noted;
- Mr Frith – Advisory Committee Member in attendance - commented that that the development would affect the open character of the conservation area. Mr Frith also commented that clarification should be obtained in relation to the status of reserved matters, as referred to in the application, and the implication of reserved matters being included in this application for outline planning permission.

**MINUTES OF THE ALEXANDRA PARK AND PALACE STATUTORY ADVISORY URGENCY  
SUB COMMITTEE  
THURSDAY, 21 MAY 2009**

In response to points raised during discussions The Acting General Manager - Alexandra Park - Mr Gill advised that further information would be obtained prior to any formal response to the Board being submitted on the following points:

- plans for access to the Park from the development site be investigated further;
- whether any further applications on the detail and different phases of the scheme would be submitted for consultation if and in the event that outline planning permission for the development was granted;
- What consultation has occurred and/or has been planned, and would there be opportunity for the full Advisory Committee formally to comment on the full application?

The Managing Director - Alexandra Palace Trading Limited (APTL)- stated that, whilst there were potential advantages to the development scheme, there could also be negative impacts such as pressures on parking in the area. Ms Kane advised that she would need to consult the APTL Senior Management Team for their views.

There being no further comments or discussion the Chair summarised and it was:

**RESOLVED**

That the Alexandra Palace and Park Board be asked to note the main points of concern of the Advisory Committee in respect of the Heartlands Outline Planning Application, as outlined in the 8 bullet points detailed above, and, in particular, the following concerns:

- (1) This Committee endorses the widely held views of local residents, that the scale and size of the development, and, in particular, the height of the buildings, are excessive, and that there will be a significant PERMANENT (not just "long term") adverse effect on the cherished and exceptional vistas of the surrounding area from the Palace, and
- (2) The apparent lack of provision in the plans for a more satisfactory and substantial means of pedestrian access from the Heartlands site to the Palace and Park.

The meeting ended at 19:35 hrs

**MINUTES OF THE ALEXANDRA PARK AND PALACE STATUTORY ADVISORY URGENCY  
SUB COMMITTEE  
THURSDAY, 21 MAY 2009**

**Mr David Liebeck**

**Chair**

# HOWARD KENNEDY

Your ref:  
Our ref: IMH1/014086.00007  
Document: IMH1/H3800939.1

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## By Email

To Mr Mark Evison  
mark.evison@appct.org

Email: I.Harris@howardkennedy.com

3 June 2009

Dear Mark

## **Alexandra Palace SAC Urgency Sub Committee and Haringey Heartlands Planning Application**

I refer to our conversation yesterday when you asked for my advice following the meeting of the above committee on 21 May.

I have considered the report of the General Manager that was presented. The recommendations were that the committee

“considers the application and decides what advice, if any, it wishes to provide to the board of trustees regarding this planning application.”

It is clear from the report that “this planning application” is by National Grid Property Holdings Ltd and the London Development Agency for outline permission. The site is described as land between Hornsey Park Road, Mayes Road and the East Coast main line. It is owned by the applicants.

It is clear to me from the plan attached to the application that none of the land concerned is within the boundary of Alexandra Park and Palace.

At paragraph 6.7 of the report the General Manager wrote that:

“Should this Urgency sub-committee wish to provide advice to the trustees, a panel meeting of the Board would be convened to consider this.”

At the point of writing this letter I have not seen the minutes of the meeting. However for the reasons I set out below I do not consider this matter to be within the remit of the SAC and accordingly there is no question of any advice it may wish to give being put before the Board.

My reasons for so advising are as follows:

1. The powers and duties of the SAC are to promote the objects of the charity and assist the trustees in fulfilling the trusts by considering and advising on the specified matters.
2. The matters upon which the SAC are to advise are set out in paragraph 19 of Schedule 1 to the 1985 Act. These include, at sub paragraph (v), any proposals which require planning permission.

3 June 2009

3. The reference to planning permission is clearly to permission in relation to land that is within the ownership of the trustees and subject to the trusts upon which it is held.
4. Accordingly it cannot be within the remit of the SAC to consider and advise upon applications for planning permission on land outside that subject to the trusts.

My advice is that there is and can be no doubt that the remit of the SAC can only extend over the land subject to the trusts.

However should there be any doubters it is instructive to examine the Hansard debate on what became the 1985 Act.

This set out that the committee

“will advise on events and activities in the palace and park with a view to ensuring that they do not cause nuisance or annoyance, and are not of detriment to the amenities of local residents.”

In the context of a suggestion that parking permits should be introduced for parking in surrounding streets, the debate recorded the acceptance by the local MP, who initially opposed the bill, that

“However, the bill cannot deal with what happens outside the palace and park.”

I hope this is helpful but please do not hesitate to revert.

I have copied this advice to the committee clerk for him to use as he may wish.

Yours sincerely

**Iain Harris**  
**Consultant**

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