

**UNRESTRICTED MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD
TUESDAY, 21 OCTOBER 2008**

*** PRESENT**

DRAFT 'B'

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

Non-Voting *Val Paley, *Mike Tarpey, *Nigel Willmott
Representatives:

Observer: Mr D. Liebeck (*Mr Aspden substituting)

Also present:

Mr D. Loudfoot – General Manager Alexandra Palace

Mr I. Harris - Trust Solicitor

Mr M. Evison – Park Manager Alexandra Palace

Ms J. Parker – Director of Corporate Resources – LB Haringey

Mr T. Mitchison – Principal Lawyer – Legal Services – LB Haringey

Mr C.Hart – Clerk – Cttees Manager – LB Haringey

**MINUTE
NO.**

SUBJECT/DECISION

APBO32.	APOLOGIES FOR ABSENCE Apologies for absence were received on behalf of Mr Tarpey, and Mr Liebeck (for whom Mr Aspden was observing), and for lateness from Councillors Hare, and Oakes. NOTED
APBO33.	URGENT BUSINESS The Chair advised that a matter would be raised during the exempt part of the proceedings under Item 14, in relation to contractual legal issues. NOTED
APBO34.	DECLARATIONS OF INTERESTS There were no declarations of interest stated in terms of items for consideration. During consideration of Agenda Item 13 – Leaseholder arrangements for the Cricket Club, Councillor Williams declared a prejudicial interest as a governor of the new Heartlands School, and left the proceedings during that part of the discussions. NOTED
APBO35.	MINUTES a. Minutes of the meeting of the Alexandra Palace and Park Board - 22 July

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2008, and special meeting held on 26 September 2008.

RESOLVED

- i. That the minutes of the meeting of the Alexandra Palace and Park Board held on 22 July 2008, be agreed as an accurate record of the proceedings;
- ii. That the minutes of special meeting of the Alexandra Palace and Park Board held on 26 September 2008, be agreed as an accurate record of the proceedings, subject to the following amendments:

AP027

Page 21 – First para - 9th line

Delete 'either from one company or two/three'

Page 21 – 1st para - 13th line

Delete 'would look' and replace with 'e.g.'

Delete 'as to their the current set'

Page 22 – First full para 3rd line after "issue of the " add "the consideration of the "

Page 23 – 2nd para last line – replace 'top' with 'to'

Page 23 – 6th para – line 4 – delete 'been seen to not doing' and replace with 'be seen not to be doing so'

- b. Minutes of the Alexandra Palace and Park Consultative Committee – 15 July 2008, and 14 October 2008

RESOLVED

That the minutes of meeting of the Alexandra Palace and Park Consultative Committee held on 15 July 2008 be agreed as an accurate record of the proceedings, and that it be noted that the minutes of the meeting held on 14 October 2008 were not available for consideration.

- c. Minutes of the Alexandra Park and Palace Advisory Committee – 7 October 2008 and to consider any recommendations contained therein

The Clerk to the Board – Mr Hart – advised that the minutes of the meeting of the Advisory Committee – although in draft form, were awaiting clearance and therefore had not been circulated. However, there were circulated the Advisory Committee Resolutions of 7 October 2008 which had specifically requested that the Board consider this evening. Mr. Harris suggested that, in the absence of

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the full minutes of the Advisory Committee, it might be appropriate for the Board to postpone consideration and discussion of the Resolutions until the minutes became available. The Chair declined this suggestion and it was agreed to proceed.

The Chair thanked the Clerk for his brief explanation and referred the Board to the circulated deliberations of the Advisory Committee which related to its deliberations on 7 October 2008, The Chair advised that he wished the Board to respond on the resolutions and give responses at this point in the proceedings.

The Chair then asked Mr Aspden – who was observing on behalf of the Chair of the Advisory Committee to advise the Board of the resolutions for the Board to consider.

The resolutions are set out for ease of reference below:-

(a) Future of the Asset

RESOLVED

- i. That the Advisory Committee notes with considerable concern and disquiet the findings of the independent review into the granting of a Licence to Firoka to carry out the functions of the trading company, in its place, , and that this Licence seemingly ran counter to the previously expressed requirement that the Board at all times had to ensure that it obtained the best possible return reasonably obtainable from the assets of the Charity;*
- ii. That the Advisory Committee repeats its earlier concerns at the lack of consultation by the Board in respect of the proposed terms of the Lease with the Firoka Group, and that they be fully consulted, and that all relevant matters be disclosed to it, in advance of any decision, in respect of the Board's plans for the future of the asset; and*
- iii. That in respect of the planned consultation about the future of the Palace (the "Away Day") the Board widen the invitations to attend to representatives of both the Advisory and Consultative Committees, in order to obtain input from representatives of the local Community.*

Mr Aspden advised the Board that the circulated decisions of the Advisory Committee were divided into 3 separate sets of resolutions marked 'A' to 'C'.

In respect of resolution 'A' Mr Aspden commented:

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- that there had been considerable concern expressed in relation to the creation of the licence as detailed in the Walklate report
- That that the levels of consultation and communication between the Advisory Committee and the Board needed improving;
- That in terms of the proposed away day the Board considers widening the invitation to both members of the Advisory, and Consultative Committees to be involved in the brain storming.

In response the Chair asked that the Action Plan be amended to include reference to the Advisory and Consultative committees in its good code of governance, 2a. In terms of the away day it was a fact that the date had not been finalised but the Board were keen for it to take place before Christmas. In terms of invitees, the Chair felt that the core Trustees needed to sit down together with a blank canvas in order for the core Board members (that is those legally responsible as charity trustees) to discuss parameters and options for moving forward. Therefore, the initial away day should be for the charity trustee members of the Board, then widened at future away days. It was imperative that the Board was clear in its mind as regards the basis for future direction.

Councillor Hare shared the views of the Chair in terms of the need for the charity trustee Board members to come together initially and then widening the inviting of others to further future meetings.

In conclusion, the Chair summarised and it was;

RESOLVED

- i. That the Board notes the expressed concerns of the Advisory Committee as detailed and in the main reaffirms to the Advisory Committee the Board's previous resolutions with regard to the JR and decisions arising therefrom;
- ii. That attention of the Advisory Committee be drawn to the recommendations of the Walklate report in relation to an Alexandra Palace action plan on the governance arrangements for the Palace and the detail of certain recommendations would be effective in terms of future consultation with the Board's subsidiary bodies; and

(Councillor Oakes arrived at 20.10hrs)

- iii. That the Advisory Committee be advised that in respect of the initial away day session that this would be only for charity trustee Members but that the subsidiary bodies would be briefed as soon as possible after and that it was the intention of the Board to involve the subsidiary bodies in subsequent consultation meetings. be one outcome which would have a wider effect on the Board's relationship with the Advisory

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Committee;

- (b) **Alexandra Park Cricket Club**, in respect of the rent review of the Lease

RESOLVED

- i. That the Board consults the Advisory Committee in respect of the terms of any proposed sub-lease, following the variation of the Cricket Club's existing lease; and*
- ii. that consultation with this Committee should occur before any proposed sub-lease is considered by the Board, in order for the Committee to express its views to the Board.*

In respect of resolution 'B' Mr Aspden commented that the Advisory Committee would appreciate the opportunity of seeing more details re the terms of the sub-lease, as it was viewed by the Advisory Committee that this matter did relate and come within its ambit in terms of the Park.

The Chair asked that the General Manager and Trust Solicitor, and LB Haringey's legal representative respond to this point.

The General Manager – Mr Loudfoot advised that in this respect the Trust would be fundamentally acting beyond its charitable requirements and that in terms of a commercial lease arrangement this was not a matter within the Advisory Committee's ambit.

The Trust Solicitor – Mr Harris advised that Mr Loudfoot had correctly stated the legal position..

The LB Haringey Legal representative – Mr Mitchison advised and referred the Board to the terms of the 1985 Act and specifically in the 1985 Act Schedule 1 para 19 which gave the SAC powers and duties to advise the trustees on "the general policy relating to the amenities of local residents.", and the ambit of the Advisory Committee, and in stating the areas which fell within the ambit of the Advisory Committee, commented that it would be difficult to see how this request fell within it.

In thanking officers for their response, the Chair asked Mr Aspden if he could enlighten the Board of what exactly the Advisory Committee wished to see.

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In response, Mr Aspden commented that in terms of a sub lease this was in the Committee's view a further area of darkness and that in terms of matters within the Advisory Committee's ambit and that in his view the ambit of the Advisory Committee had been eroded over the years. He questioned the views expressed that it was not within the Committee's ambit to question uses within the park in terms of usage by 3rd parties without reference to the Advisory Committee, together with the matter of bad publicity in terms of proposed rent increases being imposed on the Club. It was also the case that there had been discussions regarding the future use by the planned school in the Haringey Heartlands with the LB Haringey Education service and possible use of the grounds by pupils of the new school. Mr Aspden commented that it seemed that there was a presumption on the part of the Board that if there was any doubt as to consultation then a matter was not referred to the Committee for consideration, and that in his view this was not the correct attitude or manner. It should in fact be the reverse and that if there was doubt then a matter should be put to the Advisory Committee. Mr Aspden commented that he was a little alarmed that officers had taken the view that matters of this nature did not fall within the Committee's ambit in terms of scrutiny.

Mr Mitchison further commented that the general policy of consultation was in relation to planning applications, and events which were significantly large to have an effect on the Park but that did not mean that every matter that the Board considered had to be referred to the Advisory Committee for its view/scrutiny. A sub lease arrangement was not a matter for consideration and that in terms of interpretation of the remit of the Advisory Committee within the Act it was the case that such matters were not in the purview of the Advisory Committee.

Councillor Hare commented that he did recognise some of the concerns of the Advisory Committee in terms of issues to be consulted upon and what was exactly within the Committee's remit. He felt that that in terms of broad issues for consideration the Act and interpretation in this respect was sufficiently vague.

Mr Loudfoot responded that it was clear that in terms of planning issues and events the remit of the Committee was clear but the matter of sub leases were not within the Advisory committee's remit.

Mr Aspden responded that commented that in terms of the Advisory committee's remit perhaps, within the general terms of issues raised it may be appropriate that the Advisory Committee at least have the intention of the sub lease

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explained to it in the public domain.

The Chair commented that in terms of the comment of 'being left in the dark' it was the case that in terms of the Firoka bid there had been considerable amounts of information given to the Advisory Committee in terms of negotiations, and indeed redacted parts of that proposed lease. However, there were not similarities in terms of this issue and that this agreement was entirely different and that therefore it was not matter for the Advisory committee's consideration. The matter of planning applications etc was within the remit of the Advisory Committee and indeed the Committee were consulted.

The Chair further commented that the matter of a sub-lease as commented on by the general manager was of a commercially sensitive nature and therefore a confidential contractual matter. It was a fact that such matters would not be in the public domain for consideration by any Council Committee, or indeed the Board. Whilst he appreciated that, the Advisory Committee did not agree with this fact full disclosure was impossible, and would remain so.

Councillor Egan concurred with the views expressed by the Chair, and added that in terms of general principles of consultation the Board would consult where appropriate.

Mr Harris advised that in terms of the general policy, there was an issue of general principle and the general principle would not include consultation or consideration of such matters.

Mr Aspden commented that in terms of negotiations in terms of the issues within the Advisory committee's ambit it was the case that the Board needed to be clear on what exactly it would/would not consult on as this seemed to be rather ambiguous.

Mr Harris advised that the Act required that the Advisory Committee be consulted on specific matters that the Board had to consider and that there were no obligations by the Board to take on Board any recommendations recommended to it by its Advisory committee. He reiterated his earlier comments that this matter was not within the remit of the Advisory committee. He also further commented on the rule relating to the general principles issue.

The Chair commented that in drawing this discussion to a conclusion that the Board rejects the recommendations of the Advisory Committee in respect of Resolution B and recognised the remit of the Advisory Committee in terms of the general principles of the Act.

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In response to clarification from the General Manager, the Chair commented that the general principles should be explained by the General Manager to the Advisory committee.

Mr Aspden commented that he regretted the outcome of the discussion and that there seemed to be a greater leaning of the Board to narrow legal advice than to open discussion with the local community.

The Chair commented that he did not accept the expressed view. It was the a case that that the Statutory advisory committee had a role within certain parameters however he was happy for the Board to further discuss and explore the wider involvement of the Committee in the future as part of the further discussions as to the future of the asset but that the remit of the Committee was as detailed in the Act and would remain so.

It was

RESOLVED

That the recommendations of the Advisory Committee be rejected, and the general principles of the Act and consultation be advised to the Committee by the General Manager at its next scheduled meeting.

- (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

- i. That the Board be requested to note that the Advisory Committee does not agree with the advice received from the LB Haringey's Legal Service that the above matter did not fall within its remit;*
- ii. That the Advisory Committee intends to convene either a Special or Urgency Sub-Committee meeting in mid November 2008 to discuss the advice and that it has requested that the LB Haringey's Legal Service attend that meeting for the purpose of the Committee receiving the advice and having an opportunity to consider the same with the officers/ advisers*

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concerned; and

- iii. That the Advisory Committee intends to consider (following such meeting) obtaining a second opinion as to the legal advice tendered by the LB Haringey's Legal Service.*

The Chair commented that in terms of the recommendations he would ask Mr Mitchison for his view.

Mr Mitchison advised that the resolution had arisen as a result of the clarification sought by the Clerk to the Committee following a meeting of the Advisory Committee in February 2008 in respect of an "application" submitted to the Council for an "occasional use notice" (OUN) under s.39 of the Gambling Act 2005. This applied to any "track" or premises where "sporting events" take place or are intended to take place. There did not have to be any track as such or an existing use for gambling but the person serving the OUN must already have had a betting operating licence from the Gambling Commission in order to provide betting facilities at the premises. The person serving the OUN must be the occupier of the premises or a person responsible for the administration of the betting event there. The OUN authorises gambling for up to 8 days in a calendar year. It must be served on the Council as Licensing Authority and copied to the local Police. Provided no more than 8 days gambling is proposed, there is no right for the Council as Licensing Authority or the Police to refuse or object to the OUN.

Mr Mitchison advised that the event had given rise to the OUN just before Christmas 2007 for a betting ancillary to the long-established darts competition at the Palace. This was a one day event attracting no more than 2,000 people of whom only a minority might be expected to engage in gambling/betting.

Mr Mitchison again referred to the 1985 Act Schedule 1 para 19 which gave the SAC powers and duties to advise the trustees on "the general policy relating to...events....in the Park & Palace" and their effect on the local inhabitants and environment. Specifically within the remit are "events attracting 10,000 people at any one time" and proposals requiring planning permission. In para 20 the SAC is to try to ensure that no events allowed by the trustees are "a nuisance or annoyance or of detriment to the amenities of local residents."

Mr Mitchison advised that from this was it evident that the SAC is mainly expected to consider the "bigger picture" in terms of general policy on events and relatively large scale attractions. Seemingly, the exception to this was in "proposals which require planning permission" which could range from major redevelopment to quite small scale building operations or changes

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of use. However, there was no mention of “licensing”, “gambling”, “betting” or any other form of permit or control other than “planning” falling within the SAC’s remit.

Mr Mitchison further added that the reference to nuisance, annoyance and detriment to amenities also pointed to the conclusion that only the very noisy or large scale events were appropriate matters of concern for the SAC. In the case of the OUN, the event was indoors and not likely to attract very many more persons than those who would have come in any event for the darts competition.

Mr Mitchison further advised that that the Council had at that time been aware that there was an application for a permanent premises licence to permit track betting at the Palace made by or on behalf of Alexandra palace Trading Ltd. The purpose of this was to authorise the one day betting in connection with the annual darts competition on a permanent footing so as to avoid the need to serve an OUN each year. The permanent application was not of sufficient large scale nor sufficiently significant in terms of “policy” to fall within the SAC’s remit.

Mr Mitchison concluded that the advice had been given to the Advisory Committee and there would be little point in further attending a meeting of the Advisory Committee by him to reiterate this advice.

The Chair asked if there were any points of clarification.

Mr Aspden commented that he was not happy with the advice or information imparted by Mr Mitchison, who was clearly ‘parti pris’, and that he would be reporting back to the Advisory Committee. He pointed out that the request to Mr. Mitchison to meet with the Advisory Committee was made in good faith to avoid confrontation. Mr. Mitchison having declined this request, the Advisory Committee reserved the right to seek a second opinion.

Councillor Hare commented that as he earlier stated in his view there was a degree of haziness as regard to the remit and its interpretation. He did feel that it required a legal interpretation as the charitable activities

Mr Harris advised that this issue was not within the remit of the SAC.

The Chair responded that it was his view that the recommendations would be rejected by the Board, as not being within the remit of the Advisory Committee.

In response to comments of Mr Aspden Mr Harris advised that he did not see that any external advice would actually differ.

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	<p>Mr Loudfoot commented that in his view, it was an attempt by the Advisory Committee to 'land grab' and that it was most definitely not within its purview or remit.</p> <p>Mr Aspden commented that this was not the case and perhaps the General manger should withdraw his remark. Mr. Loudfoot declined to do so.</p> <p>The Chair explained that he did not wish the Board to get involved in a dispute between the Advisory Committee and a Council officer. Mr. Aspden explained that, since the Advisory Committee's remit was to report to the Trust through its Board and nobody else, it had no alternative but to address this to the Board.</p> <p>The Chair further reiterated his earlier comments in relation to the Advisory Committees' ambit but that he was happy for the further mechanisms for consultation to be discussed as part of the issue of the future of the asset.</p> <p>In drawing the discussion to a close, the Chair summarised and it was:</p> <p>RESOLVED</p> <p>That the recommendations of the Advisory Committee be noted and that the Advisory committee be advised that the Board was unable to respond as the points raised were not within the control of the Board, and that the LB Haringey's head of legal services representative would write to the Chair of the advisory committee setting out the legal position as stated.</p>
APBO36.	<p>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</p> <p>There were no questions, deputations or petitions.</p> <p>NOTED</p>
APBO37.	<p>PARK UPDATE (ACTIVITIES):</p> <p>The Park Manager – Mr Evison informed gave a brief introduction of the report.</p> <p>In particular, Mr Evison referred to para 6.8 and the matter of the proposed footpath across Redston Fields which had been requested to be located by the Warner Estate Residents Association. The Association at its AGM meeting on 7 July 2008 had voted to request the progression of their proposal for a hard surfaced footpath across Redston Field. The purpose of the path was to link the Park Avenue North entrance to the Lower Road. The Board was therefore being asked to authorise the progression of the proposal subject to budgetary and</p>

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planning constraints.

The Chair asked if there were any points of clarification.

Councillor Egan expressed his grave concerns regarding the proposed path in that the Redston Road Playing Field was a playing field and this use was being slowly chipped away. By having a path across the field, the likely future use of the field was in doubt as a football area such a loss not acceptable. In terms of consultation, Councillor Egan asked how wide this had been and also, how many people belonged to the Association, and the number of persons attending the AGM.

In response, in his capacity as Association member Mr Aspden advised that the Warner Estate Residents Association (WERA) covered 9 Roads with approx 650 households, and that at the AGM 80 persons had been in attendance from 60 households. Mr Aspden further stated that the turnout had been good.

With regard to the proposal, everyone on the WERA mailing list had been written to and notified of the proposal, and about half had responded. It was the case that some people had expressed concerns at the path but in the main, there had been clear support.

Councillor Hare commented that he was, to some degree, in support of Councillor Egan's concerns as to likely loss of the field as a playing field for sports, and commented that perhaps the design and location of the proposed path could be altered to be located around the edge of the field on the edge of the pitch following the line of planted trees.

The Chair commented that he would support the idea of a perimeter path hugging the tree line and shared the concerns of Councillor Egan.

The General Manager – Mr Loudfoot advised that it would be possible to agree to the principle of the path but that the actual location and width could be left to officers to finalise and report further on, given the expressed views.

In response to clarification from Councillor Egan Mr Loudfoot advised that the proposal had not been included in the HLF as it had not been within the Architect's vision.

In terms of the necessary planning consents required, the Clerk to the Board advised that members of this Board who sat on the Council's Planning Committee would need to declare an interest at this meeting and not take part in the discussions at the Planning Committee or visa-versa.

Councillor Hare responded that if an application were to be submitted to the Council's Planning Committee then he would declare an interest at that meeting and have no part in the discussion of the item or decision. Councillor Hare further commented that the proposed path would cross a unified open space and therefore the actual location did need some further consideration.

Ms Paley commented that the consultation should have been wider as it was not enough just to confine it to the areas as stated. She shared a number of views

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	<p>expressed in respect of the encroachment on to an existing open space and that resident pressure was attempting to squeeze usage as a football field. It was the case that occasionally there were motorbikes using the Northview Road entrance and path, and occasionally cars.</p> <p>The Chair then summarised and it was:</p> <p>RESOLVED</p> <ul style="list-style-type: none"> i. that the report be noted; ii. that in respect of the proposals to locate a footpath across Redston Field the Park Manager be asked to review options for a path to be placed in the vicinity of the edge of the field as opposed to that currently recommended and report to a future meeting of the Board; and iii. that the advertising of the Actual Workshop for letting be agreed.
APBO38.	<p>FIVE MONTHS RESULTS TO THE END OF AUGUST 2008</p> <p>The Chair, in asking for an introduction of the report, welcomed Helen Downie – the newly appointed Head of Finance at Alexandra Palace.</p> <p>In a brief introduction of the report Ms Downie advised the Board of the overall position at the 5 months point in the financial year 2008/09. There was currently a saving of £123k against the budget, though this trend was not expected to continue to year end but it was not expected to exceed the existing budget at year end. Overall income was £14k above budget and £109k below budget. Ms Downie further advised that in respect of APTL – management accounts had been prepared for the 5 months ending August 2008 and indications were showing that that the gift aid payment of £1 million would be achievable.</p> <p>Following responses to points of clarification the Chair summarised and it was:</p> <p>RESOLVED</p> <ul style="list-style-type: none"> i. that the income and expenditure for the 5 month period to 31 August 2008 (as summarised in appendix I of the report) be noted; and ii. that the overall 5 month position and saving of £123k against the budget be noted, and that current saving trend will not continue to year end though there was no expectation to exceed budget by 31 March 2009.
APBO39.	<p>AUDIT REPORT - REPORT OF THE INTERNAL AUDIT INVESTIGATION</p> <p>Following a brief introduction of the report by the General Manager – Mr Loudfoot the Chair asked if there were any points of clarification.</p> <p>In response to comments from Councillors Dogus, and Hare the Chair advised that the action plan was the ‘bedrock’ of how governance would be managed in</p>

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	<p>the future. Mr Loudfoot commented that between now and March 2009 officers would be looking to acting upon the action points as detailed and would be reporting progress at the February 2009 Board meeting. Between then and now, Members would receive briefing updates on progress.</p> <p>The LB Haringey Director of Corporate Resources - Ms Parker also advised that the implementation of the action plan would require close monitoring by the Board, to ensure progress with agreed timescales.</p> <p>Following a summary of the Chair it was:</p> <p>RESOLVED</p> <ul style="list-style-type: none"> i. that the report be noted, and the actions identified be cross referenced to reform the action plan; ii. that the need for development and the adoption of the framework and strategy documents for risk management, contract management, business planning and staff review and development be noted, and that the General Manager be authorised to further development and adoption of the framework and strategy documents; and iii. that further updates on identified actions be submitted to future meetings of the Board until such times that all actions are fully completed, as part of the governance action plan reporting process.
<p>APBO40.</p>	<p>GOVERNANCE ACTION PLAN UPDATE</p> <p>The Chair reiterated his earlier comment under APB035 that point 2a be expanded to include reference to the Advisory and Consultative committees.</p> <p>Following a brief introduction of the report by the General Manager, the Chair asked if there were any points of clarification from Members.</p> <p>Mr Willmott commented on page 100 of the Action plan – ref 4d – and the comment in terms of the flow of information between the Trust and LB Haringey. Mr Willmott expressed his concerns and commented on the history of the Board in that since the 1980's it had been an established Committee of the Council, and then there had been a separation between the Council and Board as a Charitable Trust. The whole thrust had then been to act independently of the Local Authority h It now seemed that there was some going back on this arrangement in that the Local Authority was having further considerable involvement and control in the operation of the Charitable Trust. Mr Willmott advised that in his view, this was a dangerous precedent to set and in terms of legality, this could be open to challenge.</p> <p>The Chair, in personally disagreeing with Mr Willmott's comments, advised that the Local Authority scrutiny clearly recognised the delineation and that had there been some level of this previously then a number of issues/problems that had arisen may not have done.</p> <p>In response to a number of points of clarification the Trust Solicitor – Mr Harris</p>

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	<p>commented that he would respond during the exempt part of the proceedings. However in terms of the issue of delineation the Board needed to be mindful and careful that the Charity was not being run by the Local Authority.</p> <p>The Chair then summarised and it was:</p> <p>RESOLVED</p> <ul style="list-style-type: none"> i. that the progress with the action plan be noted; and ii. that the Board receives regular updates in the form of briefings etc in terms of progress in implementing the action plan and that any specific enquiries be submitted to the General Manager for response, and that the Board receives a quarterly monitoring report.
APBO41.	<p>NEW ITEMS OF UNRESTRICTED URGENT BUSINESS</p> <p>There were no unrestricted items of urgent business.</p> <p>NOTED</p>
APBO42.	<p>EXCLUSION OF THE PRESS AND PUBLIC</p> <p>RESOLVED</p> <p>That the press and public be excluded the from the meeting for consideration of Items 12-14 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 the business or financial affairs of any particular person (including the authority holding that information).</p> <p>The Board adjourned at 21.45hrs and reconvened at 21.55hrs.</p> <p>NOTED</p> <p>SUMMARY OF EXEMPT/CONFIDENTIAL PROCEEDINGS</p>
APBO43.	<p>MINUTES</p> <p>Agreed the exempt minutes of the meeting of the Board held on 22 July 2008, and special Board meeting held on 26 September 2008.</p>
APBO44.	<p>LEASEHOLDER ARRANGEMENTS FOR THE CRICKET CLUB</p> <p>AGREED RECOMMENDATIONS</p>
APBO45.	<p>NEW ITEMS OF URGENT EXEMPT BUSINESS</p> <p>Agreed recommendations as moved by the chair in respect of legal</p>

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	consultancy and related matters.
APBO46.	TO NOTE THE DATE OF THE REMAINING MEETING OF THE BOARD FOR THE MUNICIPAL YEAR 2008/09 -24 FEBRUARY 2009 24 February 2009

COUNCILLOR MATT COOKE

Chair