

**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)

**MINUTE
NO.**

SUBJECT/DECISION

<p>APBO59.</p>	<p>APOLOGIES FOR ABSENCE</p> <p>An apology for leaving early was received from Councillor Oakes.</p> <p>NOTED</p>
<p>APBO60.</p>	<p>URGENT BUSINESS</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>NOTED</p>
<p>APBO61.</p>	<p>DECLARATIONS OF INTERESTS</p> <p>There were no declarations of interest stated.</p>
<p>APBO62.</p>	<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>(i)Deputation from L. Rivlin re Horse riding for the Alexandra Palace Board</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.

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>
APBO63.	MINUTES <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>RESOLVED</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>RESOLVED</p> <p>That the Advisory Committee be advised of the deliberations of the Board in relation to a-d above.</p>
APBO64.	<p>PARK UPDATE (ACTIVITIES)</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 discussion and decision they would be unable to consider the matter at the other.

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	<p>NOTED</p>
<p>APBO65.</p>	<p>NINE MONTHS RESULTS TO THE END OF DECEMBER 2008 AND FULL YEAR FORECAST 2008/09</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">• 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• 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.• 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 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

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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.

The Chair then outlined the recommendations for the Board to consider.

Following the Chair's summary it was:

RESOLVED

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	<ul style="list-style-type: none">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;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; andiii. 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">a) Freeze on all new commitments except urgent health and safety works.b) Freeze on capital expenditure.c) Rescheduling of committed works where possible.
APBO66.	<p>ACTION PLAN FOR REFORM OF GOVERNANCE OF APPCT (UPDATE NO 2)</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 2nd 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 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</p>

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	<p>comment upon.</p> <p>Following further points of clarification as to the forthcoming proposed away day, the Chair summarised and it was:</p> <p>RESOLVED</p> <ul style="list-style-type: none"> i. that the progress to date in respect of the circulated action plan be noted; 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 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.
<p>APBO67.</p>	<p>BUDGET AND BUSINESS PLAN 2009 - 2010 -</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 & 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>NOTED</p>
<p>APBO68.</p>	<p>CHARITY INDEMNIFICATION OF LONDON BOROUGH OF HARINGEY</p> <p>ITEM DEFERRED</p>
<p>APBO69.</p>	<p>NEW ITEMS OF UNRESTRICTED URGENT BUSINESS</p> <p>ITEM IN RESPECT OF THE PALACE THEATRE BE DEFERRED</p>
<p>APBO70.</p>	<p>EXCLUSION OF PUBLIC AND PRESS</p> <p>AGREED</p>

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APBO71.	MINUTES - AGREED
APBO72.	TENDER FOR INSURANCE OF THE PALACE AND PARK AGREED RECOMMENDATIONS AS CONTAINED IN THE REPORT
APBO73.	TENDER OF THE SECURITY FUNCTION OF THE PARK AND PALACE - TO FOLLOW Deferred
APBO74.	NEW ITEMS OF EXEMPT URGENT BUSINESS: NIL

The meeting ended at 22.19hrs.

COUNCILLOR PAT EGAN
Chair