

**UNRESTRICTED MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD  
TUESDAY, 30 JUNE 2009**

Present: **DRAFT**  
Indicates attendees\*

Councillors Egan\* (Chair), Hare\*, C. Harris\*, Peacock, Scott, Thompson\* (Vice-Chair), Williams\*

Non-Voting Representatives: Ms Paley\*, Mr Tarpey\*, Mr Willmott\*

Observer: Mr D. Liebeck\*

Also present:

Mr A Gill – Acting General Manager – Alexandra Palace  
Mr I Harris – Trust Solicitor  
Ms J Parker – Director of Corporate Resources – LB Haringey  
Ms R Kane – Managing Director Alexandra Palace Trading Limited  
Ms H Downie – Head of Finance - Alexandra Palace  
Mr M Evison – Park Manager - Alexandra Palace  
Mr M De’Ath - Alexandra Palace Trading Limited  
Mr T Mitchison – Principal Lawyer – LB Haringey  
Mr C Hart – Committee Manager – LB Haringey

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**MINUTE NO. SUBJECT/DECISION**

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| <b>APBO01.</b> | <p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence were received from Councillors Peacock and Scott, and Mr Willmott, and for lateness from Mr Tarpey.</p> <p><b>NOTED</b></p>  |
| <b>APBO02.</b> | <p><b>URGENT BUSINESS</b></p> <p>The Chair asked for clarification if there were any items of urgent business.</p> <p>The Clerk to the Board – Mr Hart advised that there were no items of urgent business, however in terms of two exempt Agenda items marked ‘TO FOLLOW’ (Items 19 &amp; 21) the report authors would give reasons for lateness during the introduction of each item.</p> <p><b>NOTED</b></p> |
| <b>APBO03.</b> | <p><b>DECLARATIONS OF INTEREST</b></p> <p>Councillor C. Harris declared a personal interest as a Member of the Pensions Committee of the LB Haringey.</p> <p>Councillor Thompson declared a personal interest as a Member of the Pensions</p>   |

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|                       | <p>Committee, and Planning Committee of the LB Haringey.</p> <p>Councillor Hare declared a personal interest as a Member of the Planning Committee of the LB Haringey.</p> <p><b>NOTED</b></p>  |
| <p><b>APBO04.</b></p> | <p><b>QUESTIONS, DEPUTATIONS OR PETITIONS : TO CONSIDER ANY QUESTIONS, DEPUTATIONS OR PETITIONS RECEIVED IN ACCORDANCE WITH PART 4, SECTION B29 OF THE COUNCIL'S CONSTITUTION</b></p> <p>Nil</p>  |
| <p><b>APBO05.</b></p> | <p><b>APPOINTMENT OF DIRECTORS TO THE BOARD OF ALEXANDRA PALACE TRADING LIMITED</b></p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>i. That the resignation of Councillor Dogus and Councillor Oakes as Directors of APTL be noted; and</li> <li>ii. That Councillor Scott and Councillor Thompson be nominated to APTL as replacement Board Directors of APTL .</li> </ul>   |
| <p><b>APBO06.</b></p> | <p><b>2008/09 BUDGET OUTTURN</b></p> <p>The Chair asked for a brief introduction of the report.</p> <p>The Head of Finance – Alexandra Palace – Ms Downie informed the Board that 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, resulting in an increased requirement for deficit funding from the Council of £350k.</p> <p>Ms Downie referred the Board to the tabulation at Appendix 1 which summarised the draft results for the 2008/09 financial year. Ms Downie reported that overall, income was £15k above forecast and expenditure £16k below forecast, giving a net favourable variance of £31k. 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 required 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 was therefore £15k below forecast, at £435k.</p> <p>Ms Downie further advised that income was £15k above forecast, largely due to higher than anticipated service charges for utilities costs, which were invoiced annually in arrears. This reflected the sharp increase in fuel costs over the past twelve months. Prime costs were £40k or 3% below forecast for the year, primarily in contracted services, and the under spend was mainly in Parks, with the Park contract being £20k and Park security contract being £5k below</p> |

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forecast. Fixed overheads were £28k below forecast due to an under spend in central admin charges from the Council and the budget and forecast included an allowance for officers' time, and it had been established that this would not be charged.

Ms Downie further informed the Board that the 2008/09 audit fieldwork was substantially complete and had gone well. No material adjustments to the accounts had been identified at this stage, though the following matters were outstanding or subject to change before the date of signing the accounts;

- Further work required to confirm the existence of fixed assets which were more than three years old, for which there was no detailed fixed asset register.
- A partial bad debt provision had 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 was actively negotiating with the client in order to recover the debt, and Deloitte would monitor the progress of the negotiations in order to assess the adequacy of the provision prior to signing the accounts.
- The draft accounts did not currently include any provision relating to the claim intimated by Firoka against the Trust, and Deloitte would monitor the progress of this matter in order to assess the correct treatment and disclosures in the accounts.

Ms Downie concluded that it was anticipated that the APTL annual report and accounts would be signed at the APTL Board meeting on 4 September 2009 and the consolidated annual report and accounts would be submitted to the Alexandra Palace and Park Board meeting on 6 October 2009. In order to meet both anticipated reporting dates a draft of the trading company's annual report and accounts would be circulated to APTL Directors for comment by the end of July 2009, with a draft of the consolidated report and accounts being circulated to the Alexandra Palace and Park Board trustees for comment by the end of August 2009.

The Trust Solicitor - Mr Harris referred to paragraph 6.7 of the report and advised that in respect of any provision relating to the claim intimated by Firoka against the Trust, following a recent communication from the Solicitor representing the Firoka Group (Lewis Silkin) the issue would be the subject of some discussion during the exempt part of the proceedings.

In clarifying a point raised by Councillor Hare in relation to how any claim by Firoka would be reflected in the accounts, Mr Harris advised that the wording in the accounts would be likely to be similar to that for 2007/08.

**RESOLVED**

- i. that the draft results for the year ended 31<sup>st</sup> March 2009 be noted; and
- ii. the progress of the audit and the timetable for completion of the statutory accounts be noted.

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| <b>APBO07.</b> | <p><b>BUDGET POSITION OF THE TRUST AND BUDGET MONITORING 2009/10 - 2 MONTH RESULTS TO 31 MAY 2009</b></p> <p>The Chair asked for a brief introduction of the report.</p> <p>The Acting General Manager – Alexandra Palace – Mr Gill, advised the Board that the 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 was reduced year on year by £77k. However, APTL operated in a highly competitive environment and the impact of the recession, together with increases in utility costs, had led to a reduction in the budgeted contribution from APTL from £1 million to £0.6 million. Mr Gill further advised that although the Charity was already reducing overall expenditure, the effect of this had been to increase the required deficit funding from LBH to £2.03 million.</p> <p>Mr Gill referred to the meeting of the Board on 19 March 2009 where it approved the Trust budget as prepared by the former General Manager making the request that LBH consider the position and grant additional funding. The London Borough of Haringey's Cabinet meeting on 16 April 2009, considered the request for funding, but resolved not to grant the additional funding and requested that the Board consider what savings might be possible to reduce the overall deficit. Following confirmation of this by the LB Haringey's Chief Financial Officer (LBH CFO) by letter on 28 April 2009 to the former General Manager and requesting 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, Mr Gill advised that he had identified £238K from the £300K including</p> <ul style="list-style-type: none"><li>higher than anticipated income from leases</li><li>lower than anticipated contract costs</li><li>agreement with LBH not to charge a fee for central admin</li><li>savings achieved via tendering services</li><li>removal of additional park improvements</li><li>reduced reliance on external consultants</li></ul> <p>Mr Gill apologised to the Board that the letter referred to as Appendix 2 (the letter from him of 19 June 2009 to the LBH CFO) had been omitted from the report, and had been circulated further to Board members. The savings were stated in that letter and though they amounted to £238K this excluded pension provision.</p> <p>In respect of the pension issue and how this had arisen Mr Gill advised that the recent security tender had allowed a saving of £33k on the original estimates but the actuarial report for the pensions received on 14 May indicated that the original provision of £90k was inadequate and the true cost could well be £202k. This estimated cessation payment of £202k was in respect of three 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 their pension rights, Mitie entered into an admissions agreement with the LB Haringey pension scheme. Under the terms of the Trust's contract with Mitie,</p> |

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the trust was liable for any shortfall in pension contributions should Mitie cease to be a contributing employer in the scheme.

Mr Gill further advised that when the Trust had re-tendered the security contract, Mitie was unsuccessful. It was assumed that the individual concerned would be transferred under TUPE from Mitie to Work Facilities, the then successful bidder (and subsequently to Europa should the proposed novation of the contract in the exempt part of the proceedings be given approval). Hence the £202k had to be paid immediately - to reimburse Mitie for their share of the scheme's deficit which became payable on ceasing to contribute into the scheme. The estimate of £202k assumed that the new security provider would become a participating employer in the LBH scheme.

Mr Gill advised that the £90K pension provision had been removed from the revised budget and was shown in the Budget Review as an exceptional item of £202K. The LBH CFO had been requested to consider whether they would consider taking the £202K pension provision as an exceptional item, i.e. taking it out of the Trust's revenue budget, however if this request was not approved, the budget review would deliver savings of only £39K.

Ms Downie reported to the Board that the current forecast for the end of June 2009 had predicted a likely underspend of £85K but that this was fairly typical at this point in the financial year. The key elements of the underspend were currently £36K for repairs to buildings and roads, £11K for building and equipment maintenance, £10K depreciation and £5K for salaries. Ms Downie further reported that the budget would require some re-profiling over the coming months, and the June and July budget position would be circulated to the Board.

The Chair thanked Ms Downie and Mr Gill for their introduction and asked if there were any points of clarification.

Councillor C Harris sought clarification as to whether there were any future liability costs in terms of pensions. In response Mr Gill advised that whilst there were always costs associated with transfer of employees it was difficult to quantify pension liabilities.

Councillor Williams expressed his surprise that there had been a refusal by the Council's Cabinet and highlighted that this was a particular issue that the Board needed to be made aware of as a matter of course and not over a month after such a decision had been taken, and asked what the position would be if the Trust was not able to find the required savings, and also the sequence of events in terms of the 2009/10 process.

The Director of Corporate Resources – LB Haringey – Ms Parker, advised that in terms of the budget setting processes of the Trust and the Council these were somewhat out of kilter and there needed to be some synergy in the future as to when the Board considered its budget and then forwarded on to the Council its predicted shortfall. In the case of the 2009/10 budget, the Board had had a special meeting in March 2009 (19) and had noted the shortfall and subsequently requested the LBH to consider the deficit. The Council's Cabinet had not then met until 16 April to consider this request – but this consideration was some 2 months after the budget allocation had been agreed by the Council's Cabinet.

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The Cabinet was within its rights to refuse to make up the £300K shortfall, and on this particular occasion had done so.

(Mr Tarpey arrived at 20.05hrs).

The Trust Solicitor – Mr Harris advised that in previous years it had been the case, given the Trust's intention to proceed and secure a holistic development approach the Council which had always agreed to meet the deficit on that basis. On this occasion, the Council had asked that the Trust carry out a savings exercise and that in effect some £200K had been identified initially and prior to the situation with the pension issue.

In response to further clarification by Councillor Williams as to the identified Park savings Mr Gill advised that the figure included the extension to the Deer enclosure and improvements to Park paths. In terms of the Redston Field proposed path this matter would be reported to the Board in October 2009.

In response to clarification and comments expressed by both Councillor Williams and Mr Liebeck Mr Gill comment that the path at Redston Field (estimate cost) was not an item that been included within the original budget estimates for park maintenance for 2009/10 but as an additional item of new expenditure that would only be possible if additional funding could be identified, therefore it was not part of the proposed cuts.

Councillor Hare commented that the pension issue of £202K was quite an exceptional one and that it was, in his view, a making not of the Trust but rather because of the pension arrangement entered into with the LB Haringey. He felt that there was therefore a need to stress this to the LB Haringey, and ask for a special measure in this respect, as apart from this figure the required savings had been met. Mr Gill responded that this had been done via his letter to the LBH CFO stating that this was an exceptional cost and requesting that it be removed from the revenue budget. A response to this letter was awaited.

In response to further clarification, Ms Downie advised that the figure was an actuarial valuation in relation to the trust's pension scheme, and it was unlikely that there would a change in this situation on the part of the LBH CFO.

Ms Parker also advised that should the Board agree the recommendations, whereby accepting the pension situation in terms of savings the Board would still be authorising the General Manager to try to achieve the best outcome for the Trust, and that there were identified savings in spite of the pension deficit issue.

Councillor Thompson concurred with the view of Ms Parker and commented that the General Manager was going to seek to conclude matters in the best interest of the of the Charity, and that Mr Gill would report further to the Board.

Councillor Harris commented on the expressed views of the LB CFO and advised that as they stated in her view such comments concurred that the Council was unlikely to take on the £202K deficit.

In response to the points raised Mr Gill advised that the Council was being asked to make the £202K an 'exceptional' item and remove it from the revenue budget

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and tag it as 'an exceptional item'.

In response to further concerns from Councillor Williams, the Chair reiterated the comments of Mr Gill in that the Redston path had never been included in the Park repair budget and that it was in effect an additional request for expenditure. It was not shown in Appendix 1 of the report because of that reason.

Following further clarification the Chair asked that in addition to the Board agreeing to the recommendations as detailed in the report that officers provide the Board with a breakdown of the proposed park maintenance and removal of additional park improvements.

The Chair then summarised and it was:

**RESOLVED**

- i. that the current position of the Trusts' budget and the potential savings from the budget review be noted;
- ii. that the situation regarding the pension provision be noted; and
- iii. that the Acting General Manager Alexandra Palace be instructed to conclude matters in relation to the situation as regards the pension provision while achieving the best outcome for the Charity.

**APBO08. REFORM OF GOVERNANCE OF APPCT**

The Chair asked for a brief introduction of the report.

The Acting General Manager Alexandra Palace – Mr Gill advised the Board that following on from the independent report 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, which identified some weaknesses in the APPCT governance, on 26 September 2008 the former General Manager presented an action plan and identified that the key priorities would be the initial drafting of the code of governance and the scheme of delegation with the other actions then following on from this point.

Mr Gill advised that 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. Due to changes in management at the Trust and the difficulty of agreeing a date during the summer when all the attendees would be available, the Away Day was now confirmed Saturday 26 September 2009.

Mr Gill reported that the draft code of Governance contained a substantial amount of detail (it was circulated to Trustees for comment during May 2009) and

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|                | <p>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.</p> <p>The Chair thanked Mr Gill for his brief introduction and advised that Board Members had met informally earlier this evening to discuss how they saw the priorities for the Away day, which would be fed back to officers. The Chair also advised that the attendance at the Away day would be extended to the three Consultative Committee representatives on the Board – Ms Paley, Mr Tarpey and Mr Willmott, and also the Observer on the Board – Mr Liebeck.</p> <p>The Chair advised that Members informally welcomed the broad outline prepared for the Away day and commented on the need to develop the Board’s vision, the relationship between the Board, its statutory advisory committee, and Consultative Committee. And the possible role of Independent Trustees.</p> <p>In response to a point of clarification from Councillor Hare, the Chair advised that future Away day invites would be extended to representatives of the Advisory, and Consultative Committees.</p> <p>The Chair then summarised and it was:</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"><li>i. That the previously agreed approach to achieving changes in governance be confirmed as the appropriate way forward, and that the forthcoming governance away day on 26 September 2009 will give further clarity;</li><li>ii. That the draft code of governance and associated schedules, previously presented to Trustees be further developed by the Acting General Manager to reflect the outlined approach outlined and in preparation for formal adoption at a later date; and</li><li>iii. That in respect of the forthcoming governance away day on 26 September 2009 the attendance be extended to the three Consultative Committee representatives on the Board – Ms Paley, Mr Tarpey and Mr Willmott, and also the Observer on the Board – Mr Liebeck – Chair of the Statutory Advisory Committee.</li></ul> |
| <b>APBO09.</b> | <p><b>BANK SIGNATORY CHANGES FOR 2009/10</b></p> <p><b>RESOLVED</b></p> <p>That the resultant vacancy as Board Member signatory to the Trust’s bank Mandate be noted following the resignation of Councillor Dogus as a Board member, and that Councillor Nigel Scott be confirmed as replacement signatory on the Trust’s bank mandate.</p>   |
| <b>APBO10.</b> | <p><b>FORTHCOMING EVENTS</b></p> <p>The Chair asked for a brief introduction of the report.</p>  |



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|                       | <p>The Managing Director Alexandra Palace Trading Limited – Ms Kane, in a brief introduction advised that the events as listed showed in italics those events that provisional bookings had been received. Ms Kane commented that the events list had now been varied to include other events happening around the Park such as the Farmers Market.</p> <p>Ms Kane highlighted the Knitting and Stitching Event, and the World Darts events which attracted upwards of 30,000 visitors over the period of each event.</p> <p>Mr Tarpey referred to the combined list of events and sought clarification as to whether employee roles had now merged in terms working for both the Trust and APTL. In response, Ms Kane advised that there was no change in the employment status of either the Trust or APTL, or the delegated authority.</p> <p><b>RESOLVED</b></p> <p>That the forthcoming events to March 2010 as detailed in the report be noted.</p>  |
| <p><b>APBO11.</b></p> | <p><b>CONTINGENCY ARRANGEMENTS FOR THE ICE RINK</b></p> <p>The Chair asked for a brief introduction of the report.</p> <p>The Acting General Manager Alexandra Palace – Mr Gill informed the Board that at the recent meeting of the APTL Board on 29 May 2009 it received a position report from its Leisure Services Manager which highlighted the threats to the longevity of the ice rink plant together with the ongoing deterioration of the facility. The report had also 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.</p> <p>Mr Gill advised that the APTL Board had resolved to formally approach the Trust to request the following:</p> <ul style="list-style-type: none"><li>• 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)</li><li>• to 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</li><li>• 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</li></ul> <p>The Chair thanked Mr Gill for his introduction and asked if there any points of clarification.</p> <p>Mr Tarpey commented that given that he represented the Alexandra Palace Ice Skating Association, he welcomed and was fully supportive of the proposals. In terms of the future of the Ice Rink and the difficulties with the existing Ice Plant, and the shifting of the Ice base, and the limitations of the size of the Ice Rink, he</p> |

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sought clarification as to whether there was a possibility of redevelopment as the benefit of extending the existing rink by 7 yards would greatly increase opportunities for competition, though the existing facility did also host ice events including the Christmas shows.

The Chair, in welcoming Mr Tarpey's comments, asked that Mr Tarpey liaise with Mr Gill in terms of the expressed views.

Councillor Hare sought clarification as to whether there had been attempts to attract funding through external sources such as sports grants or lottery funding. He also asked if there had been any discussion and contingency planning in the event of a catastrophic failure, or emergency rendering the closure of the existing facility, and whether there may be opportunities for a partnership arrangement with a commercial partner.

In response, Mr Gill advised that in terms of external and/or sport grant, funding there was an officer within the recreation service at LB Haringey who had expert knowledge of external funding sources and he would discuss the possibilities further with them.

The Managing Director APTL – Ms Kane advised that at the time of consideration by APTL discussions had centred on a catastrophic failure and that temporary options for any such event had been identified. It was a fact that within a matter of days an alternative facility and location would be provided in the event of emergency closure.

The Chair then summarised and it was:

**RESOLVED**

- i. That in respect of a formal request from Alexandra Palace Trading Limited in respect of a contingency plan for the Ice Rink, approval be given to:-
  - a. the nomination of 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);
  - b. an investment not exceeding £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;
  - c. worked-up options based on the conclusions of the structural engineer's report (as referred to in (b) above) being presented to the APTL Board on 4 Sept 2009 with a view to formulating a capital investment bid to be submitted to LB Haringey in the September & October 2009 bidding round;
- ii. that Alexandra Palace Trading Limited be formally advised of the decisions taken in (i) (a-c) above; and
- iii. that the General Manager Alexandra Palace be requested to explore possible external funding through sports grant funding or other sources and advise of the results of this to the meeting of the Board on 6 October

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|                | 2009 as part of an update on contingency arrangements for the Ice Rink.  |
| <b>APBO12.</b> | <b>PARK ACTIVITIES UPDATE</b><br><br>The Chair asked for a brief introduction of the report.<br><br>The Park Manager Alexandra Palace – Mr Evison briefly outlined the park events as detailed in paragraphs 6.1-6.6 of the report.<br><br>Mr Evison then referred to the Park Concession Workshop – which had been the subject of consideration at an Urgency panel of the Board on 29 April 2009 where the panel had agreed to lease the workshop to tenderer 3, subject to receiving advice from the Alexandra Park and palace Advisory Committee. The Panel had also delegated to officers and legal advisers the power to conclude negotiations and finalise lease terms once that advice had been received and considered. The successful tenderer had proposed to refurbish the building for use as a children’s soft play centre and ancillary café, providing a high quality facility for the families in the local community. The Trust Solicitor had then prepared a draft lease for the building, which was forwarded to the tenant’s solicitor for consideration. Mr Evison also advised that the agreement was subject to planning permission and the tenant submitted a planning application to LB Haringey on 15 <sup>th</sup> May 2009.<br><br>Mr Evison advised that the Advisory Committee considered this planning application at its meeting of 16 <sup>th</sup> June 2009, as part of the process set out in the Alexandra Park and Palace Act 1985, and the deliberation of the Advisory Committee were before the Board, and circulated under Item 14 – Resolutions of the Advisory Committee.<br><br>The Chair asked that Mr Liebeck give some response as the  Chair of the Advisory Committee.<br><br>Mr Liebeck commented that the discussions at the Advisory Committee had centred on the business had described itself as an “indoor adventure and soft play area with small café” when in fact it appeared to be a small indoor play area with (larger) café area. Comments had also been expressed that the boundaries for the site were unclear on the map provided and how and when it was intended to extend the play area to the outside area. Mr Liebeck also advised that the Advisory Committee consider consulting the long established businesses in the vicinity which may be affected by this proposal.<br><br>Following further discussion, it was clarified by Mr Evison that whilst it was likely that in terms of any proposed usage or proposed development outside of the facility the Lessee would be subject to submitting a further planning application and any variation to the proposed lease would be subject to the permission of the Board.<br><br>In respect of clarification from members as to how the resolutions of the Advisory Committee should be dealt with the Trust Solicitor Mr Harris advised that as with previous practice the Board either accepted or rejected the advice of the Advisory Committee. In the case of the 3 informal resolutions from the Advisory Committee |

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to the Board on this occasion with regard to the 1<sup>st</sup> resolution - the Board was neither able to accept or reject the resolution as this was a statement that the Board was unable to give a view on. In respect of resolution 2 the boundaries of the site would identified within the draft lease to be entered into, and in respect of resolution 3 the proposal was not a practical one as whilst the Board would consult with its Advisory Committee – it would be for the Advisory Committee to advise local businesses or representative groups on its Committee as to the proposals – and the time it would take for the Board to consult all businesses in the vicinity would not be practicable or in any way serve as a benefit.

Following further discussion and clarification, the Chair summarised and it was:

**RESOLVED**

- i. that the report be noted;
- ii. that in respect of the 3 resolutions from the Advisory Committee of 16 June 2009 in respect of the Workshop Café the Advisory Committee be informed in the following terms:

- i. That the business described itself as an “indoor adventure and soft play area with small café” when in fact it appeared to be a small indoor play area with (larger) café area.

*That the Board was neither able to accept or reject the resolution as this was a statement that the Board was unable to give a view on.*

- ii. That the boundaries for the site were unclear on the map provided and how and when it was intended to extend the play area to the outside area.

*The boundaries of the site would identified within the draft lease to be entered into*

- iii. That the Board consider consulting the long established businesses in the vicinity which may be affected. by this proposal

*That the proposal be rejected as whilst the Board would consult with its Advisory Committee – it would either practical or feasible for the Board to carry out such consultation and the proposals had already been consulted upon with all similar users within the Park, and indeed the Advisory Committee representatives through the Advisory Committee.*

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**FOR INCREASED CAPACITY**

The Chair asked for a brief introduction of the report.

The Acting General Manager – Alexandra Palace – Mr Gill advised the Board of the considerations of the Advisory Committee albeit informally at its meeting on 16 June 2009 and the subsequent resolution of the Advisory Committee to the Board – circulated under Item 14.

Following a brief introduction by the Managing Director – Alexandra Palace Trading Limited - Ms Kane in respect of the application for variation of licence to the LB Haringey for a variation of the existing licence to increase capacity over 10,000 – with events lasting till 23.00hrs but not all night, the Chair asked that the Trust Solicitor – Mr Harris advise on views expressed by the Advisory Committee.

Mr Harris reiterated his earlier advice in respect of previous practices of the Board considering the resolutions of the Advisory Committee. In respect of the resolutions of the Advisory Committee in terms of the Great Hall capacity in terms of the request by the Advisory Committee that it be consulted on any likely increases in the number of large events in a relatively short period of time before any commitments are made – that this recommendation be accepted by the Board but that it would not be possible to carry out consultation with all residents on all such events and give advance notice but that there would be publicity given on the website.

Following further clarification, the Chair summarised and it was:

**RESOLVED**

- i. That the report and proposals be noted and welcomed;
- ii. That in respect of the resolutions from the Advisory Committee of 16 June 2009 as regards the proposed variation of the licence to increase capacity in the Great Hall, the Advisory Committee be informed in the following terms:

The SAC asked to be informed of large events in future Forthcoming Events papers and if APTL anticipated that there was likely to be a significant increase in the number of large events in a relatively short period of time, that this should be brought to the attention of this Committee prior to any commitment being made.

That this recommendation be accepted by the Board but that it would not be possible to carry out consultation with all residents on all such events and give advance notice but that there would be publicity given on the website.

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1. Minutes of the meetings of the Board held on (a) 24 February 2009, and the special meetings held on (b) 19 March & (c) 16 April 2009, and minutes of the Alexandra Palace and Park Panel held on (d) 3 March, (e) 29 April 2009;

Councillor Williams referred to the minutes of the meeting of the Board of 19 March 2009 and reference to the Council formally discharging the debt and asked whether this would be requested.

Ms Parker responded that the matter would be considered by the Full Council on 20 July 2009. Councillor Williams commented that this was a matter that the Board should have been advised.

**RESOLVED**

That the Minutes of the meetings of the Board held on 24 February 2009, and the special meetings held on 19 March & 16 April 2009, and of the Alexandra Palace and Park Panel held on 3 March & 29 April 2009 be agreed as accurate records of the proceedings.

2. Minutes of the Alexandra Palace and Park Consultative Committee held on 17 February 2009 and 23 June 2009

**RESOLVED**

- i. That the Minutes of the meeting of the Alexandra Palace and Park Consultative Committee held on 17 February 2009 be agreed as accurate records of the proceedings;
- ii. That it be noted that the Minutes of the meeting of the Alexandra Palace and Park Consultative Committee held on 17 February 2009 were not available.

3. Minutes of the Urgency Committee of the Alexandra Park and Palace Advisory Committee held on 21 May 2009 to consider any recommendations contained therein and the minutes of the Advisory Committee held on 16 June 2009

The Clerk to the Board – Mr Hart advised that the minutes of the Urgency Sub-Committee of the Advisory Committee of 21 May 2009, in respect of the Heartlands School application was referred for consideration, as well as the reiterated view of the Advisory Committee of 16 June 2009. Mr Hart also referred to the advice of the Trust Solicitor which he had supplied in relation to the referral, which should be considered in tandem.

The Chair advised that the resolution of the Urgency Sub-Committee was:

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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 Chair further referred to the comments of the Advisory Committee of 16 June 2009 which stated:

That the Chair of the Advisory Committee urge the Alexandra Palace and Park Board (the Board) to give due consideration to the views expressed by the Urgency Sub-Committee on the planning application relating to the Haringey Heartlands Development, which this committee endorsed.

The Chair asked that the Trust Solicitor – Mr Harris give an explanation of his comments that had been circulated.

Mr Harris responded that in respect of the referral from the Advisory Committee and its Urgency Sub-Committee the Heartlands Application was on land clearly not in the ownership of the trustees and therefore it was not within the remit of the Advisory Committee to refer the issue to the Board for its consideration.

The Chair asked if there were any points of clarification.

Councillor C. Harris commented that having read the Advice of the Trust Solicitor it was perfectly clear that the application clearly fell outside the remit of the Advisory Committee's ambit of referral and therefore it should be advised of this.

Mr Liebeck commented that he would beg to differ and that the advice was extremely narrow his view as the application was impacting on the Park and Palace long term and therefore was of considerable importance and that in this respect local concerns had been expressed and the Advisory Committee had taken account of them., and were asking the Board to consider these and refer them on.

Mr Harris commented that whilst there may be expressed views the

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|                       | <p>appropriate channel was via the Local Authority’s planning service. He reiterated his earlier comment that as such the consideration was outside the remit of the Advisory Committee to refer such matters to the Board, and the Board to give consideration thereto.</p> <p>In response to points of clarification, and a suggestion from Councillor Hare as to whether the Board could request consideration of the Heartlands Application, and comments from Councillor C. Harris that the proposed development would actually block out the rather unsightly view of the railway tracks etc, and confirmation from the Acting General Manager - Mr Gill that as yet the Board had not been consulted on the planning application, and how this now might be requested the Chair summarised and it was:</p> <p><b>RESOLVED</b></p> <p>i. that the resolutions of the Statutory Advisory Committee of 16 June 2009, and its Urgency Sub-Committee be responded to as the Board’s response:</p> <p>that the Board would not comment on the referral from the Advisory Committee and its Urgency Sub-Committee in respect of the Heartlands Application as the site application was on land clearly not in the ownership of the trustees and therefore it was not in the remit of the Advisory Committee to refer the issue to the Board for its consideration, and that any such comments should be referred directly the LB Haringey Planning Service;</p> <p>ii. That the General Manager Alexandra Palace be asked to ascertain if the Heartlands Application would be put the Board for comment and advise the Board accordingly of any required timescales.</p> |
| <p><b>APBO15.</b></p> | <p><b>NEW ITEMS OF UNRESTRICTED BUSINESS</b></p> <p>There were no items of urgent unrestricted business.</p>   |
| <p><b>APBO16.</b></p> | <p><b>EXCLUSION OF THE PUBLIC AND PRESS</b></p> <p><b>RESOLVED</b></p> <p>That the Public and Press be excluded form the proceedings as Items 12-17 are exempt 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, information relating to any individual, information 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>  |



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|                | <p>At this point in the proceedings the Chair MOVED and it was agreed nemine contradicente that the meeting adjourn for a 5 minute period.</p> <p>The meeting adjourned at 21.25hrs and reconvened at 21.30hrs.</p> <p>At this point the Chair MOVED and it was agreed nemine contradicente that the order of business be varied to next consider Item 22 – Exempt Minutes.</p> <p style="text-align: center;"><b>SUMMARY OF EXEMPT/CONFIDENTIAL PROCEEDINGS</b></p>  |
| <b>APBO17.</b> | <p><b>MINUTES</b></p> <ul style="list-style-type: none"> <li>i. AGREED the exempt minutes of the meeting of the Board held on 24 February 2009, and the special meeting held on 16 April 2009, and exempt minutes of the Alexandra Palace and Park Panel held on 3 March, 29 April 2009;</li> <li>ii. AGREED the Minutes of the meeting of the Board of 16 April 2009 – APB081 subject to the comments made regarding the matters arising; and</li> <li>ii. AGREED the Minutes of the Alexandra Palace and Park Panel of 3 June 2009 be agreed subject to an amendment</li> </ul> |
| <b>APBO18.</b> | <p><b>NON-EXECUTIVE DIRECTORS - ALEXANDRA PALACE TRADING LIMITED - APPOINTMENT AND RECRUITMENT</b></p> <p>AGREED RECOMMENDATIONS</p>  |
| <b>APBO19.</b> | <p><b>ALEXANDRA PALACE SECURITY CONTRACT</b></p> <p>AGREED RECOMMENDATIONS</p>  |
| <b>APBO20.</b> | <p><b>INTERIM STAFFING ARRANGEMENTS - ALEXANDRA PALACE (TO FOLLOW)</b></p> <p>Mr Gill left the proceedings for the duration of this item.</p> <p>AGREED RECOMMENDATIONS</p> <p>At this point in the meeting Mr Gill re-entered the proceedings .</p> <p>Mr Harris advised that he would withdraw from the proceedings for consideration of the next two items, and withdrew accordingly.</p>  |
| <b>APBO21.</b> | <p><b>CLARIFICATION OF LEGAL MATTERS</b></p> <p>AGREED RECOMMENDATIONS</p>  |

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| <b>APBO22.</b> | <b>TENDERING PROCESS FOR OBTAINING LEGAL SERVICES (TO FOLLOW)</b><br><br>AGREED RECOMMENDATIONS  |
| <b>APBO23.</b> | <b>NEW ITEMS OF EXEMPT BUSINESS</b><br><br>There were no items of exempt urgent business.<br><br>There being no further business to discuss the meeting ended at 22.20hrs. |

COUNCILLOR PAT EGAN

Chair