

**REDACTED EXEMPT MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD
- 18 OCTOBER 2011**

PRESENT:

* INDICATES ATTENDEE

Councillors *Cooke (Chair), *Hare, *Peacock, *Scott, *Stewart (Vice-Chair),
*Waters, and *Williams

Non-Voting *V. Paley, *C. Marr and *N. Willmott
Representatives:

Observer: *D. Liebeck

Also present:

Mr. D. Wilson (Chief Executive – Alexandra Palace)

Mr. A. Gill (Interim General Manager – Alexandra Palace)

Ms. H. Downie (Head of Finance and Company Secretary – APTL)

Mr. I. Harris (Trust Solicitor)

Ms. J. Parker (LB Haringey Director of Corporate Resources)

Mr. R. Prince (LB Haringey Acting Assistant Head of Legal (Litigation and Corporate))

Mr. M. Hopson (LB Haringey – Head of Regeneration & Development – Alexandra Park & Palace)

Mr. C. Hart (LB Haringey Committees Manager)

Ms. N. Cole (Clerk)

**MINUTE
NO.**

SUBJECT/DECISION

APB0145	EXCLUSION OF THE PUBLIC AND PRESS
	<p>RESOLVED</p> <p>that the press and public be excluded from the meeting in respect of agenda items 16 – 20 (minute 146 – 150) as they contain exempt information as defined in Section 100a of the Local Government Act 1972; Para 1 – information relating to any individual, Para 2 – Information which is likely to reveal the identity of an individual, Para 3 - information relating to the business or financial affairs of any particular person (including the authority holding that information), and Para 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>
APB0146.	<p>FINANCE UPDATE</p> <p>The Board considered the exempt report (pages 89 – 93) updating on the financial results of Alexandra Palace Trading Company for the period to 31st August 2011 and the forecast profit for the financial year.</p> <p>In response to comments that some of the financial information provided could be in the public domain it was explained that it was a future aspiration to consolidate the Charitable Trust and the Trading Company accounts reports.</p> <p>RESOLVED</p> <p>i. That the results of the Alexandra Palace Trading Company for the period to 31st August 2011 and the forecast profit for the financial</p>

**REDACTED EXEMPT MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD
18 OCTOBER 2011**

	<p>year be noted; and</p> <p>ii. That the key risks against the £662k profit forecast and the action being taken to address those risks be noted.</p>
<p>APB0147</p>	<p>CONSIDERATION OF OUTCOME OF LB HARINGEY STANDARDS COMMITTEE DETERMINATION HEARING</p> <p>The Board considered the exempt reports (pages 95 – 119) on the outcome of the standards determination hearing panel held on 30 and 31 March 2011 seeking the Board’s decision on whether to give further consideration to possible proceedings against a former Chair of the Board.</p> <p>The Board undertook a wide ranging discussion in relation to the report – the main points being:</p> <ul style="list-style-type: none"> • Members generally acknowledged that the Trust would not benefit from legal proceedings against the former Chair, noting the advice given by LB Haringey’s Director of Corporate Resources that any case would need to establish liability and be capable of quantifying the loss, and that based on advice from the Trust’s Solicitor set out below and in his report, that would be extremely difficult to do in terms of evidence. • The Council had changed insurers since 2007. • The Trust Solicitor emphasised the comments in his report as to there being little evidence that the former Chair of the Board of Trustees did not faithfully discharge his duty. He advised that it would be extremely difficult to prove a causal link between the briefing note which the former Chair did not disclose to the other Trustees, and the Trustees’ decision at the time. He also advised that it would be difficult to place the blame for loss onto one person as the Board could have cancelled the licence at any time but in October 2007 decided to continue with the licence until January 2008. • The Board was reminded of paragraph 8.5 of the report (page 98) which stated that the Charity Commission found that the Trust had acted reasonably and honestly and had closed the case. • The Trust Solicitor emphasised that the General Manager at the time chose not to disclose the Trust Solicitor’s legal advice against entering into the Firoka licence. The licence was never subsequently shown to the Trust Solicitor or Howard Kennedy, the firm he represented. • Cllr Hare suggested that a Beddoes Application be made, whereby the Trust could ask the Court for further advice. The Trust Solicitor explained that this process would usually be followed where there was uncertainty about what course of action to take but in this case officers were clear in their advice to the Board. The Beddoes Application was also a costly route to take. • Mr Liebeck commented in respect of further pursuance of the matter. • In response to concerns raised in the debate, the Chair highlighted that Trustees would be clearly discharging their duty to address the issues raised in the standards determination hearing by making a clear decision this evening. It would be important that the Board set out a clear rationale for its decision-making no matter what the final resolution. • He stated that the general consensus was that the former Chair’s conduct was “deplorable” however, the Chair reminded the Board that

**REDACTED EXEMPT MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD
18 OCTOBER 2011**

pursuing this matter further would without doubt impact on the plans for the regeneration of the Palace in both staff time and financial resources both of which were extremely precious,. He urged members to resolve to move on from this matter which would not benefit the Trust. Lessons had been learnt and new policies and procedures had been put in place as part of the substantial governance review which had been conducted following the failed Firoka bid. These comments were echoed by the Vice Chair (Cllr Stewart), Cllr Waters, Val Paley and Nigel Willmott.

- The Interim General Manager commented on the amount of time already spent dealing with issues that had happened in the past and the likely resource commitment if the Board decided to pursue this matter, including much of the new Chief Executive's time.
- In response to a number of points raised the Trust Solicitor advised that his role was to advise the General Manager Alexandra Palace and that it was the General Manager's decision to then advise the Board of any such advice. In response there was disagreement expressed by some Members as to whether the Trust Solicitor's role was to advise officers, rather than Board Members directly.

Cllr Williams MOVED a motion to consider this matter further in the absence of the Trust Solicitor. On a vote there being 2 "for" and 2 "against" and 3 abstentions, the Chair exercised his casting vote "for" the motion and it was;

RESOLVED

that the Trust Solicitor leave the proceedings for a period of the ensuing discussion.

The Trust Solicitor left the meeting at this point.

- In response to concerns raised by Cllr Hare at the actions of the Trust Solicitor, the Director of Corporate Resources - LB Haringey – Ms Parker advised that it was not a matter for the Board to consider as the report before the Board was not in relation to any action past or present of the Trust Solicitor and that any such issues or concerns that related to the Trust Solicitor would be required to be considered separately. The Board noted and accepted the comments of Ms Parker.
- The Interim General Manager reminded the Board that he was recommending a course of action to the Board, and these recommendations were those of the Trust Solicitor, whose appended report gave a series of options.
- Nigel Willmott highlighted that the Trust Solicitor had a duty of confidentiality to his clients who were the Palace officers.

The Chair then MOVED, and it was agreed nemine contradicente that Mr Harris be allowed to return to the proceedings.

The Trust Solicitor – Mr Harris returned to the proceedings.

- Cllr Williams stated that he felt the concerns raised in the recommendations of the Joint SAC/CC had not been addressed.

**REDACTED EXEMPT MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD
18 OCTOBER 2011**

The Chair MOVED the recommendations in the report and;

- a vote on recommendation i. was taken (5 in favour and 1 against and 1 abstention)
- a vote on recommendation ii. was taken (5 in favour and 1 against and 1 abstention)
- Further recommendations were AGREED as detailed below.

RESOLVED

- i. That following consideration of the report of the Interim General Manager and its legal advisers in respect of seeking a decision from the Board as to whether it wishes to give further consideration to possible proceedings against a former Chair of the Board, it be agreed that no further action be taken in this matter;
- ii. That the Interim General Manager be instructed to respond to the Council's Monitoring Officer, informing him of resolution (i) above;
- iii. That the Trustees' principal focus is securing the future regeneration of the building, and its senior staff and Trustee time and financial resources must be directed at pursuing that goal, however;
- iv. That this Board notes, accepts and endorses the findings of the Standards Determination Hearing of 30 and 31 March 2010 in respect of the conduct of the former Chair of the Alexandra Palace and Park Board;
- v. that in so accepting the findings of the Standards Determination Hearing of 30 and 31 March 2010, having given careful consideration to the minutes of the Determination Hearing Panel, the Board records its own independent view that the conduct and behaviour of the former Chair of the Board fell very far short of the standard of conduct expected of a Chair and Trustee of the Alexandra Palace and Park Board, the Board noted that following these events and as a result of an exhaustive review process, clear and proper governance principles have now been adopted by the Alexandra Palace and Park Board to prevent such actions occurring in the future;
- vi. that to further transparency and in the public interest, in respect of the exempt classification of the report considered, the Chief Executive Alexandra Palace be delegated authority, in conjunction with the Chair of the Board, and subject to any legal clarification, to consider publishing the exempt report either in a full or redacted public form, and also consider whether the minutes of the proceedings on this item also be made available in either a full or redacted public form; and
- vii. that in respect of the formal resolutions of the Alexandra Park and Palace Statutory Advisory Committee of 13 September 2011 and an appropriate response from the Board, the Chair be delegated authority in conjunction with the Chief Executive of Alexandra Palace to respond on behalf of the Board, and, that this response will relate to all of the points made in the questions to the Board raised earlier at the joint meeting of the

**REDACTED EXEMPT MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD
18 OCTOBER 2011**

	Consultative Committee and the Statutory Advisory Committee on 31 st May 2011.
APB0148.	MINUTES Item not considered due to insufficient time available.

The meeting ended at 22:30 hrs.

COUNCILLOR MATT COOKE
Chair