

**MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD
TUESDAY, 30 OCTOBER 2007**

Councillors *Cooke (Chair), *Egan (Vice Chair), *Beacham, *Dogus, *Hare, *Oakes, and *Peacock.

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

Observer: *Mr. D. Liebeck

*Present:

Also present: Councillors White and Williams

Mr D. Loudfoot – General Manager, Alexandra Palace
 Mr I. Harris – Trust Solicitor
 Mr K.Holder – Consultant Development Manager
 Mr M. Evison – Park Manager, Alexandra Palace
 Mr K.Harrington – Finance Officer, Alexandra Palace
 Mr R.Burbidge – Cabinet Committees Manager, Haringey Council

**MINUTE
NO.**

SUBJECT/DECISION

<p>APBO18.</p>	<p>APOLOGY FOR ABSENCE (Agenda Item 1):</p> <p>An apology for absence was received from Mr M. Tarpey.</p>
<p>APBO19.</p>	<p>MINUTES (Agenda Item 4):</p> <p>Arising from consideration of Minute APBO.17 of the meeting held on 10 October 2007, it was noted that Councillor Hare and others had sought the clarification to which reference was made in the third paragraph of the preamble and it was agreed that the minute should be changed to reflect this. Similarly, it was also noted that Councillors Egan and Hare had asked the further questions to which reference was made in the fifth and seventh paragraphs of that minute.</p> <p>Councillor Hare also referred to another point that he had made at the meeting about the Council never having sought the opinion of it's own counsel about continuing to fund the Charity's trading deficit and expressed the wish that this also be included in Minute APBO.17. It was agreed that the notes taken at the meeting by the Committee Clerk be checked and Members of the Board be advised if the question had been raised and of any answer that had been given.</p> <p>RESOLVED:</p> <p>That the minutes of the meeting of the Alexandra Palace and Park Board held on 17 July 2007 and, subject to the forgoing, the minutes of the special meeting held on 10 October be confirmed and signed.</p> <p>a. Alexandra Palace and Park Consultative Committee – 10 July 2007</p> <p>RESOLVED:</p>

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That the minutes of the meeting of the Alexandra Palace and Park Consultative Committee held on 10 July 2007 be confirmed.

b. Alexandra Park and Palace Statutory Advisory Committee – 16 October 2007

Arising from consideration of the minutes of the Advisory Committee we noted that in respect of a number of recommendations put to the Board on 31 October 2006, and the subsequent response of the Board to those recommendations on 14 November 2006, the Advisory Committee had requested the Board to reconsider the advice and recommendations of the Advisory Committee and its responses, and advise the Advisory Committee how they intended to implement their responses.

Councillor Hare referred to the notice he had given of a number of questions he wished to raise which related to the Advisory Committee's request and sought clarification of whether he might ask them at this juncture. The Chair indicated that the questions might be better considered during consideration of the report of the Trust Solicitor on the present position with regard to negotiations with Firoka (see Minute APBO.22 below).

The Trust Solicitor having advised that it was not appropriate to discuss the future of the asset until a clear view had been obtained from Firoka as to their intentions, the Chair added that any discussion would be hypothetical until that position was clarified.

Mr Liebeck expressed concern that the matters raised by the Advisory Committee should not be allowed to fall by default and having referred to the recent Court ruling and the continuing role of the Advisory Committee. He voiced disquiet that the Advisory Committee had still not seen the proposed lease with Firoka and expressed the hope that the advice and recommendations made by the Advisory Committee would be taken into account when the Charity Commission carried out the second consultation exercise. The Chair indicated that the full transcript of the Court ruling specifically regarding consultation would be considered by the Board and at that time it would be both appropriate and reasonable that advice and those recommendations from the Standing Advisory Committee would be considered in the light of the Courts direction.

Councillor Beacham having asked why the proposed lease could not be made available at this time to the Advisory Committee, the Trust Solicitor again advised that negotiations with Firoka were at an extremely delicate stage and until Firoka's position was made clear it would not be helpful to publish what the proposed lease had said.

Councillor Hare expressed the view that there was little reason why members of the Advisory Committee should not see the lease if they had signed confidentiality agreements and were being asked for their views on related matters without knowing its contents. He suggested that as a number of lay people had now seen the lease a protocol should be agreed to allow Advisory Committee members to see it also. The Trust Solicitor commented that the Charity Commissioners had yet to decide on the scale and scope of their second consultation process and that it would be premature for the trustees to pre-empt

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the Charity Commission decision and publish the lease and project agreement until they had arrived at a view. Once details of the Charity Commission's proposed consultation process were known the Board would be able to consider that with the appropriate advice.

Councillor Hare indicated his disagreement with the advice offered by the Trust Solicitor and with what he viewed as the selective withholding of information and re-iterated his opinion that a copy of the lease should be provided to members of the Advisory Committee. The Chair responded indicating that he did not share that view and in the light of the advice of the Trust Solicitor he moved that the proposed lease between the Trust and Firoka Ltd. should not be made available for the time being but that as soon as the Charity Commissioners informed the Board of the consultation process they proposed to carry out all information that could be placed in the public domain be made available to the Advisory Committee. On being put to the vote Councillors Cooke, Dogus, Egan and Peacock appeared in favour and Councillors Beacham, Hare and Oakes against and it was declared carried.

The Chair then proposed a second motion that when the Board was in a position to reconsider the advice and recommendations of the Advisory Committee first put to them on 31 October and the responses given on 14 November 2006 they do so on the advice of the Trust's solicitor. On being put to the vote Councillors Cooke, Dogus, Egan and Peacock appeared in favour and Councillors Beacham, Hare and Oakes against and it was declared carried.

Councillor Hare was of the opinion that the Advisory Committee would not be able to function properly in the light of the decisions taken. The Trust Solicitor responded indicating that the Board was required to act in the best interests of the Charity and that advice had already been given about premature disclosure of information. Negotiations with Firoka were at a delicate stage and should be allowed to continue without prejudice, the threat of a claim for substantial damages based upon the trustees alleged repudiatory breach of contract remained and anything which the Board did in advance of the Charity Commission's decision might prejudice this.

RESOLVED:

1. That the minutes of the meeting of the Alexandra Park and Palace Statutory Advisory Committee held on 16 October 2007 be received.
2. That the proposed lease and project agreement between the Trust and Firoka Ltd. should not be made available for the time being but that as soon as the Charity Commissioners informed the Board of the consultation process they proposed to carry out all information that could be placed in the public domain be made available to the Advisory Committee.
3. That the advice and recommendations of the Advisory Committee first put to the Board on 31 October and the responses given on 14 November 2006 be reconsidered once the Charity Commission had indicated its position.

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<p>APBO20.</p>	<p>OPERATING BUDGET: TO ADVISE THE BOARD OF THE FIVE MONTHS RESULTS TO END OF AUGUST 2007 (Report of the General Manager - Agenda Item 6):</p> <p>In response to a question by Councillor Beacham, the General Manager confirmed that the Charity had a standing arrangement with the Council which ensured that money was drawn down as required to ensure that the Charity's account was always in a positive balance.</p> <p>Councillor Hare then referred to a matter which he wished to raise and notice of which he had given to the Chair. He then sought details of relationship between the Board, Firoka and Alexandra Palace Trading Ltd. together with the terms under which Firoka had occupied the Palace and traded there.</p> <p>The Consultant Development Manager reported that the Board remained in control of the asset but that the trading arrangement was a matter for Alexandra Palace Trading Ltd. and was not within the purview of the Board.</p> <p>Councillor Hare expressed his dissatisfaction with the response given and opined that as the building was the responsibility of the Board it followed that the terms of occupation were a matter for the Board also. The Trust Solicitor confirmed that while responsibility for the building remained with the Board commercial activities conducted there were a matter for the Trading Company and it was inappropriate for the Board to deal with such arrangements and relationships.</p> <p>RESOLVED:</p> <p>That the income and expenditure for the five months to the end of August 2007 as set out in the interleaved report and the Appendix thereto be noted.</p>
<p>APBO21.</p>	<p>HERITAGE LOTTERY FUNDED LANDSCAPE DEVELOPMENT PROJECT UPDATE TO UPDATE ON PROGRESS MADE TOWARDS THE PROGRAMME OF WORKS FOR THIS YEAR'S PROJECT (Report of the Park Manager - Agenda Item 7):</p> <p>The Park Manager introduced the report and drew the particular attention of the Board to the planned revision of the bye-laws.</p> <p>Councillor Hare referred the Board to Ref. 12.5 in the Appendix to the report – Create an overflow car park along Lower Road. He advised that the Comments column against this item should be amended to reflect that the proposal was taken out of the Schedule of Works because it had not secured planning permission.</p> <p>Councillor Egan having been informed that it was intended to adopt the model bye-laws, he asked that these be reported to all of the established Alexandra Palace and Park Boards.</p> <p>Councillor Hare added that the question of the ownership of the Redston Road fence needed to be resolved.</p>

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	<p>RESOLVED:</p> <p>That the report, the Heritage Lottery Fund Schedule of Works 2007 and the planned revision of the bye-laws be noted.</p>
<p>APBO22.</p>	<p>FUTURE OF THE ASSET (Report of the Consultant Development Manager - Agenda Item 8):</p> <p>The Consultant Development Manager having indicated that he had no update on this occasion as matters on which he would have otherwise reported were already covered in the report of the Trust's Solicitor, Councillor Hare requested that in future updates be prepared in writing and circulated with the agenda for Board meetings.</p> <p>Councillor Hare also referred to questions he had intended to raise at this point in the meeting but at the suggestion of the Chair he agreed to raise at a later stage of the meeting.</p> <p>RESOLVED:</p> <p>That in future reports of the Consultant Development Manager be submitted in writing and circulated with the agenda for Board meetings.</p>
<p>APBO23.</p>	<p>NEW ITEMS OF UNRESTRICTED URGENT BUSINESS (Agenda Item 9):</p> <p>Present Position with regard to Negotiations with Firoka (Report of the Trust Solicitor - Agenda Item 9 (i))</p> <p>Our Chair agreed to accept the report as urgent business. The report was late because negotiations detailed in the report had not been concluded until 25 October. The report was too urgent to await the next meeting because it impacted on other matters under consideration at the meeting to which these minutes relate.</p> <p>The Trust's Solicitor outlined the present position with regard to negotiations with Firoka. In response to a question from Councillor Beacham concerning the alleged repudiatory breach of the Agreement, the Trust's Solicitor advised that the alleged breach was denied as it was always intended that a Charity Commission Order would be required before the lease could be granted.</p> <p>RESOLVED:</p> <p>That the present position be noted.</p> <p>Appointment of a Director to the Board of Alexandra Palace Trading Ltd. (Report of the General Manager - Agenda Item 9 (ii))</p> <p>Our Chair agreed to accept the report as urgent business. The report was late because notification of the resignation of the former Chair of the Board had only lately been received . The report was too urgent to await the next meeting because of the need to avoid any adverse impact on the company.</p>

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	<p>Councillor Hare sought clarification of whether or not the duty to allocate seats to political groups as required by Section 15(1) of the Local Government and Housing Act 1989 applied to the Trading company. Officers present at the meeting were not able to provide the clarification sought and it was</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That consideration of the appointment of a further Board member to serve on the Board of Directors of Alexandra Palace Trading Ltd. be deferred pending clarification of whether the duty to allocate seats to political groups applied. 2. That a meeting of the Alexandra Palace and Park Panel be convened as necessary to agree the appointment.
<p>APBO24.</p>	<p>MINUTES: (Agenda Item 11):</p> <p>These minutes were the subject of a motion to exclude the press and public from the meeting as they contained exempt information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> <p>RESOLVED:</p> <p>That the exempt minutes of the meeting of the Alexandra Palace and Park Board held on 17 July 2007 be confirmed and signed.</p>
<p>APBO25.</p>	<p>NEW ITEMS OF EXEMPT URGENT BUSINESS (Agenda Item 13):</p> <p>Costs Order Made at the Judicial Review Hearing (Report of the Trust Solicitor - Agenda Item 13 (i))</p> <p>Our Chair agreed to accept the report as urgent business. The report was late because of the need to formalise the corrected figures. The report was too urgent to await the next meeting because the decision of the Cabinet in relation to this matter was subject to confirmation at the meeting to which these minutes relate.</p> <p>This item was the subject of a motion to exclude the press and public from the meeting as they contained exempt information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> <p>RESOLVED:</p> <p>That the report be noted.</p> <p>(Councillors Cooke, Dogus, Egan and Peacock voted in favour and Councillors Beacham, Hare and Oaks voted against).</p>
<p>APBO26.</p>	<p>DATES OF MEETINGS OF THE BOARD FOR THE REMAINDER OF THE MUNICIPAL YEAR 2007/2008 (Agenda Item 14):</p> <p>RESOLVED:</p>

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	That it be noted that the remaining meeting of the Board in the current municipal year was scheduled to take place on 26 February 2008.
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The meeting ended at 21.22 hours

COUNCILLOR MATT COOKE
Chair