### PRESENT:

Councillors Cooke (Chair), Egan (Vice-Chair), Beacham, Dogus, Hare, Oakes,

Non-Voting Ms Paley, Mr Tarpey & Mr Willmott

Representatives:

Observer: Councillor M Whyte – substituting for Mr D Liebeck

### Also present:

### Councillor Neil Williams

Mr David Loudfoot – General Manager Alexandra Palace

Mr Iain Harris - Trust Solicitor

Mr Keith Holder - Consultant Development Manager - Alexandra Palace

Mr Mark Evison - Park Manager - Alexandra Palace

Ms Julie Parker – Director of Corporate Resources – LB Haringey

Mr Clifford Hart – Clerk to the Board – Non-Executive Committees Manager

- LB Haringey

Mr Pesh Framjee - Auditors to the Board - Deloitte and Touché

### MINUTE NO.

### SUBJECT/DECISION

### APBO40. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Peacock due to illness, and David Liebeck (due to vacation) for whom Councillor Whyte was substituting.

### NOTED

### **APBO41. URGENT BUSINESS**

The Chair asked that the Board be advised of those agenda items for the Board to consider including late items.

The Clerk to the Board advised that following the publication of the agenda on 18 February 2008 the Board were then sent 2 further despatches namely:

- i. a despatch on 21 February 2008 enclosing the draft minutes of the Alexandra Park and Palace Statutory Advisory Committee of 5 February 2008 and resolutions arising from that Committee for the Board's consideration, comments of the LB Haringey's Chief Financial Officer in respect of Agenda Items which the Board were asked to read in conjunction with the already circulated reports, and also Item 16.
- ii. A despatch on 25 February 2008 enclosing Agenda Item 6 together with the comments of the LB Haringey's Chief Financial Officer in respect of this item.

The Clerk advised that with regard to agenda Items 6 and 16 – in accordance with the rules for considering late items of business – reasons for the lateness would be required to be given in respect of each item.

The Chair thanked the Clerk for his explanation and in reference to Item 6 – Audit of Accounts 2006/07 asked if the General Manager would give an explanation as to why the report was late.

The General Manager – Mr Loudfoot informed the Board that it was necessary to place on record the reasons for the delay in formally submitting to the Board the Charity's accounts for 2006/07. Mr Loudfoot advised that the delays had their roots in the Judicial Review in October 2007. The written decision of the Court was released some weeks after the hearing and the Charity Trustees had had to review the outcome. As a result the auditors had been unable to provide an audit opinion until some clarity had been given in terms of the future direction, with regard to the prime income generating the asset and that it was absolutely clear that there would be no requirement to liquidate Alexandra Palace Trading Ltd over the subsequent months.

Mr Loudfoot further advised that in this respect the auditors needed to consider whether the accounts should be prepared on a 'closure, or trading basis and fundamental to that consideration and conclusion were the decisions of the Board and responses from the preferred developer. Mr Loudfoot further commented that by which point it was apparent that the auditors had been unable to complete the work immediately due to their own key staff having other commitments. Subsequently the audit review had recommenced in January 2008 and a full review was required given the period of time since it was first commenced.

Mr Loudfoot concluded that in recognising the inherent difficulties and delays he had instructed the Trust's Solicitor to approach the Charity Commission to seek consent for the late filing of the accounts so that the commission would understand the difficult circumstances. It was also the case that similar action had been necessary with APTL's Company Secretary receiving consent from Companies House for the late filing of accounts.

The Chair thanked Mr Loudfoot for the stated reasons.

The Trust Solicitor – Mr Harris – advised the Board that the reasons for lateness in receiving the report were due to the late receipt of a report from the financial consultants King Sturge – appended as 'D'. The report required urgent deliberation by the Board in respect of its position with its current preferred partner and the need to make decisions as to that relationship.

The Chair on behalf of the Board accepted the reasons for lateness in terms of both reports as stated and that he agreed to their admittance as late items.

### **NOTED**

### APBO42. DECLARATIONS OF INTEREST

Councillor Cooke declared a personal but not a prejudicial Interest in Item 7 and

8, as an appointed Director of Alexandra Palace Trading Limited.

Councillor Egan declared a personal but not a prejudicial Interest in Item 7 as an appointed Director of Alexandra Palace Trading Limited.

Councillor Hare declared a personal but not a prejudicial Interest in Item 7 as an appointed Director of Alexandra Palace Trading Limited.

Councillor Oakes declared a personal but not a prejudicial Interest in Item 7 as an appointed Director of Alexandra Palace Trading Limited.

### **NOTED**

### APBO43. MINUTES

i. Minutes - Alexandra Palace and Park Board - 30 October 2007, special meetings – 5, and 17 December 2007

### **RESOLVED**

That the minutes of the meeting of the Alexandra Palace and Park Board held on 30 October, and minutes of special meetings held on 5 December 2007, and 17 December 2007 be agreed and signed by the Chair as an accurate record of the proceedings.

ii. Minutes of the meetings of the Alexandra Palace and Park Panel held on 22 & 29 November 2007

### **RESOLVED**

That the minutes of the meetings of the Alexandra Palace and Park Panel held on 22 November 2007, and 29 November 2007 be agreed and signed by the Chair as an accurate record of the proceedings.

iii. Minutes of the Alexandra Palace and Park Consultative Committee - 23 October 2007, and 12 February 2008

The Clerk advised that the minutes of the meeting of the Consultative Committee held on 12 February 2008 had been drafted but were not available at this meeting.

### **RESOLVED**

That the minutes of the meeting of the Alexandra Palace and Park Consultative Committee held on 23 October 2007 be noted.

iv. Minutes of the Alexandra Park and Palace Statutory Advisory Committee and 3 July 2007

The Chair advised that whilst he was happy to consider the minutes of the Statutory Advisory Committee of 5 February 2008 and recommendations arising therefrom, at this point in the proceedings, he felt it would be more appropriate to vary the order of agenda items to consider these matters after exempt Item 16 - Future of the Asset.

Councillor Whyte, as the Statutory Advisory Committee's substitute Observer to the Board commented that she had no objection to consideration of the minutes and resolution at the suggested point in the proceedings.

The Board agreed to the variation in considering the draft minutes and resolution of the Statutory Advisory Committee of 5 February 2008 after consideration of exempt Item 16 - Future of the Asset, nemine contradicente.

### **NOTED**

Councillor Hare clarified and the Chair responded that any such recommendations of the Board in relation to the Statutory Advisory Committee's recommendations of 5 February 2008 would be conveyed in writing to the special Statutory Advisory Committee on 18 March 2008.

### **NOTED**

### APBO44. QUESTIONS, DEPUTATIONS AND PETITIONS

There were no questions, deputation requests or petitions submitted.

### NOTED

### APBO45. AUDIT OF ACCOUNT 2006/07 - REPORT OF THE GENERAL MANAGER - TO RECEIVE AND CONSIDER THE AUDITED ACCOUNTS FOR 2006/07 TO **FOLLOW**

The Chair asked for a brief introduction to the report.

The General Manager - Mr Loudfoot advised the Board that was the 11th set of audited accounts by a registered auditor in accordance with the Charities Act 1993. Mr Loudfoot advised that the External Auditors - Deloitte & Touché LLP were in attendance during this item and were represented by Mr Pesh Framjee.

In reference to the circulated report Mr Framjee gave a brief outline of its contents and responded to points of clarification.

Following an indication by Councillor Hare of a complex number of questions in relation to the draft accounts and those of the Local Authority, together with a number of public concerns that there had been insufficient time to view the contents of the report the Chair advised that he would be minded to defer consideration of the report to a later date. Councillor Hare, in reference to (i) a

number of inconsistencies in the content of the report, (2) particularly in relation to £34million accumulated debt which did not appear in the Council's and these accounts, the LB Haringey's Director of Corporate Resources - Ms Parker advised that there was not a particular requirement for both sets of accounts to be in line with each other. This was the case in respect of the issue of the accumulative debt of £34 million and how the Local Authority chose to record this. Councillor Hare sought clarification as to whether the £34 million was a split of £17 million losses and £17 million interest.

In clarification to further points raised by Councillor Hare Mr Framjee advised that in terms of the £34 million both Mr Loudfoot and Mr Framjee confirmed that there was no interest charged in 2006/07, or 2007/08. In response to clarification from Councillor Beacham in terms of the writing off of the deficit this had not been a write off from the Trustees as the debt lay with the Local Authority Pash Framjee explained that it was not the case that because the trust had included details of the debt that the Local authority would do the same, the accounts of the local authority were a matter for them as were the trusts accounts a matter for the trust. The debters and creditors need not individually reflect the same figures in their respective accounts.

In clarification to points raised by Councillor Whyte the Clerk - Clifford Hart advised that in respect of this item, and also Item 16 there had been notification of both matters on the agenda and within the rules governing the 5 day rule the Board was able to consider both reports as notice had been given, subject to the acceptance of the Chair under Item 2 on the agenda of the reasons for lateness as advised by officers.

Following a brief clarification as to the likely date for a special Board meeting the Chair MOVED and it was:

### **RESOLVED**

- That further consideration of the report be deferred to a special i. Alexandra Palace and Park Board to be convened on Monday 10 March 2008 commencing at 19:30hrs at Alexandra Palace; and
- That Members of the Board submit any questions or points of ii. clarification in good time in order for responses to be given; and
- That the public present at this meeting note the decision to defer iii. consideration of the report and that any questions they may have be submitted in a reasonable timeframe to officer responses, noting that under the rules of the Council's constitution the ruling for such submissions is 5 clear working days prior to the Board meeting.

APBO46. BUDGET ESTIMATES 2008-09 - TO SEEK THE APPROVAL OF THE BOARD TO THE BUDGET ESTIMATES FOR 2008/09 AND ASSOCIATED LEVEL OF REVENUE SUPPORT REQUIRED FROM THE LOCAL AUTHORITY- REPORT OF THE GENERAL MANAGER

The Chair asked for a brief introduction of the report.

The General Manager – Mr Loudfoot advised the Board that the report detailed the draft budget estimates for 2008/09. The draft budget estimate was detailed at Appendix 1 of the report. The estimate breakdown was provided against the

broader background of restarting the trading company and the need to undertake various works to the building to prevent any further deterioration of the fabric. Mr Loudfoot further advised that although the Charity Commission granted the Order to allow disposal through a 125-year lease, the process had been stalled due to the quashing of that Order by Judicial Review. At the current time it was impossible to give timescale estimates as to when the transfer of the asset would be possible and the Board would be advised later in the meeting as to progress with furtherance of the chosen policy of holistic development and more specifically progress with the preferred developer (Firoka). This budget estimate was prepared on the basis that the process of development was continued but that the transfer of the asset would not occur prior to 31<sup>st</sup> March 2009 and in that time, APTL would continue to deliver the events programme and also additionally to undertake the management of the ice skating rink.

Mr Loudfoot further reported that the overall effect of the income and expenditure estimates along with the estimated covenant from APTL of £1m put the charity in a position where the revenue deficit was estimated at £1,681,826. It would be necessary to formally seek financial support from the local authority for the Financial Year 2008/09 in the sum of £1.7 M and to further request that additional funding be provided for the continuation of the development process.

The Chair thanked Mr Loudfoot for his succinct introduction. The Chair also reminded the Board of the comments of the LB Haringey's Chief Financial Officer in respect of the report, and asked Mr Loudfoot for his comments on the points contained therein. Mr Loudfoot advised that the Chief Financial Officer noted that in respect of the building repairs, maintenance and works lines with the equipment replacement lines it was noted that there had been a number of one-off discretionary items in and this was significantly higher than the current years projected spend. The Chief Financial Officer was recommending that that £0.2m of the £0.789m was not committed to these items. The Chief Financial Officer also recommended that £0.2m was set aside for continuation of the lease transfer/development and that expenditure against this was reported to the Board separately. The Chief Financial Officer recommended overall that the budget of £1.68m as proposed be approved with the adjustments he had outlined.

Following points of clarification being given the Chair summarised and it was:

### **RESOLVED**

- i. That the 2008/09 estimates as detailed in the appendix A to the report be noted and the levels of expenditure as proposed be agreed;
- ii. That the London Borough of Haringey be formally requested to agree to provide the £1.7 million required to balance the budget for 2008/09 out of its corporate resources; and
- that in addition to (ii) above, the London Borough of Haringey be formally advised that due to the effect of the protracted negotiations regarding holistic development, this may impact on and require additional revenue funding support into 2008/09 and beyond.

# UPDATE TO UPDATE ON PROGRESS MADE TOWARDS THE PROGRAMME OF WORKS FOR THIS YEAR'S PROJECT ITEMS. (REPORT OF THE PARK MANAGER)

The Chair asked for a brief introduction of the report.

The Park Manager – Mr Evison advised the Board that with the exception of a few snagging details and the current installation of the finger post signs, the final items of the Heritage Lottery Funded Project had been completed. Mr Evison referred to Appendix A of the report which showed the Heritage Lottery Schedule of Works (January 2008), and detailed the final position of the project including any variations from the original 2003 plan. Mr Evison reported that the total project costs were £3,670,628, of which the Heritage Lottery Fund granted £2,752,000 and Haringey Council contributed the remaining £918,628. The project was a fixed grant and as detailed in Appendix A, it had been necessary to amend the works schedule in order not to exceed the funding limit.

Mr Evison further reported that the boating facility was opened on 28 July 2007 and proved very popular, with the operator - Bluebird Boats operating in an extremely professional manner, continuing their service to Spring 2009. The Pitch and Putt course underwent maintenance during the winter and the operator, Golfwise, would be fitting out the kiosk in the near future, with the intention to commence their operation in March 2008.

In response to Ms Paley in respect of the possible placing of benches at Redston playing fields and an original request for this Mr Evison undertook to see if there could provision of benches, though there was no more money from the HLF for this provision. With regard to concerns expressed by Councillor Egan Mr Evison advised that following on from Councillor Egan's expressed comments at the Consultative Committee – the fencing and gate issue at Redston Road was being investigated.

With regard to queries from Councillor Hare in relation to the possibility of having a bench naming scheme Mr Evison reported that there had a been a small flurry of requests when he had commenced work there. Mr Loudfoot advised that such schemes were fraught with problems as the trustees would end up with the on going repair and maintenance costs and that there was every likelihood of the sponsor being disappointed if the bench suffered any vandalism.

On a **MOTION** by the Chair it was:

### **RESOLVED**

That the contents of the report, and the Heritage Lottery Schedule of Works, as at January 2008 be noted.

# APBO48. FUTURE OF THE ASSET - VERBAL UPDATE BY THE CONSULTANT DEVELOPMENT MANAGER

The Chair referred to the item for consideration and reminded officers that following previous representations by Board Members it had been agreed that any reports submitted to the Board should be in written form, and not orally given. The Chair asked that an explanation be given as to why this had not been the

case.

The Consultant Development Manager – Mr Holder advised that this had indeed been the case but in fact on this occasion there had been no matter to report in the unrestricted part of the proceedings. The item had been placed on the agenda in error in his absence.

### **NOTED**

### APBO49. ASBESTOS MANAGEMENT - TO INFORM THE BOARD OF ARRANGEMENTS IN PLACE FOR ASBESTOS MANAGEMENT (REPORT OF THE GENERAL MANAGER)

The Chair asked for a brief introduction of the report.

The General Manager – Mr Loudfoot informed the Board that there had recently been considerable public comment on asbestos contained within the SE wing, and the report before the Board was intended to set the record straight as to the actual facts. It was the case that during a public lecture held in November 2007 comment had been given by one of the former staff employed at the Palace as part of the design team during the 1980s. The former employee had stated that he was of the opinion that all asbestos had been removed from the building. This statement whilst given in good faith was wrong.

Mr Loudfoot gave a brief history of the use of asbestos during the last century, advising that asbestos products had been extensively but the adverse health effects of exposure to asbestos fibres were gradually documented and asbestos was withdrawn from general use between 1970 and 1980. Asbestos was now only used in very specialist applications. Mr Loudfoot advised of the several varieties of Asbestos fibre which all to some extent posed a risk to health.

In respect of the Palace itself Mr Loudfoot advised that Asbestos had been introduced to the Palace in a variety of ways, the most significant of which appeared to have been as an insulating material by the BBC in the SE wing, for the Theatre safety curtain and as part of the electrical installation. The SE wing was extensively modified by the BBC in the early 1930s for the establishment of the Television Station. the SE colonnade was in-filled and the floors for the first floor were reinforced to provide the two studios and the extensions to the South and East sides of the SE tower were constructed. Various partition walls were also constructed by the BBC to subdivide the rooms on the ground and first floor.

In respect of the BBC 's occupation Mr Loudfoot advised that this continued in the SE Wing until the early 1980s and considerable use of asbestos was made both as a sound insulating lining to the studio walls, internal partitions, ceilings and also in cement board form for electrical insulation or dividing walls. Whilst at the end of the tenancy, the BBC removed their studio equipment and almost all fixtures and fittings from the SE wing they were not required to return the building to

its pre 1930's appearance. The devastating fire of the 1980's which gutted much of the Palace including the Great Hall, SW wing, NW wing and associated rooms resulted in the complete removal of all asbestos from these areas as they were rebuilt or refurbished between 1980 and 1989. Mr Loudfoot commented that it was a known fact that there had been several asbestos removal operations since the 1980 fire, however the records of the removal were no longer available.

In respect of the amount of Asbestos remaining Mr Loudfoot reported that it was not removed from the areas of the building that were left for other organisations to develop (Theatre and SE wing) and it was intended to remove it as and when such areas were to be brought into use. It was not envisaged that the trustees would pay the costs of these works as they would be part of the overall development package agreed with the tenants of these areas. The asbestos wall lining from studio A was removed in March 1986 and from Studio B in April 1986. Additionally, the walls in studio A were coated with sealant products at this time to allow use of the room. During a 10 day programme of works in March 2001, the walls in studio A were again treated with fresh paint (where the surface encapsulation that had been installed in 1986 had deteriorated). The existence of asbestos linings to the SE wing metal trunking was established in August 2003. Removal of the entire metal trunking system would be impracticable unless major refurbishment works were being undertaken at the same time. The adopted management measure was that the system vents had been sealed off (and clearly marked as containing asbestos) in order to encapsulate the asbestos within the trunking system.

The Chair thanked Mr Loudfoot for his succinct report and asked if there were any points of clarification.

Councillor Egan referred to the discussions at the Consultative Committee at its meeting in early February and asked if there were assurances that all those that may have come into contact with those areas of the building had been advised of this. In response Mr Loudfoot advised that as yet he could not confirm whether all those who may have had some contact with the affected parts had been contacted. Councillor Egan responded that the Palace had a duty of care to ensure that all that may have been affected be contacted. Councillor Egan also sought clarification to the costs of removing the remaining.

Councillor Hare referred to the considerable amount of asbestos used by the BBC in terms of ducting both in Studios A and B, and the eventual sealing of Studio A, and that it was a pity that Studio B had not been sealed either. He also clarified the costs of removal, the air testing requirements, and also whether there was any intention to remove the asbestos now, together with the clearly giving visible identification of the areas still affected.

In response to a number of the points raised Mr Loudfoot advised that

loose asbestos fibres in the air were detected by Air testing which provided a reassurance that asbestos contained within the building fabric was not being disturbed. It was a requirement during all asbestos removal operations and also advised for reassurance testing of areas of buildings known to have asbestos materials which could be disturbed. Air testing of the SE wing was carried out on a number of occasions since the last removal works were undertaken. At every test undertaken it had been proven that asbestos fibres were not being disturbed. This testing also had confirmed the effectiveness of the policy excluding access which prevented accidental disturbance of loose fibres from the building fabric. In terms of clear public notice Mr Loudfoot advised that Management notices were displayed at the entrances to all areas of the building containing asbestos, warning of the presence and giving a brief Each notice contained contact details to gain further information and also clearly stated the restrictions being imposed on working in the area. The greatest concern revolved around Studio B and the BBC cellar and as such all access to these areas without appropriate PPE had been prohibited.

Mr Loudfoot also advised that a type II non destructive survey of the BBC tower and the SE wing was commissioned in 2005 and the summary from this report was provided at appendix 1. The full report (168 pages) had recently been issued under the Freedom of Information Act and copies were available for those wishing to study the entire document.

Mr Loudfoot concluded that the report raised serious concern about residual contamination of studio B, the roof void and the partitions erected between the two studios and identified considerable works that would be needed prior to the use of the SE wing. The trustees were not in a position to commission this removal works due to the very high cost that would be incurred.

The theatre stage and undercroft were surveyed prior to the establishment of the stage restoration works which resulted in the removal of several very small items of debris which were suspected to be asbestos. A further, more invasive survey would be necessary prior to any refurbishment works in the NE Tower or the theatre auditorium to ensure there was no asbestos hidden within the construction.

With the exception of Studio A which had had occasional use by members of the AP Television Society, access to the remainder of the SE wing was not permitted except for essential visits by staff that were fully briefed on the building structure. Also no penetrative maintenance works were permitted anywhere within the wing without a permit to work and if necessary, further survey work being undertaken to ensure latent asbestos was not disturbed.

In response to further comments with regard to the costs of removal and restoration, and the responsibilities of any future developer to ensure this the Chair, in noting the comments, felt that it would be appropriate to have such comments expressed inn the exempt part of the proceedings.

Councillor Williams commented that the update report was an extremely helpful and clear summary of the actual situation which would go a considerable way to parry further emotive comment/speculation.

The Chair then summarised and it was:

### **RESOLVED**

That the contents of the report and the detailed update given by the General Manager be welcomed and noted.

### APBO50. PLANNING APPLICATION AND LISTED BUILDING CONSENT BY AIRWAVE SOLUTIONS LTD - TO ADVISE THE BOARD OF A PLANING APPLICATION RECEIVED (REPORT OF THE GENERAL MANAGER)

The Chair asked for a brief introduction of the report.

The General Manager Mr Loudfoot gave a brief introduction to the report and explained the background to the requirement for additional antenna.

In response to points of clarification Mr Loudfoot advised that in terms of the comments of the LB Haringey's Chief Financial Officer it was the case that rental income may improve as a result of allowing the dish. In terms of its size the dish was no bigger than a dinner plate – approx 0.389 metres in diameter.

With regard to a point raised by Councillor Egan the Trust Solicitor - Mr Harris advised that the Board could resolve to approve the application subject to seeking advice in respect of rental income.

On a **MOTION** by the Chair it was:

### **RESOLVED**

- that the resolution from the Statutory Advisory Committee endorsing i. the proposals be noted;
- that the application for planning and listed building consent for two ii. additional dishes being added to the existing mast be agreed;
- that Landlord consent be given to the alterations of the mast; and iii.
- that in granting approval, officers seek clarity on rent review. iv.

APBO51. NEW ITEMS OF UNRESTRICTED URGENT BUSINESS: TO CONSIDER ANY NEW ITEMS OF URGENT UNRESTRICTED BUSINESS ADMITTED UNDER ITEM 2 ABOVE.

**NIL ITEMS** 

### APBO52. EXCLUSION OF THE PUBLIC AND PRESS

### **RESOLVED**

That the press and public be excluded the from the meeting for consideration of Items 15-16 as they contain exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local

	Government Act 1985); namely information relating to the business or financial affairs of any particular person (including the authority holding that information), and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
APBO53.	MINUTES: TO APPROVE THE EXEMPT MINUTES OF THE MEETING OF THE BOARD HELD ON 30 OCTOBER 2007, AND SPECIAL BOARD MEETINGS HELD 5 DECEMBER AND 17 DECEMBER 2007 (ATTACHED)  Exempt Minutes - Alexandra Palace and Park Board - 30 October 2007, special meetings – 5, and 17 December 2007  AGREED
	AGNEED
APBO54.	PROPOSED CONTRACT FOR THE GROUNDS MAINTENANCE SERVICE 2008-2013
	AGREED RECOMMENDATIONS AS PROPOSED BY THE CHAIR
APBO55.	FUTURE OF THE ASSET UPDATE BY THE CONSULTANT DEVELOPMENT MANAGER
	AGREED TO DEFER CONSIDERATION TO A SPECIAL BOARD MEETING ON 10 MARCH 2008
APBO56.	NEW ITEMS OF EXEMPT URGENT BUSINESS: TO CONSIDER ANY NEW ITEMS OF EXEMPT URGENT BUSINESS ADMITTED UNDER ITEM 2 ABOVE.
	There being no further business to discuss the meeting ended at 22.30hrs
	Councillor Matt Cooke, Chair