

## Minutes of the Meeting of the Board of Trustees of the Tate Gallery held on Wednesday 20 May 2015 at Tate Britain

Present:	The Lord Browne of Madingley	Chairman
	Lionel Barber	
	Tom Bloxham, MBE	
	Mala Gaonkar	
	Lisa Milroy	
	Elisabeth Murdoch	
	Franck Petitgas	
	Dame Seona Reid, DBE	
	Hannah Rothschild	
	Monisha Shah	
	Gareth Thomas	
Staff Attendees:	Sir Nicholas Serota	Director
	Caroline Collier	Director, Partnerships and Programmes
	Chris Dercon	Director, Tate Modern
	Samuel Jones	Secretary to the Board of Trustees
	Kerstin Mogull	Managing Director
	Rebecca Williams	Director of Audiences and Development
	Stephen Wingfield	Finance Director
Item 2 only	Christopher Jonas	Chairman, TTM Project Board
Item 9 only	Anna Cutler	Director of Learning
Item 10 only	Achim Borchardt-Hume	Director of Exhibitions, Tate Modern

The meeting was preceded by a closed session for Trustees.

The Chairman of the Tate Modern Project Board joined the meeting.

### 1. Apologies

Apologies were received from Maja Hoffmann and Penelope Curtis.

### 2. The Tate Modern Project

- a. The Chairman of the Tate Modern Project Board updated Trustees, noting good progress and attitude on the part of trades.
- b. He reported that the consultants consider that construction of the tower remains on track *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>* It was noted that the budget is on track to complete. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- c. The Chairman of the Tate Modern Project Board emphasised that, given the nature and complexity of the project. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- d. It was reported that Trustees should be encouraged by progress and that the team should also be encouraged given the progress made.
- e. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*

Mala Gaonkar joined the meeting.

- f. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- g. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- h. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- i. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000 and Information has been exempted under Section 22 of the Freedom of Information Act 2000<sup>2</sup>*
- j. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- k. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- l. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- m. Trustees were informed of the latest review by the Major Projects Authority. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- n. Trustees discussed wider regulatory developments that mean that responsibility for Health and Safety incidents has passed to the client. A Health and Safety report will now be included at the head of every report received by the Board.
- o. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- p. The Chairman of the Tate Modern Project Board reported significant progress. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- q. Trustees were updated on fundraising. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>* Trustees were updated on pools of potential targets. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- r. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- s. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup> and Information has been exempted under Section 22 of the Freedom of Information Act 2000<sup>2</sup>*
- t. Trustees thanked the Chairman of the Tate Modern Project Board who then left the meeting.

### **3. Confirmation of Minutes**

- a. Trustees APPROVED the minutes of the meeting of 18 March 2015.

#### **4. Matters Arising**

- a. There were no matters arising.

#### **5. Conflict of Interest Declarations**

- a. There were no conflicts of interest declared for the general business of this meeting.

#### **6. Finance Report**

- a. The Director of Finance and Estates reported that 2014/15 had been a strong year, driven by strong exhibitions that included *Matisse: the Cut-Outs* and *Late Turner*.
- b. It was reported that contingency remains. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*

##### **6.1 Report from Chair of Finance and Operations Committee**

- a. Trustees were informed of discussion at the recent meeting of the Finance and Operations Committee.
- b. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- c. Trustees were informed that the Committee had reviewed the Corporate Plan and Budget and Tate Exchange in detail in preparation for discussion at this meeting.

##### **6.2 Management Information Pack**

- a. Trustees were informed of the performance of each site in detail. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- b. Trustees noted the 2015/16 the exhibitions. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- c. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*

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#### **8. Tate 3 Year Corporate Plan and Budget**

- a. It was decided to consider the Corporate Plan in detail at the July Board.

The Director of Learning and the Director of Exhibitions, Tate Modern joined the meeting.

## 9. Tate Exchange

- a. Trustees were presented with the latest plans for Tate Exchange.
- b. *Information has been exempted under Section 22 of the Freedom of Information Act 2000<sup>2</sup>*
- c. *Information has been exempted under Section 22 of the Freedom of Information Act 2000<sup>2</sup>*
- d. They were informed of an already significant appetite shown by prospective Associates.
- e. Trustees were informed that activity within Tate Exchange will be integrated with its online presence and within Tate's website as a whole.
- f. Trustees noted the development of the space as a social area. They were informed of its connection to the rest of the building. *Information has been exempted under Section 22 of the Freedom of Information Act 2000<sup>2</sup>* The story of the theme's development throughout the year will be told through a rapporteur function.
- g. Trustees were updated on the selection of Associates. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>* It was reported that Associate status is conditional upon engaging and opening work to the public.
- h. Trustees were informed that Associates will represent a range of groups. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*
- i. Trustees were informed of targets. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>* Trustees emphasised the importance of documenting impact from the outset of Tate Exchange.
- j. They were updated on negotiations for support. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- k. Trustees were informed of the budgeting for staffing.
- l. *Information has been exempted under Section 40 (2) of the Freedom of Information Act 2000<sup>3</sup>* and *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- m. Trustees emphasised the need to establish protocol and rules in respect of freedom of speech while maintaining the sense of Tate Exchange as being a place for comment and engagement with issues that affect society and as negotiated space.

Lionel Barber, Elisabeth Murdoch and the Director of Learning left the meeting.

## 10. Exhibition Programme at Tate Modern

- a. Trustees were presented with an analysis of exhibition budgeting and performance at Tate Modern, noting that a paper on the displays for the new building will be brought to a meeting in the autumn.

- b. The Director of Exhibitions, Tate Modern noted that the paper brings content and business planning together, better informing the choice of what to show within the resources available.
- c. Trustees noted the strategy of having broadened the remit of the Collection by geography and media. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- d. The Director of Exhibitions, Tate Modern explained the integrated approach taken in recent shows, which have combined different forms of practice, for example the visual arts and fashion in *Sonia Delaunay*. Trustees noted that other shows have had a particular focus, for example African modernism in *Ibrahim el-Salahi*. They noted that overall balance is achieved through major shows such as *Matisse: the Cut-Outs*.
- e. The Director of Exhibitions, Tate Modern described how exhibitions must be seen as individual statements within an ongoing narrative. As a consequence, each must be seen as sustaining the whole. It was noted that the reach of these statements extend beyond the audience, for example the breadth of the 2013/14 season making clear Tate's commitment to internationalism.
- f. It was noted that while the overall financial target of each season can be agreed, the mix by which that is achieved can be varied according to curatorial vision.

Lord Browne and the Managing Director left the meeting.

- g. Trustees were informed of trends in the financial and audience performance of exhibitions. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- h. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- i. Trustees were informed of trends in audience. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>* They noted the opportunity for a continuous conversation with these audiences. It was thought particularly important to engage younger audiences in this way, encouraging retention.
- j. Trustees discussed the categorisation of shows, noting that this can be done with considerable accuracy: the challenge is in lifting shows from one category to another.
- k. Trustees were informed that programming has become a more shared activity, including different teams that represent the complexity of these issues.
- l. Trustees were informed that AA shows attract a more diverse audience. This is driven more by younger audiences than specific or targeted programming. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- m. It was observed that it would be beneficial to focus on a smaller number of key priority areas for audiences and concentrate developing a relationship with them. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*
- n. A similar presentation focused on Tate Britain will be made to the Tate Britain Advisory Council in June. The slides from this presentation will be send to Trustees.

Mala Gaonkar, the Director of Tate Modern and the Director of Exhibitions, Tate Modern left the meeting.

## **11. Director's Report**

### **11.1 Cabinet Office Review of Public Bodies Classification**

- a. Trustees noted the review being conducted by the Cabinet Office.

### **11.2 Constable**

- a. Trustees were informed that Tate has submitted new evidence that has come to light in respect of the history of this work after the Second World War to the Secretary of State for Culture Media and Sport. They noted that this is being considered and the Secretary of State is determining whether the matter should further be considered by the Spoliation Advisory Panel.

### **11.3 Boitard**

- a. Trustees noted that the necessary number had approved the deaccessioning of this work and its permanent transfer to the Archive. They therefore RATIFIED this decision.

### **11.4 Actions from Away Day**

- a. Trustees noted progress against the actions set at the Away Day.

### **11.5 Review of Spoliation Advisory Panel**

- a. Trustees were updated on the report published by the Department of Culture, Media and Sport on the operations of the Spoliation Advisory Panel.

### **11.6 Tania Bruguera – Turbine Hall**

- a. Trustees noted the good attendance of a performance of Tania Bruguera's *Tatlin's Whisper 6* in the Turbine Hall and the stance taken in solidarity with the artist's views on freedom of expression.

### **11.7 Brand Update**

- a. Trustees noted continuing work to develop and implement the brand.

### **11.8 Lord Hutchinson Birthday Celebration**

- a. Trustees noted an event held to celebrate the 100<sup>th</sup> birthday of former Tate Chairman, Lord Hutchison.

### **11.9 Trustee Appointments**

- a. *Information has been exempted under Section 36 of the Freedom of Information Act 2000<sup>4</sup>*

### **11.10 Trustees' Visit to Tate St Ives**

- a. Trustees noted that a trustees' visit to St Ives will be arranged for Friday 22 May.

### **11.11 Trustees' Board Meeting in Liverpool – 23 September 2015**

- a. Trustees noted the date of the Board meeting in Tate Liverpool.

### **11.12 Awards**

- a. Trustees congratulated the team involved in the Tate Britain Millbank Project in winning a Civic Trust Award.
- b. They congratulated the MACE team on winning Gold and Silver Awards at the Considerate Construction Awards.

### **11.13 Staff Update**

- a. Trustees noted the appointment of Ros Lawler as Digital Director.
- b. They noted that Stephen Wingfield has now become Director of Finance and Estates.
- c. They noted that Achim Borchardt-Hume has become Director of Exhibitions, Tate Modern; that Ann Gallagher has become Director of Collection, British Art; that Frances Morris has become Director of Collection, International Art; and that Judith Nesbitt has become Director of National and International programmes.
- d. They were updated on the process that will be put in place to recruit to the posts of the Director of Tate Britain and the Director of Tate Modern.
- e. They were informed that discussions are scheduled with the Trade Unions to discuss the forthcoming pay award.

### **11.14 Tate Programme Update**

- a. Trustees noted the Programme Update

### **11.15 Sponsorships and Donations**

- a. Trustees noted the report on Sponsorships and Donations.

### **11.16 Key Papers for Forthcoming Meetings**

- a. Trustees noted the key papers for forthcoming meetings.

## **12. Key Points from Minutes of Councils and Committees**

- a. Trustees noted the key points of councils and committees. They were informed of Tate Members Council's discussion of the Members Strategy and decisions made to support a number of acquisitions.
- b. They noted the discussions of the Tate Modern Project Board.
- c. It was reported that Tate Modern Advisory Council had been informed of the appointment of the Director of Tate Modern to the Volksbühne which will commence in 2017. They were informed of the Council's discussion of the brand work.

### **13. Acquisitions Financial Statement**

- a. Trustees noted the acquisitions financial statement.

### **14. Acquisitions for Decision**

- a. Trustees noted the decisions made by the Collections Committee. They noted the gifts that have been made as a result of the work of the Acquisitions Committees and thanked them for their work and generosity in this regard.
- b. *Information has been exempted under Section 22 of the Freedom of Information Act 2000<sup>2</sup>*

### **15. TMP External Works Package**

- a. Trustees APPROVED the placing of a contract. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000<sup>1</sup>*

### **16. Trustees and Directors Registers of Interest 2014-15**

- a. Trustees noted that the register had been reviewed by the Audit Committee.
- b. They reviewed and AUTHORISED the register.

### **17. Any Other Business**

- a. There was no other business.

### **18. Date of Next Meeting**

Trustees noted the date of the next meeting as being Wednesday 1 July 2015, 09.00-13.00, in the East Room, Tate Modern.



## Endnotes

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<sup>1</sup> **Section 43 (2)** of the Freedom of Information Act provides that: *Information is exempt information if its disclosure under this Act would, or would likely to, prejudice the commercial interests of any person (including the public authority holding it).*

<sup>2</sup> **Section 22** of the Freedom of Information Act provides that:

- (1) *Information is exempt information if –*
  - (a) *the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),*
  - (b) *the information was already held with a view to such publication at the time when the request for information was made, and*
  - (c) *it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).*
- (2) *The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).*

<sup>3</sup> **Section 40(2)** of the Freedom of Information Act provides that: *Information is exempt where either:*

- 1) *disclosure would contravene the Data Protection principles, or would be likely to cause damage or distress, or*
- 2) *the data subject would not have a right of access/right to know under the Data Protection Act*

<sup>4</sup> **Section 36** of the Freedom of Information Act provides that: *Information is exempt information if its disclosure under this Act would be likely to have any the following effects:*

1. *prejudice collective Cabinet responsibility;*
2. *inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation; or*
3. *prejudice the effective conduct of public affairs*