

Minutes of the Meeting of the Board of Trustees of the Tate Gallery held on Wednesday 15 January 2014 at Tate Modern

Present:	The Lord Browne of Madingley	Chairman
	Tomma Abts	
	Lionel Barber	
	Tom Bloxham, MBE	
	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 of Partnerships & Programmes
	Penelope Curtis	Director, Tate Britain
	Chris Dercon	Director, Tate Modern
	Samuel Jones	Secretary to the Board of Trustees
	Rebecca Williams	Director of Development
	Sian Williams	Interim Director of Resources
	Stephen Wingfield	Finance Director
Observing:	Kerstin Mogull	Managing Director (commencing 20 January 2014)

The meeting was preceded by a tour of the Tate Modern Project site.

1. Apologies

- a. Apologies were received from Mala Gaonkar, Maja Hoffmann and Wolfgang Tillmans.

2. Confirmation of Minutes

Minutes of the Meeting held on Wednesday 20 November 2013 at Tate Britain

- a. The minutes were accepted as a correct record, with an amendment to correct wording in respect of the particulars of an acquisition.

3. Matters Arising

- a. Trustees congratulated Seona Reid on being appointed a Dame of the British Empire in the New Year Honours.

4. Conflict of Interest Declarations

- a. Hannah Rothschild declared an interest in respect of Agenda Item 13.

5. Director's Report

5.1 Tate Britain Millbank Project

- a. Trustees were updated on the success of the series of events to mark the opening of the new spaces at Tate Britain. They noted that special events that had been organised for local audiences and more widely had been very successful. It was also noted that the Late at Tate event on 6 December had been very popular. Trustees were informed that construction work is complete with minor snagging work underway; they noted that accounts had been settled. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- b. Trustees congratulated the teams involved and Caruso St John on their work on the project. They offered particular congratulations to Sarah Younger, Alan Froud and Alex Beard.

5.2 Turner Prize 2013

- a. Trustees were updated on the Turner Prize in Derry. They were informed that the exhibition had attracted a large audience of over 40,000 and took place in a building that had never before been open to the public and, as the site of a former barracks, carried a difficult heritage.
- b. Trustees were updated on continuing debate as to whether the site would continue as a gallery. *Information has been exempted under Section 36 of the Freedom of Information Act 2000²* It was thought that there is a will for the space to be continued as a gallery and that the question is over how best this should be achieved. Trustees discussed the importance of ensuring impact beyond the period of tenure as a capital of culture, continuing the infrastructure and employment of key individuals. *Information has been exempted under Section 36 of the Freedom of Information Act 2000²*

5.3 *Information has been exempted under Section 41 of the Freedom of Information Act 2000³ and Information has been exempted under Section 43(2) of the Freedom of Information Act 2000¹*

- a. *Information has been exempted under Section 41 of the Freedom of Information Act 2000³ and Information has been exempted under Section 43(2) of the Freedom of Information Act 2000¹*

5.4 Tate Family Conference 2013

- a. Trustees noted the success of the Family Conference, and that a new name will be found for it. They were informed that a drive exists throughout Tate to involve younger audiences in the workings and making of decisions across the gallery. They discussed further the recent Late at Tate event and noted that it was the largest gathering of younger audience members in the gallery's history. The challenge now is to build on this and develop that engagement consistently.
- b. Trustees noted that they had been particularly impressed by the presentation by Tate Collective London to the Family Conference and emphasised the desire to involve them further. They were informed that this will be taken up as a priority by the Audiences Group.

5.5 Late at Tate: *Warp x Tate*

- a. Trustees noted the update.

5.6 Constable Update

- a. Trustees noted the update.

5.7 Staff Update

- a. Trustees noted the appointment of Sam Thorne as the Artistic Director of Tate St Ives. They noted the work done by Mark Osterfield as Executive Director in enhancing the gallery's standing in the South West and that the positive response to the announcement of the identity of a new Artistic Director can be seen as a tribute to this.
- b. Trustees were informed of ongoing work on pay and of discussion of it at the Finance and Operations Committee. The plan will be developed to be as fair and affordable as possible. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- c. Trustees were updated on a recent event to celebrate the work of the Tate Staff Networks. The Director thanked Lionel Barber and Lisa Milroy for their attendance which had been much appreciated.
- d. Trustees congratulated the staff involved in the work leading to Tate being ranked 79th of a list of Stonewall's top equal opportunity employers.

5.8 International Fellowships

- a. Trustees were updated on the establishment of The Brooks International Fellowship Programme funded by Elizabeth and Rory Brooks. They noted that feedback will inform the development of fellowships focused on other parts of the world.

5.9 Trustees Away Weekend March 2014

- a. Trustees noted the dates and venue of the away weekend.

5.10 Sponsorships and Donations

- a. Trustees noted the report on sponsorships and donations.

5.11 Tate Programme Update

- a. Trustees noted the programme update.

5.12 Key Papers for Forthcoming Meetings

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

6. Key Points from Minutes of Councils and Committees

- a. Lionel Barber informed Trustees of discussion at the Finance and Operations Committee. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- b. Lionel Barber updated Trustees on a meeting of Audit Committee in November 2013. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- c. The discussion of the Tate Modern Project Board was discussed later in the meeting.
- d. Trustees were updated on a meeting of Tate Modern Advisory Council in which delivery against family and NS-Sec targets (National Statistics Socio-economic Classification) was discussed. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- e. Trustees were informed of a meeting of the Collection Committee. *Information has been exempted under Section 22 of the Freedom of Information Act 2000*⁴
- f. Trustees were updated on the Annual General Meeting of Tate Members which was held on 6 December 2013. They noted the business covered. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹ and *Information has been exempted under Section 36 of the Freedom of Information Act 2000*²
- g. Trustees were updated on a meeting of the Governance and People Committee in which members discussed the terms of reference of the Committee. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*² The Committee made recommendations for ratification by the board as below at item 15. It was concluded that all future appointments should be for four years, renewable once and thereafter renewed on an annual basis subject to appraisal by the Committee. It was noted that applications for appointment to the non-executive are invited on the website and that the Committee will meet every two months until such time as it is thought that this is not necessary. It was discussed that ways should be found for Tate Collective to engage with the non-executive.

7. Finance Report and Management Information Pack

- a. Trustees were informed of a reforecasting process that is underway. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- b. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- c. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- d. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

- e. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*

The Interim Chairman of the Tate Modern Project Board and the Director of Capital Projects joined the meeting.

8. The Tate Modern Project

- a. Following a visit prior to the meeting, Trustees noted the significant progress that has been made on site.
- b. The Interim Chairman of the Tate Modern Project Board updated Trustees on the project. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- c. Trustees were informed that the project is at its most difficult stage, with complex issues interlocking. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- d. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹* It was noted that the quality of the work installed so far is excellent. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹* Trustees were informed that, while Loveld are scheduled to complete casting in April, installation will continue thereafter.
- e. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- f. Trustees were updated on good progress made in other work. The Turbine Hall was reopened on time; the Bridge has been completed; the level 8 slab has been laid; much mechanical and engineering equipment and some lifts have been installed; work completed on the level 2/3 grand staircase looks good; and the atrium area is already very impressive, with the huge atrium columns and the structure generally successfully taking a full load. In addition, Seele's first work, in the switch house, is going very well. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- g. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- h. *Information has been exempted under Section 22 of the Freedom of Information Act 2000⁴* and *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- i. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- j. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- k. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*

- l. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- m. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹ They were informed that Swift have put in place a highly experienced team.
- n. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- o. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- p. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- q. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- r. A further detailed update will be given at the next meeting.
- s. Trustees thanked Keith Salway for serving as Interim Chairman of the Tate Modern Project Board for the duration of Christopher Jonas' absence.

The Interim Chairman of the Tate Modern Project Board left the meeting.

9. Tate St Ives Phase 2 Update

As a Trustee of the Heritage Lottery Fund, Seona Reid declared the potential for a conflict of interest in this item.

- a. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- b. Trustees were informed that a team is on site undertaking enabling work. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- c. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- d. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- e. Trustees were informed of changes in the project's governance, with the Director of Partnerships and Programmes taking over the chair of the Project Board, reflecting the close engagement with Arts Council England, the Heritage Lottery Fund and Cornwall Council. This will also allow the Director of Capital Projects to maintain focus on the Tate Modern Project. It was also noted that, following the opening of the new spaces at Tate Britain, Alan Froud had taken a greater role in the project.

- f. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- g. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹* A further update on the Tate St Ives 2 Project will be given in May.

The Director of Partnerships and Programmes and the Director of Capital projects left the meeting.

10. Legacy Strategy

- a. *Information has been exempted under Section 22 of the Freedom of Information Act 2000⁴ and Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- b. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- c. Trustees AGREED the proposals in principle and subject to the completion of fundraising.
- d. *Information has been exempted under Section 22 of the Freedom of Information Act 2000⁴*

11. Acquisitions Financial Statement

- a. Trustees noted the Acquisitions Financial Statement.

12. Acquisitions for Noting

- a. Trustees noted the acquisitions made.

13. Acquisition for Decision

- a. *Information has been exempted under Section 22 of the Freedom of Information Act 2000⁴*
- b. Trustees were informed of the significant addition that it would represent to the collection and to the displays of pre-1800 British art.

14. Management Agreement

- a. Trustees were informed of the Management Agreement proposed by the Department for Culture, Media and Sport.
- b. *Information has been exempted under Section 36 of the Freedom of Information Act 2000²*

- c. *Information has been exempted under Section 36 of the Freedom of Information Act 2000²*

15. Appointments to Advisory Councils and Committees

- a. Trustees RATIFIED the reappointment of Mala Gaonkar as a member and Chair of both the Audit and Finance and Operations Committees, subject to her reappointment as a Trustee.
- b. Trustees RATIFIED the reappointment of Gareth Thomas as member and Chair of Tate St Ives Advisory Council subject to his reappointment as a Trustee.
- c. Trustees RATIFIED the reappointments of Abigail Williams and Sheila Healy as members of Tate St Ives Advisory Council.
- d. Trustees RATIFIED the reappointment of Emmanuel Roman to Collection Committee, and the appointment of Wolfgang Tillmans as Chair.
- e. Trustees RATIFIED the reappointment of Briony Fer as a member of the Tate Modern Advisory Council, and the appointment of Ruth Mackenzie.
- f. Trustees RATIFIED the appointment of Alan Yates as a member of Tate Liverpool Advisory Council.
- g. Trustees APPROVED minor amendments to the Terms of Reference of the Tate Liverpool Advisory Council, Collection Committee and Audit Committee.

16. Bank Mandates

- a. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*

17. Any Other Business

- a. Trustees were informed of a visit by the Prime Minister to Tate Modern.
- b. *Information has been exempted under Section 36 of the Freedom of Information Act 2000²* They were also informed of the Chancellor's visit to the *Paul Klee* exhibition.
- c. *Information has been exempted under Section 36 of the Freedom of Information Act 2000²*

18. Date of Next Meeting

- a. Trustees noted the dates of the forthcoming Away weekend, and of the next meeting on 19 March 2014 at Tate Britain.

Endnotes

¹ **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).*

² **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*

³ **Section 41** of the Freedom of Information Act provides that:

- (1) *Information is exempt information if—*
 - (a) *it was obtained by the public authority from any other person (including another public authority), and*
 - (b) *the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*
- (2) *The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.*

⁴ **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)*