



**Minutes of the Meeting of the Board of Trustees of the Tate Gallery held on Wednesday 21 September 2005 at 9.30 am in the Board Room at Tate Britain**

Trustees present Paul Myners  
Helen Alexander  
Victoria Barnsley  
Melanie Clore  
Patricia Lankester  
Professor Jennifer Latto  
Chris Ofili  
Julian Opie  
Fiona Rae  
Jon Snow

Staff present Sir Nicholas Serota Director  
Alex Beard Deputy Director  
Jan Debbaut Director, Tate Collection  
Dr Stephen Deuchar Director, Tate Britain  
Sarah Exeter Corporate Governance Manager and Secretary to the Board of Trustees (minutes)  
Brian Gray Director of Operations  
Will Gompertz Director of Communications  
Andrea Nixon Director of Development  
Vicente Todoli Director, Tate Modern  
Sian Williams Director, Finance and Resources

The meeting opened at 0930.

**1. Apologies**

Apologies were received from Sir Howard Davies and John Studzinski.

**2. Minutes of the Meeting of the Board of Trustees held on Thursday 14 July 2005**

The minutes were approved as a true record and signed by Paul Myners.

**3. Conflict of Interest Declarations**

There were no declarations.

**4. Matters Arising**

The Director said that he would like to update Trustees on matters surrounding Chris Ofili's *The Upper Room* at a later stage of the meeting.

## **5. Directors Report**

### **5.1 Appointment of Artist Trustee**

The Director reported that two strong candidates were to be interviewed for the position of Artist Trustee by a panel comprising himself, Paul Myners and the Independent Assessor, Jan Hall. Unfortunately, Julian Opie was not able to attend as had been hoped as he had a prior commitment.

### **5.2 Joshua Reynolds: *The Archers***

The Director was pleased to report that Tate had finally acquired *The Archers* after additional financial support was received from the Weston Foundation. The Board approved the use of the Tate Collection Fund.

There was a request for an update on Tate's ongoing quest to acquire Joshua Reynolds's *Portrait of Omai*. The Director responded that the portrait's owner had applied for and had been granted a temporary export licence so that the work could be shown at the National Gallery in Dublin. The export licence was valid for six years. Tate had expressed the view that six years was a long period for a temporary export licence and that three years renewable would be more appropriate. The Department for Culture, Media and Sport had taken the view that six years was reasonable. The Director pointed out that the significance of a six year period was that after this amount of time on public display an Irish tax payer would not be liable for Capital Gains Tax on the work. Tate pointed this out to the DCMS but they had explained that they could not take an applicant's tax situation into account in granting a temporary export license.

Chris Ofili joined the meeting at 9.40 am and then left the meeting at 9.41 am.

## **4. Matters Arising - Continued**

The Director reported that Chris Ofili's *The Upper Room* had gone on view at Tate Britain and there had been considerable positive press about the display. However, it had also been suggested in the press that the purchase of the work from a serving Trustee was improper and that Chris Ofili had benefitted from his position on the Board. However, Tate had taken special precautions over the purchase to avoid a conflict of interest, ensuring that Ofili was never part of discussions about the purchase and this was clearly reflected in the Board's minutes.

In tandem, there had also been a number of Freedom of Information requests about the purchase price. Tate had declined releasing the full purchase price because this would create a precedent which would jeopardise Tate's future commercial negotiations. However, we had released the amount that Tate paid from its general funds (£120,000), the amount that came from Tate Members (£100,000) and the NACF (£75,000). Furthermore Tate had disclosed that over 50 % of the price was received from private donors. We had also released redacted Board minutes relating to the purchase under the Freedom of Information Act.

The Director noted that Dame Sue Street, Permanent Secretary, DCMS, had written to say that she was content with the way that Tate had dealt with this matter.

The Chair said that *The Upper Room* was an important work and that it would have been a great loss for the nation if we had not secured it for the Tate Collection.

*Some text has been withheld under s. 36 (2)(b)(ii) of the Freedom of Information Act 2000*

He noted that the artist had made a substantial discount on the work because it was going to a public collection.

Chris Ofili rejoined the meeting at 9.50 am

### **5.3 William Blake: *The Grave***

The Director reported that Tate had not been able to secure a donor who was prepared to match the purchase price of £8.8 million. The Director held conversations with three possible benefactors including one in New York, to see whether there was interest in purchasing the work for Tate. One of those approached had said that the current price was too high, but if other works ever came up at a lower price, he would consider assisting Tate.

The Director reported that he and the Chair had met with the Chair and Director of the Heritage Lottery Fund (HLF) recently. She had advised that HLF is predicting a downturn in its available funds as a result of the new Olympic lottery and the redistribution of committed income not yet drawn down.. Applications to the HLF for support on acquisitions would face stiff competition as the Fund would carefully consider the public benefit of each application. The HLF representatives had advised Tate to make carefully selected applications to the NHMF. This was a fund of last resort. Such assistance would therefore only be available on a limited range of works and at a late stage in any campaign.

### **5.4 Turner Exhibition USA**

Stephen Deuchar reported that it would now be possible to relaunch the project as a significant amendment to the US indemnity scheme had resulted in an increase in the value of cover to \$1.2 billion. This will enable the full value of Tate's loans to be covered by the scheme and also covered against terrorism risks.

*Some text has been withheld under s 43(2) of the Freedom of Information Act 2000*

### **5.5 Request to Waive Requirement for In Situ Terrorism Cover**

Tate had previously agreed in principle to waive the requirement for in situ terrorism for the loan of two Cézannes to the National Gallery of Art in Washington. It is not yet known whether the amended US indemnity scheme could apply to this loan, but enquiries would be made.

There was some discussion on the status of the review of arrangements for loans from the Collection. It was confirmed that the paper would go to the Collections Committee in January 2006 and then to the Board in March.

### **5.6 London Olympics 2012**

The Director reported that twenty arts organisations on the South Bank between Lambeth and Tower Bridges had met in early July and had discussed the possibility of working together and looking for ways to develop a common programme for 2012. There was a desire to work with the London Boroughs of Lambeth and Southwark on this project to make the South Bank a cultural centre for the Olympics.

### **5.7 Turner Insurance Proceeds and the Charity Commission**

The Director reported that the legalities relating to the designation of the Turner Insurance monies had now been completed. £10 million would be placed in the Collection Fund endowment and £6 million would be reserved for scholarship and care of the Collection with at least £1 million reserved for research on Turner and cataloguing of the Turner Bequest.

## **5.8 John Latham**

Stephen Deuchar explained the background to the decision to exclude Latham's work *God is Great #2*, 1991 from the exhibition which opened on 12 September 2005. The work includes a copy of the Koran cut in two and placed either side of a piece of glass. Stephen said that in making the decision he sought wide ranging advice including that of two senior Moslems. They had advised that the physical interference of the Koran would be regarded as highly provocative. The Gallery had taken the view that it would be unwise to exhibit the work in the aftermath of the 7 July bombings. There would be a public event in November to discuss the subject.

## **5.9 Trustees visit to Tate St Ives - 7 October 2005**

The Director said Trustees would be most welcome to visit Tate St Ives and attend the October meeting of the Advisory Council. There would also be an advocacy dinner following the opening of the *Tacita Dean* exhibition, on the same day.

## **5.10 Trustees' Dinner and Away Day**

The Chair noted that he was pleased to have found a date for the meeting that suited all Trustees. This would be an opportunity to examine bigger issues and set Tate's agenda for the longer term.

## **5.11 Finance Report**

The Report was presented to Trustees for noting only; the Report had been discussed in detail by the Finance and Operations Committee at their last meeting.

There was a brief discussion about the effect of the 7 July London bombings on visitor numbers. Trustees agreed that it would be wise to assume the general view that there will be no recovery until spring.

## **6. Tate Future: Fundraising from Individuals**

John Nickson, Director Tate Foundation joined the meeting to present his paper covering fundraising from individuals.

*Some text has been withheld under s 36(2)(b)(i) of the Freedom of Information Act 2000.*

## **7. Museums Funding Council**

The Trustees considered the paper and agreed that they thought it would be better for Tate to be funded directly from DCMS rather than via a funding body.

## **8. Completing Tate Modern: Update and Planning Submission**

Harry Gugger and Michael Casey from Herzog & de Meuron presented Trustees with the latest plans and models for Completing Tate Modern.

*Some text has been withheld under s43(2) of the Freedom of Information Act 2000*

LB Southwark's support of a project for a Bankside Urban Park, though separate from our own project will be helpful in terms of public perception of our proposal.

The Director reported that the CTM Development Group had met the previous week and had discussed changes in the façade and other omissions with a view to reducing cost.

*Some text has been withheld under s43(2) of the Freedom of Information Act 2000*

## **9. Extending Tate St Ives: Business Plan, Update and Planning Submission**

Susan Daniel-McElroy and Jamie Fobert presented plans for the extension of Tate St Ives. The plans were very favourably received by Trustees. There was some discussion about the restrictions of the site, public objections and the timescale for the project.

## **10. Soundboard**

Trustees noted the new extranet site Soundboard which has been launched for use by Tate's non-executive advisers and senior staff.

## **11. Tate Enterprises Ltd Business Plan 2005-06**

Celia Clear presented the Tate Enterprises Ltd Business Plan for 2004/05.

Celia Clear noted that the 7 July London bombings had resulted in a reduction in visitors to Tate's cafés and shops. This has caused a dip in revenue but said that hopefully this can be recouped later in the year.

*Some text has been withheld under s43(2) of the Freedom of Information Act 2000*

Celia Clear commented that the BBC partnership over *Picture of Britain* had been a great success. *Picture of Britain* was still listed at number one in the non-fiction book sales four weeks after transmission of the final *Picture of Britain* programme.

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## **12. Acquisitions Financial Statement**

Trustees noted the Financial Statement, noting that Tate has reduced the allocation of funds for acquisitions as a precaution against possible reductions in income arising from reduced visitor numbers as a result of the 7 July London bombings.

**13. Programme Schedule 05-06**

Trustees noted the programme schedule for 2005/06.

**14. Forward Agendas**

Trustees noted the proposed forward agendas.

**15. Any Other Business**

There was no other business.

**16. Date of Next Meeting**

Wednesday 16 November 2005, 9.30 am at Tate Britain