

Minutes of the Meeting of the Board of Trustees of the Tate Gallery held on Wednesday 17 January 2007 in the Meetings Room at Tate Modern

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| Present: | Paul Myners Helen Alexander Victoria Barnsley Sir Howard Davies Jeremy Deller Patricia Lankester Professor Jennifer Latto Anish Kapoor Fiona Rae | Chairman |
| Staff present: | Sir Nicholas Serota Alex Beard Anna Jobson | Director Deputy Director Head of Policy and Planning and Secretary to the Board of Trustees (minutes) |
| Report 6 | Vivienne Bennett Stephen Deuchar Vicente Todoli | Transforming Tate Modern Project Director Director, Tate Britain Director, Tate Modern |
| Report 7 | Will Gompertz | Director, Tate Media |
| Report 8 | Caroline Collier Baroness Young | Head of National Initiatives |

1 Apologies

Apologies were sent by Melanie Clore, Jon Snow and John Studzinski.

2 Confirmation of Minutes

One formatting error was noted and it was agreed that Anna Jobson should arrange for this to be corrected and for Paul Myners to sign the minutes at a later time.

3 Matters Arising

On behalf of the Board the Chairman welcomed Jeremy Deller, new artist Trustee.

There was one matter outstanding which was a request for the Freedom of Information Internal Appeal Committee to review the policy on redacting Board minutes. The internal FOI Group would take action to remind staff of Tate's obligations under FOI.

4 Conflict of Interest Declarations

No further declarations were made other than those explicit in the papers.

5 Director's Report (Tate Notes, January 2007, Item 5)

5.1 Staff

Trustees extended a warm welcome to Professor Nigel Llewellyn FSA who had recently joined Tate as Head of Research. Congratulations were sent to Sian Williams, Director of Finance and Resources, who was to leave Tate to join the Olympic Delivery Authority as Head of Finance. It was agreed that Sian had made an extraordinary contribution to Tate during her eleven years of service.

On other appointments, it was reported that a number of recruitment campaigns were underway, including that of Chief Operating Officer, for which interviews were taking place in mid-February. A shortlist was also being prepared on the Director, National position and progress was being made on the appointment of a senior contemporary curator for Tate Britain. Meanwhile, the position of Director of Tate St Ives was to be advertised shortly.

5.2 Employee Survey

It was noted that the survey had taken place and that initial results were due; these would be discussed at a future meeting.

5.3 Relationship Management System

It was reported that the first phase of a new RMS system had gone live and was being rolled out across Tate early in 2007.

5.4 Appointment of Tate Britain Architect

Trustees welcomed the appointment of Caruso St John as architects for Tate Britain in succession to John Miller + Partners, and the news that John Miller + Partners were content with the choice.

5.5 Artist Trustee Appointment 2006

Jeremy Deller was appointed to Tate's Board by the Prime Minister on 10 January 2007 for a period of four years; this was his first meeting.

5.6 National Gallery / Tate Boundaries of the Collection

Information has been exempted under Section 36 of the Freedom of Information Act 2000¹

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A further report would be made to the next meeting.

¹ **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 prejudice the effective conduct of public affairs

5.7 Response to Charity Commission / Managing Conflicts of Interest

Trustees heard that the Charity Commission had now signed off Tate's Conflict of Interest Guidelines and Procedures. On the further investigation of works by artist trustees entering Tate's Collection between 1955 and 1992, discussions were continuing but it was hoped a conclusion could be reached soon. Paul Myners had written to Dame Suzi Leather, now Chair of the Charity Commission, to suggest a meeting to conclude matters, and she had welcomed the idea; the meeting was to be held once the Charity Commission had reached a conclusion on the outstanding questions.

5.8 Transforming Tate Modern

It was noted that the planning application for this project was still under consideration by the London Borough of Southwark. A business case had been sent to DCMS and a meeting to discuss it was to be held early in February. In response to a question from a Trustee, it was clarified that the environmental performance of the building's façade had been carefully considered and was a high priority.

5.9 Collection Centre Update

It was agreed that a business plan should be presented to the Board in March.

5.10 Collection Gift

It was reported that discussions were continuing with the donor who had now received valuations on a part of the proposed gift. The terms of the gift were now emerging with more clarity and Trustees heard that Tate felt discussions had now reached a point which justified an approach to Ministers.

It was agreed that Tate should proceed as proposed, but that a full review of the details of the gift, and its fit with Tate's Collection and acquisition strategy, should be the subject of discussion at the next Collection Committee.

5.11 Rigi Exhibition

Trustees heard that, as part of Tate's campaign to raise the £4.95 million required to secure Turner's *The Blue Rigi*, Tate Britain was mounting an exhibition devoted to the three Rigis from 22 January to 25 March. Trustees welcomed the news that a public appeal was to be led by The Art Fund.

5.12 Capital of Culture Update

It was reported that a number of changes had occurred in the structure and direction of Liverpool Capital of Culture 2008 following the departure of Robyn Archer as Artistic Director. A decision had been made not to recruit a replacement Artistic Director.

5.13 Feedback on Trustees' Briefings

Trustees were asked to send any comments on the Trustees' Briefings to Anna Jobson.

5.14 Frequently Asked Questions

Trustees were asked to send any comments on the Frequently Asked Questions to Anna Jobson.

5.15 National Gallery / Tate Trustees' Dinner

The dinner planned for 17 January 2007 had been postponed.

5.16 2008 Board Dates

Trustees were asked to note the 2008 Board Dates.

5.17 Sponsorships and Donations

The sponsorships and donations report was noted.

5.18 Finance Report

The Report was noted and the Board heard that continuing overspends against budget on exhibitions remained a concern for the Finance and Operations Committee. An analysis as to the cause was underway.

Vivienne Bennett, Vicente Todoli, Stephen Deuchar and Will Gompertz joined the meeting.

6 Vision for Tate Media (Tate Notes, January 2007, Report 7) (included in the papers as Report 7, but the order of 6 and 7 were reversed in the meeting)

Will Gompertz presented the vision for Tate Media, which Trustees welcomed with enthusiasm. The overall direction of the strategy was endorsed strongly by the Board, but views were expressed that the relationship between Tate Media and Tate Enterprises required further thought and that it was premature to form a sub-committee of the Board of Trustees devoted to this area until these structural issues had been resolved. Creating a more informal advisory group in the meantime was suggested, and it was suggested that this group could help shape the proposed business plan. It was agreed that the plan would come back to the Board in the late summer.

Helen Alexander and Will Gompertz left the meeting.

7 Design Museum Options Appraisal (Tate Notes, January 2007, Report 6)

The options appraisal was considered and it was agreed that discussions should continue with the Design Museum with a view to bringing a further report to the Board in March.

Anish Kapoor and Vivienne Bennett left the meeting.

8 Diversity (Tate Notes, January 2007, Report 8)

Caroline Collier and Baroness Young joined the meeting.

Caroline Collier introduced Baroness Young who had worked on the Change Institute's exploration of Tate's training needs regarding the implementation of the diversity strategy. Baroness Young made a presentation of her observations about Tate. These focused on her sense of the commitment to change throughout the museum and the potential for it to take the lead in promoting change through the sector. The Board reaffirmed its commitment to supporting the realisation of Tate's potential in this respect.

9 Programme Framework (Tate Notes, January 2007, Report 9)

The programme framework document was welcomed by the Board and it was agreed that future iterations should also set out the sites' ambitions for the future.

10 Sponsorship Approval (Tate Notes, January 2007, Report 17) (included in the papers as Report 17 but taken at this stage of the meeting in order to allow Howard Davies to assume the Chair)

Paul Myners left the meeting and Howard Davies assumed the Chair.

It was noted that Tate had been advised by the Charity Commission that the Board should formally consider two conflict of interest matters involving Paul Myners. The first was the proposed sponsorship of the *Global Cities* exhibition at Tate Modern by Land Securities, of which Paul Myners had recently become Chairman. The second was the renewal of the media partnership between Tate and the Guardian Media Group, of which Paul Myners was also Chair. Paul Myners had not been personally involved in either transaction, and there was no question of personal benefit; in the case of the Guardian Media Group partnership, arrangements with this Group long predated Paul Myners' appointment to the Tate Board.

Trustees noted that there was a conflict of interest inherent in both transactions, but that the Charity Commission had granted an order permitting Tate to accept sponsorship from Land Securities (Tate had not applied for such an order for the Guardian Media Group partnership in view of the financial value of the collaboration and of the fact that the agreement pre-dated Paul Myners' involvement with Tate). It was agreed that, provided care was taken to manage the perceived conflict, it was clearly in the interests of Tate to proceed with both partnerships.

11 Appointments to Councils and Committees (Tate Notes, January 2007, Report 13) (included in the papers as report 13 but taken at this stage of the meeting to allow Howard Davies to assume the Chair)

Trustees considered that Paul Myners' appointment to the Tate St Ives Council was due to expire and agreed to reappoint him.

Paul Myners rejoined the meeting and Howard Davies left the meeting.

12 Approval of a Trustee Benefit (Tate Notes, January 2007, Report 16)

Jeremy Deller left the meeting.

Trustees considered two issues involving real and perceived benefit to new artist Trustee Jeremy Deller.

The first issue concerned a commission from Jeremy Deller and artist Paul Ryan for Tate Liverpool's exhibition *Centre of the Creative Universe*. It was reported that the commission had occurred independently of Deller's application to become a Trustee but involved the payment of costs to the artist and his collaborator. The costs would be in the region of £5,000. It was agreed that:

- the payment of these costs could be justified as being clearly in the interests of Tate and that this represented a good use of Tate's resources;
- this was a reasonable amount to cover the costs of the work and travel expenses for both artists (the Board noting that the artists were waiving a fee for the work);

- there was confidence that the two artists were able to carry out the commission;
- there was confidence that the majority of Trustees were acting without payment by Tate;
- Trustees were satisfied that the payment would be disclosed as appropriate in Tate's Accounts and in the Board's Register of Interests;
- permission should now be sought from the Charity Commission to enable this payment.

The second issue concerned the sale of Jeremy Deller cycling t-shirts in Tate's shops. It was noted that Tate had purchased the t-shirts from a third party as part of an artist's product range and that although Jeremy Deller does not derive any benefit from the sales, having gifted the design to the third party, there could be a perception of trustee benefit. On this basis it was agreed that in the event of Tate Enterprises seeking to renew the transaction with the third party, the Board's guidance on how to mitigate the risk of a perceived conflict of interest must be sought.

Jeremy Deller rejoined the meeting.

13 Acquisitions Financial Statement (Tate Notes, January 2007, Report 10)
(included in the papers as report 10)

The financial statement was noted.

14 Acquisitions for Noting (Tate Notes, January 2007, Report 11)
(included in the papers as report 11)

Trustees endorsed the decisions made by the Collection Committee at their meeting of 13 December, thereby approving the acquisitions, purchases, gifts, bequests, future bequests and archive gifts as follows:

Sir Howard Hodgkin (Acquisitions Booklet, December 2006, Item 6.1)
Come into the Garden, Maud 2000-3

Gabriel Orozco (Acquisitions Booklet, December 2006, Item 6.2)
Carambole with Pendulum 1996

Rasheed Araeen (Acquisitions Booklet, December 2006, Item 6.3)
3Y + 3B 1968- 1969
Rang Baranga 1968
Zero to Infinity 1968- 2003

Francis Alÿs (Acquisitions Booklet, December 2006, Item 6.4)
Collectors 2006

American Fund

Robert Morris (Acquisitions Booklet, December 2006, Item 6.5)
Location 1962-63
Untitled 1964

Richard Tuttle (Acquisitions Booklet, December 2006, Item 6.6)
Village VI 2004-5

Paul McCarthy (Acquisitions Booklet, December 2006, Item 6.7)
Projection Room 1971-2006 2006

Larry Sultan and Mike Mandel (Acquisitions Booklet, December 2006, Item 6.8)

Evidence 1977 / 2005

American Acquisitions Committee

Josiah McElheny (Acquisitions Booklet, December 2006, Item 6.9)

An End to Modernity 2005

Aleksandra Mir (Acquisitions Booklet, December 2006, Item 6.10)

First Woman on the Moon 1999

Gifts

Thérèse Oulton (Acquisitions Booklet, December 2006, Item 6.11)

Pearl One 1987

Georgina Starr (Acquisitions Booklet, December 2006, Item 6.12)

The Making of Junior (+ Entertaining Junior) 1994

#7 Birth of Sculpture, from 'Nine Collections of the Seventh Museum' 1994

#12 Escape by Plane, from 'Nine Collections of the Seventh Museum' 1994

#22 The Making of the Golden Gown (3), from 'Nine Collections of the Seventh Museum' 1994

#56 Scraped Thumb, from 'Nine Collections of the Seventh Museum' 1994

#108 Luggage for Den Haag, from 'Nine Collections of the Seventh Museum' 1994

#137 Breakfast for one, from 'Nine Collections of the Seventh Museum' 1994

#157 Moment like this, from 'Nine Collections of the Seventh Museum' 1994

#161 Rabbit Dress, from 'Nine Collections of the Seventh Museum' 1994

#179 Mysteries Uncovered, from 'Nine Collections of the Seventh Museum' 1994

#199 The Golden Gown, from 'Nine Collections of the Seventh Museum' 1994

#200 Blue Cap, from 'Nine Collections of the Seventh Museum' 1994

Visit to a Small Planet 1994-95

Visit to a Small Planet (poster) 1994-5

Richard Billingham (Acquisitions Booklet, December 2006, Item 6.13)

Untitled 1994

Untitled 1995

Untitled 1994

Peter Fischli and David Weiss (Acquisitions Booklet, December 2006, Item 6.14)

Untitled (Small Root) 2005

Pepe Espaliú (Acquisitions Booklet, December 2006, Item 6.15)

To an Unknown God 1989

Paul McCarthy (Acquisitions Booklet, December 2006, Item 6.16)

Painter 1995

Larry Sultan and Mike Mandel (Acquisitions Booklet, December 2006, Item 6.17)

[no title] 1977 / 2006

[no title] 1977 / 2006

[no title] 1977 / 2006

Bequests

George Spencer Watson (Acquisitions Booklet, December 2006, Item 6.18)

Hilda and Maggie 1911

John A. Park (Acquisitions Booklet, December 2006, Item 6.19)

Snow in the Harbour of St Ives 1940

Future Bequests

William Holman Hunt (Acquisitions Booklet, December 2006, Item 6.20)

Portrait of Mrs Edith Holman Hunt 1880

Leon Kossoff (Acquisitions Booklet, December 2006, Item 6.21)

Study of Mother circa 1963

Purchased by the Director

Michael Landy (Acquisitions Booklet, December 2006, Item 7.1)

H.2.N.Y. Self-constructing self-destroying Tinguely Machine, Museum of Modern Art, 17th March 1960 2006

Jonas Mekas (Acquisitions Booklet, December 2006, Item 7.2)

Diaries, Notes & Sketches a.k.a. Walden 1964-1969

Frieze

Dan Perjovschi (Acquisitions Booklet, December 2006, Item 7.3)

The selected drawings of the Istanbul Notebooks 2005

Phantom Reportage (Charlottenburg) and selected drawings of the Phantom Reportage Notebooks

David Shrigley (Acquisitions Booklet, December 2006, Item 7.4)

Fallen Tree with Eyes 1996

Seleccion Especial 1999

Untitled 2004

Untitled 1999

Untitled 2003

Untitled 2003

Untitled 1996

Untitled 2003

Untitled 1998

Leisure Centre 1992

Untitled 1999

Untitled 1998

Untitled 2003

Untitled 1998

Christopher Williams (Acquisitions Booklet, December 2006, Item 7.5)

Rollerstacker, R-136MR, Manufacturer: The Kaynar Company, Los Angeles, CA, 90054, Date of production: 1975. Vancouver, BC, April 6, 2005. (NR. 1, 2, & 3) 2005

Thomas Hirschhorn (Acquisitions Booklet, December 2006, Item 7.6)

Candelabra with Heads 2006

Chandelier avec têtes

Philippe Parreno (Acquisitions Booklet, December 2006, Item 7.7)

6.00 PM 2000/2006

Rivane Neuenschwander and **Cao Guimarães** (Acquisitions Booklet, Dec 2006, Item 7.8)

Quarta-Feira de Cinzas/Epilogue 2006

Simon Starling (Acquisitions Booklet, December 2006, Item 7.9)

Flaga (1972-2002) 2002

Bruno Serralongue (Acquisitions Booklet, December 2006, Item 7.10)

Thursday 28 April 2006. East region of Mexico City (Iztapalapa, Iztacalco and Tlahuac). Discussion of the Delegate Zero at the College of Eastern Science and Humanities 2006

Vendredi 28 avril 2006. Région Est de la ville de Mexico (Iztapalapa, Iztacalco et Tlahuac). Discours du Délégué Zero au Colegio de Ciencias y Humanidades de la région Oriente

Catherine Sullivan (Acquisitions Booklet, December 2006, Item 7.11)

The Chittendens: The Resuscitation of Uplifting 2005

Gabriel Kuri (Acquisitions Booklet, December 2006, Item 7.12)

Untitled 2006

Anna Barriball (Acquisitions Booklet, December 2006, Item 7.13)

Brick Wall 2005

Untitled III 2006

Untitled IV 2006

Trisha Donnelly (Acquisitions Booklet, December 2006, Item 7.14)

The Redwood and the Raven 2004

Archive Gifts

Austen, David et al

Sketches and collages produced for the Wimbledon School of Art Drawing Symposium, Clore Auditorium, Tate Britain, 18 May 2006

Yoko Ono (b. 1933)

Instruction score and printed cards by Yoko Ono with three files of participants' responses, *My Mummy Was Beautiful*, Liverpool Biennale, Tate Liverpool, 2004

Stass Parakos (b.1933)

Preparatory drawings, press cuttings and correspondence in relation the artist's controversial exhibition, *Lovers and Romances*, Leeds Institute Gallery, 1966

Budnik, Dan, b.1933

One black-and-white photograph of the sculptor David Smith, December 1962

Print by Arthur Tcholak, New York 1963

15 Acquisitions for Decision (included in the papers as report 12)

A number of decisions were taken by the Board.

Samuel Palmer

The Shearers c.1833-4

*Information has been exempted under Section 43(2) of the Freedom of Information Act 2000.*²

Susan Hiller

Psi Girls 1999

Trustees agreed to accept the gift of *Psi Girls* by Susan Hiller.

Nimai Chatterji Collection

Collection of avant-garde documentation, objects, multiples, publications, correspondence with artists, ephemera and associated material (over 25,000 pieces, chiefly 1920s-1960s).

It was agreed that the acquisition of the Chatterji Collection should now proceed, the archive acquisition having been approved in principle in November 2006.

Vicente Todoli left the meeting.

Two other developments were noted in respect of the Collection which were that:

- The New Art Trust, a trust created by the Kramlich family and in which Tate, together with the Museum of Modern Art in New York, the San Francisco Museum of Modern Art and the non-profit media-art centre Bay Area Video Coalition had an interest, was the recipient of a major gift of video and new media works from Richard and Pamela Kramlich;
- *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000*²

The details of both gifts would be presented to the Collection Committee in February and the Board of Trustees in March.

16 Appointments to Councils and Committees (Tate Notes, January 2007, Report 13) (including in the papers as report 13)

Trustees reconsidered this report in respect of the recommendations not concerning Paul Myners. The following agreement was reached:

- to reappoint Sue Hollick and Jeremy King to the Tate Modern Council on the terms described in the paper;
- to reappoint Sir William Proby to the Tate Britain Council;
- to reappoint Chris Cocklin and Lady Carol Holland to the Tate St Ives Council;
- to appoint Keith Salway, Paul Morrell, Roger Madelin, Gerald Allison, Hugh Bullock and Jon Snow to the Transforming Tate Modern Board;
- to reappoint Mee-Yan Cheung Judge to the Finance and Operations Committee;
- to appoint Jeremy Deller to the Collection Committee.

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

It was noted that further recommendations would be brought to the Board in March.

17 Tate Trustee Appointments 2007 (Tate Notes, January 2007, Report 14)

It was agreed that comments on the briefing pack for candidates, included in the papers, should be sent to Anna Jobson. The next steps were to secure the DCMS' approval of the role specifications, to appoint an independent assessor and to advertise the positions.

18 Charities Act 2006 (Tate Notes, January 2007, Report 15)

The Charities Act briefing was noted.

19 Exhibitions Schedule (Tate Notes, January 2007, Report 18)

The schedule was noted.

20 Reports from Councils and Committees (Tate Notes, January 2007, Report 19)

The Reports were noted.

21 Minutes from Councils and Committees (Tate Notes, January 2007, Report 20)

It was noted that a number of minutes from Councils and Committees had been placed on the Trustees' extranet.

22 Any Other Business (Tate Notes, January 2007, Item 21)

There was none.

23 Date of Next Meeting (Tate Notes, January 2007, Item 22)

The next meeting would be held on Wednesday 21 March at Tate Britain.