

Minutes of the Meeting of the Board of Trustees of the Tate Gallery held on Wednesday 11 July 2007 at 2.15pm in the Board Room at Tate Britain

Present	Paul Myners Helen Alexander Victoria Barnsley Melanie Clore Sir Howard Davies Jeremy Deller Patricia Lankester Professor Jennifer Latto Fiona Rae Jon Snow Monisha Shah John Studzinski	Chair until Item 5.14 observer
Staff present	Sir Nicholas Serota Alex Beard Anna Jobson Julian Bird	Director Deputy Director Head of Planning and Secretary to the Board of Trustees Chief Operating Officer
Report 6	Vicente Todoli	Director, Tate Modern
Report 6	Dr Stephen Deuchar	Director, Tate Britain
Report 6 only	Adam Caruso	Caruso St John

Paul Myners welcomed two observers to the meeting: incoming Trustee Monisha Shah, whose appointment to the Board was to be announced imminently (along with that of John Browne), and Chief Operating Officer Julian Bird.

It was the last meeting for Victoria Barnsley, Jennifer Latto and John Studzinski. They each gave a brief speech on their experiences of being a Trustee and some pointers for the Board to consider in future.

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

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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
3. prejudice the effective conduct of public affairs

The remaining group congratulated Victoria Barnsley, Jennifer Latto and John Studzinski for their incredible contribution to the Board. Jennifer Latto had been an outstanding advocate for Tate Liverpool, keeping it centre stage. Victoria Barnsley had been unwaveringly wise, including during her stint as a liaison Trustee to the National Gallery. John Studzinski was commended for his altruism, his deep knowledge, his understanding and sympathy for an organisation that operated at a fundamentally different pace to those he was used to in his working life. A hope was expressed that all three would continue to be closely involved with Tate, Victoria Barnsley and John Studzinski through the Tate Foundation and Jennifer Latto through her involvement with Liverpool's Capital of Culture year.

1 Apologies

Apologies were sent by Anish Kapoor.

2 Confirmation of Minutes

The minutes of the last meeting were confirmed as a true record and signed by the Chairman.

3 Matters Arising

There were four matters arising:

It was reported that Patricia Lankester had agreed to Chair the Tate Liverpool Council for the foreseeable future, following the retirement of Jennifer Latto, and Trustees welcomed this news.

Trustees were updated on discussions between Tate and the National Gallery about the boundaries between their collections following a meeting of the two Chairmen, the two Directors and the liaison Trustees the previous day. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹ The question of the Tate Liaison Trustee was also discussed, given Victoria Barnsley's retirement, and it was agreed that a decision should be postponed until the three new Trustees were in place, with an interim solution until the end of the year. Volunteers for the interim position were sought, but it was agreed that Paul Myners would serve in the absence of another Trustee.

It was reported that the Charity Commission's investigation into works by serving artist trustees that had entered the collection between 1955 and 1992 was still ongoing eight months after Tate had submitted detailed evidence. Nicholas Serota had recently spoken to Andrew Hind to try and expedite the investigation's conclusion.

It was noted that one of the three Freedom of Information cases currently being investigated by the Information Commissioner had been dropped, the *Sunday Telegraph* having withdrawn its complaint. The conclusion of the two remaining cases, both also referred by the *Sunday Telegraph*, was expected within the next two weeks.

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4 Conflicts of Interest

No conflicts of interest were declared at this point, although Melanie Clore had already indicated that she would withdraw from the discussion for item 5.9, there being a potential conflict between the interests of Tate and her employer Sotheby's.

5 Director's Report

5.1 Staff

Trustees sent congratulations to Simon Groom and noted the verbal update made on the changing positions of John Nickson and Rebecca Williams. A preferred candidate had been identified for the position of Finance Director.

5.2 Trustee Appointments

The news that the appointment of John Browne and Monisha Shah was about to be announced by the Prime Minister was welcomed. It was noted that the vacancy still to be filled on the Board was about to be advertised, the job description having been reconsidered following the recent recruitment campaign; this would be circulated to all Trustees for comment, prior to submission to DCMS for approval.

5.3 Transforming Tate Modern Update

Progress on the TTM Project was noted, *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*² Nicholas Serota thanked Paul Myners for his donation and felt that it was an important signal to be sending to the community.

*Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*²
A further report on this would be made to the Board in September.

5.4 National Art Collections Centre Update

It was noted that an application for funding towards the National Art Collections Centre had been lodged with the HLF.

5.5 Nicholas Themans Bequest

Trustees welcomed the news of this important bequest, thought to be in excess of £3 million, which would be added to the endowment and used for the purchase of paintings, as stipulated in Mr Themans' will.

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).*

5.6 Manton Collection and Manton Foundation

It was reported that discussions were continuing with the Manton Foundation. A further report would be made in September.

5.7 The Long Weekend: Incident 27 May 2007

Trustees noted a breach of security incident that had taken place at Tate Modern and the steps taken to prevent such a case in future. It was further noted that security had been tightened across the two London sites in consequence of the recent attempted bombings.

5.8 Tate Media Update

Trustees noted the update.

5.9 Sotheby's and the Turner Prize

Melanie Clore left the meeting.

Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²

Melanie Clore rejoined the meeting.

5.10 American Patrons' Drinks at No 10 Downing Street

Trustees noted the report on this event.

5.11 Increasing Donation Boxes

Trustees noted that new donations boxes were being designed in an attempt to increase income.

5.12 Kapoor Edition: *After Marsyas*

It was noted that Anish Kapoor had suggested that the proceeds of the sale of the edition *After Marsyas* should come in full to Tate, with Lisson and Kapoor's studio absorbing the cost of casting and finishing the piece. There would be no benefit to Kapoor, so prior permission was not required, but Tate would report the transaction to the Charity Commission.

5.13 Kapoor / MiMA Commission

It was further noted that the Middlesbrough Institute of Modern Art had provisionally booked Tate Modern as the venue for launching an Anish Kapoor commission. Any such hire would be on commercial terms between Tate and MiMA and there was no direct Trustee benefit. Tate had sought the advice of the Charity Commission, who had agreed there was no benefit involved.

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5.14 Chair's Forum

Paul Myners reported that the Chairs of Boards sponsored by DCMS had recently met to discuss issues affecting sponsored institutions.

Jon Snow left the meeting.

5.15 National Gallery / Tate Trustees Joint Dinner

Efforts were continuing to find a date for the dinner.

5.16 Chair's Dinner – Tuesday 18 September 2007

The purpose of the forthcoming dinner was to thank the three outgoing Trustees and to welcome the two new Trustees.

5.17 Exhibitions Schedule 2007-8

The schedule was noted.

5.18 Sponsorship and Donations

The sponsorship and donations report was noted.

5.19 Finance Report

The Finance Report was noted. It was reported that steps were being taken to raise the level of attendance at the current *Dalí and Film* exhibition at Tate Modern.

Stephen Deuchar and Vicente Todoli, and Tate Britain architect Adam Caruso joined the meeting.

6 Tate Britain Capital Development Programme

Stephen Deuchar reminded Trustees that architects Caruso St John had been appointed early in 2007 to work on the development of Tate Britain over the next five to seven years. Their initial brief was to respond to the short-term need to transform Tate Britain as a destination but they had also been asked to review the parameters of the existing masterplan for the Millbank site as a whole.

Adam Caruso made a presentation on the developing plans for the building. Stephen Deuchar reported that the process of costing the proposed plans would now commence.

Trustees expressed their support for the proposed plans. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*²

It was agreed that a further report on Tate Britain's Capital Development Programme would come to the Board in November 2007.

There was a break in the meeting. Adam Caruso left. John Studzinski temporarily left the meeting.

7 Anthony d'Offay Collection

The Board considered developments in the negotiations on the potential acquisition of the bulk of Anthony d'Offay's collection. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*²

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It was agreed that discussions would continue and that an update would be brought to a future meeting.

Victoria Barnsley left the meeting, Paul Myners having thanked her for her contribution to Tate. John Studzinski rejoined the meeting.

8 Acquisitions Financial Statement

The Acquisitions Financial Statement was noted.

9 Acquisitions for Noting

Trustees approved the acquisitions detailed in Report 9, *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*²

Purchases

Eduardo Paolozzi
Konsul 1962

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).*

Gifts

Ed Ruscha

Stains 1969

News, Mews, Pews, Brews, Stew, Dues 1970

Ellen Gallagher

Bird in Hand 2006

American Fund

Lygia Clark

Creature-Maquette (320) Bicho-Maquette (320) 1964

Leon Ferrari

Tower of Babel Torre del Babel 1963

Ellsworth Kelly

Red White 1966

Richard Tuttle

8th Paper Octagonal 1970

James Turrell

Raemar Blue 1968

Susan Rothenberg

United States 1975

Terry Winters

Scale 2003

Terence Koh

Untitled (A New World Order Lies in this Golden Age) 2006

Latin American Acquisitions Committee

Lygia Clark

Planes on modulated surface (study) (56)

Planos em superfície modulada (estudo) (56) 1957

Planes on modulated surface (study) (61)

Planos em superfície modulada (estudo) (61) 1957

Damián Ortega

Skin, Urban Center President Alemán C.U.P.A. Mexico City. Mario Pani. / Przyczolek Grochowski Housing. LCS, 1963. Warsaw, Poland. Oskar Hansen. /L'Unité d'Habitation à Marseille COUPE, 1947-1952. Marseille, France. Le Corbusier 2006-2007

Rivane Neuenschwander

Commonplace 1999

Bequest

Simon Sainsbury Bequest

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Purchased by the Director

Richard Hamilton

The Beatles 2007

Phyllida Barlow

Untitled (Yellow Rack) 2006

Richard Wilson

Watertable 1994

Room 6 Channel View Hotel (I) 1996

Room 6 Channel View Hotel (II) 1996

Over Easy 1998

Slice of Reality 2000

Slice of Reality (II) 2000

Butterfly 2003

The Joint's Jumping

Linder

Untitled 1977

Untitled 1977

Untitled 1977

Untitled 1977

Untitled 1977

Bob and Roberta Smith

Humiliate 1993

Make Art Not War 1996

When Donald Judd comes to our place.... 1997

³ **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).

Sergej Jensen
The World 2006

Jeppe Hein
Invisible Moving Wall 2001

Archive

Purchases for Decision

Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²

King Mob (1960s onwards)

Cache of material relating King Mob comprising photographic montages, booklets, posters and a documentary photograph, 1960s-70s.

Gifts

Kenneth Armitage

Correspondence from Kenneth Armitage to Anne Severs, 1952-56

Correspondence from Kenneth Armitage to Rosemary Herbert Smith, 1946-50.

Zelda Cheatle Gallery

Correspondence, photographs, press cuttings, and published ephemera relating to the gallery and its exhibitions, 1988-2005. The gallery's records presented by Zelda Cheatle in 2006 with additional material relating to exhibitions of Helen Chardwick's work at the gallery presented by Zelda Cheatle in 2007.

Gustav Metzger (born 1926)

Items relating to the Arts Council's DVD, 'Pioneers in Art and Science', focussing on Gustav Metzger's work, as well as other material, 1990s-2000s.

Raised Awareness Drawings (Drawings for the Blind), 2005

Twenty five drawings, for transference to raised versions for the blind, commissioned by Tate from the following artists: Roger Ackling, Michael Craig-Martin, Grenville Davey, Richard Deacon, Terry Frost, Antony Gormley, Susannah Heron, Damien Hirst (x2), Anish Kapoor, Nhoko Kudo, Richard Long, Ian McKeever, Lisa Milroy (x2) Therese Oulton, Vicken Parsons, Marc Quinn, Charlotte Verity (x2) Richard Wentworth, Alison Wilding, Bill Woodrow and Sylvia Ziraneck, 2005.

Michael Sandle (born 1936)

Seventeen sketches in pen and ink, watercolour, charcoal with photographs mounted on card for *Mickey Mouse Machine Gun Moment*, sub-titled *Monument for America*, 1975.

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Long Loans In

Joseph Wright 1734-1797

Three Children of Richard Arkwright with a Goat 1791

Gerhard Richter born 1932

Six Cage Paintings 2006

Tote 1963

Mustangs 1964

Frau mit Kind 1965

Wolkenstudie 1970

Farben 1974

Zwei Kerzen 1982

10 Acquisitions for Decision

Trustees accepted with gratitude *Bahrain I*, by Andreas Gursky, as detailed in Report 10.

Andreas Gursky born 1955

Bahrain I 2005

C-print on paper

Number 1 in an edition of 6 plus one artist's proof

3060 x 2215 mm

11 Nominations Committee

Trustees agreed to the creation of a Nominations Committee and were asked to put their names forward to Nicholas Serota if they were interested in serving. Howard Davies agreed to join, as did Helen Alexander, subject to reviewing the committee's workload. The question of whether or not positions on sub-committees should be advertised was discussed and it was agreed that Eleanor Pinfield would prepare a paper on options for the first meeting of the Committee.

12 HM Revenue and Customs' Rules for Substantial Donors

Trustees noted this report.

13 Tax-efficient giving in the UK

It was agreed that Tate must continue to lobby for improvements to the fiscal incentives for philanthropy in the UK and that an action plan would be brought to the Board on this in March 2008.

14 DCMS Funding Agreement Outturn Report

Any Trustees wishing to comment on the detail of the report would do so to Alex Beard or Julian Bird. Positive comment was made about James Purnell's declared intention to move away from targets for DCMS' sponsored bodies.

15 Appointments to Committees and Councils

Trustees agreed:

- that a further artist should be recruited to the Tate Modern Council;
- to appoint Rushanara Ali to the Tate Britain Council;
- to the appointment of Peter Mearns to the Tate Liverpool Council;
- to continue to try and secure a replacement for Cllr Beatrice Fraenkel;
- to work with St Ives Town Council to secure a replacement for Cllr Chris Cocklin.

16 Approval of Statutory Accounts

Trustees noted the tabled amendments to the Accounts and:

- approved the Tate Statutory Accounts for the year ended 31 March 2007 and letter of representation to the National Audit Office;
- authorised Paul Myners and Nicholas Serota to sign the Tate accounts and letter on their behalf, which was done after the meeting;
- approved the Knapping Fund Statutory Accounts for the year ended 31 March 2007 and letter of representation to Grant Thornton;
- authorised Paul Myners to sign the Knapping Fund accounts and letter of representation on their behalf, which was done after the meeting.

17 Board of Trustees of the Tate Gallery – Delegation of Authority to Tate Enterprises Ltd

Trustees noted Report 17, which set out to formalise the financial relationship between Tate and Tate Enterprises Ltd. It was agreed that the paper would be put to the Tate Enterprises Board before coming back to the Board of Trustees for formal adoption.

18 Key Points from Minutes of Councils and Committees

These were noted.

19 Minutes from Councils and Committees

It was noted that a number of minutes had been added to Soundboard.

20 Any Other Business

There was none.

Paul Myners thanked John Studzinski and Jennifer Latto for their service to Tate as Trustees. He also thanked Anna Jobson, who was leaving Tate to join Arts Council England, for her sterling service to Tate and the Board.