

Minutes of the Meeting of the Board of Trustees of the Tate Gallery held on Wednesday 19 September 2007 at 9.30 am in the Meetings Room at Tate Modern

Present	Paul Myners Helen Alexander Lord Browne Sir Howard Davies Jeremy Deller Anish Kapoor Patricia Lankester Fiona Rae Monisha Shah Jon Snow	Chair
Staff present	Sir Nicholas Serota Alex Beard Eleanor Pinfield	Director Deputy Director Corporate Governance Manager and Acting Secretary to the Board
Report 6	Julian Bird	Chief Operating Officer
Report 7	Will Gompertz	Director, Tate Media
Report 7	John Stack	Editor of Tate Online
Report 8	Frances Morris	Head of Collections (International Art)
Report 8-18	Vicente Todoli	Director, Tate Modern
Report 8-18	Dr Stephen Deuchar	Director, Tate Britain

Paul Myners welcomed Monisha Shah and John Browne to their first meeting. He reported that he hoped the Chair's Dinner the evening beforehand had helped set the tone of the Board, as one which enjoys robust debate and has a strong commitment to Tate. For the benefit of the new Trustees, Paul set out the pace of the agenda, and explained the current practice in staff attendance for specific, relevant items.

Paul thanked all the trustees for attending the Chair's Dinner, along with John Studzinski, Jennifer Latto and Victoria Barnsley, with Howard Davies sending apologies, and reported that all action points raised would be built into future agendas.

1 Apologies

Apologies were received from Melanie Clore.

2 Confirmation of the Minutes

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

3 Matters Arising

There were three matters arising:

It was reported that the Finance Report would be taken as a separate item, and would no longer appear under the Director's Report. Julian Bird, Chief Operating Officer, would join the meeting for the item.

Trustees were updated on the Nicholas Themans Bequest; as was noted at the July Board, the funds were stipulated for use to purchase paintings only. Therefore, the funds would not be drawn into the general endowment, but should be kept as a designated fund for such purchases, and would appear on the Acquisitions Report as such.

Trustees were updated on talks with the Manton Foundation, following the Director's discussions with Terry Christensen, the Foundation's lawyer. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

4 Conflict of Interest

There were four conflict of interests declared.

Jeremy Deller declared a conflict with item 5.3, relating to the donation of one of his works by a third party. He stated he would withdraw for the discussion of this item.

Jeremy Deller and Anish Kapoor declared a conflict in respect to item 5.4, relating to the exhibition of works by both artists in the Turner Prize Retrospective. Jeremy and Anish stated they would withdraw for discussion on the item.

The Chair noted the conflict of interest from Melanie Clore in respect to item 13, Approval of Sponsorship. As Melanie had sent her apologies, she was not present to partake in the discussion. It was noted that should she have been present, she would have withdrawn for the item.

5 Director's Report

5.1 National Gallery/Tate Boundaries of the Collections – Update

It was reported that following the National Gallery Board meeting in September, the existing agreement regarding the relationship between the two institutions had lapsed. The loan of works of art between the two institutions would continue. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*²

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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 be 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*

5.2.1 Trustee Appointments

The trustees noted the person specification for the vacant trustee position. It was reported that interview dates may be revisited to accommodate trustees' diaries. Trustees were asked to consider any candidate that may be suitable, and refer them to the advertisement. It was reported that both the Chair and the Director would be happy to talk to candidates considering applying, should trustees think this would be of benefit.

5.2.2 National Gallery Liaison Trustee

The Chair proposed that Patricia Lankester take on the role of Tate Liaison Trustee to the National Gallery Board, with effect from 1 October 2007. The trustees agreed this proposal, and expressed their view Patricia would do a tremendous job. It was reported that Paul Myners would write to the National Gallery to inform them of this decision.

5.3 Charity Commission Guidance: Donation of Work

Jeremy Deller left the meeting.

It was noted that a work by Jeremy Deller, *The History of the World*, had been offered as a gift through the Cranford Collection. The trustees noted the requirements detailed in the Board's policy on purchasing works of art by serving artist trustees, where Tate would only consider purchase where the work is of particular significance in relation to the artists overall oeuvre. It was also noted that this was a gift rather than a purchase.

The trustees noted the potential for perception of personal benefit to a serving trustee. However, it was noted that this case reminded the board of its duty to manage conflicts appropriately, and that the Board should follow the Charity Commission's advice that the conflict is best managed by the trustees.

The trustees were satisfied that the offer of this work was not made because of the artist's position as a serving trustee. The trustee agreed that this offer of a donation should go to the Collection Committee who would provide guidance on the artistic merit of the piece, before returning to the Board.

5.4 Exhibition Display of Trustees' Work: Turner Prize Retrospective

Anish Kapoor left the meeting.

The trustees noted that the upcoming Turner Prize Retrospective exhibition would include works by all winners of the Turner Prize. It was noted that both Jeremy Deller and Anish Kapoor had won this prize, and the work *Untitled*, 1990 by Anish Kapoor and *Memory Bucket*, 2003 and *The History of the World* by Jeremy Deller were to be included.

The trustees noted that inclusion in the exhibition could provide an indirect benefit to the trustees, through the potential reputational boost. However, the trustees agreed that inclusion in the exhibition was entirely consistent with their policy on the inclusion of work by trustees in displays of the Collection and group exhibitions.

Anish Kapoor and Jeremy Deller returned to the meeting.

Jeremy Deller stated that in the event that the proposed donation of his work *The History of the World* is approved, he would be happy to donate related documentation to Tate. The trustees thanked him for this kind offer.

5.5 Transforming Tate Modern Update

Julian Bird, Chief Operating Office, joined the meeting.

The trustees noted progress on the TTM Project.

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The trustees were updated on the progress in donations; *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

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The trustees agreed to examine the prospects for the project at the November Board, when stage D approval would be required, and asked for a detailed report on donors to be given at this meeting. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

5.6 National Art Collections Centre (formerly Collection Centre) Update

The trustees noted the update.

5.7 The Unilever Series: Doris Salcedo – Update

Included in the papers as Report 5.7 but taken later in the meeting in order to allow Vicente Todoli to be present.

5.8 Frederick Cayley Robinson

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5.9 Exhibitions Schedule 2007-08

The trustees noted the forthcoming exhibition schedule. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

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Paul Myners suggested that any interested trustee might wish to read a paper produced for the Finance and Operations Committee on how the anticipated attendance figures are formulated for specific exhibitions. (Tate Operating Model, May 2006). This will be available from Eleanor Pinfield.

Paul Myners asked that a paper go the Finance & Operations Committee setting out the process followed by a project leader when putting together an exhibition, with particular emphasis on management of financial risk. This would then be circulated to the Board.

5.10 Sponsorships and Donations

The sponsorship and donations report was noted.

5.11 Staff

The staff report was noted.

5.12 Turner Exhibition Tour

The trustees noted the prospective tour of the Turner Exhibition. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

*Information has been exempted under Section 40 (2) of the Freedom of Information Act 2000*³

5.13 Tate Family Conference 2007

The trustees looked forward to the conference for all Tate's non executives on 3 October. It was reported that Will Hutton, Chief Executive of the Work Foundation, had agreed to speak. Paul Myners encouraged trustees to attend, if possible.

5.14 November 2007 Board Meeting

The report was noted.

5.15 National Gallery/Tate Trustees Joint Dinner

The report was noted. Paul Myners reported that he had written to Peter Scott at the National Gallery with suggested topics for discussion at the dinner.

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

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

6 Finance Report

The Trustees noted the Finance Report. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

Trustees were updated on the discussion at the Finance & Operations Committee, and the concerns related to overspend on exhibition budgets.

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The trustees asked for a report in January on marketing for 2008/09.

There was a short break in the meeting. Will Gompertz, Director of Tate Media, John Stack, Online Editor, and Stephen Deuchar joined the meeting.

7 Tate Media Presentation

Paul Myners reminded trustees of the Board' aspiration that Tate should have a pre-eminent online presence.

Will Gompertz updated trustees on recent Tate Media initiatives and developments, including:

- Tate Player and Tate Shots;
- the Flickr and How We Are collaboration, Tate Tracks and MySpace collaboration;
- online availability of the gallery's archive;
- the introduction of a portal to allow easy access to all content designed for those with disabilities;
- the Tate Channel;
- Online art course costing £20, to be launched in January;
- the recruitment of a new Kids section Editor, who will produce specific content.

He also outlined future projects to develop Tate Online, including:

- development of the online display of the Collection, to make it interactive;
- the production of an online Turner Catalogue;
- the production of a series of documentaries focusing on living artists, with Arts Council funding, and support from Channel 4, to be shown on the site;
- development of an integrated site for Tate Etc;
- redevelopment of the 'Support Us' pages, with support from the Director of Development;
- planned redesign of the homepage, to provide banner advertising of current exhibitions;
- integration of the site, so that products related to the page subject matter are displayed along side one another.

Will reported that the Tate Media Bulletin, currently sent to staff and non executives every week, would be expanded into a general Tate Bulletin, and would continue to update staff and non executives on a weekly basis.

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Paul Myners asked that the presentation be circulated to trustees.

The trustees welcomed all the new initiatives, and commented it would be helpful if more work was done to identify the key priority in the initiatives. Trustees noted that it would be useful to frame discussion around what Tate Media *would not do*. With the recent collaborations and partnerships, the trustees noted there was a risk that with such collaborations, benefits were secured for the short term, unless the partnerships was planned to be sustainable.

Trustees asked for a granular report in January when the Tate Media Business Plan would be discussed, with clear benchmarking to analyse successes, boundaries on what would not be done, articulation of the commercial possibilities, and a proposal on how to display the Collection online.

Paul Myners suggested that a Tate Media Advisory Group, with one or two trustees and outside experts be formed, to help in the development in this area.

The trustees requested that website traffic statistics be included in the Finance Report, alongside site visitor numbers.

8 Anthony d'Offay Collection

Vicente Todoli and Frances Morris, Head of Collections (International Art), joined the meeting.

Following on from the discussion at the July Board Meeting, trustees discussed the potential acquisition of the d'Offay Collection. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

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The trustees approved the proposal from the Director to proceed with negotiations.

Frances Morris left the meeting.

Patricia Lankester left the meeting.

9 The Unilever Series: Doris Salcedo – Update

(Included in the papers as Report 5.7 but taken at this stage of the meeting in order to allow Vicente Todoli to be present)

The trustees were updated on the development of the Unilever Series Doris Salcedo commission. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

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10 Tate's Statutory Foundation

The trustees welcomed the suggestion to secure the ability to increase the board from twelve to fourteen in number, and approved the proposal to initiate negotiations with relevant departments.

11 Acquisitions Financial Statement

The trustees noted the report. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

12 Acquisitions for Decision

The trustees approved the use of general funds to acquire the works *Bilaterals 1959* and *Spatial Relief 1959*, by Helio Oiticica, and *The Chapman Family Collection*, by Jake and Dinos Chapman.

Stephen Deuchar set out the background to the Rubens work *Multiple sketches for the Banqueting House Ceiling*. He reported on the level of funds required from the gallery were likely to be £1.1 million, with approaches made for grants from the National Heritage Memorial Fund and The Art Fund to make up the remaining funds. The trustees discussed whether the purchase of this work would affect the likelihood of receiving grants for the acquisition of other works. The trustees agreed that the Rubens was a priority, and approved the acquisition in principle.

13 Strategic Planning Parameters

The report was noted.

14 Sponsorship Approval

*Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

The trustees approved the continuation of discussions towards securing the sponsorship.

The trustees requested that a report be brought to the November Board, reviewing the project as a whole to inform future practice.

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15 Appointments to Councils and Committees

Trustees agreed:

- that a further artist be recruited to Tate Modern Council;
- to appoint John Browne to the Tate Britain Council, to serve as Chair, for a period of 3 years;
- to appoint Councillor Colin Nicholls to the St Ives Council for a period of 3 years;
- to reappoint Harry Isaacs to the St Ives Council for a period of 3 years;
- to continue to work to secure a replacement for Councillor Beatrice Fraenkel on the Tate Liverpool Council;
- to reappoint Councillor Paul Brant to the Tate Liverpool Council for a period of 3 years;
- that a further individual be recruited to the Finance & Operations Committee and Audit Committees following Jeremy Heywood standing down in July;
- to reappoint Mee-Yan Cheung Judge to the Finance & Operations Committee for a period of two years;
- that a further trustee be appointed to the Tate Liverpool Council, Collection Committee, Finance & Operations Committee, Audit Committee, Ethics Committee, Freedom of Information Appeals Committee, Remuneration Committee and Nominations Committee following the trustee retirements in July.

Trustees also noted and congratulated Patricia Lankester on taking over from Jennifer Latto as Chair of the Tate Liverpool Council.

Trustees noted the appointments and reappointments for consideration in 2008, and were asked to propose suggestions.

16 Key Points from Minutes of Councils and Committees

These were noted.

17 Minutes from Councils and Committees (Tate Notes, September 2007, Report 16)

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

18 Any Other Business

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19 Date of Next Meeting

Wednesday 21 November at Tate Liverpool

Euston to Lime Street	0817 arrive 1047
meeting	11.30 am – 1.30 pm
lunch with staff	1.30-2.30 pm
meeting resumes	2.30-3.30 pm
return to London	4.15 or 5.15 pm train from Lime Street