

Minutes of the Meeting of the Board of Trustees of the Tate Gallery held on Wednesday 21 November 2012 at Tate Britain, Block 12, Board Room

Present	Lord Browne Tomma Abts Lionel Barber David Ekserdjian Mala Gaonkar Maja Hoffmann Patricia Lankester Elisabeth Murdoch Franck Petitgas Monisha Shah Bob and Roberta Smith Gareth Thomas Wolfgang Tillmans	Chairman
Staff present:	Sir Nicholas Serota Alex Beard Caroline Collier Dr Penelope Curtis Samuel Jones Stephen Wingfield	Director Deputy Director Director, Tate National Director, Tate Britain Secretary to the Board of Trustees Finance Director

1. Apologies

- a. Apologies were received from Tom Bloxham and Chris Dercon.

2. Confirmation of Minutes

- a. Trustees recommended two amendments to the minutes of the meeting of 19 September 2012; these were made and the minutes signed by the Chairman.

3. Matters Arising

- a. The Director informed Trustees that a summary note had been produced of the discussion of the Programme Framework at the September Board and that this would be circulated to Trustees. It was agreed that a meeting should be convened outside the normal board schedule in the first quarter of 2013, enabling trustees who sent apologies for the September Board to hear the programmes presented in unison.

4. Conflict of Interest Declarations

- a. There were no conflicts of interest to declare in respect of this meeting.

5. Director's Report

5.1 Tate Britain Project Update

- a. Trustees were updated on the project and informed that it is proceeding well and on budget. *Information has been exempted under Section 40(2) of the Freedom of Information Act 2000¹ and Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- b. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- c. Trustees were updated on the project's safety record and noted that it is better than industry standards, with only two minor incidents reported under RIDDOR regulations.

5.2 Family Conference Update

- a. Trustees were reminded that Dame Fiona Reynolds will be the keynote speaker, and informed that agendas would be circulated in due course.
- b. Trustees discussed the format of the day and the need to encourage open discussion; it was recommended that feedback during roundtable sessions be led by members of the non-executive other than Trustees, with each table raising four or five issues that attendees would like to hear discussed.
- c. It was agreed that, on the day, non-executives should be consulted as to whether in the future the conference should be a full or half day.

5.3 Update on Non-Executive Governance Review

- a. Trustees were satisfied that matters arising from the health check of the non-executive governance had been discussed in a closed-session of the board.

5.4 Update on Potential Acquisition *redaction includes heading*

- a. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- b. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- c. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*

5.5 Update on implementing the recommendations of the McKinsey Report

- a. Trustees were updated on progress made in implementing the recommendations of the report. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- b. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*

5.6 Circuit (Paul Hamlyn Twenty-fifth Anniversary Award)

- a. Trustees were updated on Circuit, the project to be funded by the Paul Hamlyn Foundation to celebrate their 25th anniversary. They noted that it responds to the discussion about work with young people by Trustees following the 2011 riots and will be delivered by all four Tate galleries and will build on the good work of Mark Miller. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000*²
- b. They were informed that Tate is currently considering bids from the Plus Tate partners to be one of the five or six partner institutions in the programme. They noted that the quality and geographic spread represented by the bids is good. The successful bidders will be announced as partners on 12 December.
- c. *Information has been exempted under Section 40(2) of the Freedom of Information Act 2000*¹

5.7 Awards to Tate Online

- a. Trustees noted that Tate's website has won three 'Lovie' awards.

5.8 Safeguarding Policy Update

- a. Trustees noted that Tate is reviewing its safeguarding policy in light of both the Protection of Freedoms Act 2012 and recent events in the wider news. It was noted that the policy will be brought to Trustees for approval in January.

5.9 Staff Update

- a. Trustees noted the appointment of Robert Halkyard as Head of Membership and Supporter Engagement and noted the forthcoming departure of Susan Foster as Head of Major Gifts.
- b. They were updated on changes at Tate Modern, specifically the departure of Nicholas Cullinan to the Metropolitan Museum of Art in February and that Achim Borchardt-Hume has now started as Head of Exhibitions. *Information has been exempted under Section 40(2) of the Freedom of Information Act 2000*¹
- c. Trustees were informed that the staff review at Tate St Ives has been completed and handled well.

5.10 Impact of Pay Constraints

- a. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*³

5.11 Representation to Chancellor *redaction includes heading*

- a. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*⁴
- b. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*⁴

5.12 Sponsorships and Donations

- a. Trustees noted the update on fundraising activity.

5.13 Prospective Donations *redaction includes heading*

- a. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*

5.14 Update on Liberate Tate

- a. Trustees were updated on the continued activity of protest. It was further noted that other museums and other cultural institutions have attracted similar protest.

5.15 Tate Programme Update

- a. Trustees noted the programme update.

5.16 Key Papers for Forthcoming Meetings

- a. Trustees noted the key papers for forthcoming meetings.
- b. It was also discussed that a weekend is to be scheduled in March during which Trustees will meet over the course of two days and that, when decided, the topics for discussion then may affect future agenda.
- c. It was noted that the results of the employee survey will be brought to the Board in January.

6. Key Points from Minutes of Councils and Committees

- a. Trustees noted the update from the Tate Modern Project Board and the review of the project team.
- b. Trustees noted the update from Tate Members Council and welcomed the news that membership has passed 104,000 for the first time and is significantly ahead target for this year.
- c. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- d. Trustees were informed that members of Tate St Ives Council had discussed the designs for the Tate St Ives 2 Project at length and had expressed great enthusiasm and support, recommending that the gallery footprint be maximised if possible.
- e. Trustees were informed that the meeting of Tate Enterprises Ltd had been a constructive discussion of opportunities for both Tate Enterprises and Catering. It was noted that this was valuable in using the expertise represented by the group and that the Director had attended the session. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*

- f. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- g. Trustees were updated on the discussion of the Vision at Tate Britain Council. *Information has been exempted under Section 36 of the Freedom of Information Act 2000⁴*
- h. Trustees noted the concerns raised by Tate Modern Council over the absence of arts subjects in proposals for the English Baccalaureate. *Information has been exempted under Section 36 of the Freedom of Information Act 2000⁴*
- i. An update from the Chairman of Tate Liverpool Council will be given at the January Board. The Director noted the strengthening relationships with the council and community as a result of the development of the programme, work by Tate Liverpool Council and the Executive and the Capital of Culture.
- j. The Chairman of the Audit Committee informed Trustees of the discussion of the vandalism of Mark Rothko's *Black on Maroon*. *Information has been exempted under Section 31 of the Freedom of Information Act 2000⁴*
- k. Trustees noted the report of Collections Committee.
- l. Trustees were updated on the meeting of the American Patrons of Tate Trustees. *Information has been exempted under Section 22 of the Freedom of Information Act 2000³* It was noted that the Chairman of the Board of Trustees of the Tate Gallery had attended the meeting.

7. Finance Report

7.1 Report from Chair of Finance and Operations Committee

- a. Trustees were updated on Finance and Operations Committee's discussion. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- b. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- c. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- d. *Information has been exempted under Section 36 of the Freedom of Information Act 2000⁴ and Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*

7.2 Management Information Pack

- a. The Finance Director updated Trustees that the successes of *Damien Hirst* and *Kusama* had contributed to a good position. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*

- b. It was clarified that membership will exceed predictions. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- c. Trustees discussed benchmarking of visitor profiles against other institutions. It was clarified that it is not possible to source figures for other institutions on a monthly basis, but it can be done annually, possibly with Tate's progress measured against these figures on a monthly basis. The Executive will examine the possibility of including table containing this data in the Management Information Pack in 2013.
- d. Trustees discussed audience forecasting for Tate Liverpool. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- e. Trustees requested that the YTD budget be presented with a column displaying variance to allow comparison.
- f. Trustees discussed visitor comments at the four galleries, requesting that in the future, these be tracked and presented in a more detailed way beyond numbers.
- g. It was agreed that Trustees' views will be sought on what further they would like to see in presented in the Management Information Pack.

8. The Tate Modern Project

- a. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- b. Trustees were informed that outstanding design issues have now been resolved and that the first of the precast elements has been installed. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- c. Trustees noted good progress that the steelwork is now complete and plant and pipework proceeding well. They were informed that the brickwork is also proceeding well.
- d. The Deputy Director reported that Christopher Jonas will present a full account of the Project Board's assessment at the January Board. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- e. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- f. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- g. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- h. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- i. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*

The Director of Development joined the meeting.

- j. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- k. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- l. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*

The Director of Development left the meeting.

The Executive Director, Tate St Ives and Jamie Fobert joined the meeting.

9. Tate St Ives Approval of Design for Planning Application

- a. The Executive Director, Tate St Ives and Jamie Fobert presented designs to go forward for planning application. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- b. Trustees noted that the main public entrance to the gallery will remain the same and that people will journey through the existing building towards the new galleries.
- c. They discussed Evans and Shalev's plans to develop the courtyard as a learning studio. It was noted that the existing offices will become a small joiner gallery and that, above the Courtyard, there will be a new space for conferences, education and events. They were informed that the purpose is to build flexibility and welcome family audiences.
- d. It was explained that there will be an enfilade throughout the axis of the building, with level access connecting the current and new galleries.
- e. The proposed gallery is 328m², slightly more than the original brief and will comprise a single, large room that can be divided into bays, the smallest of which will be equivalent in size to the biggest gallery in the existing building. Trustees noted that there is also the option to extend the proposed gallery by a further two bays to create a new gallery of 486 m² as opposed to 328 m² thereby using the site to its full potential.
- f. Trustees were informed of the benefits that the proposals would bring to art handling, introducing an art lift between the existing and new galleries. It was noted that the design would facilitate exhibition change and prevent the need to close between shows.
- g. Jamie Fobert described the importance of the entry area to the new galleries as an interpretation space. He discussed the concern over the fact that it could become a pinchpoint and explained how this has been resolved by a stair connecting to the existing Gallery 2, which also allows a window to the sea in the new building.

- h. Trustees were updated on the designs for rooflights, which provide daylight to the gallery.
- i. They were informed about plans to use the outside space above the new gallery as a public space, which have met with excitement in the town. They noted the appeal of providing a public open place from which to view the sea.
- j. Jamie Fobert described the intention to work with the Cornish environment, using local craftsmen where possible, designing the rooflights in the local vernacular and working with school children to grow the plants using seeds from areas of scientific interest to plant the roof.
- k. Trustees responded to the designs with enthusiasm. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- l. Jamie Fobert explained that much had been learned about the site from the building of the adjacent social housing. It was noted that there was the option for the Blue Elvin granite to be removed in advance of the commencement of the main building.
- m. Trustees AUTHORISED to proceed with a planning application. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- n. It was noted that Tate will be applying for support for the project from the Heritage Lottery Fund and Arts Council England on the basis of the programme framework set out in the papers.

10. Tate St Ives Programme Framework: Plans, Changes

- a. It was decided that the Tate St Ives Programme Framework would be considered at a special meeting focusing on all programmes to be scheduled in the first quarter of 2013.

Maja Hoffmann; The Executive Director, Tate St Ives and Jamie Fobert left the meeting.

The Director, Tate Media and Audiences and the Head of Digital joined the meeting.

11. Tate Digital Strategy 2013-15: Phase 1 Direction of Travel

- a. Trustees noted that the paper was presented by way of mapping the path of the digital strategy and that a fuller version will be brought to Trustees in March.
- b. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- c. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- d. Trustees were updated on digital progress so far, including the launch of the website. They noted that the process of digitising the Collection is largely complete, Tate Shots have proved a success, with the majority viewed beyond

Tate's website and that Tate Papers has attracted a scholarly audience, particularly for the 'Camden Town Group' and 'Turner Works on Paper'. They also noted the success of Tate Kids and Tate Collectives and micro-sites.

- e. Trustees were informed of Tate's following on social media, specifically, 500,000 'likes' on Facebook and 800,000 followers on Twitter and noted that content and increasingly revenue are driven through this audience. It was also noted that blogs have been used to drive traffic back to the website, a good example being those around *The Pre-Raphaelites*. Similarly, blogs have been used to stimulate discussion, for example in respect of Tower Hamlets's prospective sale of Henry Moore's *Draped Seated Woman*.
- f. Trustees were updated that the number of email subscribers has increased to 600,000 and that Tate is now taking a more sophisticated approach in what is sent to them.
- g. Online revenue-generation was discussed. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- h. Trustees were updated on the development of Tate apps and were informed that the bigger shows like *Damien Hirst* and *Gauguin* have apps devoted to them and are being used to enhance the understanding of works in-gallery. The 'Muybridgiser' has attracted 120,000 downloads, and *Modern Art Terms* has shown the opportunity to connect with Tate Publishing. Trustees discussed the progress of Wi-Fi in the galleries. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- i. The Head of Digital updated Trustees on progress made in respect of the website, noting that it should be a platform for the next 5-10 years and has provided a faster and more scalable platform. He noted that the aim is to provide unified experience across Tate's digital output and that about 100,000 pages have been migrated thus far. It was explained that by showing artworks connected to the searched-for item, it is possible to drive audiences to a long tail of lesser-known works.
- j. Trustees noted the importance of partnership-working in pursuing Tate's digital ambitions. Examples thus far include the Google Art Project and The Exquisite Forest, which was created in partnership with Google Labs. Other examples include the interactive walkthrough of *Damien Hirst* and the Lost Art Project, both created with Channel 4.
- k. Trustees were informed that the digital strategy had been developed in consultation with stakeholders across the organisation. The aim is to move to a distributed model of content authorship. They discussed the issues raised in respect of the editorial management of content and noted the need to develop the strategy further in this area.
- l. The Head of Digital outlined the need to be as rigorous in researching online audiences as gallery audiences, and that part of this should be to track people's journeys across different media and into the galleries, as well as traffic between Tate's website and other websites.

- m. It was discussed that, in the future, all departments need to engage with digital media and this will require a suitable governance structure. In particular, it was noted that care needs to be taken in respect of editorial control and social media and that discussion in this space needs appropriate management. It was also commented that the informal voice is important in building community, and there are opportunities around this in the commercial space.
- n. Trustees discussed Tate's profile on Twitter and it was noted that 70 per cent of the audience in this space is from beyond the UK. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000²*
- o. Trustees were informed that about a third of visits to the website are to sections directed to planning a visit to the galleries. They also discussed the importance of Tate's digital activity as being an area in which Tate can attract future audiences.
- p. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- q. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- r. Trustees discussed processes becoming digital and opportunities in respect of remote volunteering and crowd-sourced funding.
- s. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- t. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²* It was agreed that the executive should bring Tate's digital direction of travel back to the board in January and that the strategy should be discussed at the Board away weekend in March.

The Director, Tate Media and Audiences and the Head of Tate Digital left the meeting.

Mala Gaonkar left the meeting.

The Director, Visitor Services and Estates joined the meeting.

12. Incident at Tate Modern

- a. The Director of Visitor Experience and Estates updated Trustees on the incident of criminal damage relating to Mark Rothko's *Black on Maroon*. He updated them on an internal review of processes in response to the issue. Trustees noted that members of staff on the day performed exactly as was expected of them and there was no negligence. *Information has been exempted under Section 31 of the Freedom of Information Act 2000⁵*
- b. It was noted that trust is necessary in terms of behaviour between the gallery and its visitors in putting works on display in a public gallery and that this is a critical part of the service that the gallery provides and should not be undermined.

- c. *Information has been exempted under Section 31 of the Freedom of Information Act 2000⁵*
- d. *Information has been exempted under Section 31 of the Freedom of Information Act 2000⁵*
- e. Trustees were updated on criminal proceedings against the perpetrator, who changed his plea to guilty in November. They noted that a court date had not yet been set. *Information has been exempted under Section 31 of the Freedom of Information Act 2000⁵*
- f. Trustees discussed the gravity of the incident. *Information has been exempted under Section 31 of the Freedom of Information Act 2000⁵* It was noted that several high-profile acts of vandalism have occurred in other institutions. *Information has been exempted under Section 31 of the Freedom of Information Act 2000⁵*
- g. Trustees discussed the damage to the work. *Information has been exempted under Section 31 of the Freedom of Information Act 2000⁵* and *Information has been exempted under Section 36 of the Freedom of Information Act 2000⁴* and *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000²*
- h. Trustees were informed of the implications of the scale of the damage on criminal sentencing. *Information has been exempted under Section 31 of the Freedom of Information Act 2000⁵*
- i. The Director informed Trustees that *Information has been exempted under Section 31 of the Freedom of Information Act 2000⁵*, and that an update will be given on the report by conservators. The Chairman requested an update at the March Board of what has been learned and implemented in respect of the reviews outlined.

13. Finance Strategy 2012 to 2016

- a. Due to time constraints, it was decided to defer discussion of the Financial Strategy until January.

14. Corporate Prospect for Review

- a. Due to time constraints, it was decided to defer this item until January.

15. Acquisitions Financial Statement

- a. Trustees noted the Acquisitions Financial Statement.

16. Acquisitions for Noting

- a. Trustees RATIFIED the recommendations of Collections Committee.

Information has been exempted under Section 22 of the Freedom of Information Act 2000³

17. Risk Register

- a. Trustees noted the Risk Register.

18. Equality Analysis

- a. Trustees noted the implementation of equality analysis on strategies brought to the Board from hereon in.

19. Approval of Knapping Fund Statutory Accounts

- a. Trustees approved the Statutory Accounts of the Knapping Fund and they were signed by the Chairman after the meeting.

20. Minutes from Councils and Committees

- a. Trustees noted the minutes from Councils and Committees.

21. Any Other Business

- a. There was no other business.

22. Date of Next Meeting:

Wednesday 16 January 2013, Level 6 East Room

Endnotes

¹ **Section 40(2)** of the Freedom of Information Act provides that: Information is exempt where either:

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

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 likely to, prejudice the commercial interests of any person (including the public authority holding it).

³ **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

⁴ **Section 31** of the Freedom of Information Act provides that: Information is exempt if disclosure would prejudice:

- the prevention or detection of a crime, apprehension or prosecution of offenders; administration of justice etc
- an investigation by the authority into illegality, improper conduct, anyone's professional/managerial fitness or competence
- protection of charities against misconduct or mismanagement; the protection or recovery of the property of charities
- an investigation of an accident; ensuring the health, safety and welfare of employees; protecting the health and safety of other persons