

Minutes of the meeting of the Board of Trustees of the Tate Gallery held on Wednesday 21 March 2007 at 9.30 am in the Board Room at Tate Britain

Present: Paul Myners Chairman
Helen Alexander
Victoria Barnsley
Melanie Clore
Sir Howard Davies
Jeremy Deller
Patricia Lankester
Anish Kapoor
Fiona Rae
Jon Snow
John Studzinski

Staff present Sir Nicholas Serota Director
Alex Beard Deputy Director
Anna Jobson Head of Planning and Secretary to the Board of Trustees

Report 6 Vicente Todoli Director, Tate Modern
Report 6 Vivienne Bennett TTM Project Director
Report 6 Christopher Jonas Chairman, TTM Project Board
Report 12 Sian Williams Director of Finance

The meeting was preceded by a presentation by Craigie Pearson, Acting Head of Legal, on managing conflicts of interest and transactions involving Trustee benefit.

Craigie Pearson left the meeting.

1 Apologies

Apologies were received from Jennifer Latto.

2 Confirmation of Minutes

The minutes of the previous meeting were approved as a true record and signed by the Chairman.

3 Matters Arising

There were none.

4 Conflict of Interest Declarations

There were no conflict of interest declarations other than those explicit in the papers.

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

5.1 Staff

Trustees expressed their great sadness at the death of Simon Grant.

The appointment of Caroline Collier as Director, National was welcomed and it was noted that a Chief Operating Officer had been secured. The appointment of Nicolas Bourriaud as Tate Triennial Curator was also welcomed and it was agreed to invite Stephen Deuchar to make a presentation on the future of the Triennial later in the year.

Vicente Todoli and Vivienne Bennett joined the meeting.

5.2 Employee Survey Results

The summary findings of the employee survey were noted and it was agreed that it was important to respond to the findings. A number of feedback sessions were to be run, in which Trustees were welcome to participate, and an action plan would be developed and presented to Finance and Operations Committee in May. It was noted that a restructure of the pay scales was planned for next year, subject to the Comprehensive Spending Review settlement, and it was agreed that Cheryl Richardson would be invited to a future Board meeting to discuss this matter.

Helen Alexander joined the meeting.

5.3 Trustee Appointments

It was noted that Paul Myners' reappointment as Trustee had been recommended. Paul Myners had indicated that he believed that Trustees should not be obliged to assume that he should continue as Chair. It was agreed that a Trustee-only discussion as to whether he should continue as Chair should take place over the meeting break. It was noted that progress was being made on the appointment of three new Trustees with a strong response to the advertisements. If approached, members of the Board should encourage people to apply, but should stress that it was an open, competitive process and appointments were made on merit.

5.4 Managing Conflicts of Interest

It was noted that the Charity Commission had issued an Order authorising payment to Jeremy Deller for the expenses involved with his work for the current Tate Liverpool exhibition *Centre of the Creative Universe*.

5.5 National Gallery and Tate – Boundaries of the Collections

Concern was expressed at the failure to make progress in discussion with the National Gallery on the 1997 Agreement on the Boundaries of the Collections of the Tate and the National Gallery. Tate Trustees reiterated their strong view that the national interest was best served by a clear delineation of focus between the two museums. The view also remained that every effort should be made to resolve the matter. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*¹

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5.6 Clore Governance Programme

The Tate Board's possible participation in the new Clore Leadership Governance programme was discussed.

Christopher Jonas joined the meeting.

5.7 Unilever Commission

It was noted that Tate had been exploring the risks and costs attached to a proposal made by Doris Salcedo for the seventh Unilever commission; it seemed likely that the project could proceed.

5.8 Olympics

It was agreed that Tate's proposals for the cultural Olympiad would be discussed at the May meeting.

5.9 Incident at Tate Modern

Trustees expressed their sorrow at the fatal accident which occurred at Tate Modern on 9 February 2007.

5.10 Sponsorship and Donations

The sponsorship and donations report was noted; positive comment was made on the continuing success of the Patrons programme.

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*

5.11 Finance Report

The Finance Report was noted and Trustees were informed that the projected surplus was likely to be achieved, though not at the level indicated in the paper. The news that it had been Tate Modern's most successful year in terms of visitor attendance ever was welcomed.

6 Transforming Tate Modern (Tate Notes, March 2007, Report 6)

6a The Design Museum at Tate Modern

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

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6b Transforming Tate Modern: Project Update

Trustees noted progress on the various strands of the Transforming Tate Modern project. The project was to be considered at the London Borough of Southwark's Planning Committee in the coming week – a significant milestone. It had received a positive report at the second stage of the OCG Review and the Project Board was being assembled. The first meeting had occurred the previous week, and discussion had focused on the budget, with particular scrutiny given to the allowances made for cost inflation and contingency.

It was agreed that John Nickson should be invited to the next meeting to report on the fundraising campaign. Christopher Jonas would also attend future meetings of the Board to make regular progress reports from the Project Board.

Paul Myners, Christopher Jonas, Vicente Todoli, Vivienne Bennett, Nicholas Serota, Alex Beard and Sian Williams left the meeting. Jon Snow assumed the Chair.

The Chairmanship

Subject to the Minister approving Paul Myners' reappointment, it was noted that Trustees needed formally to consider whether he should continue as Chairman. It was agreed to re-elect Paul Myners for three years, so that a formal review of the position could take place in March 2010.

It was also agreed that Trustees should have a discussion of this type, without the Chairman present, annually in March to appraise the performance of the Chair.

Paul Myners, Nicholas Serota, Alex Beard and Sian Williams rejoined the meeting. Chris Woods also joined the meeting. Paul Myners resumed the Chair.

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).*

7 Collection Centre Business Case (Tate Notes, March 2007, Report 7)

Trustees:

- approved the outline business case and submission to HLF;
- approved the project progressing to Stage D and planning application;
- confirmed the £750,000 drawdown from the Collection Fund in 2006/7;
- approved a further £1.9 million from the Collection Fund to fund Stage D.

There were three further comments. It was argued that the name of the project should convey that it is a partnership working at a national level. There was a view that the audience development element needed to be more targeted and supported to secure HLF Funding. There was also a suggestion that the project concept might be extended to benefit artists. The exchange of Tate's conservation expertise through workshops or short residencies could be of great benefit to artists. Chris Woods agreed to respond to these comments.

Chris Woods left the meeting.

8 Acquisitions Financial Statement (Tate Notes, March 2007, Report 8)

The statement was noted; Trustees welcomed the new format.

9 Acquisitions for Noting (Tate Notes, March 2007, Report 9)

Trustees welcomed the news that Tate had secured the necessary funding to acquire Turner's *The Blue Rigi*, and confirmed that the work should now enter the Collection. It was agreed that Paul Myners would write warmly to the Art Fund on behalf of the Board with thanks for their contribution to this magnificent achievement. The success of the web campaign was particularly commended and Trustees commented that Tate online might always in future have a permanent section devoted to a current acquisition cause.

Trustees approved the acquisition of all the works listed under section 2a in the papers:

Purchases

Keith Tyson (Acquisitions Booklet, February 2007, Item 6.1)

6 Part Studio Wall Drawing: 5th June 2006 - High Resolution - "Large Field Array" (14x14x3 pixels) (300)... 2006

Mira Schendel (Acquisitions Booklet, February 2007, Item 6.2)

Disk 1972

Genesis 1965

Gifts

Peter Peri (Acquisitions Booklet, February 2007, Item 6.3)

[title not known] c1923

Ken Currie (Acquisitions Booklet, February 2007, Item 6.4)

Life Gets Harder 1988

Raqib Shaw (Acquisitions Booklet, February 2007, Item 6.5)

Jane 2006

Igor Kopystiansky and Svetlana Kopystiansky (Acquisitions Booklet, February 2007, Item 6.6)

Incidents 1996-1997

Rafael Lozano-Hemmer (Acquisitions Booklet, February 2007, Item 6.7)

Subtitled Public 2004

Group of works offered by Rosa de la Cruz jointly to Tate and the Museum of Contemporary Art, North Miami (Acquisitions Booklet, February 2007, Item 6.8)

Pierre Huyghe and Philippe Parreno

No Ghost Just a Shell 2000-2002

John Bock

Zero Hero 2004-2005

Latin American Acquisitions Committee

Liliana Porter (Acquisitions Booklet, February 2007, Item 6.9)

Wrinkle 1968

Arruga

The Light (Dialogue) 1996

Forced Labor II 2004

Rosângela Rennó (Acquisitions Booklet, February 2007, Item 6.10)

Pedro Vasquez, Fed 2 Type C, from the project 'The Last Photo' 2006

Milan, Agfa Isolette, from the project 'The Last Photo' 2006

Alexander Apóstol (Acquisitions Booklet, February 2007, Item 6.11)

Polished Tenant 2002

Residente Pulido

Documentary 2005

Documental

Juan Araujo (Acquisitions Booklet, February 2007, Item 6.12)

2G Magazine No. 23 and 24 2006

Revista 2G No. 23 y 24

Casa de Vidrio No. 6 2006

Casa de Vidrio No. 7 2006

Future Bequest

Meredith Frampton (Acquisitions Booklet, February 2007, Item 6.15)

Trial and Error 1939

Purchased by the Director

Simon Martin (Acquisitions Booklet, February 2007, Item 7.1)

Carlton 2006

Wednesday Afternoon 2005

Acceptance in Lieu

Philip Granville Bequest (Acquisitions Booklet, February 2007, Item 7.2)

Trustees reviewed a number of decisions made at previous meetings:

- a decision was made not to proceed with the acquisition *Counter-relief* by Lygia Clark on the basis of a further conservation examination;
- *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000*²
- the earlier decision to decline Victor Newsome's *The Artist's Studio* was confirmed.

The presentation of a gift of 21 media works from the New Art Trust to its consortium members, including Tate, was welcomed.

10 Acquisitions for Decision (Tate Notes, March 2007, Report 10)

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Jon Snow left the meeting.

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11 Budget and Plan 2007/08 (Tate Notes, March 2007, Report 11)

Trustees agreed to forward comments to Anna Jobson on the draft plan, which would be subject to further revision before publication.

Trustees approved the 2007/8 budget and noted the work required to balance future years.

Trustees approved the high level risk register and noted the particular issues for 2007/8.

Trustees approved the schedule of delegated authorities.

It was noted that this would be the last budget presented by Sian Williams and Trustees thanked her for her extraordinary service to the Board.

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).*

12 Tate Modern Lease Restructuring (Tate Notes, March 2007, Report 12)

Trustees approved the variation to the Tate Modern Finance Lease and delegated authority to the Head of Legal and Alex Beard to execute the deed of variation.

13 Approval of Trustee Benefit (Tate Notes, March 2007, Report 13)

This item would be brought to the next meeting for consideration.

14 Appointments to Councils and Committees (Tate Notes, March 2007, Report 14)

Trustees approved the (re)appointment of:

- Mona Hatoum to the Tate Modern Council, pending her acceptance
- Rushnara Ali and Jeremy Deller to the Tate Britain Council
- Nick Crowe to the Tate Liverpool Council for a further term of three years
- Keith Salway to the Transforming Tate Modern Project Board
- Gay Huey Evans to the Finance and Operations Committee
- Jeremy Heywood to the Audit Committee
- Jonathan Asquith to the Finance and Operations and Audit Committees.

15 EDF Energy Networks (LPN) plc – Request for Consent
(Tate Notes, March 2007, Report 15)

Trustees approved the execution of a lease between the Board of Trustees of the Tate Gallery and EDF Energy Networks (LPN) plc of the South East Lawn at Tate Modern for the term of one year from 9 January 2007 at the rent of £100,000 per annum pro rata.

16 Exhibitions Schedule (Tate Notes, March 2007, Report 16)

The exhibitions schedule was noted.

17 Reports from Councils and Committees (Tate Notes, March 2007, Report 17)

Trustees heard about the changed format to the recent Tate Britain Council meeting with interest.

18 Minutes from Councils and Committees (Tate Notes, March 2007, Report 18)

Trustees noted that a number of minutes had recently been added to Soundboard.

19 Any Other Business

There was none.

20 Date of Next Meeting

The next meeting would be on 16 May 2007 at Tate Modern.