

Minutes of the meeting of the Board of Trustees of the Tate Gallery held on Thursday 13 July 2006 in the Board Room at Tate Britain

Trustees present:	Paul Myners Victoria Barnsley Melanie Clore Anish Kapoor Patricia Lankester Julian Opie Fiona Rae John J Studzinski	Chair
Staff present:	Nicholas Serota Alex Beard Anna Jobson	Director Deputy Director Head of Policy and Planning and Secretary to the Board of Trustees (minutes)
Items 6-8	John Nickson	Director, Tate Foundation
Items 6-8	Will Gompertz	Director, Tate Media
Item 6-14	Dr Stephen Deuchar	Director, Tate Britain
Items 6-14	Vicente Todoli	Director, Tate Modern
Item 10	Andrea Nixon	Executive Director, Tate Liverpool
Item 16	Sian Williams	Director, Finance and Resources

1 Apologies

Apologies were sent by Helen Alexander, Howard Davies, Jennifer Latto and Jon Snow.

2 Confirmation of Minutes

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

3 Conflict of Interest Declarations

One conflict was declared by Paul Myners in response to a reference in the papers to the Contemporary Art Society, of which his wife had recently become Chairperson.

4 Matters Arising

There were no matters arising.

Fiona Rae joined the meeting.

5 Director's Report

5.1 Staff

Trustees were informed that the post of Director of Collection and Programme Services had been offered to Chris Woods, currently employed as Head of Conservation and Collection Care Service at the Oxford University Library Services. This appointment, and that of Rebecca Williams as Director of Development to succeed Andrea Nixon, was welcomed.

52 Artist Trustee Appointment

It was noted that interviews were being held for the post of artist Trustee the following week. There was a comment that existing Trustees could do more to encourage the strongest possible field for such appointments and that this should be kept in mind for future appointments.

5.3 Tate Family Conference

Invitations had now been sent for this event.

5.4 Collection Gift

Discussions were continuing as to the possibility of a major collection gift and a full report would be put to Trustees in September.

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

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5.5 Discussions with the National Gallery

Nicholas Serota and Charles Samaurez Smith were meeting next week to take forward discussions on the relationship between the boundaries of the collections of Tate and the National Gallery. The aim was to agree a set of principles, which would provide guidelines for the future development of both collections, which could then be endorsed by the two Boards of Trustees. *Information has been exempted under Section 36 of the Freedom of Information Act 2000*²

5.6 Tate Modern2

The position on the Tate Modern2 project was as described in the papers. Of particular satisfaction was the fact that the site of the proposed Tate Tower, which had been opposed strongly by Tate, had been bought by Clan, also owners of another adjacent site to the west of Tate Modern. Clan's proposal was that they would return the site of the proposed tower to public use. In doing so, they hoped to secure the support of Tate and local residents for their scheme. This was a welcome proposition for Tate.

Also of note was that Tate had now received the first report of the Office of Government Commerce Review. Overall, this was very satisfactory.

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.*

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

5.7 Plan for Tate St Ives

It was noted that the outcome of the options appraisal on the various proposals for the development of Tate St Ives would be put to the Board in November 2006.

5.8 Annual Dinner with National Gallery Trustees

The proposed date for the annual dinner with the Trustees of the National Gallery was noted.

5.9 2007 Board Dates

Trustees noted the changes detailed in the papers and that in 2007 meetings would alternate between Tate Modern and Tate Britain.

5.10 Sponsorship and Donations

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

5.11 Finance Report

The contents of the Finance Report were noted.

6 Tate 2015

Trustees were presented with a paper describing a vision for Tate in the period to 2015. The last time Trustees had considered this subject was in March when the output of three blue-skies exercises involving Trustees, Directors and staff had been discussed. Further work had been done since March, mainly in adding further detail to the emerging vision.

Two observations were made of the paper being presented today. The first was that the vision was yet to be fully tested operationally and would be done so during the forthcoming planning round; it was important that Trustees endorsed the overall direction as it would be announced publicly before the start of the planning round. The second observation was that the paper as it currently stood was very detailed, intended to enable Trustees to understand the relationships between the different projects, and that further work was needed on the arguments that made this a compelling development plan for Tate. Further work was also needed on how Tate was to deliver this ambitious development programme in a time of straitened public finance.

Trustees agreed with these observations, making a number of comments:

- a short, crisp, summary of the vision was now needed *Information has been exempted under Section 43 (2) under the Freedom of Informatin Act 2000*¹
- a number of omissions needed to be addressed, *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- the question of whether Tate had sufficient resources and people to deliver the vision still needed addressing: financial constraints were thought to be the principal challenge *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000.*¹

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7 Individual Giving Strategy

The purpose of this report was to inform Trustees of progress in the development of individual giving at Tate since the discussion in September 2005. This was summarised as a modest but significant start, with notable developments having taken place in respect of:

- Tate Foundation, which had become a membership body for those giving £1,000+ a year to Tate; since writing the paper, two further members had joined;
- the reform and relaunch of the Patrons Scheme;
- the development of thinking in how to recognise major benefactors, the principal outcome of which was the resolution to treat each individual according to their particular circumstances.

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8 Tate Britain's Development to 2015

Stephen Deuchar made a presentation to the Board describing a development plan for Tate Britain in the period to 2015 and an indication of areas of capital development. This was the output of a vision-setting process for Tate Britain, commissioned by the Board of Trustees in January 2006, and an analysis by architectural consultant Fiona Davidson, of the options for developing visitor facilities at Millbank in the period to 2015.

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9 Options Appraisal for the Collection Centre

A detailed options appraisal on the options available to develop a Collections Centre was included in the papers for Trustees' information and had been considered in full by the Finance and Operations Committee the previous week. Trustees agreed with the recommendation of the Finance and Operations Committee which was that Tate should proceed with the option to extend the current Southwark Store site in partnership with the other national museums. It was agreed that a plan for delivering would be brought forward to the March 2007 meeting.

10 Interpretation and Education

A report was made to Trustees on progress, at the end of year one, in implementing the Tate-wide interpretation and education strategy. It was proposed that the principal focus for year two should be in developing the Young Tate, Tate Schools and Tate Teachers programmes and Trustees agreed. Two key issues were noted: that the Tate-wide interpretation and education effort lacked a senior champion and that Tate had not been as successful as it thought it might in attracting funding for some of these cross-site initiatives.

Trustees' comments included:

- Tate should continue to attempt to fundraise for cross-site programmes – there were opportunities that had not yet been explored and notwithstanding the difficulties to date, there was a view that it was worth persevering;
- leadership and senior management championship would be a key to unlocking these opportunities;
- the role of art colleges in the strategy was not yet adequately articulated.

11 Acquisitions Financial Statement

The financial statement was noted. A number of in principle commitments meant that funds available were less than indicated in the papers.

12 Acquisitions for Noting

Trustees endorsed the recommendation of the Collections Committee (agreeing to accession all of the works with the exception Simryn Gill's *Dalam*, which was accepted in principle subject to fundraising to cover framing costs).

Thomas Kerrich 1748-1828 (Tate Acquisition Booklet, June 2006, Item 5.2)

Cromer Sketchbook circa 1790

Moon Sketchbook 1811-1818

William Etty 1787-1849 (Tate Acquisition Booklet, June 2006, Item 5.3)

Hero, having thrown herself from the tower at the sight of Leander drowned, dies on his body exhibited 1829

Rita Donagh 1939 (Tate Acquisition Booklet, June 2006, Item 5.4)

Numerical Equivalent 1971

affirm/deny 1972

21 9 1971 1972

Shadow of six counties (a) 1979

Richard Deacon 1949 (Tate Acquisition Booklet, June 2006, Item 5.5)

Art for Other People No 14 1984

John Stezaker 1949 (Tate Acquisition Booklet, June 2006, Item 5.6)

The End (the film) 1975

The End (the film) 1975

The Oath 1978

The Trail 1978

Insert 1979

Mask XI 2005

Mask XIII 2006
Mask XIV 2006
Untitled 1989-1990
Third Person 1988-1990

Christina Mackie 1956 (Tate Acquisition Booklet, June 2006, Item 5.7)
Falling Boundary 2004

Keith Coventry 1958 (Tate Acquisition Booklet, June 2006, Item 5.8)
Burgess Park SE5, Planted 1983, destroyed 1988 1994
Queen Road SE15, Planted 1988, destroyed 1992 1994
East Street Estate 1994
Heygate Estate 1995

Angela Bulloch 1966 (Tate Acquisition Booklet, June 2006, Item 5.9)
West Ham - Sculpture for Football Songs 1998

Ceal Floyer 1968 (Tate Acquisition Booklet, June 2006, Item 5.10)
Double Act 2006

Stanley Brouwn 1935 (Tate Acquisition Booklet, June 2006, Item 5.11)
3 m 1:1, 3 steps 1:1 1977

Ulla Von Brandenburg 1974 (Tate Acquisition Booklet, June 2006, Item 5.12)
Around 2005

Valérie Mréjen 1969 (Tate Acquisition Booklet, June 2006, Item 5.13)
Manufrance 2005

Annette Kelm Born 1975 (Tate Acquisition Booklet, June 2006, Item 5.14)
Ohne Titel (Tasche) 2005
Ohne Titel (Reiter) 2005
After lunch, trying to build railway ties 2005
House on Haunted Hill I (night) 2005
House on Haunted Hill II (day) 2005
Mil Arrugas 2005

Simryn Gill 1959 (Tate Acquisition Booklet, June 2006, Item 5.15)
Dalam 2001

The Committee approved the purchase in principle of *Dalam* by Simryn Gill subject to fundraising and covering framing costs.

Manfred Pernice 1963 (Tate Acquisition Booklet, June 2006, Item 5.16)
Block F 1999

Ellen Gallagher 1965 (Tate Acquisition Booklet, June 2006, Item 5.17)
DeLuxe 2004-5

Tomma Abts 1967 (Tate Acquisition Booklet, June 2006, Item 5.18)
Noeme 2004

Gifts

Thomas Kerrich 1748-1828 (Tate Acquisition Booklet, June 2006, Item 5.19)
65 Drawings 1770-1820

Sir Anthony Caro 1924 (Tate Acquisition Booklet, June 2006, Item 5.20)
Table Piece XXVIII

Richard Cook 1947 (Tate Acquisition Booklet, June 2006, Item 5.21)
Lelant, November 1998 1998

Richard Deacon 1949 (Tate Acquisition Booklet, June 2006, Item 5.22)
Tomorrow, And Tomorrow, And Tomorrow K 2001

Bruce Nauman Born 1941 (Tate Acquisition Booklet, June 2006, Item 5.23)
Layout for Raw Materials 6 April 2004 2004
Layout for Raw Materials 2004
Layout for Raw Materials 24 May 2004 2004
Layout for Raw Materials 7 July 2004 2004

Brian Jungen 1970 (Tate Acquisition Booklet, June 2006, Item 5.24)
Prototype for New Understanding #21 2005

Dan Fischer 1977 (Tate Acquisition Booklet, June 2006, Item 5.25)
Elaine Sturtevant 2006
Vito Acconci 2006

Manfred Pernice 1963 (Tate Acquisition Booklet, June 2006, Item 5.26)
[no title] 2000
[no title] 2000

Cildo Meireles 1948 (Tate Acquisition Booklet, June 2006, Item 5.27)
Insertions into Ideological Circuits: Coca-cola Project Interções em circuitos 1970
ideológicos: Projeto Coca-Cola

Insercoes em circuitos ideologicos: Projeto cedula Insertions intoIdeological
Circuits:1970
Currency Project

Latin American Acquisitions Committee

Melanie Smith 1965 (Tate Acquisition Booklet, June 2006, Item 5.28)
Six Steps to Abstraction (version 3) 2004

Los Carpinteros
Felled Lighthouse 2006

Rubén Ortiz Torres Born 1967 (Tate Acquisition Booklet, June 2006, Item 5.29)
The Dream of Reason Still Produces Monsters 2006
Alien Toy 1997

Archive Acquisitions

Sven Berlin 1911-1999 (Tate Acquisition Booklet, June 2006, Item 6.1)
Correspondence from St Ives artists 1945-99

New English Art Club (NEAC) 1886 (Tate Acquisition Booklet, June 2006, Item 6.2)
Six boxes of the NEAC's historical records 1886-1971
General and Executive Committee minutes 1913-1981
Accounts 1923-1968
Correspondence 1925-1968
List of exhibitors 1888-1917
Press cuttings 1946-1966

Ivor Roberts-Jones 1913-1996 (Tate Acquisition Booklet, June 2006, Item 6.3)
One hundred and forty seven black and white and colour photographs 1973

13 Acquisitions for Decision

On the acquisitions for decision:

Mira Schendel 1919-1988 (Tate Acquisition Booklet, June 2006, Item 7.1)
Untitled (Sem titulo) 1963

It was agreed to commit to Mira Schendel's *Untitled* with the intention to ask the American Fund for a major contribution towards costs.

Howard Hodgkin 1932 (Tate Acquisition Booklet, June 2006, Item 7.3)
Come into the Garden Maud 2000-2003

Joseph Beuys 1921-1986 (Tate Acquisition Booklet, June 2006, Item 7.4)
Ohne Titel (5 Vitrines)

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Trustees were updated on a number of causes:

- *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- a group of sculptures by Barbara Hepworth, on long loan to Tate from the artist's estate, had now been offered to Tate in lieu of tax. When this possibility was raised with Trustees in July 2005, they had indicated that they would accept with thanks and this was reiterated;
- since the last meeting, a further £50,000 had been offered as a grant by the Art Fund towards Francis Hayman's painting of Samuel Richardson, bringing the total raised from external sources to £650,000, and the acquisition had now proceeded, as agreed in May;
- *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹
- Tate's expression of interest in Turner's *The Dark Rigi* had come to nothing as the work had been sold to a private buyer. The series of events leading to this outcome had raised further questions about the Export License process, which Tate was pursuing with Government.

14 Bequests

Trustees noted that two large cash bequests had been received and agreed the proposed designation of the funds.

15 Managing Conflicts of Interest

Trustees were informed that the Charity Commission's review of Tate's acquisition of *The Upper Room* and four other works by artist Trustees had now been concluded. Various papers were presented to the Board detailing the outcome of the review. The Charity Commission had found that the purchases were in the interests of Tate and should therefore not be set aside but that Tate had not complied with the terms of its trust and that there were a number of deficiencies in Tate's policies, processes and decision-making practices. Trustees heard that the Tate executive accepted these criticisms.

Trustees considered the detail of the papers and resolved to retain the five works considered by the Charity Commission, expressing a further desire to retain the twelve others which might still be investigated. Trustees also noted that further work was needed to address the recommendations of the Charity Commission on the improvements needed to Tate's processes and procedures and that only when these had been implemented would the Charity Commission be satisfied that the matter was closed.

There was considerable discussion on the question of declaring works owned by Trustees and the recommendation included in the papers was accepted. This was that:

- Trustees should declare an interest in an artist whose work was under consideration for representation in the Collection *for the first time* when they owned *any* work by the artist;
- Trustees should declare an interest when *any* work was under consideration by an artist whose work was represented in their personal collection;
- Trustees should also declare an interest in the event of an artist represented in their personal collection being considered for a monographic exhibition.

It was noted that the onus was on Trustees to be proactive in declarations and it was suggested that each member of the Board might contact Nicholas Serota or Anna Jobson if they felt there was a potential conflict at the point of receiving and reviewing Board papers. Tate would respond before the meeting if a view was taken that the conflict was material at which point the interest would formally be recorded, and final steps would be taken to manage the potential conflict of interest. It was agreed that this policy should be announced at a press conference to be held on 18 July.

16 Statutory Accounts

Trustees approved the Tate Statutory Accounts for the year ended 31 March 2006 and the letter of representation to the National Audit Office. Paul Myners and Nicholas Serota signed these documents on behalf of the Board.

Trustees approved the Knapping Bequest Trust Statutory Accounts for the year ended 31 March 2006 and the letter of representation to Grant Thornton. Paul Myners signed these documents on behalf of the Board.

17 Investment Report and Policy

Trustees noted the investment report, confirmed their wish to continue to delegate the achievement of the investment objective to the Tate Foundation and approved the revised Investment Policy. Tate Foundation Trustees would implement the changes in September 2006.

18 Appointments to Committees

It was agreed that:

- the Ethics Committee would be extended by the addition of John Studzinski and one other Trustee; the appointment of John Studzinski was approved;
- the Freedom of Information Appeals Committee would become a sub-group of the Ethics Committee;
- the Ethics Committee would comprise Paul Myners (Chair), Jules Sher QC, Patricia Lankester, John Studzinski and one other Trustee;
- the FoI Appeals Committee would comprise Patricia Lankester (Chair), John Studzinski and one other Trustee; Paul Myners was now stepping away from FoI Appeals Committee in order to avoid any conflict of interest inherent in him also being the DCMS approved authority for Tate in the use of Section 36 of the Act.

19 Exhibitions schedule 2006-07

The schedule was noted, *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹

20 Reports and Minutes from Councils and Committees

It was noted that a number of papers and minutes from various of the Board of Trustees' sub-committees had now been placed on the Trustees' extranet.

21 Any Other Business

It was reported that Sian Williams and Alex Beard had the previous day attended a meeting at DCMS about the 2007 Comprehensive Spending Review. All of the national museums and galleries had been asked to develop over the summer ideas on potential savings. Tate's work on this exercise would be considered by the Finance and Operations Committee in September.

22 Date of Next Meeting

The next meeting would be on Wednesday 20 September 2006, 9.30 am at Tate Modern in the Meetings Room.