

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE TATE GALLERY HELD ON WEDNESDAY 16 SEPTEMBER 2020

Present: Lionel Barber Chairman
John Booth
Farooq Chaudhry OBE
Tim Davie CBE
Dame Jayne-Anne Gadhia DBE
Dame Moya Greene DBE
Katrin Henkel
Anna Lowe
Michael Lynton
Dame Seona Reid DBE
Roland Rudd
James Timpson OBE

Staff Attendees: Dr Maria Balshaw CBE Director
Anne Barlow Director, Tate St Ives
Vicky Cheetham Chief Operating Officer
Alex Farquharson Director, Tate Britain
Samuel Jones Secretary to the Board of Trustees
Helen Legg Director, Tate Liverpool
Frances Morris Director, Tate Modern
Stephen Wingfield Director of Finance & Estates

Additional Attendees: Alex Clark National Audit Office (item 7)

In the context of the Covid-19 pandemic, this meeting was held both in person at Tate Modern and by teleconference.

1. WELCOME AND APOLOGIES & DECLARATIONS OF INTEREST

- a. The Chairman welcomes Trustees and the Executive to the meeting.
- b. Apologies were noted from Jane Wilson.

2. MINUTES OF THE MEETING HELD ON 21 JULY 2020 & MATTERS ARISING

- a. The minutes of the meeting of 21 July were approved as a true record.
- b. In advance of the meeting, Trustees were alerted to a matter arising. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*

3. DIRECTOR'S REPORT

- a. The Director updated Trustees on discussions with the Department for Digital, Culture, Media and Sport in respect of the Spending Round. They noted the detailed work required of teams at Tate. They were informed of the position taken. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*
- b. The Director updated Trustees on performance since reopening. All attendance has been severely curtailed from pre-Covid levels by social distancing and audience

appetite. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000*¹ The result is severely diminished income and income-generating opportunity for the foreseeable future.

- c. The Director updated Trustees on discussion with Unions in respect of roles in Tate Enterprises Ltd. She informed Trustees of discussions in ACAS mediation.
- d. Trustees noted that membership is performing against its reduced target and that the strategy of extending membership has been successful to date.
- e. They noted the successful management of audience and staff safety, and the satisfaction recorded in staff surveys in this respect.
- f. Trustees noted the sentencing of an individual following the damage inflicted to Pablo Picasso *Bust of a Woman* 1944 while on loan to Tate.
- g. They noted that a joint statement by Tate and Anthony D'Offay formally ending the relationship had been issued.
- h. Trustees were updated on Tate's ongoing preparation for the UK's exit from the European Union and of close communication with the Department for Digital, Culture, Media and Sport.
- i. They welcomed the report that a tour of *Nudes: Highlights from the Tate Collection* to Münster has been confirmed for November 2023 to March 2024.

4. CONSIDERATION OF THE REX WHISTLER MURAL

- a. Trustees noted information provided on the history of the mural in the Rex Whistler restaurant. They noted historic criticism of the work and recent activity.
- b. The Chair of the Ethics Committee updated Trustees on the Committee's consideration of the mural. She noted previous discussion in 2013 and 2018. She noted that the Committee agreed that there is renewed urgency to reconsider the matter and recognised that previous interpretation had proved inadequate. Trustees noted the range of voices and expertise drawn on in both the information provided and in the meeting of the Ethics Committee, which was attended by former Artist Trustee John Akomfrah and Dr David Dibosa of the University of the Arts and Tate Britain Advisory Council, who had been asked to provide a discussion paper on the mural.
- c. The Chair of the Ethics Committee noted that members were unequivocal in their view that the imagery of the work is offensive. She informed Trustees of the view that the offence is compounded by the use of the room as a restaurant. *Information has been exempted under Section 22 of the Freedom of Information Act 2000*² It was noted that the mural is a work of art in the care of Trustees and that it should not be altered or removed. The Trustees noted the recommendation of the Committee. This was that the Executive *Information has been exempted under Section 22 of the Freedom of Information Act 2000*²
- d. The Director of Tate Liverpool updated Trustees in her capacity as Executive Group member of the new Race Equality Taskforce. She noted that discussion had also focused on the uncomfortable juxtaposition of the mural and an eating space. She

noted the strength of feeling amongst staff that a constructive address of the issue would be welcomed.

- e. The Director welcomed the views of these groups *Information has been exempted under Section 22 of the Freedom of Information Act 2000²*
- f. Trustees discussed the need to acknowledge the strength of feeling around the mural and the harm that its imagery has caused.
- g. *Information has been exempted under Section 22 of the Freedom of Information Act 2000²*
- h. It was summarised that the context around the mural has shifted decisively. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹* Tate is tasked with protecting and promoting the understanding of the art in its care. Previous contextualisation of the imagery has not been adequate. *Information has been exempted under Section 22 of the Freedom of Information Act 2000²*

5. RACE EQUALITY UPDATE

- a. Trustees noted updates on measures taken to enhance race equality at Tate.
- b. It was noted that work continues to develop more detailed knowledge of the diversity of the British collection, with research underway to fill gaps in relation to historic artists, and declarations as to identification being requested of living artists.
- c. They noted the success of strategies to ensure the breadth of representation in the International Collection and the fruition of this in the programme and displays.
- d. They noted updates from the site Directors on initiatives at each gallery that span public activity and colleagues.
- e. They were informed of developments in audience strategy that have seen a distinct approach across sites. Partnerships with specific media outlets have sought to attract more diverse audiences; particular success has come through more targeted campaigns to attract younger and more diverse audiences. This has been supported and complemented by social media, which has provided a more focused means of speaking to particular audiences.
- f. They were informed of the success of Uniqlo Tate Lates, which have attracted audiences that are 35% BAME.
- g. They were informed of steps taken to enhance the representation of different groups in the workforce. These include the implementation of a Diversifying Recruitment Roadmap.

6. FINANCE REPORT

6.1 Report from Finance & Operations and Audit Committee meetings

- a. The Chair of Finance and Audit Committees updated Trustees on the recent meetings.
- b. She noted discussion of the Accounts, for approval at the following item.
- c. She noted the Internal Audit *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*

6.2 Update on 2020/21

- a. The Director of Finance and Estates outlined for Trustees the challenge of the position in light of the effects of the Covid-19 pandemic.
- b. Trustees noted forecasts *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹* This will be supported by continued reduction across all activities.

Alex Clark of the National Audit Office joined the meeting.

7. APPROVAL OF STATUTORY ACCOUNTS 2019-20

- a. Trustees noted the difficulty of producing the accounts in the uncertain context of Covid-19. They thanked the teams concerned.
- b. Alex Clark updated Trustees on the view of the National Audit Office, recommending that the Accounts be approved. He noted the inclusion of further detail on the response to the pandemic, as recommended by Auditors.
- c. Trustees APPROVED the consolidated accounts and AUTHORISED the Director and Chairman to sign them after the meeting.

Alex Clark left the meeting.

8. PROPOSAL FOR A LOAN FROM TATE GALLERY TO TATE ENTERPRISES LTD

- a. Trustees were informed of the financial impact of Covid-19 on Tate Enterprises Ltd.
- b. Trustees noted the necessity of the loan to ensure that Tate Enterprises Ltd remains a going concern and can return to the position of providing revenues in support of Tate Gallery.
- c. They noted that Tate Gallery as a charity cannot transfer funds to Tate Enterprises Limited and is only in a position to make a loan and in the terms identified.
- d. Trustees AUTHORISED the loan.

9. APPOINTMENTS TO COUNCILS AND COMMITTEES

- a. Trustees APPROVED:
 - The appointment of Sarah Austin to Tate Modern Advisory Group for a term aligned to her term as Non-Executive Director of TEL, to 20 February 2024.

- The appointment of Jonathan Badyal to Tate Modern Advisory Group for a term of four years, from 16 September 2020 to 15 September 2024.
- The reappointment of Paul Grover to Tate Liverpool Advisory Group for a further term of four years, from 1 March 2019 to 28 February 2023.
- The appointment of Anna Rigby to Tate St Ives Advisory Group for a term aligned to her term as Non-Executive Director of TEL, to 11 August 2024.
- The appointment of Linder Sterling to Tate St Ives Advisory Group for a term of four years, from 16 September 2020 to 15 September 2024.
- The appointment of Cllr Tim Dwelly to Tate St Ives Advisory Group as Cornwall Council Portfolio Holder for Culture, Economy and Planning.
- The appointment of David Crichton Miller to the Finance & Operations Committee and the Audit Committee for a term aligned to his term as Non-Executive Director of Tate Enterprises Ltd, to 1 October 2023.
- The appointment of Nicole Crentsil to Tate Members Council for a term of four years, from 16 September to 15 September 2024.
- The reappointment of Briony Fer to Collection Committee for a further term of one year, from 20 November 2020 to 19 November 2021.

- b. Trustees noted the retirement of Raif Jacobs from the Finance & Operations Committee and Audit Committee at the end of his terms on 18 September 2020.

10. KEY POINTS FROM MINUTES OF COUNCILS AND COMMITTEES

- a. Trustees were updated on the meetings of Councils and Committees.
- b. Trustees were updated on discussion at the Tate Enterprises Ltd Trustees meeting in July, and noted the reviewed reforecasts in Tate Commerce and Tate Eats. They noted the consolidation of Tate Corporate Events, Tate Media and Tate Education to form the renamed Tate Business division.
- c. Trustees were informed of discussion at the Tate Enterprises Ltd Trustees meeting in September, noting the successful conclusion of the annual audit and approval of the statutory accounts.

11. ANY OTHER BUSINESS

- a. There was no other business.

12. DATE OF NEXT MEETING: Wednesday 18 November 2020

Endnotes

¹ **Section 43 (2)** of the *Freedom of Information Act 2000* provides that:

Information is exempt 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 22** of the *Freedom of Information Act 2000* provides that:

(1) *Information is exempt 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 a 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).*

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).