

**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE TATE GALLERY
AT TATE STORES ON WEDNESDAY 27 SEPTEMBER 2023**

Present: Roland Rudd (Chairman)
Tim Davie
Dame Jayne-Anne Gadhia DBE
Katrin Henkel
Anya Hindmarch CBE
Kwame Kwei-Armah
Michael Lynton
Rosalind Nashashibi
Danny Rimer
Howard Shore
Lord Ed Vaizey

Executive Group: Dr Maria Balshaw CBEDirector
Carmel Allen Managing Director
Anne Barlow Director, Tate St Ives
Alex Farquharson Director, Tate Britain
Karin Hindsbo Director, Tate Modern
Samuel Jones Secretary to the Board of Trustees
Helen Legg Director, Tate Liverpool
Kathryn Martindale Chief Financial Officer

Additional: Eleanor Appleby Chief of Staff
Hamish Anderson CEO, Tate Enterprises Ltd – Item 4
Emma Chippendale Governance Manager (minutes)
Claire Gylphé Director of Development – Item 5
*Information exempted under Section 43(2) and Section 36 of the
Freedom of Information Act 2000^{1,2}*

1. APOLOGIES & DECLARATIONS OF INTEREST

- 1.1 Apologies were received from Anna Lowe. Michael Lynton and Howard Shore joined virtually.
- 1.2 It was noted that Tim Davie would need to leave the meeting at 12:50 but would re-join the closed board session virtually.
- 1.3 No interests were declared in relation to matters on the agenda.

2. MINUTES OF THE MEETING ON 29 JUNE 2023 & MATTERS ARISING

- 2.1 The minutes of the meeting on 29 June 2023 were APPROVED as a true record.
- 2.2 The appointments of Anna Lowe and Tim Davie will end on 28 September and 4 October respectively.
- 2.3 The Board NOTED its prior approval of the following e-decisions in August:
 - Ratification of February and June 2023 acquisitions;
 - The appointment of Sam Talbot to the Tate Liverpool Advisory Group and extension of Cathy Elliot's term of appointment.
- 2.4 Trustees were asked for the following e-decisions in advance of the meeting, all of which were APPROVED by quorate response:
 - Changes to bank mandate signatories list;
 - Appointment of Mark Trevethan to TSI Advisory Group;
 - Appointment extension of Laurie Fitch and renewal of David Crichton-Miller to the Finance and Operations and Audit Committees;
 - Collection Care Policy and Animal Welfare Statement.

3. INTRODUCTION TO KARIN HINDSBO

- 3.1 The Chair extended a special welcome to Karin Hindsbo who had joined the previous week as the new Director of Tate Modern. Karin introduced herself to Trustees and provided an overview of her background and experience, including her most recent role as the Director of the National Museum of Art, Architecture and Design in Oslo.

4. DIRECTOR'S REPORT

The Chief Executive of Tate Enterprises Ltd joined the meeting.

- 4.1 The Chief Executive of Tate Enterprises Ltd updated Trustees. *Information has been exempted under Section 36 and Section 43 (2) of the Freedom of Information Act 2000^{1,2}*
- 4.2 *Information has been exempted under Section 36 and Section 43 (2) of the Freedom of Information Act 2000^{1,2}*
- 4.3 *Information has been exempted under Section 36 and Section 43 (2) of the Freedom of Information Act 2000^{1,2}*

The Chief Executive of Tate Enterprises Ltd left the meeting.

- 4.4 The Director updated Trustees on activities since the last Board meeting on 29 June. Trustees noted the dashboard metrics showing progress across three key strategic areas *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*. Overall, admissions performance since Q1 has been good, continuing the trend of recovery after the pandemic. This is expected to continue into Q3. At Tate Britain, the well-attended opening of the *Sarah Lucas* exhibition followed the unveiling of Chris Ofili's *Requiem* mural. Most exhibitions have been at or above target. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*. El Anatsui's Turbine Hall Commission will open on 9 October and is expected to be very popular. Following strong audience appeal, *Capturing the Moment* will be extended.
- 4.5 The Managing Director updated Trustees on actions being taken to advance the Membership Strategy. Retention is strong at 82% and Trustees urged the Executive to focus on marketing schemes to attract new members as well as the integration of systems to enable this. *Information has been exempted under Section 43 (2) of the Freedom of Information Act 2000¹*.
- 4.6 Prior to the meeting, the Director of Collection Care and Head of Collection Management had led a visit to the Stores. Trustees NOTED a detailed report on collection security. The Board was reassured to learn of the measures and procedures in place to ensure that Tate's security arrangements around the collection are fit for purpose. A routine deep dive on Collection security had been scheduled before recent news stories, and this is due to be reported to the Audit Committee imminently. DCMS's subsequent museum-wide commission to provide assurance on security arrangements will be factored into the conclusion of the audit, which will be shared with the Board.
- 4.7 The Board was updated on general security matters *Information has been exempted under Section 31 of the Freedom of Information Act 2000³*.
- 4.8 The Board NOTED the cyber security update *Information has been exempted under Section 31(1)(a) of the Freedom of Information Act 2000³*.
- 4.9 Following recent reports of the failure of reinforced autoclaved aerated concrete (RAAC), the Estates team has confirmed that no buildings on Tate's estate are affected. This has been reported to the DCMS accordingly.
- 4.10 Trustees NOTED the latest developments concerning Level 10 at Tate Modern which reopened on 4 September *Information has been exempted under Section 42 of the Freedom of Information Act 2000⁵*.
- 4.11 Trustees NOTED the financial and audience diversity targets set against the new Programme Framework for Tate Britain and Tate Modern. Performance against the framework will continue to be reported at each meeting of the Finance and Operations Committee and Board of Trustees.

- 4.12 Trustees NOTED the significant steps on all capital projects since the July meeting *Information has been exempted under Section 36, Section 22 and Section 43(2) of the Freedom of Information Act 2000^{1,2,4}.*
- 4.13 Trustees NOTED the People reports and looked forward to receiving an update from the Director of People at a later meeting on the actions to support colleagues working at Tate.
- 4.14 Trustees NOTED the update on Tate Enterprises Ltd performance. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000¹.* In addition to reporting to the Tate Enterprises Board, TEL Chief Executive Hamish Anderson provided a detailed report at the most recent meeting of the Tate Finance & Operations Committee, which scrutinised TEL performance on behalf of the Gallery.
- 4.15 Trustees NOTED the update on fundraising and international partnerships.
- 4.16 Trustees NOTED the briefing note regarding the Digital Marketing Bill. *Information has been exempted under Section 36 of the Freedom of Information Act 2000².*

5. FUNDRAISING UPDATE

The Director of Development joined the meeting *Information has been exempted under Section 43(2) and Section 36 of the Freedom of Information Act 2000^{1,2}*

- 5.1 *(Information has been exempted under Section 43(2) and Section 36 of the Freedom of Information Act 2000^{1,2})*
- 5.2 *(Information has been exempted under Section 43(2) and Section 36 of the Freedom of Information Act 2000^{1,2})*
- 5.3 *(Information has been exempted under Section 43(2) and Section 36 of the Freedom of Information Act 2000^{1,2})*
- 5.4 *(Information has been exempted under Section 43(2) and Section 36 of the Freedom of Information Act 2000^{1,2})*
- 5.5 *(Information has been exempted under Section 43(2) and Section 36 of the Freedom of Information Act 2000^{1,2})*

The Director of Development left the meeting Information has been exempted under Section 43(2) and Section 36 of the Freedom of Information Act 2000^{1,2}

Howard Shore left the meeting.

6. FINANCE REPORT

- 6.1 The Chair of the Finance and Operations Committee updated Trustees on the recent meeting on 13 September *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000¹*
- 6.2 The Chief Financial Officer updated the Board on the 2023-24 financial position. *Information has been exempted under Section 43(2) of the Freedom of Information Act 2000¹*

Tim Davie left the meeting prior to rejoining by telephone.

7. KEY POINTS FROM MINUTES OF COUNCILS AND COMMITTEES

- 7.1 Trustees noted the key points of recent council and committee meetings. Kwame Kwei-Armah and Lord Ed Vaizey, Chairs of the Ethics Committee and Tate Liverpool Advisory Group respectively, provided verbal updates on the meetings that took place on 21 September and 20 September 2023.

8. CHAIR'S SUMMARY OF AGREED ACTIONS

- 8.1 The Chair summarised the key actions agreed at the meeting.

9. ANY OTHER BUSINESS

- 9.1 Trustees discussed the forthcoming Philip Guston exhibition at Tate Modern, which will be opening on 5 October after having been postponed.

Michael Lynton left the meeting; Tim Davie rejoined the meeting virtually.

Executive Group members left the meeting for the closed session apart from The Director and Secretary to the Board of Trustees who remained.

10. CLOSED BOARD SESSION

- 10.1 The Board undertook its annual Review of Effectiveness and Appraisal of the Chair with reference to the feedback collated from Trustees and the Executive in advance of the meeting.

Meeting closed at 13:30.

NEXT TRUSTEE MEETING
Wednesday 22 November 2023

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 36** of the Freedom of Information Act 2000 provides that: *Information is exempt if its disclosure under this Act would be likely to have any of 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.*

³ **Section 31** of the Freedom of Information Act 2000 provides that:

Law enforcement.

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) the prevention or detection of crime,*
- (b) the apprehension or prosecution of offenders,*
- (c) the administration of justice,*
- (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,*
- (e) the operation of the immigration controls,*
- (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,*
- (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),*
- (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or*
- (i) any inquiry held under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.*

⁴ **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).

⁵ **Section 42** of the Freedom of Information Act 2000 provides that:

Legal Professional Privilege

(1) Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.

(2) 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) in respect of which such a claim could be maintained in legal proceedings.