

Chipperfield Advisory Committee

Monday, 20th May, 2013
at 5.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Daniel Crow
Malcolm Le Bas
Amy O'Sullivan
Louise Hallet;
Huw Morgan;
Stephen Foster;
Liz Goodall

Contacts

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Senior Democratic Support Officer
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PUBLIC INFORMATION

Role of the Advisory Committee

TERMS OF REFERENCE

1. To identify, manage and resolve any conflicts of interest (or perceived conflicts of interest) occurring as a result of the Council's dual role as a corporate body and Trustee to the Chipperfield Bequest, with recommendations to Council as to an appropriate course of action in the circumstances.
2. Conflicts of interest are matters including but not limited to:
 - a. determining which of those items acquired since the gallery was established belong to the Charity or to the Council corporately;
 - b. determining whether any particular potential acquisition should be acquired by the Council or the Charity assuming that the Council is sometimes interested in making acquisitions of its own, rather than merely as trustee;
 - c. the apportionment of expenses of running, insuring and repairing the Art Gallery between the Council and the Charity (if not entirely funded by the Council);
 - d. the use of any admission fees charged for access to special exhibitions;
 - e. the ownership and exploitation of any intellectual property rights arising out of any publications associated with the Art Gallery or its collection;
 - f. questions as to whether the Charity should (for example) seek a scheme removing its existing obligations.
3. To conduct any investigation or enquiry necessary in furtherance of its functions under these Terms of Reference, and make recommendations to Council as to an appropriate course of action in the circumstances.
4. To take advice from council officers as necessary and have recourse to any Council facilities or resources necessary for the performance of its duties, other than in cases where a conflict of interest or other reason exists that renders use of such resources inappropriate whereupon the Committee will be entitled to seek its own independent advice.
5. To recommend the expenditure of Trust funds in relation to the acquisition of works of art, in consultation with the National Advisor.
6. To make recommendations to Council (as Trustees), as appropriate, in relation to the insurance of the collection, charging, re-investment should any assets be disposed of, fundraising and sponsorship.
7. To provide reports to Council (as Trustees) as necessary and at least annually in relation to the use of the Trust's collection, patronage, use of works loaned to other organisations, details of purchases made, and work of the academy.
8. To have sight of the Trust's accounts at least annually and make any recommendations deemed appropriate to Council.
9. To consider and recommend to Council an Arts and Heritage Collections Policy in relation to acquisitions on its renewal every 3 years.
10. To contribute where necessary to the accreditation of venues process

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

PUBLIC REPRESENTATIONS

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest

SMOKING POLICY – the Council operates a no-smoking policy in all civic buildings.

MOBILE TELEPHONES – please turn off your mobile telephone whilst in the meeting.

FIRE PROCEDURE – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

ACCESS – access is available for the disabled. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

CONDUCT OF MEETING

RULES OF PROCEDURE:

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM:

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

BUSINESS TO BE DISCUSSED:

Only those items listed on the attached agenda may be considered at this meeting.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

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Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are now available via the City Council's website

1 APPOINTMENT OF CHAIR AND VICE CHAIR

To formally appoint the Chair and Vice Chair for the Committee.

2 APOLOGIES

To receive any apologies.

3 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

4 ACQUISITIONS OF WORKS

Report of the Head of Leisure and Culture seeking approval to recommend to the Trustees of the Chipperfield Trust for the acquisition of works, attached.

Friday, 10 May 2013

Head of Legal, HR and Democratic Services

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Agenda Item 4

DECISION-MAKER:	CHIPPERFIELD ADVISORY COMMITTEE		
SUBJECT:	ACQUISITIONS OF WORKS		
DATE OF DECISION:	20 MAY 2013		
REPORT OF:	HEAD OF LEISURE & CULTURE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mike Harris	Tel: 023 8083 2882
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Director	Name:	John Tunney	Tel: 023 8091 7713
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STATEMENT OF CONFIDENTIALITY			
N/A			

BRIEF SUMMARY

Interest accrued in the bequest funds provides an opportunity to enhance the Art Collections. In addition to the proposed purchases, gifts and bequest have been offered to further develop the collection. Approval to acquire the works is sought.

RECOMMENDATIONS:

- (i) To recommend to the Trustees of the Chipperfield Trust to accept the works identified in this report offered in bequests and gifts to strengthen the Chipperfield Art Collection.
- (ii) To recommend to the Trustees of the Chipperfield Trust to purchase the works identified in this report.

REASONS FOR REPORT RECOMMENDATIONS

1. To enable curatorial staff to accept offers of works to supplement the Chipperfield bequest and to proceed with purchases from the bequest funds following receipt of advice from the Tate.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. Not to acquire the works proposed. Rejected on the grounds that the collection should be dynamic and continue to meet the policy of reflecting contemporary British art.

DETAIL (Including consultation carried out)

3. Following research and advice from the advisors at Tate, a number of works are proposed for purchase;
 - Clare Woods, *Funnelled Hole*, 2011, Oil on aluminium
 - Tim Head, *Horizontal Lines II*, 2009, Permanent marker pen on paper
 - Alice Channer, *Dilate*, 2010, Cigarette ash, pencil and gouache on paper
 - Matt Calderwood, *Lightbulb (screw)*, 2006, Video 01:41 minutes

- Scottie Wilson (1891 Glasgow - 1972 London), *Untitled* c 1940, Ink on paper
- 4 Further works have been offered as Gifts to the bequest by the estate of Margaret Whitford;
- John Carter, *Fossil*, 2004 maquette, Acrylic / marble powder on plywood
 - Nathan Cohen, *Cohea 2,3*, 1994, Acrylic on board
 - Harriet Mena Hill, *Grid 2*, 1994, Oil on gesso/board
- 5 The Art Fund has also proposed a gift:
- Alan Gwynne-Jones, *Summer Morning, Froxfield, Petersfield*, 1924, Oil on canvas
- 6 The Family of Norman Thelwell (1923 – 2004) have proposed gifts consisting of World War 2 drawings of army life and a number of works on paper (unframed)

RESOURCE IMPLICATIONS

Capital/Revenue

- 7 All the works are in good condition and have no conservation requirements.
- 8 There is sufficient funding in the two bequest funds specifically intended for the purchase of art, It is proposed to spend the interest accrued on the Chipperfield bequest funds and funds from the Orris bequest. The total cost of the proposed purchases is £24,900. It is proposed to apply for funding from the Art Fund and the V&A Purchase fund to support over 60% of the purchase price. There are sufficient balance in the Chipperfield and Orris bequest accounts to support the proposed expenditure of £3,000 and £6,350 respectively,

Property/Other

- 9 All the works can be stored within current storage areas

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 10 The Chipperfield Trust is empowered to accept gifts or bequests into the collection under the provisions of its charitable scheme and subsequent order of the High Court.
- 11 Orris Bequest funds were bequeathed upon trust to the City of Southampton, with a request that they be used for the benefit of the Art Gallery. The Council can therefore use funds from the Orris Bequest to fully or partly fund the purchase of works for the Gallery, although it should be noted that works purchased in conjunction with the Chipperfield Trust will thereafter be subject to the Trusts of the Chipperfield Scheme.

Other Legal Implications:

- 12 Items gifted or bequeathed to the Trust must be kept and maintained in accordance with any conditions or agreements that may apply to those gifts.

POLICY FRAMEWORK IMPLICATIONS

13 n/a

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	All
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SUPPORTING DOCUMENTATION

Appendices

1.	None
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Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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