

Chipperfield Advisory Committee

Monday, 12th May, 2014
at 5.00 pm

PLEASE NOTE TIME OF MEETING

West Wing Accessible Meeting Room,
Civic Centre

This meeting is open to the public

Members

Liz Goodall (Chair)

Malcolm Le Bas

Amy O'Sullivan

Louise Hallett

Huw Morgan

Vacancy

Vacancy

Contacts

Judy Cordell

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 Priorities:

- **Economic:** Promoting Southampton and attracting investment; raising ambitions and improving outcomes for children and young people.
- **Social:** Improving health and keeping people safe; helping individuals and communities to work together and help themselves.
- **Environmental:** Encouraging new house building and improving existing homes; making the city more attractive and sustainable.
- **One Council:** Developing an engaged, skilled and motivated workforce; implementing better ways of working to manage reduced budgets and increased demand.

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

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.

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.

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.

DISCLOSURE OF INTERESTS

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

To appoint a Chair to 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 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the minutes of the meeting held on 31st October, 2013 and to deal with any matters arising, attached.

5 ANNUAL REPORT 2013/14

Report of the Head of Leisure and Culture detailing the Annual Report 2013/14, attached.

6 DATE OF NEXT MEETING

Monday 22nd September, 2014.

Thursday, 1 May 2014

Head of Legal and Democratic Services

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CHIPPERFIELD ADVISORY COMMITTEE
MINUTES OF THE MEETING HELD ON 31 OCTOBER 2013

Present: Liz Goodall (Chair), Daniel Crow, Malcolm Le Bas, Amy O'Sullivan and Huw Morgan

Councillor Tucker, Cabinet Member for Economic Development and Leisure

Apologies: Louise Hallett

3. **APPOINTMENT OF CHAIR**

RESOLVED:

That Liz Goodall be appointed Chair for this meeting following the resignation of Stephen Foster from the Committee.

4. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes for the Committee meeting on 20th May 213 be approved and signed as a correct record.

5. **GALLERY ANNUAL REPORT**

The Committee considered the report of the Head of Leisure and Culture detailing the activities of the Art Gallery over the last 12 months.

Following discussion it was agreed that the Annual Report be presented to the Chipperfield Trust on 19th March, 2014. A further meeting of the Committee would be held towards the end of February to finalise the report.

RESOLVED:

- (i) To note the content of the report;
- (ii) To approve the use of delegated power for the Head of Leisure and Culture to accept the works identified in this report.

6. **ART GALLERY ROOF**

The Committee considered the report of the Head of Leisure and Culture regarding the cost of delivering a complete repair and refurbishment of the Art Gallery roof.

The Committee discussed the need to raise funds required for the repair and refurbishment the roof, how this could be implemented and who should lead on the programme. It was agreed in order to facilitate the raising of funds the Committee supported the proposal to establish an independent charitable trust.

RESOLVED:

The Committee proposes to the Council that the Council accepts the principle of this Committee creating a charitable trust, wholly independent of the Council, to take over the Art Gallery and the collection on the basis that, on acceptance by the Council of such principle, formal subject to contract terms for such takeover will be put to the Council as soon as practically possible.

7. **CORRESPONDENCE BETWEEN LEADER OF THE COUNCIL AND THE CULTURE MINISTER**

The Committee considered the letter from the Leader of Southampton City Council to the Minister for Culture and submitted the following response:

“We read the letter sent by Councillor Letts to the Minister with some concern. We regret that it was sent as it does not reflect the actual position relating to the Collection. The letter makes no reference to the terms of the Chipperfield bequest, which appear to have been ignored.

Whilst the Committee do not expect to be referred to at every occasion, we do feel we should have been consulted about a letter of this significance.

The Art collection is international and held in trust for the benefit of the people of Southampton.

Whilst we recognise that the Council have an extremely difficult task in preserving services under severe financial pressure, we wish to understand the reasoning behind this letter. This Committee has written with its views to the Leader as to securing the future of the Collection and we have no doubt that our proposals represent the best way forward for the Gallery and the Collection.

This Committee wish very much to work with the Council to resolve this serious problem but we are not sure that the letter helps at all. The Advisory Committee in advising the Trustees of the Chipperfield bequest will be unable to approve any sale, having regard to the legal, trust and charitable implications.”

The Cabinet Member noted the concerns of the Committee, and reflected that the letter considered all of the Council’s collections, not only the Art Collection, that it was a political letter, not written on behalf of the Trustees and that it sought to have the current guidelines concerning Accreditation reviewed, and was not indicating any intent to work outside of any existing rules or requirements.

8. **POTENTIAL GOVERNANCE CHANGES**

The Committee discussed the vacancy following Stephen Fosters’ resignation.

It was agreed that the Council’s Leadership Group be requested to reconsider the list of people who previously applied for a suitable appointment.

Agenda Item 5

DECISION-MAKER:	CHIPPERFIELD ADVISORY COMMITTEE		
SUBJECT:	ANNUAL REPORT 2013/14		
DATE OF DECISION:	12 MAY 2014		
REPORT OF:	HEAD OF LEISURE & CULTURE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mike Harris	Tel: 023 8083 2882
	E-mail:	Mike.d.harris@southampton.gov.uk	
Director	Name:	Stuart Love	Tel: 023 8091 7713
	E-mail:	stuart.love@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

This report highlights the key activities of the Art Gallery over the last 12 months; particularly in terms of acquisitions, loans to other institutions, our own exhibitions drawing from the collection and events over the last 12 months, with a look forward to the next 12 months. The report also summarises the accounts for year ending March 2013 and 2014.

RECOMMENDATIONS:

- (i) To note and approve the contents for reporting to Trustees

REASONS FOR REPORT RECOMMENDATIONS

1. To provide members of the Committee with a summary of planned activity and a resume of activity over the last 12 months
2. To sign off the accounts for year ending March 2013 and 2014

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. Not to provide an annual statement – rejected as this is part of the Committee's terms of reference

DETAIL (Including consultation carried out)

4 Activity in 2013

There have been some important additions to the collections in recent months particularly the gifts of the Schlee and Dannatt collections of works. The committee previously agreed the purchase of a number of works at the cost of £21,000 after the end of the 2012/13 financial year and to date successful applications for funding have been to external bodies raising £12000 (ie. the V&A Purchase Fund, the Art Fund and FOSMAG) .

5. A programme of loans to UK and international institutions has continued with 40 loans being made since October 2012. Of special note are loans to Japan, France, and Italy. Exhibitions, drawn from the collections, have been toured to 3 galleries (Falmouth Art Gallery, Mottisfont Abbey and Young Gallery

Salisbury)

- 6 The Gallery has continued to display works from the collection; approximately 450 works have been displayed in 2013 - some 10% of the collection.
- 7 On 3 October the Gallery took part in the BBC your paintings national project 'Masterpieces in Schools'. The BBC selected St Edmund's School Portsmouth as this region's recipient of the masterpiece Lowry's 'Floating Bridge' from the collection. The Curator spent the day at St Edmund's talking about the work to the children and the media. For further information about the project see <http://www.bbc.co.uk/mediacentre/latestnews/2013/masterpieces-in-schools.html>
- 8 In July the gallery displayed Manet's 'Portrait of Mademoiselle Claus' an early study for his famous work 'The Balcony' – this work has been saved for the nation due to fundraising by the Ashmolean Museum, Oxford ; the study is touring major galleries until January 2014.
- 9 Successful funding applications to the Friends of Southamptons Museums and Gallery (FOSMAG) have resulted in the specialist conservation of frames of the two van Dyck portraits, and the re-instatement of the original glazing door.

In March 2013 external funding was acquired to hire an Osiris (Infra-red) camera. Several paintings were examined with this camera, specifically to help us assess their condition before conservation treatment commences.

As a result of a successful grant application, in October 2013 a conservation condition survey is commencing on the modern sculpture in Southampton City Council's collection.

- 10 **Acquisition Proposal – gift to the collection.**
A gift of a lithograph piece was offered for accession into the collection from a private donor. **The lithograph is by artist Gerald Leslie Brockhurst titled *Almina*.**

The collection hold 2 works by the celebrated portrait artist, Gerald Brockhurst: *Portrait of a Girl*, an unfinished oil painting that is popular and we hang it often in portrait and other collection displays and a small etching: *The Two Melisands*. The sitter for *Portrait of a Girl* is the actress Della Delahay, and she is the mother of the owner of the proposed gift. It was given to the former by the artist at the time of the portrait. The artist (known as Brockie) and his wife Dorette became friends with Della. This piece fits with the collections policy as enhancing strengths in the British 20th century element of the collection. The advisory committee approved the use of the Head of Leisure and Culture's delegated powers to acquire the work.

- 11 [Clare Woods's *Funnelled Hole*, 2011, Oil on aluminium, was purchased through the Chipperfield Bequest Fund for £8,000 in November 2013.](#) The work will complement a growing collection of contemporary painting both

abstract and figurative by such artists as Phoebe Unwin, Mark Francis, Alison Turnbull, Nigel Cooke, George Shaw and Julian Opie.

12 **Planned Activity in 2014 and 2015**

13 During 2014, the art gallery will commemorate the centenary of the First World War. In Spring 2013, a Renaissance Strategic Funding bid of £625,000 was secured by the Hampshire Solent Alliance, One element of the project is that Southampton will work collaboratively with Hampshire County Council (Lead) and Winchester City Council to deliver a number of exhibition projects. One of which is Artists Rifles, an exhibition to take place in the Art Gallery and Tudor House. The Artists Rifles exhibition proposal has been developed to capitalise on the strengths of the collections within the partnership, particularly from Southampton City Art Gallery, within the context of the centenary of the First World War in 2014. This exhibition aims to introduce the Artists Rifles and explore the impact of WWI on the creative process. This exhibition will take place from April to June 2014, after which it will tour Hampshire as part of the WW1 Commemorations.

14 From July until December, galleries 1-4 will host a stunning contemporary exhibition from Dan Perfect and Fiona Rae. This is a touring exhibition from Nottingham Castle; the art gallery will be the second and only touring venue outside of Nottingham. For the same period galleries 6 will continue the WW1 theme with an exhibition of Gilman war sketches and Camden Town Group.

15 Discussions are underway to host an Artists Rooms exhibition in the gallery in 2015. ARTIST ROOMS is a collection of international contemporary art which has been created through one of the largest gifts of art ever made to museums in Britain, acquired for the nation by National Galleries of Scotland and Tate. The gift was made by Anthony d'Offay in 2008, with the assistance of the National Heritage Memorial Fund, The Art Fund and the Scottish and British Governments. The guiding principle of ARTIST ROOMS is the concept of individual rooms devoted to particular artists. The collection of over 725 works includes major groups of work by seminal artists. The artist on which this Artist Rooms exhibition would focus is Louise Bourgeois, a provocative, inventive sculptor whose perceptions of the body informed her art.

16 As part of a Major Partnership Museums (MPM) bid to Arts Council England, in partnership with Hampshire, Portsmouth and Winchester Council's, an initiative to deliver a programme of quality art exhibitions across the flagship galleries network, centred upon the City Art Collection and complemented by selected loans from regional, national and international collections has been proposed. A decision on the bid will be announced in July 2014

RESOURCE IMPLICATIONS

Capital/Revenue

17 The accounts for the Charity have the following registration details

Charity name -	Chipperfield Bequest (Art Gallery)
Names Charity also known by –	Chipperfield Bequest Fund
Registered Charity Number -	307096

Principal Address - Southampton Art Gallery
Southampton City Council, Civic Centre,
Southampton, SO14 7LY

Trustee Southampton City Council, Councillors

- The accounts for 2012/13 are attached at appendix 1, the accounts for 2013/14 at appendix 2
- 18 The accounts show, income from investments and cash balances. These investments are in the form of government gilt's and have a fixed annual interest rate giving the above return. The Trust has restricted it's expenditure to essential spend only.
- 19 The Trust holds as Operating fund and two investments. These are currently valued at cost with any fluctuations in prices being reflected as unrealised gains/ losses in the Trusts accounts.
- 20 These funds do not form part of the assets of the council. In accordance with the Accounting and Reporting of Charities: Statement of Recommended Practice (SORP 2005) a separate statement of financial affairs and balance sheet relating to the Councils trust funds are included within the Council's annual statement of accounts.
- 21 The 2012/13 statement of accounts can be viewed by visiting the council's [website](#) and viewing the statement of accounts. Pages 93 to 96 of this document relate to the financial activities of the fund. Final accounts for the 2013/14 year are yet to be published
- 22 The original objective of the trust was to provide and fit out an art gallery in the city. The income from the investments of a further bequest would fund the running costs of the gallery. As time has passed it has proved not to be practical or sustainable to fund these expenses in this way and the Council has met all or most of these expenses itself under its statutory powers to do so.
- 23 In recent years the income generated by this bequest has been used to contribute to the purchase of new works of art for the Trust's collection, often in conjunction with donations from Friends of Southampton Museums and Art Gallery FOSMAG.

Property/Other

- 24 The Brockhurst and Woods works can be stored within current storage areas, are in good condition and have no conservation requirements.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 25 The Chipperfield Advisory Committee is an advisory committee to Council pursuant to section 102(4) of the Local Government Act 1972, with terms of reference which include the provision of 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.

Other Legal Implications:

- 26 Items owned by the Chipperfield Trust must be kept and maintained in

accordance with the terms of the Trust's Scheme. Any other items held by the art gallery must be held in accordance with any conditions or agreements that may apply to those individual items. A failure to do so may result in legal or regulatory action being initiated by interested parties.

27 The Governing Document was a Will proved on 26th July 1916, and was amended by scheme changes sealed 12th September 2012.

The Charity is a Trust, with Southampton City Council as the sole corporate trustee

POLICY FRAMEWORK IMPLICATIONS

28 The proposals are in line with the Policy framework

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Potentially all
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SUPPORTING DOCUMENTATION

Appendices

1.	Chipperfield Accounts April 12 – March 13
2.	Chipperfield Accounts April 2013 – March 2014

Documents In Members' Rooms

1.	n/a
2.	

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)
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1.		
2.		

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Financial Statement - Chipperfield Trust Fund			Previous
April 2012 to March 2013			Year
	£	£	£
			(For Comparison)
Balance Carried Forward from 11/12			
Operating Fund		74,700	77,700
General Investment Fund		47,000	47,000
Maintenance Fund Investments		25,200	25,200
Unrealised Gains/ (Losses) Account		5,000	(7,000)
		151,900	142,900
Expenditure			
Annuity Paid to Royal South Hants			
Hospital as per Will	200		200
Purchases for Collection	0		12,600
Conservation and Repair work	0		3,100
		200	15,900
Income			
Investment Income	(3,100)		(3,100)
Interest on Cash Balance	0		(400)
Donations/ Grants towards Purchase	0		(9,400)
		(3,100)	(12,900)
In-Year Surplus/Deficit		(2,900)	3,000
Increase in Valuation of Investments		0	(9,000)
Available Balance as at 31st March 2013			
Operating Fund		77,600	74,700
General Investment Fund		47,000	47,000
Maintenance Fund Investments		25,200	25,200
Unrealised Gains/ (Losses) Account		5,000	5,000
		154,800	151,900

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Financial Statement - Chipperfield Trust Fund			Previous
April 2013 to March 2014			Year
	£	£	(For Comparison)
	£	£	£
Balance Carried Forward from 12/13			
Operating Fund		77,600	74,700
General Investment Fund		47,000	47,000
Maintenance Fund Investments		25,200	25,200
Unrealised Gains/ (Losses) Account		5,000	5,000
		154,800	151,900
Expenditure			
Annuity Paid to Royal South Hants			
Hospital as per Will	200		200
Purchases for Collection	8,000		0
Conservation and Repair work	0		0
		8,200	200
Income			
Investment Income	(8,100)		(3,100)
Interest on Cash Balance	0		0
Donations/ Grants towards Purchase	(300)		0
		(8,400)	(3,100)
In-Year Surplus/Deficit		(200)	(2,900)
Increase in Valuation of Investments		0	0
Available Balance as at 31st March 2014			
Operating Fund		77,800	77,600
General Investment Fund		47,000	47,000
Maintenance Fund Investments		25,200	25,200
Unrealised Gains/ (Losses) Account		(600)	5,000
		149,400	154,800

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