

The Arts Council/An Chomhairle Ealaíon

725th Plenary Meeting

70 Merrion Square, Dublin
22 May 2019

Fearghus Ó Conchúir *Deputy Chair*, Loughlin Deegan, Martina Moloney, Dónall Curtin, Helen Shaw, Mark O’Kelly, Pádraig Ó Duinnín, Paddy Glackin, Sinead Moriarty.

In attendance:

Orlaith McBride, *Director*, Martin O’Sullivan *Deputy Director & Company Secretary*.

Documents before the meeting

Agenda
Minutes of the Plenary Meeting held on 17 April 2019
Director’s Report
Report from Chair of Audit & Risk Committee
Review of Internal Controls for 2018
Draft Financial Statements 2018
Draft Letter of Representation 2018
Draft Chairman’s Letter to Minister
Awards for Noting
Cnuas Recommendation
Appeals’ Panel Recommendations

19 – 05– 051 Apologies

None

19 – 05– 052 Chair’s Introduction

Conflicts of Interest- The Deputy Chairman **noted** that members had already declared their conflicts and requested members to declare any further conflicts that they may have with the agenda items and reminded members to advise him of any conflicts that may arise during the course of the meeting.

North South Plenary Meeting- Members **noted** that the annual meeting had taken place earlier in the day.

Wexford Festival Opera Meeting with Board Members- Members **noted** that the planned meeting with the Board Members of Wexford Festival Opera had taken place. Members **noted** that the implementation of the agreed 2019 Funding Agreement conditions was discussed and the need for their prompt implementation was strongly emphasised. Members were also informed that the Director had written to the Chairperson of Wexford Festival Opera, post the meeting, to underline again the necessity of prompt implementation of the Funding Agreement conditions.

Abbey Working Group

Dónall Curtin, Council Member, declared a conflict and left the meeting.

Members **noted** and welcomed confirmation that progress had been made in relation to the agreed special conditions set out in the 2019 Funding Agreement.

Members were also updated on the ongoing discussions between the Abbey signatories and the Abbey Theatre and the confirmation that a mediated meeting is now planned. Members **noted** that the Arts Council has been able to contribute positively to the process to date by maintaining the role of broker.

Members **noted** the request from the Abbey Board and executive for the Abbey Working Group to continue. Members **agreed** to its continuation.

Chair's Appointment- Members **noted** that Kevin Rafter, Chairman Designate, is to appear before the Oireachtas Committee on 12 June.

Growing up in Ireland Report- it was **noted** that a copy of the report had been uploaded to the Reading Room.

Aosdána Working Group- **agreed** that a meeting of the Aosdána Working Group should be arranged to take place in advance of the September Plenary Meeting once the new Chair is in position.

19 – 05 – 053 Minutes of Plenary Meeting 17 April 2019

19 – 04– 046 Acknowledgement and Visibility Programme 2019-20- Members **agreed** that the minute should read '-----Separately members noted that the Arts Council had not been sufficiently acknowledged in the branding of Arts Council's supported work on tour internationally...-----'

Members **agreed** the Minutes for the 17 April 2019 Meeting.

19 – 05– 054 Matters Arising

B&F Updated Terms of Reference- Members **agreed** the updated Terms of Reference for the Business & Finance Committee.

Theatre Policy Meetings- Members **noted** the report from the meetings held with the sector **agreed** that a recommendation on progressing certain policy areas would be brought to the June Plenary.

There were no other matters arising.

19 – 05 – 055 Director's Report

MOU Galway 2020

Members **noted** that a draft MOU is to be circulated to Council in advance of summer plenary for final amendments and adoption at that meeting. Members **agreed** the proposed approach.

Laureate Na nÓg Programme Update

Members **noted** the update.

Laureate for Irish Fiction Programme Update

Members **noted** the update.

Council Risk Workshop 26 June 2019

Members **noted** that an external facilitator will lead the workshop which and that it will take place on 26 June.

Director's Diary Report

Members **noted** the remainder of the Director's Diary Report.

19 – 05 – 056 Reports

Policy and Strategy Meeting 21 May

Loughlin Deegan, Committee Chairman, gave a report to members on the key discussions:-

- Minutes of 17 April meeting were agreed;
- Presentation made by Janice McAdam on key findings to inform MGAW 3-Year Plan 2020-2022- Members noted that priorities identified will brought back for agreement to June Plenary;
- Update on proposed Arts Centres Policy and Strategy;
- Update on Arts Grant Funding 2020 process- Members agreed that Council Members should share any issues coming out of the recommendations by 12 June;
- Update on Creative Places Pilot and related budgetary allocation- Members noted that Tuam had been nominated;
- Recommendation to reinvest in Innovation to Collaboration for 2020 was agreed.

Members **agreed** the recommendations of the P&S Committee.

North South Plenary 22 May

Members **noted** some of the key matters highlighting the following:-

- Joint commitment to maintain a strong working relationship post Brexit whatever form;
- Willingness to work together around decade of centenaries initiatives- ACNI noted that Arts Council has already established a reputation of empowering artists to deliver artistic activity around challenging themes and in this regard the Arts Council might be able to assist ACNI;
- An acknowledgement that ACNI's external environment has required more strategic instrumentalisation of artistic practice as a priority over the development of artists and artistic practice;
- Disappointment expressed around joint Touring as ACNI can't fund at present- ACNI did indicate Touring is a priority for them and if additional funding became available it would be made available;
- Commitment to also co-fund an update of the Living Working Conditions of Artists Report subject to funding availability.

Audit and Risk (ARC) Committee 22 May

Dónall Curtin, Committee Chairman, gave a report to members on the key discussions:-

- Minutes of Meeting held on 27 February 2019- were approved;
- Members agreed that the Draft Financial Statements 2018 should be recommended for approval by Council, subject to no material change and for two signatories to be nominated;
- Members agreed that a meeting should be arranged with the C&AG, for Wednesday 26 June, to receive their report on the audit of the 2018 Financial Statements;

- Members also agreed that the Letter of Representation, the Annual Report text and the Chairman's Letter to the Minister should be recommended for approval by Council;
- Internal Audit- Draft Procurement Review – Members agreed the final draft report and management comments;
- Internal Audit- Draft Cyber Security Review – Members agreed the final draft report and management comments;
- Members agreed that a Progress Update on Cyber Security should be brought to the October ARC meeting;
- Draft Internal Audit Assurance Report Q1 2018 – Q1 2019– Members noted that the internal auditor had given Reasonable Assurance in relation to the sufficiency and operation of internal controls in 2018- Members also met the IA in private session (noting that the IA had received full cooperation from Arts Council staff during the period of the review);
- Members agreed that IA would complete a Progress implementation review in Q4 2019;
- Draft TOR for Grant Admin & Monitoring– Members noted the update;
- Draft TOR's Comms review- Members noted that IA will feed back to the Executive on their proposed approach as some of the requirements require outsourcing;
- Report on work undertaken for 2018 to review the effectiveness of the Arts Council's system of internal control– Members agreed that a satisfactory review of the effectiveness of the system of internal control for 2018 had been completed and to recommend to Council that it is appropriate for the Chairman to sign the Statement on Internal Control on behalf of the Arts in the financial statements;
- Report on Procurement Compliance for 2018– Members agreed to recommend to Council that the Chairman is able to confirm in the Chairman's Letter to the Minister the Arts Council's compliance with the procurement requirements of the Code; Members also agreed that a procurement challenges report around procurement challenges & approached undertaken should be brought to the October ARC meeting;
- Current Risk Register and Risk Appetite– Members questioned the risk appetite which had been recommended to some risks and asked for the Risk register to be reviewed by the executive;
- Members received a presentation on risks from both the performing & creative arts departments- Members noted the presentation;
- Members agreed that Mazars should be asked to present on the C&AG's Financial Management Maturity Model (self- assessment tool to evaluate an organisation's FM) at the Wen 26 June Risk Workshop.

Members **agreed** the report and recommendations of the ARC Committee. Members expressed their thanks to both the Committee and the Executive for their hard work and due diligence in successfully bringing the Financial Statements to final approval stage.

19 – 05– 057 Review of the effectiveness of the System of Internal Controls

Members **agreed** that a review of the effectiveness of the system of internal control for 2018 has been completed.

19 – 05– 058 Draft 2018 Financial Statements

Following review and discussion Members **agreed**:

- Draft Financial Statements subject to no material adjustments;
- Draft Letter of Representation;
- Draft Chairman’s Letter to the Minister.

Members **agreed** that the ARC Committee Chairman and the B&F Committee Chairman should be the nominated signatories.

19 – 05– 059 Awards

Travel and Training Awards January – March 2019

Members **noted** the awards. A financial appendix is attached to the Minutes.

19 – 05– 060 Aosdána Cnuas recommendation

Members **agreed** the recommendation. A financial appendix is attached to the Minutes.

19 – 05– 061 Appeals Panel Recommendations

Barry McKinley- Application Number: A426493- Literature Bursary Award Strand 1, Round 1 2019- **appeal was not upheld**- having carefully examined all the materials presented the panel concluded that there was no failure in process.

Louise Kelly- Application Number: A426357- Literature Bursary Award – Strand 1, Round 1 2019- **appeal was not upheld**- having carefully examined all the materials presented the panel concluded that there was no failure in process or unfair application of the process.

Paul Hallahan- Application Number: A426393- Arts Bursary Award – Round 1 2019- Based on the panel recognising some ambiguity in regard to the artistic assessment presented to the peer panel it was decided **to uphold the appeal** based on a failure in the process- recommended that the artist be allowed to apply for the next round of bursaries which otherwise would be disallowed to them.

Mayo Collaborative - Custom House Studio Ltd- Application Number: A423953- Touring and Dissemination of Work Scheme 2019, Round 2 – Visual Arts- due to a quorum not being present at the meeting consideration of this **appeal was deferred**.

Members **agreed** the recommendations of the Appeals Panel.

Members additionally **agreed** that initial grant letters should contain as much information as possible in relation to the panel and the process to ensure grantees are more fully informed on the reasons for the decision made. It was felt that this might reduce the time spent by teams later in providing additional information and feedback.

19 – 05– 062 Any Other Business

There were no other matters.