

# The Arts Council/An Chomhairle Ealaíon

## 704<sup>th</sup> Plenary Meeting

### 70 Merrion Square, Dublin

### 24 May 2017

#### **Present:**

Sheila Pratschke, *Chair*, John McAuliffe, *Deputy Chair*, Joan Sheehy, Martina Moloney, Damien Downes, Loughlin Deegan, Paddy Glackin, Helen Shaw, Eimear O'Connor, Pádraig Ó Duinnín (left meeting at 16.45).

#### **In attendance:**

Orlaith McBride *Director*, Martin O'Sullivan *Finance Director & Company Secretary*.

#### **Documents before the meeting**

Agenda

Minutes of the Plenary Meeting held on 26 April 2017

Opera Panel Recommendations

Director's Report

Projects (Round 2) 2017

Festival and Events (Round 2) 2017

Appeals Panel Report

Cnuas Recommendations

#### **17 – 05 – 039 Apologies**

Miriam Dunne, Monica Spencer, Brian Maguire.

#### **17 – 05 – 040 Chair's Introduction**

*Conflicts of Interest*- The Chair requested members to declare any conflicts that they may have with the agenda items and reminded members to advise her of any conflicts that may arise during the course of the meeting.

*Aosdána Working Group*- Members were informed that the Arts Council is continuing to seek a meeting with the Toscaireacht and that John McAuliffe, Deputy Chair, will now lead out on this approach with the intention being to commence discussions by the end of June. Members were also informed of the parallel intention to consult with the wider Aosdána membership. Members were updated on the broad range of matters to be put forward for discussion. Following detailed discussion members **agreed** the approach outlined.

#### **17 – 05 – 041 Minutes of the Plenary Meeting 26 April**

The following corrections were agreed:-

17 – 04– 031 *Director's Report- Gender Equality Policy*- '--- Members also referenced the need for funded organisations to have a gender policy in place **as appropriate**---.

17 – 04– 038 *Any Other Business- Marketing for Arts Organisations*- Members highlighted that many arts organisations need specific support in the area of marketing and asked for consideration to be given to initiating a tailored training programme in partnership with a university with recognised expertise in marketing.

The Minutes of the 26 April Plenary Meeting were **approved**.

### **17 – 05– 042 Matters Arising**

There were none.

### **17 – 05– 043 Appeals Panel 23 May 2017**

The recommendations from the Appeals Panel were as follows:-

#### *Lyric Opera Production*

Sheila Pratschke, Pádraig Ó Duinnín, Loughlin Deegan declared a conflict and left the meeting.

Application Number: A273336- Opera Main-Scale Producer Award- the appeal was not upheld- the panel did not find a failure in the process leading to the decision not to shortlist. The panel recommended that the Executive conduct a review of the communications schedule particularly in relation to non-shortlisted applications. Members **agreed** the recommendation.

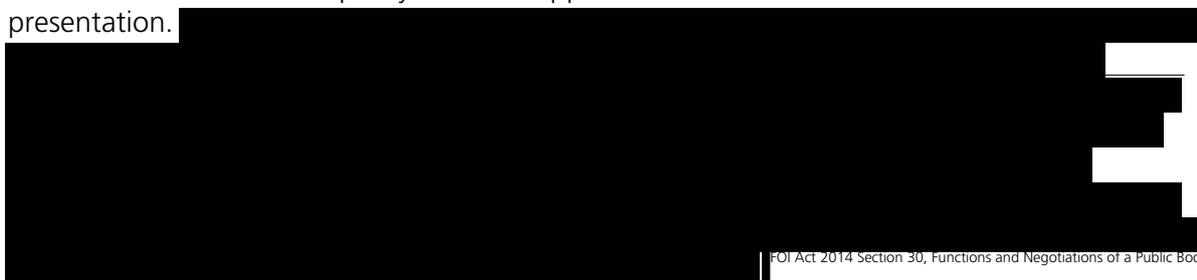
Members also **agreed** that the following actions be taken 1) undertake a comprehensive review of the process upon completion given that this is a new process for the Arts Council 2) ensure that each stage of the process is fully documented 3) ensure allowance for an appeal is built into the timeline. It was also **agreed** that a standstill period of three weeks would follow communication of the outcome of the process to the successful applicant.

Conor O'Grady- Application Number: A273357-Visual Arts Travel and Training Award-Appeal was not upheld- no failure in the process was identified- recommendation that the appellant be asked to reapply with the support of staff, as necessary, to assist in the completion of the application form. Members **agreed** the recommendation.

### **17 – 05– 044 Director's Report**

#### *Venice Architecture Biennale, Irish Tour 2016*

Members noted Council's policy to offer support towards an Irish tour of the Venice Biennale presentation.



FOI Act 2014 Section 30, Functions and Negotiations of a Public Body

#### *RTÉ and Arts Council Memo of Understanding*

Members welcomed and **agreed** the Memorandum of Understanding.

#### *Open Call Panel Composition*

Members were informed that the Panel will meet for one day between the 13-15 June. Members noted the composition consisting of three members of Council, a Chair (non-voting) and two other members as well as international and Irish members. Members **agreed** that those interested in being on the panel should make their interest known to the Council executive.

#### *Arts in Education Charter - Creative Schools*

Members **noted** the update.

#### *Peer Panel Update*

Members **noted** the update.

### *Director's Diary Report*

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

#### **17 – 05– 045 Opera Panel Recommendation**

Members reviewed the recommendation of the expert panel arising from the 'Call for Proposals for Main-scale Opera Provision from 2018'. Members were informed that, subject to Council approval, the Executive will now proceed to negotiate a funding agreement with Irish Opera (a new merged entity comprising Opera Theatre Company and Wide Open Opera).

It was also confirmed that the agreement, with an accompanying budgetary allocation for 2019 and 2020, will come back to Council for approval prior to finalisation. Members **noted** that regional touring will be maintained and will be a condition of the agreement. Members also suggested that it would be beneficial for the new entity to make use of the international panel members' expertise to help develop the new organisation. A range of conditions attaching to the offer were discussed. It was agreed that a working group of Council members and the executive will meet regularly with the new entity to oversee implementation of the conditions.

Members **agreed** the recommendation. Members also thanked Liz Meaney, Arts Director, and Niall Doyle, Head of Music & Opera, for their successful coordination of the panel process.

#### **17 – 05– 046 Reports**

*ARC Committee 8 and 23 May 2017 (incl Annual Committee Report)*

Kevin O'Donovan, ARC Chairman, joined the meeting and presented his draft report.

The ARC Chair advised that the draft report was subject to change pending resolution of a number of matters with the C&AG and receipt of legal advice on reporting requirements in relation to the works of art issue and undertook to present a final report at the next available opportunity.

The ARC Chair highlighted the following matters from the draft report:

- Financial Statements 2016- Members were informed on progress with the C&AG and the remaining three issues namely 1) wording to explain the movement in value/valuation of works of art 2) SIFC wording and 3) Cnuas accounting treatment. Members noted that recommendations regarding the 2016 Financial Statements and related reports would be brought to the next Plenary;
- Preliminary Considerations arising from a review of CoPGSB 2016
  - Challenges on full compliance for 2017 were identified which might mean that full compliance will be difficult to achieve in this calendar year;
  - ARC Skill Set Assessment- this has now been completed with the exercise confirming that ARC has the full complement of skills required for it to discharge its functions;
  - Independence- it was recommended that the ARC Chair asks that in addition to the current conflicts of interest check for all members, that Council Members further confirm that no item on the agenda presents an independence challenge to them having regard to any conflicts of interest already declared to Council;
- Performance Improvement observations arising from ARC 2016 review of activities
  - Maintain full Committee Membership- ensure plans are proactively put in place as members near retirement to recruit new members;
  - Agree formal arrangements to cover timing of ARC meetings and the form and nature of the report to be made to Council;
  - Consider appointing a Council Member to chair the ARC in the future;

- Annual Report 2016 has been reviewed;
- Cnuas accounting- Members were updated on background, C&AG recommendation and the majority recommendation from ARC. Members noted the dissenting opinions of the ARC Chair and one other member of ARC on this recommendation and the reasons therefor. Members were also advised that in the event the C&AG position on the accounting treatment for the Cnuas was ultimately accepted by Council then the ARC Chair would be obliged, through his understanding of the ethical rules of his professional body, to signal his intention to resign;
- Works of Art- Members were updated on the background to this item in particular the proposed accounting and disclosure notes were discussed and reference to the impact on the SIFC was also highlighted;
- Defined Benefit Pensions- Members were taken through the key assumptions and the material nature of both the liability and matching assets;
- Governance arrangements for grantee agencies- a full background was provided and a status update on its implementation provided;
- Irish Translation of Annual Report & Accounts- Members were informed that an independent process is now in place to ensure the appropriateness of the translation but that ARC did not have the combined skill requirements to offer comfort to Council on this process;
- Statement on Internal Financial Control
  - Requirements of 2009 Code- were highlighted;
  - Works of Art- the proposed wording provided to the C&AG was discussed;
  - Additionally members were informed that legal advice has been sought in relation to reporting requirements;
  - Un-remedied internal control recommendations- highlighted the need for recommendations to be implemented in a timely manner. Members were informed of a new implementation protocol agreed by management and now proposed by ARC to Council;
- Expense Policy for Council and Committee Members- Members were updated on discussions at ARC and clarifications provided by the C&AG. Members were informed that ARC, by a majority vote recommends no change to current policy. ARC Chair reported that he had a dissenting opinion on the matter of requiring subsistence claims to be vouched and one other member abstained on the vote.
- Private Meetings with C&AG and Mazars- Members were informed that both the C&AG & Mazars complimented the finance team in terms of preparedness for the audit engagement, quality of audit deliverables and transparency in highlighting issues for discussion/resolution.

Members agreed the recommendations in relation to independence of Council members on ARC, performance improvement observations in relation to the activities of ARC, protocol on timelines for resolution of un-remedied internal control recommendations and the expense policy for Council and Committee members. Members noted that the ARC's final recommendations on the financial statements, Statement on Internal Financial Control and Annual Report would be presented at the next meeting together with the updated report from the Chair of the ARC.

The report and recommendations of the Audit & Risk Committee were **agreed**.

*Policy & Strategy Committee Meeting 24 May 2017*

John McAuliffe, Committee Chairman, updated Members highlighting the following:-

- The Audience Strategy was **agreed** subject to the inclusion of readership and library usage in the definition. Council also **agreed** to the inclusion of digital platforms as a means of making and creating work for public engagement beyond dissemination and distribution only;
- The guidelines for the new funding programme were **agreed** subject to changes. It was further **agreed** that the announcement of the new Strategic Funding at information clinics in July would be presented in the context of the full funding framework to include; Projects and Programmes, Partnership, Development and Artists' Support.

The report and recommendations of the Policy & Strategy Committee were **agreed**.

Members separately agreed that the 2017 Grants Plenary meeting would take place on the 5, 6 and 7 of December.

#### **17 – 05– 047 Aosdána Cnuas**

Members **approved** the recommendations. An appendix is attached to the Minutes.

#### **17 – 05– 048 Awards**

*Projects (Round 1) 2017*

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

*Festivals and Events (Round 2) 2017*

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

#### **17 – 05– 049 Culture Ireland**

Mary McCarthy, Chairperson, and Christine Sisk, Director, joined the meeting. Stephanie O' Callaghan, Arts Director and Fionnuala Sweeney, Head of Film and International, also joined the meeting.

Members received a full presentation on the various initiatives being undertaken and the areas of alignment with the Arts Council. Following the presentation a detailed discussion followed. Members welcomed the opportunity to meet and discuss matters and the possibility of a regular meeting between the Council and Culture Ireland's Expert Advisory Committee was tabled for further consideration.

#### **17 – 05– 050 Any Other Business**

*Eamon Quinn Belmont Award for Contemporary Music*

Members welcomed and **noted** the award.

*Stephen McKenna RIP & Barbara Warren RIP*

Members **noted** their passing with sadness.

There were no other matters for consideration.