

Minute 8  
2019/20

Exemptions

FOI Exemptions:

Section 2, page 1,	Data Protection Section 1.1
Section 2, page 1,	FOI Exemption Section 43
Section 3, pages 1- 2,	FOI Exemption Section 43
Section 3, pages 1- 2,	Data Protection Section 1.1
Section 4, page 3,	Data Protection Section 1.1
Section 4, pages 3-4,	FOI Exemption Section 43

CONFIRMED



**Minutes of the meeting of the Board of the Arts Council  
On Friday 28 February 2020 at 12.00pm  
Held in the Antrim Room, Ulster Reform Club, Royal Avenue, Belfast**

**1. ATTENDANCE**

**PRESENT**

John Edmund (Chair), Katy Radford (Vice Chair), Cian Smyth and Siun Hanrahan

**IN ATTENDANCE**

Roisin McDonough (Chief Executive)  
Geoffrey Troughton (Director of Finance and Corporate Services)  
Debbie McKibben (DfC, Head of Arts Branch)  
Ciaran Scullion (Head of Music) *(item 4 only)*  
Damian Smyth (Head of Literature and Drama) *(item 4 only)*  
Lorraine Calderwood (ADO Programmes Officer) *(item 4 only)*  
Diane Dillon (Assistant to the Board and Directors)

**APOLOGIES**

Noirin McKinney (Director of Arts Development)

The Chair opened the meeting at 12.15pm.

**2. DECLARATIONS OF INTEREST**

[REDACTED] Board member [REDACTED] declared an interest under Item 4.  
[REDACTED]

**3. [REDACTED] BUSINESS CASE**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Chief Executive took the opportunity to express her thanks to the Director of Finance and Corporate Services and the Director of Arts Development and [REDACTED] team who collated the information for the Business Case.

The Chief Executive invited comments and questions from the Board.

[REDACTED]

[REDACTED]

At 1pm, the Chair proposed to put the discussion [REDACTED] on hold in order to facilitate the Heads of Department who were to join the meeting to discuss Item 4; this was agreed.

[REDACTED] ***Head of Literature and Drama,*** [REDACTED] ***Head of Music and ADO Programmes Officer,*** ***joined the meeting at 1pm.***

#### **4. ANY OTHER BUSINESS**

The Chief Executive provided an update on the appeal that was heard against a High Court judgement by Madam Justice McBride who ruled that the Charity Commission could not make decisions by management acting alone and with presumed delegated authority. This decision established the principle that decision making rested with the Board and militated against the continuation of decisions made under delegated authority. The judgement by Justice McBride was upheld on appeal. It is understood that the McBride decision was arrived at on the basis of the wording of the primary legislation that established the Charity Commission.

It is understood that similar wording was used in ACNI's founding legislation. That being so and to ensure that ACNI was acting in line with the legislation, the Chief Executive requested that the Board approve grant decisions previously delegated to management but noted by the Board. For the sake of clarity, it was noted that the McBride judgement

applied only to Exchequer funding and not Lottery funding. However, for expediency the Chief Executive sought Board approval for all the Grant Delegated Decisions in three parts:

1. Delegated Decisions 2019/20 previously noted by the Board, up to the date of the last meeting on 29 January 2020, to be approved retrospectively by the following resolution.

*"It is hereby resolved that all 2019/20 Delegated Decisions previously reported to the Board and noted are now approved and recorded as agreed".*

Proposer [REDACTED] Seconder [REDACTED] Approved by the Board.

2. Delegated decisions 29 January to 26 February 2020 (list attached) for approval. Capital Spend for Equipment (pending receipt of DfC budget allocation) attached for approval. [REDACTED] (DfC) advised that budget allocation had been confirmed.

The Board approved the list of Grants allocated 29 January to 26 February 2020. The Board approved the list of Capital Spend on Equipment.

Proposer [REDACTED] Seconder [REDACTED] Approved by the Board

3. Agreement that decisions made before financial year end will be circulated to the Board by email for unanimous approval.

In order to mitigate risk, the Executive would seek approval by email for Grants awarded 27 February to 31 March 2020. The Director of Finance and Corporate Services advised that there are a small number of programmes due to close mid-March.

The Board agreed to approve any outstanding decisions on submission of the appropriate paperwork by unanimous agreement for the remainder of this financial year.

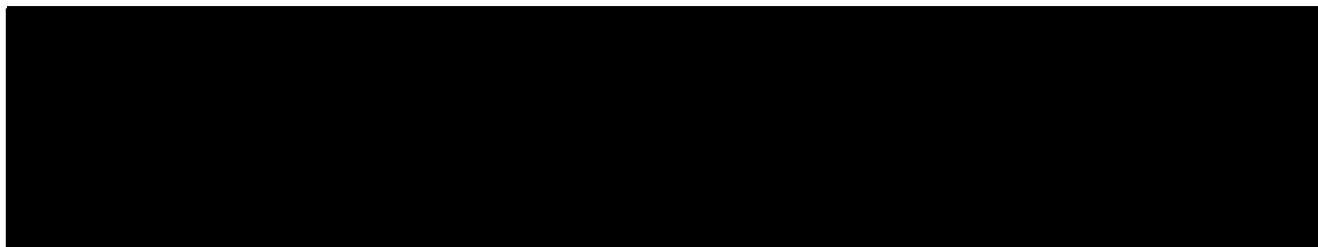
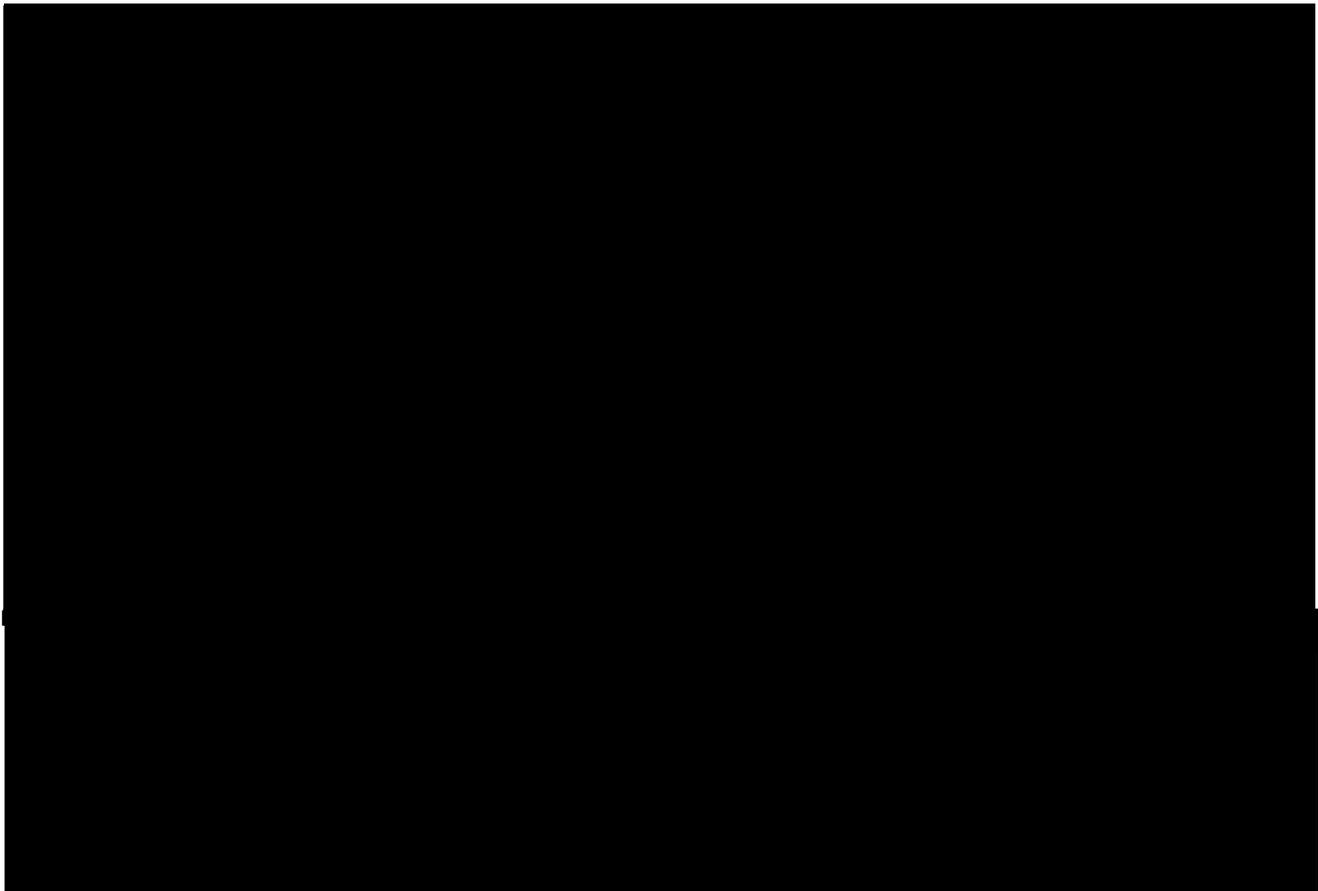
The Director of Finance and Corporate Services suggested that it was his expectation that remedial legislation will be drafted for the Assembly to overturn the effect of the ruling. It is envisaged that DfC will offer guidance in this regard.

The Chief Executive noted that the next round of Exchequer funding to be allocated would be AFP and that the Board authorises these decisions and that as such this is not a problem. As the ruling does not apply to Lottery, the Chief Executive does not anticipate any other major decision making until the autumn.

The Chair thanked the Head of Literature and Drama, the Head of Music, and the ADO Programmes Officer for attending the meeting.

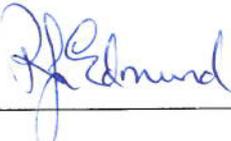
***The Heads of Literature and Drama and Music and the ADO Programmes Officer, left the meeting at 1.15pm.***

## **BUSINESS CASE**



**5. DATE OF NEXT MEETING**

Thursday 9 April 2020 at 2pm via Skype.

Signed:   
John Edmund (Chair)

Date: 9<sup>th</sup> April 2020  
9 April 2020