

Minutes of the 190th RBG Kew Board of Trustees hybrid meeting held on 7 October 2021 at Cambridge Cottage, Kew, and Microsoft Teams

Trustees:

In person

Dame Amelia Fawcett	Trustee (Chair)
Catherine Dugmore	Trustee
Chris Gilligan	Trustee
Krishnan Guru-Murthy	Trustee
Sir Paul Nurse	Trustee
David Richardson	Trustee
Jantiene Klein Roseboom van der Veer	Trustee

Joined via MS Teams:

Nick Baird	Trustee
Professor Liam Dolan	Trustee (Queen's Trustee)
Sarah Flannigan	Trustee (pm only)
Sue Hartley	Trustee

In attendance:

Ian Graham	Trustee in waiting
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Executive Board

Richard Deverell	Director
Alex Antonelli	Director of Science
Richard Barley	Director of Horticulture and Learning
Sandra Botterell	Director of Marketing and Commercial Enterprise
Ian McKetty	Chief Information Officer
Meredith Pierce Hunter	Director of Foundation
Fern Stoner	Director of Resources

Secretariat

Balwinder Allen	Board Secretary (Minutes)
Rachel Pan	Head of Governance and Director's Office

1.	<p>Chair's introduction and welcome</p> <p>The Chair welcomed all attendees to the meeting and extended a special welcome to Lord Benyon, Lead Defra Minister with responsibility for RBG Kew (replacing Lord Gardiner from May 2021) and his Private Secretary [<i>Information redacted under s.40 of the Freedom of Information Act¹</i>].</p> <p>Congratulations were conveyed to Krishnan Guru-Murthy who had been reappointed as Trustee for a second term from 1 January 2022 to 31 December 2024. The new recruitment campaign for Trustees was now live, and three appointments with expertise in financial/audit, EDI/Outreach, Government/Public Sector and Global/International had been advertised.</p> <p>The Chair noted that it was Nick Baird's last Board meeting after six years as an RBG Kew Trustee. He had been an outstanding Trustee, supporting Kew in numerous ways: Finance Committee (recently its Chair), member of Remco, Chair of Kew International Medal Panel, Trustee of the Kew Foundation Board, and member of the Government Affairs working group. Nick had brought excellent government and commercial expertise to the Board and would be greatly missed.</p> <p>The following updates were noted: -</p> <ul style="list-style-type: none"> It had been a very busy summer for external visits – including COP26 Ambassadors, John Kerry (US Special presidential Envoy for Climate), Alok Sharma (COP 26 President) with the President of Kenya, and HRH Prince of Wales with the President of Gabon. In addition, Kew was delighted to welcome the Secretary of State for Defra (George Eustice MP) on 11 October 2021 The 14th Kew International Medal had been awarded to Professor Partha Dasgupta on 2 September 2021 at a special ceremony at Kew. Nominations were now open for the 2022 winner; Trustees were invited to put forward names of potential nominees
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2.	<ul style="list-style-type: none"> • RBG Kew had been recognised by the Guinness Book of World Records as having the 'largest collection of living plants at a single-site botanic garden' <p>Apologies Apologies for absence were received from Judith Batchelar and Pippa Wicks. Apologies for the morning session were also received from Sarah Flannigan.</p> <p>Declaration of Interest No declarations of interest were declared.</p>
3.	<p>Minutes of the meeting held on 24 June 2021 The Minutes of the previous meeting held on 24 June 2021, were approved as a true and correct record.</p> <p>Actions Log and Decisions Log The Actions and Decisions Log was noted by Trustees.</p> <p>Matters Arising It was noted that all Matters Arising were covered in the agenda.</p>
4.	<p>Director's Report The Director's Report was noted. The Director updated Trustees on the following: -</p> <ul style="list-style-type: none"> • COP26: Kew would have a display at the heart of COP at the UN Pavilion (Kew was one of only four organisations and the only UK organisation at the Pavilion) • There would be a follow-up with each of the CEOs that accompanied HRH The Prince of Wales visit in September 2021 • Pay and retention: this continued to be an on-going concern, particularly as it was the second year of no pay increases for staff and there had been an uptick in turnover. The Trustees agreed with the importance of rewarding staff properly and staff retention. <p>In the discussion, Trustees noted the following points: -</p> <ul style="list-style-type: none"> • On tracking Kew's targets to become climate positive by 2030, implementation plans would be prepared, including key metrics, timescales, and appropriate accountabilities. It was agreed that a dashboard (1-2 pages long) would be created to highlight the most important key indicators for each of the strategies (a very prioritised list of metrics was emphasised) and shared with Trustees on a regular basis to show progress/updates AP1: RD/FS • It also was suggested that Kew do more to help the public figure out what they can do in their own backyards to make a difference (for example, using signage in the gardens) • Press coverage on all three of Kew's strategies, including the Science Strategy, had been very positive • The CSR bid included bids on digitisation and funds to progress works on the Science Quarter (SQ) • Trustees were pleased to note Defra's funding of the sustainable forestry management project in Madagascar - a flagship venture illustrating Kew and UK science working together to help meet climate challenges • It was thought that Kew was well placed to support Defra, especially on international biodiversity, including COP15 in 2022. Other significant projects would further allow closer working relationships between Kew and Defra for mutual benefit • The potential reduction in funding for digitisation in the CSR bid was noted. Due to rising concerns on possible damage to the collections, a recommendation would be made to the Finance and Resources Committee in November 2021 that once funding had been received, Kew would proceed to digitise all of the collections in full. The balance of the funding (approx. c£20m) would be sought from philanthropy and a long-term government loan.

5.	<p>Finance Report</p> <p>The Director of Finance reported that: -</p> <ul style="list-style-type: none"> • Q1 re-forecast showed Kew on track for a balanced position at year end • Finance performance had been a mixed year to date: lower than expected visitor numbers due to poor weather; however, membership, unrestricted fundraising, and other commercial income had performed ahead or in line with expectations • Half of budgeted central contingency had been released to offset performance downside • Additional operating expenditure budget had been released to directorates to allow activities to progress where paused • The CSR bid also included funding for capital infrastructure, predominantly for estates and the backlog of building requirements across both sites (also a small amount for IT and science equipment) • Work had started on 10-year modelling to deliver on the Manifesto for Change, including prioritisation of projects and funding. This work would be submitted to the next Finance and Resources Committee in November 2021 and shared with the Board at its meeting in March 2022. <p>In discussion, the following points were noted: -</p> <ul style="list-style-type: none"> • Budget targets should not be changed in-year • Concerns on staff pay: The Director of HR was conducting a review on staff pay and Kew's longer term pay ambitions, including costings. An initial update would be shared with the Finance & Resources Committee at their November 2021 meeting and with the Board in March 2022. It was recommended that the report include the following: - <ul style="list-style-type: none"> ○ the numbers of staff on low pay ○ where there were pinch points (e.g., areas with difficulties in recruiting) ○ areas/departments most impacted which could hamper Kew's ability to deliver its strategic objectives ○ A general overview of different needs of each of the departments at Kew (one size does not fit all). <p>The importance of staff retention and appropriate pay was restated.</p> <ul style="list-style-type: none"> • An update on working from home: a hybrid working model had been introduced from September 2021 for staff able to work in this way and would be reviewed after six months. The importance of connection to the gardens, staff commitment to the mission of the organisation, and interactions (especially where visitor experience was relevant) were also noted. • The work with Greensphere Capital (a sustainability investment firm) to explore a joint venture to commercialise Kew's Science IP was flagged and would be submitted to the December 2021 Board meeting.
Session 1: Strategy	
6.	<p>Lord Benyon – Defra's priorities and Kew, followed by Q&A</p> <p>The Chair invited Lord Benyon (LB) to give his first impressions of Kew, how he saw Kew's priorities, including alignment with government priorities, and how to build relations with government for mutual benefit.</p> <p>LB gave a brief outline of his background and career. He emphasised the importance of Kew, noting that it was an extraordinary brand with global reach. Praising Kew's involvement in COP26, he noted that the environment and climate change were high priorities for government, and that Defra (and in turn Kew) had a key role to play in helping deliver on these objectives. He outlined his concerns on animal and plant diseases and his desire to create a strong bio secure country and culture that was backed by science to help protect against such threats and diseases.</p> <p>The CSR bid was discussed and the importance of pitching it well with regular engagement was noted. The support in Treasury was also noted. Looking ahead, LB paid tribute to Kew's work with Defra on plant health and forest protection. One of his responsibilities</p>

	<p>was to mobilise green finance into the environment and he hoped to engage Kew with this work. He also aimed to utilise Kew for Defra’s international work and to become more involved in Trustee recruitment. He planned to visit Wakehurst at the earliest opportunity and would encourage his fellow ministers to visit both sites (and the Herbarium). LB enjoyed a close working relationship with Zac Goldsmith, who would be crucial to Kew’s international focus.</p> <p>In the questions and answers that followed, the importance of Kew as a scientific research institution and how it could contribute to the Prime Minister’s vision of the UK as a science superpower was discussed. Additionally, it was noted that Kew played a key role because (a) it carried out plant science that contributed to economic opportunities (agriculture, industry) and (b) the government’s sustainability agenda, where understanding biodiversity was critical to the protection of the natural world.</p> <p>Defra and government’s investment was urgently needed to support Kew’s herbarium, digitisation, and research buildings. LB stressed his support for Kew’s ambitions and the Science Quarter (“Kew’s Herbarium probably is the most important in the world”) and said that he understood the urgency and need for investments in these areas. He encouraged a meeting at Kew with Jo Churchill, the new minister in Defra, who was working on the Prime Minister’s gene-editing agenda. However, the multi-dimensional funding demands on Defra meant finances were stretched, and, noting his support for the important work being carried out at Kew, LB said that he would continue to make the case to Defra.</p> <p>In response to a question on how to make better connections between Defra and the FCDO, it was recommended that engagement on areas of mutual benefit were likely to have greater chances of success. Building relationships was key.</p> <p>On a point on Kew’s history and the desire to ensure Kew is an inclusive place that welcomed all communities, LB noted his support for Kew and extending its reach.</p> <p>On the matter of green finance, LB discussed how the private sector had a key role to play in this matter, the importance of dialogue and keeping green finance honest, ensuring commonality of purpose, and ensuring that Defra used organisations like Kew to advise (LB suggested that Kew could be very helpful to the Defra Green Finance team). The Chair recommended engagement with The Prince of Wales’s Sustainable Markets Initiative.</p> <p>On behalf of Trustees, the Chair thanked Lord Beynon for his valuable advice, support, and input, which was greatly appreciated.</p>
7.	<p>Government Affairs Update</p> <p>Trustees were updated on progress on plans for COP26¹: talks were continuing with Defra’s COP Unit, UNFCCC², BEIS³ and others, on opportunities to position Kew and illustrate nature-based solutions. It was hoped there would be opportunities to engage with FCDO⁴ too. Trustees were encouraged to put forward any names within government and others where contacts should be made. The central positioning of the Kew display and its prominence was noted. Grateful thanks and congratulations were conveyed to all those involved across Kew on COP26.</p> <p>Supporting activities to COP26, including online, webinars, events, interpretation in the gardens, were queried. In response, it was noted that there were continuing liaisons between teams across Kew on how best to integrate the work, including digital, science, horticulture and communications.</p> <p>It was agreed that a list of links to all the various webinars and important events/news be shared with Trustees before COP26. AP2: Fern Stoner/Vicky Harrison Neves</p> <p>1. COP26: 26th meeting of the Conference of Parties 2. UNFCCC: United Nations Framework Convention on Climate Change 3. BEIS: Department for Business, Energy & Industrial Strategy 4. FCDO: The Foreign, Commonwealth & Development Office</p>

8.	<p>Herbarium Risks</p> <p>Trustees noted that the paper had been considered at the recent Audit & Risk Committee (“ARC”) meeting and that the Herbarium was ‘red’ on both Kew’s risk register and Defra’s risk register (for at least six years). Although there was an ongoing programme of improvements to protect the Herbarium collections which had helped reduce risks, these had not been fully eliminated, and it was considered that the status quo was not acceptable. The immediate, mid-term and long-term options to address the risks, as outlined in the paper, were noted.</p> <p>The Chair of ARC noted that the Committee was increasingly concerned at the level of risk which Trustees were continuing to have to bear. These concerns had been discussed and noted previously. The Committee was supportive of the suggestions outlined in the paper and urged that steps and actions be put in place now to enable progress to be made as urgently as possible, to help reduce the risks further. This was essential, given that complete digitisation of the collection was 3-4 years away and the Science Quarter probably 10 years away.</p> <p>The Director, acknowledging the concerns, outlined the actions needed to reduce the risks. A fork in the road decision on whether to move the collections to a temporary fireproof base in the interim, whilst maintaining the longer-term aspiration to build a new fit-for-purpose Herbarium, was noted. Trustees stressed the need to consider this fork in the road decision early.</p> <p>The importance of understanding the scientists’ concerns, reviewing how they used the building and collections (including how quickly material was needed and the logistics of creating access), was emphasised. The Director of Science noted that such work was on-going, and discussions were also being held with other organisations that had digitised their collections (e.g., Sydney, Copenhagen, etc.) to see how access had changed following digitisation. Technology, e.g., Artificial Intelligence, was also being considered. The fact that the collection is not just for use by scientists in the UK but is used by scientists from many countries needs to be considered when investigating where it should be located—this means a remote location may not be possible.</p> <p>Noting the concerns raised by ARC, Trustees approved the recommendations and actions, as outlined in the paper (page 39). A tour of the Herbarium followed.</p>
Lunch Break	
8a.	<p>Reflections from Morning Session</p> <p>The Chair recommended that consideration be given to a short video which highlighted the risks to the collections (e.g., leaking roofs), which could be shared with corporates, used for fundraising, and to update Defra on the urgency of risks.</p> <p>Trustees noted that Lord Beynon was very supportive of Kew and that he understood the importance and urgency of the matters that had been discussed, including science, digitisation, pay and Trustee appointments. Engagement with the Secretary of State was essential. On the matter of moving the collections to Wakehurst, the North of England or <i>[Information redacted under s.36 of the Freedom of Information Act²]</i> it was emphasised that it was important to ensure that a full analysis of all the options be carried out and that these were evidence-based and factual. Scientific access, Kew’s profile and sustainability were important factors.</p>
Presentation	
9.	<p>Fundraising at Kew (including Foundation Charity)</p> <p>The Director of Foundation gave a presentation, noting the request was from the Board Effectiveness Review (December 2020) to explain the work and purpose of the Foundation Council. In view of the forthcoming Campaign, the presentation also covered the overall remit and purpose of the Foundation, role of the Foundation Council, purpose of the separate Foundation Charity and Enterprises, fundraising performance and recent highlights, and the status of the campaign and aspirations.</p>

	<p>The following points were noted in discussion: -</p> <ul style="list-style-type: none"> - The Campaign Goal likely to be in the range of <i>[Information redacted under s.36 of the Freedom of Information Act²]</i> - Trustees could help support the Foundation by reaching out to their personal and professional networks for support, help identify future Council members, help identify potential patrons and join in the target of 100% giving by all Trustees - Any newsworthy item/s should be press released to raise awareness and help get Kew's message out more widely - Large foundation supporters (e.g., Wellcome Trust, Garfield Weston etc.) were very active supporters. The Foundation worked closely with the Science Directorate to help identify projects and research grants that could be funded by these donors - On the list of possible campaign projects, understanding the magnitude of each of the projects listed, the impact they would have on Kew and how they all fit together were important factors - On digitisation it was suggested that some donors/countries/foundations could be approached to digitise a portion of the collection that was of interest/relevant to them—for example, the plants of a particular country, medicinal plants etc <p>On each of the projects, it was explained that a case was put together (working closely with the Science and Horticulture Directorates) which then followed the relevant governance processes for approval. Although there was a clear steer from some donors on what they wanted to fund, others who were 'prospective' donors would be invited to fund specific projects.</p> <p>It was agreed that when ready, the slide headed 'Moving to a theme-led structure' be updated with projects and approximate funding targets and shared with Trustees, for information.</p> <p style="text-align: right;">AP3: Meredith Pierce Hunter</p>
	Session 2: Items for Review/Approval
10.	<p>Gene Editing (GE) and Genetic Modification (GM)</p> <p>The Deputy Director of Science submitted a draft policy statement on GE, noting that the government had recently signalled a new policy direction on genetic modification, and specifically, gene editing. Kew's previous public policy was out of date and did not directly address the topic of GE. The statement had been approved in principle by the Executive Board and input had also been sought from Science Advisory Committee.</p> <p>In discussion, Trustees raised questions on some of the details in the statement. <i>[Information redacted under s.36 of the Freedom of Information Act²]</i></p> <p>Trustees agreed that it was important to be clear on the evidence submitted. As the subject was garnering increasing media and public interest, it was important to get it right. The non-science Trustees also needed to be comfortable with the message. It was commented that Kew should not be slow in getting the message out, and, as a scientific organisation, should be at the forefront on such topics. However, the Trustees stated that Kew should not talk in public about the issue without finalising the policy first.</p> <p>Following further discussion, Trustees agreed that a short policy statement (approximately 6-7 lines) be written on Kew's gene-editing and accompanied by a longer piece, with greater explanation (the latter to be written with the public in mind). Both pieces to be circulated to Trustees for approval via email. (Sir Paul Nurse offered his support to help edit the pieces).</p> <p style="text-align: right;">AP4: Paul Kersey</p>
11.	<p>Pricing for Kew Gardens, Wakehurst and Membership</p> <p>The Director of Marketing and Commercial Enterprises introduced the item, noting that when considering pricing strategy for 2021/22 two main goals were to:</p> <ol style="list-style-type: none"> a. maximise revenue to ensure Kew's national collections were maintained to a high standard, and

- b. to ensure Kew remained as accessible as possible to as many people as possible; this was a critical part of delivering Kew's 'extending reach' priority in the Manifesto for Change.

A short presentation outlining the pricing strategy for 2021/22 was noted. Substantial market research had found that, in the wake of Covid-19, many households had less money to spend on days out. Therefore, it has been recommended that there were no increases to any of the headline prices for 2021/22 and that advance rates be reduced. This would not only give people an opportunity to secure cheaper tickets but encourage a pattern of early booking which would help maximise revenue.

Other recommendations to improve accessibility include reductions to Child and Young Person rates, maintaining free tickets for NHS workers and a reduced rate for entry after 4pm. *[Information redacted under s.36 of the Freedom of Information Act²]* The new reduced pricing (£1) would be advertised via a number of channels, including via website and social media, and also at Citizen Advice Bureaus, Libraries, Local press, and government, to get the message out. Trustees stressed the need to make sure Government know the efforts Kew is going to increase accessibility and the boldness of this move, tying it into the Government's own agenda.

WAKEHURST

The Head of Visitor Experience & Commercial at Wakehurst introduced his paper, noting that the Wakehurst 2022/23 pricing proposals were to ensure maximum commercial growth whilst taking significant strides towards increasing accessibility to broaden the range of audiences. The recommended changes included:

- Incremental increases to day entry and membership pricing, ensuring Wakehurst remained competitive relative to key comparators.
- Introduction of a range of new or extended pricing initiatives that would contribute to extending and diversifying reach, including a community access scheme, universal and pension credit pricing, blue light card scheme, car-free pricing and late entry discount.

Future pricing proposals would need to take account of the Wakehurst Development Plan. Detailed market research in 2022 would be conducted to understand how the market would respond to pricing changes as the Development Plan took shape.

Trustees welcomed the new initiative aimed at targeting those who did not have access to a car as well as encouraging others to travel to Wakehurst by sustainable modes of transport. The longer-term issue of access e.g., minibus from the station, would continue to be explored. Consideration was also being given to providing charging points on site for electric vehicles.

Trustees [approved](#) the following pricing:

Kew Gardens to commence from 1 November 2021 (membership pricing to take effect from April 2022):

- Maintain the "on the day" price of £19.50 (level with 20/21)
- A reduction in the advance price ticket to £15 (£2.50 lower than 20/21)
- A change to the time at which all advance prices are available from 1 day in advance to 2 days in advance
- A reduction in the Child "on the day" price to £5 (£1 lower than 20/21)
- A reduction in the Young Person "on the day" price to £9 (75p lower than 20/21)
- Maintain the "on the day" concessions price of £17.50 (level with 20/21) but reduce the advance Local Residents rate to £14 (£1.50 lower than 20/21)
- A reduction in the Family 2x2 "on the day" ticket price to £44.50 (£1.50 lower than 20/21)
- **A reduction in the Universal/Pension Credit price to £1 (£8.75 lower than 20/21)**

	<ul style="list-style-type: none"> - Continue to offer free tickets for healthcare workers and blue light card holders - Continue to offer a discounted rate for entry post 4.00pm - Hold membership prices at current levels. <p style="text-align: right;">AP5: Tom DiMaio</p> <p>Wakehurst to take effect from 1 February 2022</p> <p>Wakehurst pricing as set on page 55 of the pack. In addition, Trustees supported the trial of 50% discount for anyone visiting Wakehurst by public transport, bike or on foot and 50% discount for late-entry ticket (for anyone entering the gardens after 3.30pm between March-October). The reduction in the Universal/Pension Credit would be aligned with Kew's pricing of £1.</p> <p style="text-align: right;">AP6: Jamie Osborne</p>
12.	<p>Achievements from previous Science Strategy</p> <p>The Director of Science gave Trustees a presentation, noting that this year had seen the beginning of a new mission for RBG Kew and an ambitious new Science Strategy 2021-2025, launched in September 2021. It was timely to look back at what had been achieved in the last 5 years.</p> <p>Referencing the Science Strategy 2015-20, Trustees were given a high-level summary of what had been accomplished by Kew Science in the period. The three strategic priorities were highlighted, and attention drawn to the successes of each of the 9 strategic outputs from the strategy. It was noted that Kew Science had expanded and grown exponentially—a real step change.</p> <p>Trustees praised the work that had been carried out to date. The next steps were noted, including work on exploring use of digital technology for identification purposes in the gardens. Progress on the use of Artificial Intelligence was also noted.</p> <p>It was agreed that as a next step, consideration be given to creating seamless integration between the Plants of the World online site with the Plant and Fungal Tree of Life online site, as well as other external sites and data bases (e.g., genomic database).</p> <p style="text-align: right;">AP7: Alex Antonelli</p>
13.	<p>Reserves Policy and Delegated Financial Policy</p> <p>The following updates and approvals were noted:</p> <p>Reserves Policy</p> <p>Trustees approved the Reserves Policy and the increase in the minimum reserves levels from £3m to £4m to reflect the increase in Kew's turnover. The target of general unrestricted reserves levels would remain unchanged from the previous Policy at £7.5m. It was noted that the Policy had included a further ambition to grow unrestricted general reserves to £10m by 2028.</p> <p>Delegation of Financial Authorities Policy</p> <p>It was noted that management was recommending an increase in the levels of Delegated Financial Authority for the Director of Resources and Director of Estates to take account of changes in responsibilities from April 2020. Trustees approved the revised limits in the Delegated Financial Authorities Policy.</p> <p style="text-align: right;">AP8: Fern Stoner</p>
	Items to Note
14.	<p>Madagascar Operations</p> <p>It was noted that the Science restructure aligned Madagascar with Kew's new strategic priorities and brought the manager of KMCC into the senior management team to improve oversight. Work had been undertaken to improve financial controls in the Madagascar office in response to audit recommendations. ARC had welcomed progress at their September meeting and stressed the importance of achieving the same standards and controls as at Kew. ARC would receive a further update in March 2022.</p> <p>It was agreed that a more substantial item on Madagascar would come to the Board meeting in March 2022</p> <p style="text-align: right;">AP9: Alex Antonelli</p>

15.	Updates from Committees Trustees noted the synopsis updates from the following Committees/Boards: <ul style="list-style-type: none"> • Finance and Resources • Remuneration and Nominations • Audit & Risk • Visitor & Commercial and Kew Enterprises Board • Science Advisory • Foundation Council • Wakehurst Advisory
16.	Any Other Business The Draft agenda for the 9 December 2021 meeting was noted by Trustees. No other business was reported.
17.	Dates of next meetings in 2021/22 The dates and times of future meeting were noted as: <ul style="list-style-type: none"> • 9 December 2021 • 17 March 2022 (Royal Society - TBC) • 28 April 2022 (Strategy Day) • 14 June 2022 (Wakehurst - TBC) • 6 October 2022 • 8 December 2022

End notes

¹ Section 40(2) of the Freedom of Information Act provides that:

Information is exempt where either:

1. disclosure would contravene data protection principles, or
2. disclosure would contravene the right to object under the Data Protection Act, or
3. the information is exempt from the right of subject access under the Data Protection Act.

² Section 36 of the Freedom of Information Act 2000 provides that: Information is exempt if its disclosure under this Act would be likely to have any of the following effects:

1. prejudice collective Cabinet responsibility;
2. inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation; or
3. prejudice the effective conduct of public affairs.