



**Incorporating the Variety Artists' Federation  
MINUTES OF THE ELEVENTH MEETING OF THE 2008/2010 COUNCIL  
HELD AT THE EQUITY OFFICE ON 27<sup>th</sup> and 28<sup>th</sup> APRIL, 2009**

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**Present:** Graham Hamilton (President – in the Chair), Riky Ash, Ian Barritt, Annie Bright, Jo Cameron Brown, David Cockayne, Nicholas Courtney, Michael Cunningham, Nicky Diprose, Dave Eager, Bryn Evans (Honorary Treasurer), Natasha Gerson, Caryl Griffiths, Mark Holden, Barbara Hyslop, Yvonne Joseph, Joseph Kloska, Harry Landis, Mary Lane, Kate McCall, Corinna Marlowe, Paul Mead, Sheila Mitchell, Frederick Pyne, Dennis Ray, Rhubarb the Clown, Jean Rogers (Vice President), Malcolm Sinclair (Vice President), Nicholas Smith, Alan Thompson, Sally Treble, Samuel West, Frank Williams, Tom Emlyn Williams and Christine Payne (General Secretary).

## 11.1 ANNOUNCEMENTS

- a) The President announced that there was an Emergency Motion from the South West Area Committee – this would be dealt with when dealing with matters arising from the Confidential Minutes.
- b) It was announced that, as John Carnegie is away, Patricia Doyle, the Chair of the Theatre Directors' Committee, would be coming to the meeting instead. She would be able to stay for the Agenda items relating to the recommendations and motions from the Theatre Directors' Committee and give advice. Nicky Diprose said that he would like Motion 9.2, relating to diaries to be deferred until the return of John Carnegie. The General Secretary said she would like this kept on the Order Paper in any event so that it was not lost.
- c) Bryn Evans, Honorary Treasurer, requested that claims for expenses in relation to the current meeting specify whether they were for day one or day two. It was possible to claim for lunch and expenses; claims should be submitted as soon as possible.

## 11.2 MINUTES FROM PREVIOUS MEETING

**11.2.1 Minute 10.3.4** - Delete 'Theatrical Managers' and insert 'Theatrical Management'.

**11.2.2 Minute 10.3.7, Line 3**

Delete 'be bringing a report back to Council' and insert 'bring the legal advice back to Council'.

**11.2.3 Minutes 10.3.8 Lines 3 and 4**

Delete 'AGM' and insert 'ARC' and in Line 4 delete 'ne' and insert 'be'.

**11.2.3 Minute 10.3.9 Line 4**

Add the word 'income' after subscriptions.

**11.2.4 Minute 10.3.10, Line 5**

Insert a comma after 'campaign' and after '£400'.

**11.2.5 Minute 10.8 Annual Report, page 99**

Delete 'Sheila Mitchell' in Line 2 and insert 'John Webb', delete the words 'Vice Chair and' in Line 2; delete 'John Webb' in Lines 3 and 4 and insert 'Sheila Mitchell'.

**11.2.6 Minute 10.13**

Add bullet point to points made in discussion as follows:

- It may be necessary to consider extending protection to members' domain names in future.

Add bullet point to points made in response as follows:

- This is a significant development for the Union as it represents a positive and important change in policy to protect a member's trading and business interests.

**11.2.7 Confidential Minutes 10.3.1 Line 27**

In Line 27 delete 'Managers' and insert 'Management'.

**11.2.8 Confidential Minute 10.3.1.**

In Points made in response, final bullet point, delete 'likely' and insert 'unlikely'.

It was proposed by Rhubarb the Clown and seconded by Michael Cunningham that the Minutes were an accurate record of the Meeting. This was AGREED.

It was proposed by Jo Cameron-Brown and seconded by Tom Emlyn-Williams that the Confidential Minutes were an accurate record of the Meeting. This was AGREED.

**11.3 MATTERS ARISING**

**11.3.1 Minute 10.1 b) – Announcements (House of Lords Select Committee)**

A member of the Council queried whether Lord Fowler mentioned the possibility of an apportionment of the licence fee so that £120 million would go to ITV as was reported in a newspaper article subsequent to the visit to the Lords. The General Secretary was not aware of any such comment at the House of Lords session but confirmed that subsequently Lord Fowler had made such a comment.

**11.3.2 Minute 10.2.3 – Learning Disabled Performers**

The Assistant General Secretary (LP) reported that he had undertaken a consultation with the Disability Committee, ITAC, Jane Jessop and Di Christian on the subject of the previous proposals. He will be bringing a further report to Council in the next few months.

**11.3.3 Minute 10.3.1 – Standing Orders, Confidentiality** – part of this Minute was deemed **Confidential** and is therefore detailed in the Confidential Minutes.

In respect of the incidents of leaking of confidential information, The Council decided that no further action should be taken.

An Emergency Motion from the South West Area Committee was also considered under this heading. The Motion read as follows:

'This SWA Committee is extremely concerned that as a result of current confidentiality issues which are preventing Councillors from reporting to Regional Committees on important matters which require a considered response, that the current situation present within the Council is urgently addressed and resolved, so that the Council are able to recommence their duties without the present restrictions'.

The General Secretary's advised that Councillors are limited in what they can report so that a duty of confidentiality would often arise, for example, around ongoing negotiations. This did not seem to be fully appreciated in the Motion as it stands. The General Secretary

recommended that the motion should be NOTED and that she would contact the Committee to explain procedures further.

**Points made in discussion:**

- Mary Lane from the South West Area Committee said that Councillors could be made to look ridiculous due to the limits on what could be reported.
- Will there be a separate debate on the issue of Confidentiality?
- Confidential matters could be more closely defined by changes to Standing Orders.

**Points made in response:**

- The General Secretary said that she would look into bringing together Confidentiality Policy and Standing Orders to see what changes may be needed. A proposal would be brought back to a future Council meeting.

It was proposed by Sheila Mitchell and seconded by Frank Williams that the Motion should be NOTED as recommended. This was AGREED.

**11.3.4 Minute 10.3.4 – Commercial Theatre**

The Assistant General Secretary (LP) announced that there would be a meeting with the Theatrical Management Association (TMA) on 13<sup>th</sup> May at 3.00 p.m. He was contacting the Working Party and a delegation was being put together.

**11.3.5 Minute 10.3.11 – Councillors’ Motions**

Councillor Frederick Pyne wished to know when the Assistant General Secretary (LP) would be meeting with Richard Pulford, Chief Executive of the TMA. It was confirmed that this would be on 30<sup>th</sup> April.

**11.3.6 Minute 10.3.12 - Skype**

The Assistant General Secretary (RM) reported that the Stage Manager’s Committee had attempted to use Skype. However, there had been technical difficulties and they had got a sound but not a visual connection.

**Points made in discussion:**

- Sheila Mitchell wished to know if there had been any progress in relation to the other technical hitches.
- The question was raised as to whether MSN could be an alternative.

**Points made in response:**

- The Assistant General Secretary (RM) said that other technical problems were still under investigation particularly the issues with the MRS database.

- The problem with MSN is that it is not a live feed; in addition, SKYPE is accessible anywhere.

#### **11.3.7 Minute 10.5.4 - TAC**

The Assistant General Secretary (RM) reported that a confidential letter setting out details of ongoing negotiations with TAC had been given to an M.P. This was a clear breach of confidentiality.

#### **11.3.8 Minute 10.7 – Staff Pension Scheme**

Council was informed that a meeting had been arranged involving the Staff Pension Scheme Trustees, the Scheme's Actuary and the Union's Actuary. This would be taking place on 13<sup>th</sup> May.

#### **11.3.9 Minute 10.13 – Legal Cases**

A Council Member wished to know what the immediate legal protection given to Wayne Kennedy was intended to cover.

The Assistant General Secretary (C & MS) answered that there were two possibilities: it was given in order for the Union itself to take action on his behalf or to wait to see if any action was taken against him by The Flying Music Company. The issue would possibly affect other members and the legal position was still being looked at.

The Assistant General Secretary (LP) commented that the decision of Council had opened the door to taking a pro-active approach if this was deemed appropriate following legal advice. It needed to be borne in mind that this was as a result of an appeal from the Staff position which was that no such approach should be taken.

#### **11.3.10 Minute 10.15 Councillors' Motions**

It was agreed that Councillor Sheila Mitchell's Motion about co-opting would be discussed further at the July Council Meeting.

### **11.4 MOTIONS FROM BRANCHES AND COMMITTEES**

#### **11.4.1 Stunt Committee**

The first Motion is one that was submitted and agreed with recommendations but the Committee have unanimously rejected the Officer/SMT's response and would like to re-submit the original motion.

1. If Committee meetings are not quorate on the prescribed day the alternative day then should be negotiated as soon as possible, especially if they are dependent meetings relying on decisions made by these committees.

**Officers/SMT Recommendation** Where it is known in advance that a meeting will not be quorate, it should be cancelled and an alternative date should be found as soon as possible. When a meeting is actually held which is inquorate, it will not normally be reconvened. If there is a requirement to deal with urgent business, then a request can be made for a special meeting to the relevant Head of Department who will decide on the merits of the request.

The Assistant General Secretary (RM) reported that there had been no request for an additional meeting from the Stunt Committee. Councillor Sally Treble commented that Tim Gale had cancelled Sunday meetings. Andy Prodger responded that this was not strictly correct: Tim had not been available for Sunday meetings but alternatives had been arranged. A Sunday meeting had been arranged but it had not been quorate.

The Officers/SMT Recommendation was CARRIED with three abstentions.

2. The Committee recommend that the Minutes, once they have been confirmed, should be available by e-mail on request to the register.

The Officers/SMT Recommendation to support was CARRIED nem con.

#### **11.4.2 Theatre Directors' Committee**

The Theatre Directors' Committee expresses its concern at the number of prospective theatre projects that have to be abandoned before they reach rehearsal due the withdrawal of sponsorship and other means of funding in the current global financial situation. It asks Council to urge the Arts Councils to reconsider their budgeting criteria of insisting on an element of sponsorship in relation to grant funding bearing in mind the lack of sponsorship opportunities and the fact that in the current climate the arts are not seen as any kind of priority by private funders. In addition, the Committee asks Council to launch a campaign to promote awareness of the necessity of theatre for the cultural health of our nation during such times, and, in particular, in the lead up to the 2012 Olympics, where there has to be a global recognition of the pre-eminent role of British theatre and the cultural, political and financial investment it can offer.

**Officers/SMT Recommendation:** In relation to the first part of the motion, this point can be taken up in discussions that occur with the Arts Councils. In relation to the second part, this can be developed through our FEU work on the Olympics and our 'Manifesto for Theatre' working group.

#### **Points made in discussion:**

- Would the £40m Arts Council Hardship Fund help the situation?
- Was this Fund just for theatre?
- It was hoped that these proposals would not lead to modern British theatre being neglected.

#### **Points made in response:**

- The Assistant General Secretary (LP) stated that he and the General Secretary had met with Alan Davey and Liz Forgan from the Arts Council the previous Thursday. The commitment was to give £40m over two years for organizations struggling due to lack of match funding. It would not be possible for

commercial organizations to access these funds. The Arts Council cut is £4m – cuts would not be made to regularly funded organizations.

- The £40m hardship fund was for all performing arts not just theatre.

The Officers/SMT Recommendation was AGREED.

#### **11.4.3 North & North East London General Branch**

Equity has suspected for some time that our members have not received the full benefit of extra funding given to subsidised theatres since 2001 in terms of higher wages and extra "actor weeks" of employment. The suspicion is that these extra funds have been allocated disproportionately to cover administrative and other costs rather than to bolster production budgets and so fund the work for which public subsidy is intended.

We congratulate the members of Equity's staff who have worked hard to gather and collate the financial data needed to make our case: that the performers and stage managers, who actually make the work that subsidised theatres are funded to produce, have yet to receive a fair share of the increased Arts Council funding since 2001.

We call upon Council to recognize the importance of the research which underpins this vital strategic campaigning argument and to prioritise, during the coming year, the allocation of the union's resources to support whatever further research may be necessary to prove our case.

**Officers/SMT Recommendation:** Support, subject to consideration of the cost of any further research.

The Officers/SMT Recommendation was AGREED

#### **11.4.4 Stage Management Committee**

Saturday is a difficult day for theatre practitioners to attend at an Annual Conference. Therefore, the Stage Management Committee requests that Theatre and Variety Motions be debated on the Sunday.

**Officers/SMT Recommendation:** As the Rules give total authority for arranging the business of the Conference to the Standing Orders Committee (SOC), this Motion should be referred to the SOC.

The Officers/SMT Recommendation was AGREED

#### **11.4.5 London Area Committee**

1. The LAC asks Council to reconsider Equity Youth Membership. To question what it offers to the young performer other than explaining what benefits are available to them when they become adults. It seems to exist to provide income for Equity. We also query the joining fee of £25 which could be interpreted as an upfront fee

**Officers/SMT Recommendation:** The Council agreed in September 2008 not to open membership to under 14's but to reconsider the matter in two years time. The recommendation is therefore to reject this Motion.

The Officers/SMT Recommendation was AGREED.

2. With a view to further highlight the effectiveness of Equity and the Council to its members and to increase efficiency, the London Area Committee requests that the Council create an area on the Equity website dedicated to the tracking of motions submitted to the Council.

This area of the site would consist of a list of motions passed by Council including the following information:

- description of the motion,
- amendments (any amendments made to the motion)
- source (who proposed/seconded it from which branch, group or committee),
- category/ subcategory (which area of the industry it affects)
- type (if the motion requires specific action or if it is a motion of support or complaint)
- status (has it been rejected, implemented, completed or does it remain in progress)
- dates (when it was proposed and rejected/passed),
- responsibility (which person, group, department or committee the Council has assigned to implementing the motion),
- updates (an area for the responsible person, group, department or committee assigned by Council to place dated entries for members to keep abreast of progress - this should consist of a paragraph or two that outline actions taken and next steps)

We feel that such a service will provide the following benefits:

- dispel a lot of time spent by Equity staff in answering queries from members about motions passed
- help new members see how their involvement in Equity activities directly relates to their issues and their careers
- empower discussion amongst members in between the various branch meetings, open meetings and general meetings so that they arrive at such meetings more informed and avoid re-iteration of past motions and long discussions about points already resolved
- lend greater efficiency to the resolution of motions
- if we extend the service to allow committees to submit the motions online directly it will cut down on the paper and personnel expenses associated with this process
- highlight the amount of work involved in running Equity so that individuals within the union receive greater recognition for their contributions and the organisation as a whole, including the Council, receives greater respect

To avoid adding more work to the general Equity staff, the LAC proposes putting forward a member to help manage the creation of such a service with the Equity web/communications staff and under the supervision of the Council.

**Officers/SMT Recommendation:** The motions submitted to Council and the Council's decisions on them are usually published on the Equity web site as part of the Council minutes once the minutes have been approved as a correct record by a subsequent meeting of the Council. It would be possible to publish the motions submitted to the Council and the Council's decisions on them on the Equity web site soon after a Council meeting had taken place, but that would be in advance of the Council agreeing the decisions as an accurate record.

**Points made in discussion:**

- Why was there opposition from Officers/SMT to having help with administration?
- The view was expressed that the Motions put forward by London Area Committee are not listened to.

**Points made in response:**

- The view of the Assistant General Secretary (C & MS) was that staff were paid to carry out administrative duties and it would not be reasonable to expect volunteers to carry out these tasks.
- The President commented that a letter goes to Organisers and Branch Secretary with recommendations and reasons which means that Committees are kept informed of outcomes.
- It was commented that there was a good deal of sense in the proposal but that it was not reasonable to expect one member to do this.

The Officers/SMT Recommendation was proposed by Frederick Pyne and seconded by David Cockayne. It was CARRIED with two against

3. The LAC requests that there be only one Thames Variety branch member on the committee but that an additional member-at-large be elected, leaving the total number of places on the committee at 13. This would, we feel, more accurately reflect the large general electorate which we represent.

**Officers/SMT Recommendation:** Oppose

The Officers/SMT Recommendation was proposed by Rhubarb the Clown and seconded by Nicky Diprose. This was CARRIED with one abstention.

**11.4.6**

**London Area Open Meeting**

1. The branch structure does not meet the needs of members who seek to actively and positively engage with their union via other communication routes. This Conference urges Equity Council to create an online branch capable of effectively attracting and servicing the needs of those members.

**Officers/SMT Recommendation:** Support in principle subject to an investigation of practicalities and a further report to the Council.

The Officers/SMT Recommendation was proposed by David Cockayne and seconded by Barbara Hyslop.

**Points made in discussion:**

- One Councillor asked what was meant by an 'online branch'.
- The spirit of the Motion was as an alternative way of being able to vote.

**Points made in response:**

- The Assistant General Secretary (C & MS) said it was possible to have decision-making done online and OSMT were supporting the idea in principle. However, any online branch would be in addition to and not instead of the geographical branch.

The Officers/SMT Recommendation was CARRIED with one against and two abstentions.

2. Late notification of regional AGMs denies members the opportunity to discuss concerns beforehand at Branch meetings and risks members not being free to attend. This meeting calls on Council to ensure that at least two months' notice is given of future Annual General Meeting dates and deadlines for motions.

**Officers/SMT Recommendation:** Support in principle and aim to have the time and venue of each National and Area Annual General Meetings fixed by the end of the calendar year so that they can be publicised on the Equity web site, by e-mail to members and via notices carried in the circulation of the Review of the Year.

The Officers/SMT Recommendation was AGREED

3. This London Area Open Meeting wishes to bring Council's attention to the following letter from over 200 members to The Stage. We hope that the Council will recognise this as a useful contribution to the urgent debate over low and no pay work in our industry.

Dear "The Stage"

We would like to bring to the attention of the industry in general that there are a lot of actors out there who refuse to be exploited and work for nothing/expenses when there is clearly a budget to do so. These actors will possibly not work this year because of it.

What we would wish for is quality from producers not quantity. To those that still might entertain the notion of "Well, if you're serious about your profession then you would be prepared to work for nothing" then you are clearly using it as a convenient excuse to exploit actors.

We would like a level playing field when there is a budget to pay people- if the crew is to be paid then so should everyone, and where there isn't a budget- i.e. student films, new companies, experimental

projects etc then an understanding that no-pay is a means to a (hopefully) creative end, not a way to run a business.

We want to put a stop to producers, mainly in the fields of film and television, putting the actor at the bottom of the food chain and creating an image of the actor that is desperate, unskilled and ten-a-penny.

This is damaging every actor, whatever their skill or experience and putting up a brick wall between the employers and the newer/undiscovered talent, labelling them a risk. By refusing to put up with exploitation, many, many actors work in other jobs for the majority of their time and struggle with the concept that they are still "professional".

Lastly, to all those actors who need to gain some experience in the business, yes we know, We've been there. Building up a CV these days, especially if you're unrepresented, is a tough job. But this industry has changed in the last decade and I think that every actor should think long and hard about the work that they will accept and what image it is sending out about themselves. Yes, still be pro-active and be involved with work that pays little but reaps creative rewards. Creativity is why you came into this business, is it not? It wasn't really to have a bit part in an advert that pays you expenses only when the budget was ample to give you a proper wage?

I personally can't change this industry. I can only change myself and that makes me feel a little better. The people who have added their names to this letter feel the same and we hope that there are plenty more out there.

Signed  
and supported by almost 200 actors

It has long been assumed that actors are unwilling and/or unable to make informed choices about the work that they undertake, leading to widespread exploitation, especially in the area of commercial television. Up until recently that may have been the case. However, there seems to be a groundswell of opinion that actors want to tackle this head-on.

We would wish that the Council raises the profile of this issue even further; both to its members and to the guilty sectors of the industry. This would help the average actor to be confident of his/her rights when they encounter this type of work, from commercial television to student films

Ultimately we wish that, with Equity's help, members can set the standard of what is acceptable practice, giving back all Equity members their respected place in the industry.

**Officers/SMT Recommendation:** Support the principle of the motion and the campaign with staff to develop appropriate tactical interventions with members as required. Equity has issued a very

popular advice booklet 'Low Pay/No Pay Work in Film and Television' which sets out the Union's policy and advice on this matter.

The Officers/SMT Recommendation was AGREED

4. This London Area AGM welcomes the recent announcement of the Government's Dementia Strategy. This will, among other things, make provision for a memory clinic in all towns. A good memory is of vital importance to all our members. Many members worry about their perceived-or feared-loss of memory at different times during their careers often without any real foundation. These worries can lead to a loss of confidence with a severe impact on careers and performance. London branches are urged to keep a close eye on the development of this strategy in their own localities and to make information available to their members as it develops. At the same time Equity members who might be experiencing either some memory loss or early stage dementia should be discouraged from writing to the press drawing attention to their impairment.

**Officers/SMT Recommendation:** Support in principle, but recognise that it is a matter for each individual member whether or not to write publically about themselves.

The President commented that the correct title to these Motions should be London Area AGM rather than London Area Open Meeting to avoid confusion.

The Officers/SMT Recommendation was AGREED

#### 11.4.7

#### **Walk-On & Supporting Artists' Committee**

1. This ARC has to insist that, considering Equity with Specialists do Collective Bargaining (Negotiations) on behalf of our Professional Walk-on Performers. All Negotiated Walk-on Casting Agreements must be Protected at all times and must never be diluted!!

**Officers/SMT Recommendation:** Noted

The Officers/SMT Recommendation was AGREED

2. The 2005 ARC agreed overwhelmingly that Equity should try to achieve an inclusive BBC/ITV and PACT Agreement. However, 4 years later that objective has not been achieved. In the interests of staff time and the cost to the Union the Walk-On and Supporting artists committee urges Equity's Council to impose a time limit for these negotiations.

**Officers/SMT Recommendation:** Overtaken by events

The Officers/SMT Recommendation was AGREED

3. The introduction of Equity's Walk-On & Supporting Artists CD Rom was heralded as a major breakthrough for members who work in that field. Nowadays little is heard of this free service to members. The

Walk-On & Supporting Artists Committee agrees that the Council should regenerate and advertise widely this service.

**Officers/SMT Recommendation:** The production of the Walk-on CD Rom ceased several years ago with the full knowledge and involvement of the Walk-on and Supporting Artists' Committee. Since then, Equity members who are available for walk-on work have been able to list themselves free of charge on the Spotlight web site. This has been publicised in the Equity diary, the Equity magazine, the guide to Equity sent to every new member and the Equity web site. Staff will give consideration, in discussion with the Walk-on and Supporting Artists, to further publicising of this service.

The Officers/SMT Recommendation was proposed by Sally Treble and formally seconded and was AGREED.

4. Each Walk-On and Supporting Artist should be issued with a salary voucher on every Equity Agreement for each day that they work. This system is currently utilised by the BBC and the committee requests that the Equity Council ensures that all the other production companies who operate under different Equity Agreements adopt this procedure.

**Officers/SMT Recommendation:** To incorporate into any discussions on updating Walk-On and Supporting Artist agreements.

The Officers/SMT Recommendation was AGREED with the addition of the words 'as part of our claim'.

5. As Equity is to offer membership to non-professional performers from Community and Youth theatres to assist them to gain professional status, should it also be considering how it can assist non-professional film/TV drama makers to gain professional status that could provide work for Equity members in areas such as the South West where any opportunity for work is extremely limited.

**Officers/SMT Recommendation:** Refer back to Committee as the intention of the motion is unclear.

The Officers/SMT Recommendation was AGREED.

#### **11.4.8 Annual Meeting of members in the South East Area AGM**

This ARC recognises that men and women think differently, look at issues differently, and respond differently. Therefore it is important that women play an equal part in Equity's decision-making processes.

At the last Equity Council elections 31% of the candidates were women though only 22% of those elected were women. This ARC requests the Council to take action to encourage more women to stand for Council, and to encourage the electorate to vote for them when they do.

**Officers/SMT Recommendation:** Support encouraging more women members to stand for the Council, but the Council's own guidelines for

conduct during the Council and Presidential elections currently prevent the union's resources being used to support any individual candidate or groups of candidates. The relevant paragraph from the Rules and Guidance booklet circulated to members during last year's Council and Presidential elections reads: "By long established custom and practice, successive Councils of Equity have decided that none of the resources of the union itself should be made available or used to assist the candidature of any individual member or group of members in any elections conducted under our Rules." It could be a breach of this guideline for the Council to encourage members to vote for women candidates over male candidates.

The Officers/SMT Recommendation was AGREED

**11.4.9 South East Area Committee**

This ARC recognises that men and women often respond to important issues from different perspectives and that differing input from men and women can be extremely valuable. Therefore this ARC believes that Council deliberations would be improved if men and women played an equal part in the decision-making process.

At the last Equity Council elections 31% of the candidates were women though only 22% of those elected were women. This ARC requests the Council to take action to encourage more women to stand for Council, and to encourage the electorate to vote for them when they do.

**Officers/SMT Recommendation:** As above for 9.8

The Officers/SMT Recommendation was AGREED

**11.4.10 Welsh National Committee**

This WNC has strong reservations about the Shakespeare 2012 Project. We feel that Equity as a union should not become, or appear to become, involved in initiating areas of artistic production.

**Officers/SMT Recommendation:** Note the Motion but confirm to the WNC that Equity will specifically not be acting to produce but rather to facilitate discussion amongst branches, etc. in relation to the Shakespeare 2012 project.

The Officers/SMT Recommendation was AGREED

**11.4.11 Minority Ethnic Members Committee**

The Minority Ethnic Members Committee asks the Equity Council to encourage Equity Organisers to invite members of the MEM Committee and other equal opportunities committees to accompany them on drama school visits, cast visits and other recruitment and retention initiatives. This will raise the profile of Equity's commitment to equal opportunities and is intended to encourage a broader diversity of performers to join and engage with the union.

**Officers/SMT Recommendation:** Support

The Officers/SMT Recommendation was AGREED

#### 11.4.12

##### **Members with Disabilities Committee**

The Members with Disabilities Committee asks the Council to agree the co-option of Christopher Harwood to fill a vacant seat on the committee.

**Officers/SMT Recommendation:** Support

The Action requested in the MOTION had already been carried out.

#### 11.4.13

##### **Bristol & West General Branch**

This Bristol & West General Branch urges the Council to provide a detailed individual response to movers of motions passed at the ARC within 6 months of it taking place, in order to keep them informed of the progress of the motion and/or of how it is to be implemented.

**Officers/SMT Recommendation:** This is current practice. Following the 2008 Annual Representative Conference a document containing recommendations on action for each motion passed was approved by the Council at its meeting in July 2008 and subsequently circulated to all branches and committees. An update on action to implement motions was circulated to the Council in December 2008 and sent to all branches and committees.

The Officers/SMT Recommendation was AGREED

#### 11.4.14

##### **Scottish AGM**

1. This Annual Meeting of members in Scotland welcomes the excellent work being undertaken by the Federation of International Artists (FIA) on the employment opportunities and the portrayal of women in the performing arts.

This motion calls upon Equity, in conjunction with other unions and Public Agencies in Scotland, to convene a one day conference/symposium within the next 12 months in Scotland to raise awareness of the career difficulties faced by so many women members in their careers and to explore ways that can help to take a stand against all discrimination, and especially sexism and ageism, in the performing arts and the media in Scotland.

**Officers/SMT Recommendation:** Support subject to budget. No provision has been made in the 2009 budget for this meeting and the Council has already agreed to a deficit budget. Therefore a budget for this conference must be submitted to the Honorary Treasurer and General Secretary as soon as possible so that the Council can give further consideration to this request when the Council receives a budget update on the first quarter at its two day meeting in April.

##### **Points made in discussion:**

- Kate McCall commented that Lorne Boswell in the Scottish Office was working out the budget that would be needed for such an event.
- The General Secretary said that FIA had put in an application for more funding. There would be five or six meetings culminating in a larger-scale event – she proposed that this event could be adapted to fulfil the aims of the Motion.

The Officers/SMT Recommendation was AGREED

2. This Annual Open Meeting of Members in Scotland condemns the proposed job cuts at both the BBC and STV and pledges to offer all possible support to our sister unions, BECTU and the NUJ, to fighting these cuts and a deterioration of standards at our two most important national broadcasting companies.

**Officers/SMT Recommendation:** Support

The Officers/SMT Recommendation was AGREED

#### 11.4.15

##### **East Anglia Variety Branch**

This East Anglia Variety Branch believes that offensive language on TV is increasing, even before the so-called watershed, and ought to be decreasing. In particular the F-word should be banned outright from the airwaves.

**Officers/SMT Recommendation:** This motion is in opposition to the policy opposing censorship agreed by the Annual representative Conference in 2006.

##### **Points made in discussion:**

- If a member did a show on the understanding that it would be shown after the 'watershed' and it was not, would that member get the support of Equity?

##### **Points made in response:**

- We would not involve ourselves unless it was an industrial issue.

The Officers/SMT Recommendation was AGREED with one against.

#### 11.4.16

##### **Brighton and Sussex General Branch**

This branch calls upon the Equity Council to take stringent measures against the leaking of council discussions to the press, or to any other outside bodies, and strongly deplores recent actions that have led to such a breach of confidentiality.

**Officers/SMT Recommendation:** Support

##### **Points made in discussion:**

- What is meant by 'stringent measures'?

##### **Points made in response:**

- The General Secretary replied that this would involve bringing together Conference policies and Standing Orders to arrive at a better idea of what such measures could entail.

The Officers/SMT Recommendation was AGREED

#### 11.4.17

##### **West and South West London Branch**

To help ensure more equal access to the profession, this Conference asks Council to investigate and implement additional routes to membership, including (but not exclusively) training modes other than full-time study, and on-the-job learning through fringe theatre or similar experience.

**Officers/SMT Recommendation:** Support

##### **Points made in discussion:**

- It was suggested that Alyn Gwndaf, Chair of the West and South-West London Branch be involved in these discussions
- One Councillor thought the Motion was too focussed on actors
- The Motion was irrelevant and unnecessary

##### **Points made in response:**

- The Assistant General Secretary (C & MS) said that he would investigate ways in which the Motion could be implemented.
- Looking at the recent issues around Learning Disabled performers indicates why the Motion is important.

The Officers/SMT Recommendation was AGREED.

#### 11.4.18

##### **ICAF**

That Council be asked to allow the committee to appoint Mike Shannon as a member. That Council be asked to allow the committee to appoint Fiona Whitelaw as a member.

**Officers/ SMT Recommendation:** Support.

The Officers/SMT Recommendation was AGREED

#### 11.4.19

##### **Bristol & West General Branch**

The Bristol & West general branch would like to draw your attention to the BERR open consultation exercise (19<sup>th</sup> March – 4<sup>th</sup> June) regarding up front agency fees. We recognise that Equity will be responding to this consultation exercise but as individual responses carry extra weight we ask that the Council uses all of its means of communication to promote this event.

**Officers/ SMT Recommendation:** Support

The Officers/SMT Recommendation was AGREED

#### 11.4.20

##### **North and East London General Branch**

1. The N&E Branch of Equity believes that Student Members should have speaking rights at National and Area AGMs, as they already do at Branch meetings, and calls upon Council to adopt this as Union policy.

**Officers/ SMT Recommendation:** Support

The Officers/SMT Recommendation was AGREED.

2. This N & E London Equity Branch welcomes the proposed conference on broadcasting, especially in the light of recent cuts, but believes it is vital to continue discussions and research towards developing a Theatre Manifesto, which was our original objective. We urge Council to ensure the continuance of the working party dedicated to this organisation and to a conference on the whole field of theatre.

**Officers/ SMT Recommendation:** Support the continuation of the Manifesto for Theatre Working Group and a future Conference perhaps in 2010. The AGS (LP) is advancing the work of liaising with University representatives from Glasgow and Warwick to see whether Equity can work jointly on the development of research. Meanwhile the work of the group will be developed as part of the Sub Rep campaign and future funding work.

The Officers/SMT Recommendation was AGREED.

3. This N & E London Equity Branch urges Council to unite with BECTU to take whatever action is needed to halt the cuts to drama production within ITV, and possible future cuts in other companies. Already 600 jobs and Leeds studios are to go, productions have been cancelled and news services curtailed. We believe savings must not be made at the expense of creativity, Equity and BECTU jobs, and valuable services to the public, and that united and, if necessary, industrial, action must be used to force a change in management strategy.

**Officers/ SMT Recommendation:** The Council, at its last meeting, agreed to write directly to Michael Grade seeking a meeting on the future of ITV and the impact of new works involving our members. As with any commercial company in the current economic climate, simply saying take action to halt the cuts, is at best meaningless. Equity will be involved in discussion and will lobby for the future of drama and light entertainment both within ITV and the wider television ecology to the benefits of not only our members but the viewing public as well.

The Assistant General Secretary (RM) commented that the real issue here was job cuts and that was the main purpose of the forthcoming meeting with Michael Grade. It was also about the future for members working outside the BBC umbrella.

The Officers/SMT Recommendation was AGREED.

#### 11.4.21

#### **Welsh AGM**

This Welsh AGM understands that it is current practice to allow advertising of jobs on Equity's online Job Information Service that match the National Minimum Wage. The AGM believes that, ideally, all jobs advertised on Equity's Job Information Service should offer terms and conditions in line with industry standards. This motion asks that it should be made clear if and when advertised terms and conditions fall below Equity agreements, and calls upon Council

to monitor and amend JIS policy as a necessary and continuing practice.

**Officers/ SMT Recommendation:** The Equity Job Information Service carries a large number of jobs, many of which are outside of the reach of current Equity agreements. At the time of writing this recommendation, there were 55 jobs requiring acting experience on the JIS which were outside of the reach of Equity agreements. For example: Creative Practitioner required by Hill Farm Primary School, a Drama/Film Workshop Leader and a Lifelong Learning Officer at the Theatre Royal Bath. The motion takes a simple approach to a matter which is complex. The recommendation is that a report is brought to a future meeting of the Equity Council setting out the checking processes undertaken before a job is advertised on the JIS and the criteria used to judge whether a job should be advertised.

**Points made in discussion:**

- Frederick Pyne wished to know if would be possible for the JIS Officer to attend Council to explain their work

**Points made in response:**

- The General Secretary said this would depend on how the June/July agendas progressed.

The Officers/SMT Recommendation was AGREED

**11.4.22**

**Theatre Directors Committee**

1. This Committee proposes that Council explore the possibility of an Equity assisted place on the Birkbeck Directors' course because of the financial constraints of access to the course.

**Officers/ SMT Recommendation:** Oppose. The Union does not support or sponsor individual members (or non members) who undertake professional development and to explore the possibility of doing so would suggest that the Council is willing to consider the possibility that the Union would. The Union could offer guidance and to members wishing to undertake the course which could include possible sources of funding outside the Union.

The Officers/SMT Recommendation was proposed by Rhubarb the Clown and seconded by Natasha Gerson.

**Points made in discussion:**

- It was commented that there was no easy answer to this funding issue but it was not Equity's job to fund it.
- It was commented that the John Fernald Trust does fund Directors working with professional companies.

The Officers/SMT Recommendation was AGREED.

2. This Committee requests that in future no director graduates from CDS courses which are not NCDT accredited are accepted into membership without reference to this Committee.

**Officers/ SMT Recommendation:** Oppose. At its meeting on 17 February the Council approved a list of theatre directing courses in Conference of Drama School (CDS) colleges which would attract graduate entry to the union. The Council will approve a list of courses which attract graduate entry on an annual basis.

**Points made in discussion:**

- More information is needed on the list and how it was drawn up.

**Points made in response:**

- The NCDT does not accredit Directors' courses.

The Officers/SMT Recommendation was AGREED

**11.4.23**

**London Area Committee**

1. The London Area Committee calls upon the Equity Council to institute a programme of action to increase the profile of candidates during Council and committee elections. This programme aims to help all candidates, especially those lesser known and standing as independents. It should also serve to develop the communication between candidates and members (particularly during the election process) and further increase interest in the election process.

- Expand the option of having a photograph with election statements to include elections for the Council;

- Organise public hustings ahead of Council elections and an informal meet and greet (at Guild House or online) between candidates and members for Committee elections;

- Create a designated area on the Equity Members' Forum part of the website for a Q&A between candidates and members ahead of and during elections. Something similar may be adopted for Facebook and other linked pages.

Council should ascertain from Equity staff which of these changes may be implemented in time for the forthcoming round of committee elections as well as committing itself to the development of a strategy for the 2010 elections.

**Officers/ SMT Recommendation:** To ask that the staff bring a report and recommendations to the June Council meeting.

**Points made in discussion:**

- One point of concern was how the Forum was used during elections in order to avoid any breach of guidelines.

- The General Secretary expressed concern about the Union organizing hustings itself; she did not feel the Union should be doing this.
- Hustings organized by Equity would need to appear fair and reasonable to all parties involved.
- There was concern about the use of photos.

**Points made in response:**

- The Forum could be used to discuss Equity policies – as long as it was used responsibly, it should not be a problem
- If the Forum was to be closed down during elections, specific instructions would need to be produced by Council
- Photos help create interest and focus more on the candidate's statement.

Nicky Diprose proposed and Tom Emlyn Williams seconded supporting the programme of action set out in the Motion and bringing recommendations to the next Council meeting.

This was CARRIED with three against and six abstentions.

2. With a view to making the Committee more user-friendly and therefore more welcoming to new members, the LAC asks that Council commit to comprehensive training in committee procedure to everyone newly elected to committees.

**Officers/ SMT Recommendation:** Support. Communication & Membership Support Department to organise.

The Officers/SMT Recommendation was AGREED

3. The LAC would like to see regular updates of the progress of past motions, at least every 2 meetings of the committee. Where no real progress can be reported in 2 consecutive LAC meetings, we further request that a member of the committee be empowered to help implement the motion as the appropriate staff member sees fit.

**Officers/ SMT Recommendation:** Support

The Officers/SMT Recommendation was AGREED

4. The London Area Committee is very unhappy to learn of the closing down of the Save London's Theatres Campaign after 37 years of sterling work Saving 19 theatres as work places for Equity members, and creating the Theatres Trust through Act of Parliament. We strongly urge Council to create an effective structure for our Committee and all London branches to liaise with the Theatres Trust and the Covent Garden Community Association to carry on the magnificent work of the Campaign. We also urge Council to add this to the list of objectives for the new committee.

**Officers/ SMT Recommendation:** Support. Committee to action.

The Officers/SMT Recommendation was AGREED

**11.4.24 Midlands Area Committee**

The Midlands Area Committee request that the Council co-opts member John Brennan to the Midlands Area Committee to make 11 members of the Committee when the full complement should be 12 members.

**Officers/ SMT Recommendation:** Support

The Officers/SMT Recommendation was AGREED

**11.4.25 Brighton & Sussex General Branch**

This branch calls on Equity to work with the Casting Directors' Guild to achieve an industry standard for courteous following-up on castings. Actors often travel far and incur great expense to attend auditions, and if they fail to get the job it's all too often the case that they only find out by assessing the length of the silence from the other party. A firm no, however disappointing, allows an actor to move on and make new plans, and in this age of email it would be a very minor inconvenience to thank people, whether directly or through their agent, for having attended.

**Officers/ SMT Recommendation:** Support. The industrial departments to action.

The Officers/SMT Recommendation was AGREED

**11.4.26 Stunt Committee**

Before any more negotiations on the films agreement, a proper audit on options A&B must be produced. This should include the names of all the films in A&B, the 2<sup>nd</sup> use fees and a breakdown of individual payments (not necessarily the names of individuals).

**Officers/ SMT Recommendation:** Content of the motion is already work in progress by the Recorded Media Department. Equity has engaged the services of LA based firm of auditors used extensively in the film industry and we are currently initiating audits on films produced by Sony, Disney, Warner's and Universal. As part of the audit process we are working in collaboration with the Screen Actors Guild. As was previously reported to Council the Cinema Films Working Party at its meeting held on 1<sup>st</sup> April 2009 believed in principle that the proposals to revise the current cinema films agreement was a good deal it asked Council to only endorse in principle until an agreed definition established for the 'final shooting budget' which will determine whether the changes in the threshold is beneficial to our members.

**Points made in discussion:**

- What was the difference between Options A and B?

**Points made in response:**

- Option B involved studio films with defined royalties. More films were made under B

The Officers/SMT Recommendation was AGREED.

The Council Meeting was adjourned by the President at 5.20 p.m. on Monday 27<sup>th</sup> April.

The Meeting was reconvened by the President at 10.30 a.m. on Tuesday 28<sup>th</sup> April.

## **11.5 ARC – MOTIONS AND AMENDMENTS SUBMITTED**

### **11.5.1 Council attitude to Motions and Amendments, Amendments in the name of the Council and appointments of spokespersons**

#### **11.5.1.1 MOTIONS IN LINE WITH EXISTING POLICY AND THEREFORE RECOMMENDED FOR SUPPORT BY THE COUNCIL**

**Midlands Area Annual General Meeting**

**Northern Area Annual General Meeting  
AMENDMENT: Birmingham Variety Branch**

**North West of England Branch  
AMENDMENT: Theatre Designers' Committee**

**Northern Ireland Annual General Meeting  
AMENDMENT: Northern Area Committee**

**Scottish National Committee**

**Bristol and West Branch**

**Stunt Committee - qualified support**

**Points made in discussion:**

- Would approving this Motion mean that matters which should be kept confidential would have to be divulged?
- If passed by a two thirds majority would it effectively give permission for confidential matters to be made available?

**Points made in response:**

- It would be possible to provide information on timelines, benefits and so on without going into too much detail.
- It could be made clear when giving this Motion 'qualified support' that confidential details of negotiations would not be supplied.

The Council spokesperson on this would be the General Secretary, Christine Payne.

**Brighton and Sussex Branch - qualified support**

The action points of this Motion were agreed but not the preamble to those points; hence it was only given qualified support. The Council spokesperson on this would be Andy Prodger

**Manchester and District Variety Branch**

**Scottish Variety Branch – qualified support**

**AMENDMENT: East Midlands Variety Branch**

**AMENDMENT: Variety Advisory Committee**

**AMENDMENT: Northern Ireland Variety Branch**

The Council spokesperson on this would be Stephen Spence.

**West of England Variety Branch**

**West End Deputies' Committee**

**AMENDMENT: Brighton and Sussex Branch**

**South East Area Annual General Meeting**

**Women's Committee**

**Minority Ethnic Members' Committee**

**Lesbian, Gay, Bisexual and Transgender Committee**

**Scottish Annual General Meeting**

**AMENDMENT: West End Deputies' Committee**

The Motion is recommended for support, but the amendment is recommended for opposition as the amendment's implementation would mean a name used by a non-member of Equity who subscribed to Spotlight would not be available to a performer applying to join Equity.

Martin Brown, Assistant General Secretary (C & MS) said that to expand the problem of duplication to all members of Spotlight would only exacerbate the problem. It would be very hard to achieve and it was therefore better to oppose the Amendment.

It was AGREED to recommend opposition to the Amendment.

The Council spokesperson on this would be Martin Brown

**Devon and Cornwall Branch**

**Central England Branch**

**South Wales Variety Branch**

**Choreographers' Committee**

**South West Area Annual General Meeting**

**AMENDMENT: Walk-on and Supporting Artists' Committee** – it was decided this amendment was OUT OF ORDER – see 11.5.1.8 below.

**Theatre Designers' Committee**

**South West Area Committee**

**West and South West London Branch  
AMENDMENT: South East Area Committee**

**Members with Disabilities' Committee** (as amended)

**11.5.1.2 MOTIONS IN LINE WITH EXISTING POLICY BUT RECOMMENDED FOR OPPOSITION BY THE COUNCIL**

**London Area Committee**

Explanation for opposition: While existing union policy is in favour of restoring the closed shop, it would require changes not only to UK trade union legislation, but also human rights legislation at both UK and European level. This was considered to be an unrealistic aspiration.

**Points made in discussion:**

- Fulfilling the terms of this Motion would require a change in the law – domestic and European which was unfeasible.
- The issue was with the employers not the non-members
- Better to have non-members on Equity contracts as otherwise they may be undercutting us

It was AGREED to oppose this MOTION. The Council spokesperson on this would be Samuel West.

**11.5.1.3 MOTIONS IN OPPOSITION TO EXISTING POLICY AND THEREFORE RECOMMENDED FOR OPPOSITION BY THE COUNCIL**

**Walk-on and Supporting Artists' Committee**

Explanation for opposition: This is in opposition to current recruitment criteria agreed by the Council.

It was AGREED to oppose this Motion. The Council spokesperson will be Frederick Pyne.

**Northern Area Committee**

Explanation for opposition: This would have a serious impact in the union's income and does not relate to individual members' abilities to pay.

The Honorary Treasurer commented that this Motion would lead to a need to go into every membership record and would result in a rise in basic subscriptions over time.

The Council Spokesperson would be the Honorary Treasurer, Bryn Evans or, if he is not yet at the Conference, David Cockayne.

### **Variety Advisory Committee**

Explanation for opposition: This is in opposition to current Council and ARC policy on smoke-free workplaces.

It was AGREED to oppose this Motion – Council Spokesperson, Dennis Ray.

### **North East Variety Branch**

Explanation for opposition: This is in opposition to current Council and ARC policy on smoke-free workplaces.

After discussion, it was proposed by Sheila Mitchell that the following lines be removed from the Motion as it stood:

In Lines 2 to 6, delete: “and are facing a crisis brought about by several factors. First, the 2007 smoking ban. The original law allowed for separate smoking rooms in private clubs but this was changed to an out and out smoking ban without further consultation. We quickly saw the results of this with hundreds of clubs closing [source CIU] and our members having far less work opportunities”.

In Lines 13 and 14, delete: “At last year’s Annual Representative Conference our branch motion was on the smoking ban. It was ridiculed and lost by a huge majority. Please do not repeat this rejection”.

This was seconded by David Cockayne.

Points made in discussion:

- The view was expressed that the Amendment as it stood was a ‘wrecking amendment’ and it was better just to oppose the Motion.
- There was discussion about whether to take out the criticism of Equity

Points made in response:

- The issue of decibel levels and whether these could be increased is part of the Motion and something the Union could campaign on
- It was decided to leave the criticism of Equity in and have a separate discussion about whether this criticism was fair.

The proposal was CARRIED with 21 for, 4 against and 4 abstentions.

It was proposed that the Motion as amended would be proposed by Sheila Mitchell and seconded by Mary Lane.

The Assistant General Secretary (LP) would make a Statement to Conference to explain why the Amendment was supported by the Council.

### **London Area Annual General Meeting**

**AMENDMENT: West and South West London Branch**

**AMENDMENT: Welsh National Committee**

Explanation for opposition: The level of future claims should be agreed closer to the time of submitting the claim in consultation with members working in that area of theatre.

Points made in discussion:

- Is it possible to accept Motions with specific figures in them?
- There was overwhelming support for this Motion at the AGM
- The Assistant General Secretary (C & MS) thought it was better if the Union consults those in the field; £500 may be undeliverable by 2012 and this approach would leave no room for manoeuvre.

Points made in response

- The Assistant General Secretary (C & MS) replied that Council will accept Motions that set targets.
- In practice, it is very difficult to consult those in the field due to the temporary nature of many sub rep jobs; however, it was best to oppose the Motion as the targets stated are too precise.

It was AGREED to oppose this Motion and Amendments if not remitted. Council spokesperson: David Cockayne.

### **Three Counties Branch**

Explanation for opposition: Extremely difficult to achieve and a drain on central finances.

Points made in discussion:

- The Rules do not say 'elected' members so do not preclude co-optees.

Points made in response:

- The Rules do refer to 'Members' but Standing Orders make clear that committee members are 'elected members' as opposed to including co-opted members.

It was AGREED to oppose this Motion. Council spokesperson: Bryn Evans and, if not, Dennis Ray.

### **Stage Management Committee**

Explanation for opposition: This is in opposition to existing Council policy which requires that all members who are elected to represent a branch or committee at the ARC have at some stage been subject to an election process by the membership they represent.

It was AGREED to oppose this Motion with 1 against and 4 abstentions. Council Spokesperson: Frederick Pyne.

**East Anglia Variety Branch**

Explanation for opposition: This alters ARC policy agreed last year.

It was AGREED to oppose this Motion. Council Spokesperson: Bryn Evans and, if not, David Cockayne.

**South East Area Committee**

Explanation for opposition: This alters ARC policy agreed last year.

It was AGREED to oppose this Motion. Council Spokesperson: Bryn Evans, if not, Dennis Ray.

**South and South East London Branch**

Explanation for opposition: If a Motion which is supported by the Council is automatically remitted it will not be subject to a vote at the ARC and therefore cannot become binding on the Council by a two-thirds majority.

It was AGREED to oppose this Motion. Council Spokesperson: Dave Eager.

**Humberside Variety Branch**

Explanation for opposition: This would give a Committee with a constituency as small as 33 (Theatre Fight Directors) the same representation at the ARC as a Committee with a constituency of over 15,000 (Women).

It was AGREED to oppose this Motion. Council Spokesperson: Tom Emlyn Williams.

**11.5.1.4**

**MOTIONS THE COUNCIL SHOULD OPPOSE IF THE MOVERS DO NOT AGREE TO REMIT**

**Northern Ireland Committee**

Explanation for opposition: This matter is currently the subject of d discussions between Equity and the IPA.

It was AGREED to oppose this Motion if it was not remitted.  
Council Spokesperson: Jean Rogers

**Birmingham Variety Branch**

**AMENDMENT: Lesbian, Gay, Bisexual and Transgender Committee**

Explanation for opposition: This motion calls for members' e-mail addresses to be lodged with branches as well as with Equity centrally. This means that when a member changes their e-mail address, unless they tell both their branch and Equity centrally one of them will be out of date. Equity is in the process of implementing policy agreed at the 2008 ARC by offering all branches the ability to e-mail their members via Equity centrally.

It was AGREED to oppose this Motion if not remitted. Council spokesperson: Dave Eager

### **East Midlands Variety Branch**

Explanation for opposition: This reverses policy agreed at last year's ARC which called for all new members out of London to be automatically included on the register of their nearest general branch.

It was AGREED to oppose this Motion if not remitted. Council spokesperson: Martin Brown.

#### **11.5.1.5**

### **MOTIONS THE COUNCIL SHOULD PLACE AN AMENDMENT AGAINST**

#### **Yorkshire Ridings Branch**

**AMENDMENT: North and East London Branch** [amendment recommended for support]

#### **Proposed Council amendment:**

In line 9 of the motion, delete: "promoted" and insert "publicised".

The proposed Amendment was AGREED but if the North and East London Branch Amendment was accepted, the Council amendment would not be needed. Council spokesperson: Sally Treble.

#### **North West London Branch**

**AMENDMENT: Yorkshire Ridings Branch** [amendment recommended for support]

**AMENDMENT: Audio Committee**

#### **Proposed Council amendment:**

In line 2, delete: "the TV companies" and insert: "the BBC"

In line 2, delete: "radio phone-in", and insert: "newspaper article"

In line 3, delete: "on the same phone-in", and insert: "in a radio interview"

In line 4, delete: "she produced", and insert: "were discussed"

All three proposed Amendments were ACCEPTED. Council spokesperson: Jean Rogers.

#### **North and East London Branch**

**Proposed Council Amendment:** delete: "Equity members" and insert: "theatre practitioners"

Points made in discussion:

- The person on the Board would be a member but would not be *representing* Equity as such.

Points made in reply:

- Equity members could be compromised through potential conflicts of interest situations.

The Amendment was AGREED. Council spokesperson: Samuel West.

### **Midlands Area Committee**

**AMENDMENT: East Anglia Variety Branch** – it was decided this amendment was OUT OF ORDER – see 11.5.1.8 below.

**Proposed Council amendment:**

Delete: “2011” and insert : “2012”

See Minute 11.5.3.7 below.

**11.5.1.6 MOTION ON WHICH IT IS RECOMMENDED THAT THE COUNCIL REMAINS NEUTRAL**

**Welsh National Committee**

Ian Barritt proposed and Dave Eager seconded that the Council should maintain a neutral position on this Motion. This was AGREED.

**11.5.1.7 Structure – Theatre Directors’ Committee**

The Assistant General Secretary (C & MS) said that he had discussed this Motion with the Union’s lawyers. They thought the voting system suggested was problematic as it could be in breach of the Rules. Were it to be passed by a two-thirds majority, it would commit the Council to doing something potentially illegal. Further it could not be remitted as it was out of order.

It was proposed by Nicky Diprose and seconded by Rhubarb the Clown that this legal advice be accepted. This was CARRIED with one against.

It was proposed by Nicky Diprose and seconded by Alan Thompson that the Motion as formulated be ruled OUT OF ORDER. This was CARRIED with one against.

**11.5.1.8 Amendments potentially out of order**

It was proposed that two Amendments were OUT OF ORDER:

1. The Amendment by the Walk-on and Supporting Artists’ Committee to the South West Area Annual General Meeting Motion. It was AGREED that this was OUT OF ORDER

2. The Amendment by the East Anglia Variety Branch to the Midlands Area Committee Motion on future ARC’s. It was AGREED that this was a ‘wrecking amendment’ and therefore OUT OF ORDER

**11.5.2 Honorary Life Membership**

The President reported that the Officers were recommending that Honorary Life Memberships be awarded to, Yvonne Joseph, Secretary of the Manchester and District Variety Branch, Brenda Marsh, Secretary of the North-East Variety Branch and Harry Landis, former President of Equity.

These were AGREED with acclaim

**11.5.3 Emergency Motions**

**11.5.3.1 Midlands Area Committee**

Sally Treble, Councillor, explained some of the background to the Motion. 'Casualty' would be moving to Cardiff. An approach had been made to more than thirty M.P.'s and Sally read out the letter which had been sent to them. The BBC 'network supply review' had resulted in productions being moved out of the Midlands – the only production remaining in Birmingham was now 'Doctors'. All this meant a loss of jobs and job opportunities in the regions and a draining away of technical staff into other areas. In implementing its review, the BBC was arguably in breach of its charter.

**Points made in discussion:**

- The General Secretary referred to Rule 37.2.18 whereby such a Motion has to concern a serious matter or matters which arose after, or could not reasonably have been known about, prior to the closing date for receipt of motions. Neither changes in production policy or potential breaches of the BBC charter were issues that appear to have arisen after the Motions deadline.
- It was commented that there had been an official BBC announcement only some three weeks ago about the move of 'Casualty' to Cardiff.
- If Emergency Motion is out of order, could not Andy Prodger ask for a vote of support in his report?

**Points made in response:**

- The Assistant General Secretary (RM) commented that Sally Treble's letter was circulated in September 2008 well before the ARC deadlines. The issues raised were already Council policy.
- A vote of support cannot be requested in the way suggested – it has to be by way of an Emergency Motion.

There were two votes, one concerned whether the Emergency Motion was out of order. It was proposed by Sally Treble and formally seconded that the Motion was in order. This was CARRIED with 13 for and 12 against.

There was then a further vote on whether it was a proper Emergency Motion. It was decided that it was by 15 votes for, 10 against and no abstentions. Council therefore supported this as an Emergency Motion.

**11.5.4**

**Venue 2011**

Martin Brown, Assistant General Secretary (C &MS) explained that Officers/SMT had proposed a Council amendment to the Midland's Area Committee Motion on future ARC's. This amendment would change 2011 to 2012.

This proposed Amendment was AGREED.

The East Anglia Variety Branch amendment to this Motion had been declared OUT OF ORDER – see 11.5.1.8

### **11.5.5 Guest Speaker – Report from General Secretary**

The General Secretary explained that it had been hoped that Roy Hudd could attend as a guest speaker. This was, however, not possible due to family commitments.

### **11.6 LIVE PERFORMANCE**

This Minute was deemed Confidential and is therefore detailed in the Confidential Minutes.

The Council decided that staff be given authority to use this information as and when they think right; that Council be informed when and if the information is made public.

The President, Graham Hamilton, requested that formal thanks be recorded in the Minutes for the excellent work of Stephen Spence, Assistant General Secretary (LP), Martin Brown, Assistant General Secretary (C & MS) and Matt Payton, then Parliamentary and Research Officer, in putting together the report.

This was AGREED with acclaim.

### **11.7 BUDGET 2009**

A report on the Budget was given by Duncan Smith and Bryn Evans, Honorary Treasurer. References were made to the Report on Accounts in the Annual Review 2008, pgs 22-35.

Duncan Smith reported that there had been a reduction in the Operating Deficit which had now fallen to £50,000. However, there had been significant losses in the sale of investments amounting to £194,000. He explained that there had been three main drivers in the fall in the deficit:

- 1) It is forecast that subscription income will rise more than expected
- 2) The increase in staff costs will be less than expected.
- 3) The 'All Member Handbook' has been moved into next year's budget thereby reducing the member's benefit budget.

Bryn Evans, Honorary Treasurer, then spoke. He thought that things were moving in the right direction. A deficit budget had been set to protect core services. A clearer picture would emerge by the Council Meeting of 28<sup>th</sup> July and there would then be five months to try to turn things around. Earned income was up 19% on the previous year but investment income had fallen sharply due to the Recession. Staff costs had come down. In addition, democratic costs had come down but Blackpool may have the effect of forcing this up. The figure of £42,000 in the budget may therefore be exceeded.

#### **Points made in discussion:**

- A query was raised about the cost of paying the staff bonus.
- How does the level of staff costs compare to other Unions?
- What is the position on the ITV monies?
- What is the position on the £1.2m deficit?

**Points made in response:**

- Cost of the staff bonus was approximately £57,000.
- The previous Staff costs figure was 58% but running costs have altered since then; costs have come down as a percentage of total expenditure.
- ITV monies are not being distributed this year – there is a need to get more information; the monies will be distributed through BECS in January of next year.
- In terms of the £1.2 million, the forensic accounting process has been inconclusive; legal advice was currently being sought.

**11.8 RECORDED MEDIA**

**11.8.1 Pan Industry Negotiations**

There was nothing to report on this.

**11.9 CERTIFICATION OFFICE**

The General Secretary reported that the hearing with the Certification Officer would take place on 1<sup>st</sup> May and would be to determine whether the seven complaints made by Roy Radford would be considered to be in time or not. Roy Radford had no objection to David Cockburn hearing the complaint himself even though he had previously been a Senior Partner in Pattinson & Brewer. He had stopped being a Senior Partner in that firm more than eight years ago. The General Secretary explained that the hearing would probably take all day.

**11.10 REFERENDUM – LEGAL ADVICE**

The General Secretary handed out the Legal Advice received on the Referendum which was to be returned at the end of the discussion. There were two main questions involved:

- 1) Was the President entitled to write or co-ordinate statements on behalf of the Council?
- 2) Should a decision, once voted on, be described as a decision of “the Council” as a collective body.

**Points made in discussion:**

- What was the cost of the legal advice?
- Dave Eager was not satisfied with the legal advice and thought that the core issue had not been addressed.

**Points made in response:**

- The General Secretary will bring details of the cost of the legal advice to the next Council meeting.
- The advice had addressed the two main issues raised by the withdrawn Rule 34 Complaint.

It was proposed by Nicky Diprose and seconded by Dennis Ray that the legal advice given be accepted by the Council.

This was CARRIED with three abstentions.

#### **11.11 LEGAL CASES**

The Legal Referrals Officer presented his report.

##### **Equity Members v Plush (UK) Ltd**

FULL LEGAL PROTECTION was AGREED.

##### **Christopher Lee v Big Screen Partner Ltd**

FULL LEGAL PROTECTION was AGREED.

##### **Lisa Halliday v Plush Events Ltd**

Given that the company in question had ceased to trade, it was questioned whether the monies involved were recoverable.

The Legal Referrals Officers answered that the members in question would become creditors and attempts would continue on their behalf.

##### **David Garrick**

The Tax and Benefits Officer, Max Beckmann, reported the background to this case. He was a stunt performer who had injured his knee in a stunt and had since claimed back the cost of surgery and specialist costs from his employer. The legal advice received was that the medical costs involved were not likely to be recoverable. This conclusion was based on a careful consideration of the relevant caselaw.

It was proposed by Ian Barritt and seconded by Dennis Ray that no further legal protection should be given.

This was CARRIED with one against.

It was commented that David Garrick may now pursue his own case against HMRC.

#### **11.12 NEW MEMBERS AND CURRENT MEMBERSHIP POSITION**

A report on these was tabled. These showed that the figures to date for April were well up on the previous year.

Acceptance of the report was proposed by Sheila Mitchell and seconded by Mary Lane.

The report was ACCEPTED.

**The meeting closed at 4.30pm**