



**Incorporating the Variety Artistes' Federation  
MINUTES OF THE EIGHTH MEETING OF THE 2008/2010 COUNCIL  
HELD AT THE EQUITY OFFICE ON 17 February 2009**

**8.1 ANNOUNCEMENTS**

**8.2 MINUTES OF THE MEETING JANUARY 20 2009**

- 8.2.1 Minute 7.3.12 – West End
- 8.2.2 Minute 7.3.16 – Rule change referendum
- 8.2.3 Minute 7.4.2 – Annual Accounts
- 8.2.4 Minute 7.6 – Emergency motion from the Womens' Committee
- 8.2.5 Minute 7.8 – New Migration System US/UK
- 8.2.6 Minute 7.9 – PPL Performers Board
- 8.2.7 Minute 7.14 – Review of London Area Committees

**8.3 MATTERS ARISING OF THE MEETING JANUARY 20 2009**

- 8.3.1 Minute 7.1 (c) - Announcements
- 8.3.2 Minute 7.3.4 - Oruanna, Namibia
- 8.3.3 Minute 7.3.9 – Confidential Minute
- 8.3.4 Minute 7.11.2 – YouTube
- 8.3.5 Minute 7.13.2 – Elections
- 8.3.6 Minute 7.14 – Review of the London Area Committee
- 8.3.7 Minute 7.18 – Nicholas Smith
- 8.3.8 Minute 7.3.2 – Budget 2008
- 8.3.9 Minute 7.5 – Shakespeare Project
- 8.3.10 Minute 7.7.1 Commercial Theatre
- 8.3.11 Minute 7.3.14 – Subsidised Repertory Agreement
- 8.3.12 Minute 7.8 - New Migration System US/UK
- 8.3.11 Minute 7.14 - Review of English Area Committees

**8.4 FINANCE**

**8.5 STAFF PENSION SCHEME**

**8.6 LIVE PERFORMANCE**

- 8.6.1 Variety Advisory Committee Consultation
- 8.6.2 Subsidised Repertory Theatre - Confidential Minute

**8.7 US/UK EXCHANGE AGREEMENT**

**8.8 LEARNING DISABLED PERFORMERS**

**8.9 RECORDED MEDIA**

- 8.9.1 Pan Industry - Confidential Minute
- 8.9.2 Announcement
- 8.9.3 Cinema Film

**8.10 REVISED REGULATIONS FOR DEALING WITH COMPLAINTS  
UNDER CURRENT RULE 43**

**8.11 NEW STANDING ORDER FOR COUNCIL – MANAGING  
CONFLICTS OF INTEREST**

**8.12 ELECTIONS**

**8.13 CDS COURSES – GRADUATE QUALIFICATION FOR  
MEMBERSHIP**

**8.14 RESERVED SEATS FOR YOUNG PEOPLE ON THE COUNCIL**

**8.15 CERTIFICATION OFFICE**

**8.16 STAFF TRAINING DAY**

**8.17 TUC DISABILITY MOTION**

**8.18 MOTIONS FROM BRANCHES & COMMITTEES**

**8.19 LEGAL CASES**

**8.20 NEW MEMBERS & CURRENT MEMBERSHIP POSITION**

**8.21 COUNCILLORS' MOTIONS**

**Present:** Graham Hamilton (President – in the Chair), Riky Ash, Chris Barltrop, Annie Bright, Jo Cameron Brown, Robin Browne, John Carnegie, Jonathan Cecil, David Cockayne, Maggie Cronin, Michael Cunningham, Nicky Diprose, Bryn Evans (Honorary Treasurer), Natasha Gerson, Caryl Griffiths, Mark Holden, Clive Hurst, Barbara Hyslop, Yvonne Joseph, Joseph Kloska, Harry Landis, Mary Lane, Corinna Marlowe, Kate McCall, Paul Mead, Sheila Mitchell, Fiona Mott, Frederick Pyne, Dennis Ray, Rhubarb the Clown, Jean Rogers (Vice President), Malcolm Sinclair (Vice President), Nicholas Smith, Alan Thompson, Sally Treble, Frank Williams, Tom Emlyn Williams and Christine Payne (General Secretary).

## 8.1 ANNOUNCEMENTS

- a) The President announced the death of Walk-on Councillor Vicky Allan, also the secretary for the North West England Branch. The Council stood, there was a minute's silence and a final round of applause.
- b) The General Secretary reported that Councillor Nicholas Courtney had suffered a stroke but was recovering. It was agreed the Council would send their best wishes.
- c) The General Secretary reported that Ann Maguire's leaving party had gone very well with very good speeches from the President, David Cockayne and Martin Brown (who delivered the speech on behalf of the General Secretary who was snowed in).
- d) The General Secretary reported that the Research & Parliamentary Officer, Matt Payton had given his notice. The Council thanked him for all his work over the past 4 ½ years, in particular as secretary to ICAF.
- e) The General Secretary reported that the new procedure for corrected Council minutes is that these would now be published on the Equity website and a link e-mailed to members of the Council, chairs and secretaries for the committee and branches with a registered e-mail address.
- f) The General Secretary read a statement to Council regarding the Rule Change Referendum: 'Over the past week members and Councillors have expressed concerns on some aspects of the referendum.

Given that we are in the middle of the balloting period I do not believe that it would be appropriate at this stage for me to make any comment on the concerns raised.

Therefore I propose to give a full and detailed report on all the concerns raised with me to the March meeting of the Council when the Council will also receive the results of the referendum'.

- g) The General Secretary reported that she had received at 9.45am this morning a requisition for a Special General Meeting. She reported that the petition must comply with the rules and that there will be a report on this in March.

## **8.2 MINUTES OF THE MEETING JANUARY 20TH 2009**

### **8.2.1 Minute 7.3.12 – West End**

In the second bullet point delete, 'on not accepting' and insert 'not to accept'.

### **8.2.2 Minute 7.3.16 – Rule change referendum**

Insert 'previous' between, 'the' and 'committee'.

### **8.2.3 Minute 7.4.2 – Annual Accounts**

Insert 'for Council expenses', at the end of the 7<sup>th</sup> paragraph.

### **8.2.4 Minute 7.6 – Emergency motion from the Womens' Committee**

Insert the words 'Minister of Culture' before, 'Barbara Follett'.

Insert a bullet point to read: 'the word 'decent' was a quotation from the report and meant 'worthwhile'".

### **8.2.5 Minute 7.8 – New Migration System US/UK**

In the second bullet point in 'Points made in discussion', delete ' 2&4 but only 1&5 were' and insert, ' there were 5 tiers but only 2 & 4 were relevant'.

### **8.2.6 Minute 7.9 – PPL Performers Board**

In the third paragraph, insert 'between PAMRA and AURA' at the end of the last sentence.

### **8.2.7 Minute 7.14 – Review of London Area Committees**

In the first bullet point under 'Points made in discussion' delete, 'President' and insert, 'Chair'.

In the fifth bullet point under 'Points made in discussion' insert, 'work with' between 'and' and 'organisations'.

In the first amendment to the motion delete 'committee' and insert 'branch' and delete 'first' and insert, 'fourth'.

It was proposed by Dennis Ray and seconded by Mary Lane that the minutes were an accurate record of the meeting.

**AGREED**

### **8.3 MATTERS ARISING FROM THE MEETING JANUARY 20 2009**

#### **8.3.1 Minute 7.1 (c) Announcements**

The General Secretary reported that she had sent a note on behalf on the Council to Lady Attenborough following Lord Attenborough's fall.

#### **8.3.2 Minute 7.3.4 Oruanna, Namibia**

The General Secretary reported that the Namibian union have now received this donation and had sent a note of thanks.

#### **8.3.3 Minute 7.3.9 – Confidential Minute**

The General Secretary reported that she had now sent a response from the union to the Employment Tribunal regarding Judy Franks' claim.

#### **8.3.4 Minute 7.11.2 – YouTube**

The Assistant General Secretary (RM) reported that the BBC had reduced its digitalisation costs to 10% from 15% and on that basis an agreement had been reached.

#### **8.3.5 Minute 7.13.2 – Elections**

The General Secretary reported that that the election results for the Disciplinary Sub Committee has now been circulated to Council, she confirmed that 32 ballot papers were returned by 12 noon 6<sup>th</sup> February and the results were as follows:

#### **Number of votes:**

ELECTED	Riky Ash	22
ELECTED	Robin Browne	17
ELECTED	David Cockayne	25
ELECTED	Nicholas Courtney	17
	Nicky Diprose	8
ELECTED	Natasha Gerson	18
ELECTED	Harry Landis	16
ELECTED	Mary Lane	16
	Kate McCall	10
	Sheila Mitchell	15
	Rhubarb the Clown	14
	Tom Emlyn Williams	11

#### **8.3.6 Minute 7.14 – Review of the London Area Committee**

The General Secretary met with the London Area Committee which was divided regarding the new procedure. Council will consider at the proposals for the London Area Committee elections at its next meeting.

#### **8.3.7 Minute 7.18 – Nicholas Smith**

Councillor Nicholas Smith thanked the Council following their best wishes which were sent after hearing the sad news of the death of his wife. This was

## **NOTED**

### **8.3.8 Minute 7.3.2 – Budget 2008**

Following a request for an up-date on the installation of Skype, the Assistant General Secretary (RM) reported that this was still to be implemented as there were still some problems with the in-house database system and compatibility with Skype. It was possible to set up a computer which did not have access to the membership database and it was hoped to trial a remote station within the building at the next meeting of the Stage Management Committee.

### **8.3.9 Minute 7.5 – Shakespeare Project**

It was reported that the first meeting of the working party would take place on March 11<sup>th</sup>.

### **8.3.10 Minute 7.7.1 - Commercial Theatre**

In response to a request from Council to name and shame the independent commercial theatres who are not using Equity contracts, the Assistant General Secretary (LP) reported that the list would be very long and at the moment, ahead of negotiations, did not want to get anybody off-side. This was an on-going project for the department.

### **8.3.11 Minute 7.3.14 – Subsidised Repertory Agreement**

In response to an enquiry from a member of Council, the Assistant General Secretary (LP) reported that there was not an electronic press kit clause in any of the Creative Team agreements, that such a clause has been left to individual agreement between Creative Team members and employers, but that we need to develop a standard clause. He will draft such a clause for consideration by the Creative Team committees.

### **8.3.12 Minute 7.14 - Review of English Area Committees**

It was reported that many West End Deputies had now expressed an interest in joining the London Area Committee following the review.

## **8.4 FINANCE**

### **8.4.1 2009 Draft Budget**

Duncan Smith, Head of Finance, was in attendance for this item. He referred Council to a number of items in the budget.

The Honorary Treasurer also gave a presentation to Council. He reported that, although this is currently a negative budget, he felt that if we cut this anymore there would be risks to the union. For example, it would be possible to exclude replacing the windows this year, but he felt that ignoring these issues would mean a higher cost later down the line. He reported that he was pleased to see improvements in subscription income.

#### **Points raised in discussion:**

- With regards to refurbishing the windows at Guild House, a member of the Council asked if it would be possible to make a temporary fix for this in order to save money this year.
- Why is Equity subsidising the opera pension scheme?
- How prudent is the income from members' section?

**Points made in response:**

- The Honorary Treasurer confirmed that the opera pension scheme is a hybrid scheme and is currently in deficit.
- The Honorary Treasurer confirmed that staff costs are constantly being looked at.
- The General Secretary reminded Council that around £200,000 from ITV will be distributed to members next year and therefore we have to learn to live without this income.
- It was reported that Equity will soon receive money from Channel 4 in relation to its catch up service.

Acceptance of the 2009 Budget was proposed by Rhubarb the Clown and seconded by David Cockayne and

**ENDORSED** with 1 abstention

## 8.5

### **STAFF PENSION SCHEME**

The Assistant General Secretary (RM) reported that the Financial Stability Working Party will be meeting tomorrow and meeting with Punter Southall, the independent actuaries, to gain advice of further options that could be put to the staff regarding the scheme.

There will be a proposal at the March meeting which will commence the formal notice of consultation. He confirmed that there was a legal requirement of a 60 day consultation period for organisations that have over 50 staff, which Equity does. He warned that this is going to be very difficult to negotiate with the staff and that Council will be expected to make some very difficult decisions.

The report was **NOTED**

## 8.6

### **LIVE PERFORMANCE**

#### 8.6.1

#### **Variety Advisory Committee Constitution**

The Assistant General Secretary (LP) spoke to his report. He stated that an issue had arisen following Council's decision to ask all committees to adopt the guidelines developed by the equalities committees in relation to conduct at committee meetings. The Variety Advisory Committee had declined to adopt the guidelines as it believes the VAC had its own constitution and is not required to adhere to guidelines set up for other Equity Committees.

Following this decision, the Council made the decision to obtain legal advice on the VAC's view. He confirmed that the legal advice affirms the authority of Council over the VAC.

He recommended that Council share the legal advice with the VAC and indicate that Council does not propose to take further action on the advice other than to respectfully request that the VAC reconsider its reluctance to adopt the guidelines that the Council has decided should be adopted by all Equity Committees

The recommendation was proposed by Frederick Pyne and seconded by Dennis Ray.

**Points made in discussion:**

- A member of the Council asked what the cost had been to the union to obtain legal advice.
- Why don't the VAC want to accept the guidelines?
- The VAC should be working with and within the union and not see itself as a separate union.
- Perhaps the VAC could keep their autonomy but adhere to the guidelines?

**Points made in response:**

- The Assistant General Secretary (LP) stated that the cost of the legal advice had not been inconsequential.
- It was felt by some members of Council that the VAC work very differently to other committees and have always been seen that way.

The recommendation was

**CARRIED** with 3 abstentions

**8.6.2 Subsidised Repertory Theatre – Confidential Minute**

This Minute was deemed to be confidential.

**8.7 US/UK EXCHANGE AGREEMENT**

The Assistant General Secretary (LP) reported that the paperwork has now been provided to the Council with a breakdown of the new deal. The final agreement and the micro document is now available for Councillors. It was recommended that the paperwork be endorsed with staff authorised to finance any last minute corrections.

This was proposed by Chris Baltrop, formally seconded and

**CARRIED** unanimously

## 8.8

### LEARNING DISABLED PERFORMERS

The President confirmed that the legal advice in the document was confidential to the Council.

The Assistant General Secretary (LP) gave a brief reminder to the Council on the background of this issue.

He confirmed that two Council members, Jean Rogers (Vice President) and Caryl Griffith, indicated their willingness to work with him on this matter and he stated he was very grateful for this.

He confirmed that the legal advice obtained outlines the Union's rights and responsibilities in this matter. Secondly, he had undertaken to identify some key stakeholders within the membership in relation to this debate and had commenced a 'Round Table' discussion forum on 28 July 2008. Those invited to the 'Round Table' were as follows:

Jean Rogers, Vice President (Chair)  
Caryl Griffith, Councillor  
Bruce Birchall, Chair, Disability Committee  
Fran Rifkin, Chair, Independent Theatre Arts Committee  
Anna Cannings, Disability Committee  
Di Christian, Directors Committee and Wicked Fish  
Jane Gordy, Disability Committee, representing Sarah Gordy  
Jane Jessop, representing Tommy Jessop  
Chris Webb, Disability Committee and Stunt member  
Stephen Spence, AGS  
Max Beckmann, Equalities Officer  
Steve Rice, PA to AGS

A second 'Round Table' was held on 9<sup>th</sup> October.

The Assistant General Secretary confirmed that the purpose of the 'Round Table' was to canvass more fully the views of the various Equity internal stakeholders, also to discuss what, if any, external stakeholders should be consulted, and to see if a compromise between the 'for' and 'against' camps might be possible.

Included with his report today was some of the written material that individuals put together on this subject. He believed this gave a flavour of the views. As the 'Round Table' was informal, he believed this is the best way of giving Council a sense of the discussion without going into all the considerable detail on either side.

The 'Round Table' was provided with various pieces of paperwork but not the legal advice obtained. This was not provided for two reasons:

1. The legal advice is both advice to Equity that assists in development and implementation of policy but is also advice that would uniform a defence in the event a member took action against the union as had been mooted in conversations around this issue.

2. It was hoped the 'Round Table' could attempt to have a discussion on the principles of the matter concerned to see whether there was a way forward. Should there be a common view developed on how to proceed at the end of the process that view could be examined in conjunction with the legal advice.

As it turned out after two 'Round Tables' it became clear there was no consensus on how to proceed. Extensive discussion in the 'Round Table', numerous email exchanges outside the 'Round Table' identified that there are two firm competing views; one that we should be recruiting learning disabled performers on benefit to Equity and one that believes we should not. Despite a number of efforts to test for consensus, there was none that was acceptable to all.

The members with Disabilities Committee had expressed in August 2008 that discussions on how to proceed be limited to Equity members. Having considered this the 'Round Table' discussions were the only discussions held as this body included key internal stakeholders.

The Disabilities Committee also presented a motion to Council with an Appendix 1 in November 2008 outlining its view on the matter. Council referred this Appendix to me. He presented this to Council to enable them to consider its view alongside his recommendations.

### Conclusions

1. The Assistant General Secretary failed to develop a consensus on this issue within the group of key stakeholders consulted through the 'Round Table' process.
2. The staff difficulty on how to identify what 'working professionally' means in the benefit sector is a continued problem.
3. The passions on this issue appear to run very high indeed - especially amongst those who believe the 'sole trader' performer will be disadvantaged by the policy to recruit learning disabled performers on benefit to full members.
4. Having examined the limitations of the previous consultation, which he accepted, it is difficult to draw a concrete conclusion on why the consultation appears to have failed to adequately involve all stakeholders.
5. The legal advice is clear. Equity needs to consider making reasonable adjustments to facilitate Learning Disabled Performers being able to apply for membership.
6. Full membership is opposed so strongly by some within our membership and to define 'working professionally' in the benefits context is so difficult for staff that Equity will have great difficulty in sustaining the current policy.

The Assistant General Secretary confirmed that the conclusions outlined had led him to believe that Equity is required to make a reasonable adjustment in relation to Learning Disabled performers on

benefits engaged by specialist theatre companies to allow them to join the Union.

However, the arguments made opposing full membership have led him to believe it may be more appropriate to offer student membership as there appears to be a learning 'on the job' process aspect to the work done in the companies. Also, this approach removes the staff difficulty in judging the meaning of 'work professionally' which was causing problems. Student membership would be offered to performers engaged at companies identified by Equity with a discussion on Graduate membership.

**Recommendation:**

That the Council endorse a further process of consultation with the Disabilities Committee and the Independent Theatre Arts Committee on the proposal that student membership be extended to learning disabled performers on benefits involved with the following companies:

- Wicked Fish
- Lawnmowers
- Firebird
- Graeae
- Mind the Gap

And that discussions occur with these companies on the possibility of a Graduate Membership scheme being developed.

As offering student membership would be a change of policy, Equity would need to:

- Clarify that any members joined before the previous policy was set aside remain full members if they so desire. Alternatively, the option may be given for the full member to resign and rejoin as a student member.
- Memberships pending should be asked to re-submit as student membership applications.
- In addition, Equity would need to develop criteria to consider additional companies at which student membership could be offered in the future.
- As with all other student members, should a paid engagement be undertaken the opportunity will be available to upgrade to full membership and for all student subscriptions paid to be offset against full membership costs.

**Points made in discussion:**

- Caryl Griffith reported that she had felt at the meeting that there was no question of negotiating with the committee.
- This is a very emotional situation and it might not be possible to get the compromise needed.
- Student membership could sound patronising.
- It was felt that it was crucial that Equity agree an understanding of the word 'professional'.

- Some members have already been given full membership and this could cause a problem.
- There were concerns about the status of professional membership

The recommendation was proposed by Caryl Griffith and seconded by Jean Rogers and

**CARRIED** with 4 abstentions

## **8.9 RECORDED MEDIA**

### **8.9.1 Pan Industry – this item was deemed to be confidential**

### **8.9.2 Announcement**

Sally Treble reported that one of Equity's youngest stunt performers had suffered an accident while filming the recent Harry Potter film. It was proposed by Sally Treble and seconded by Riky Ash to send a card on behalf of the Council. This was

**AGREED**

### **8.9.3 Cinema Film**

The Assistant General Secretary (RM) reported that he now received a proposal following his meeting in LA but the staff had not had time to discuss it in time for Council. He also stated there had been some additions in the proposal that were not discussed at the meeting and this needed to be examined.

**NOTED**

## **8.10 REVISED REGULATIONS FOR DEALING WITH COMPLAINTS UNDER CURRENT RULE 34**

The Assistant General Secretary (RM) reported that there have been positive views from the previous and current Appeals Committees following presentation of proposed amendment to the current regulations. The only request made by the members of the Appeals Committee is that this proposed procedure should be fully reviewed after its first use. On this basis the proposal will be brought to the next meeting of the Council for ratification.

## **8.11 NEW STANDING ORDER FOR COUNCIL – MANAGING CONFLICTS OF INTEREST**

The Assistant General Secretary (C&MS) presented the new standing order to Council and drew their attention to a number of points he felt needed further clarification.

He reported that Equity already has a procedure written into the Rules that covers conflicts of interest. Current Rule 16(3) prohibits members from standing for the Council under four defined circumstances: employing members, making personal pecuniary gain from the employment of members, belonging to an association of managers or employers and or being on a body with which Equity is negotiating. If any of these four circumstances become applicable to a member of the Council during their term of office, the Rules require that member to forfeit their seat on the Council immediately.

He reported that the Officers were recommending the following procedure below be endorsed by Council today as part of the Council Standing Orders. This had been drafted drawing on examples from other organisations and following discussions with Paul Statham of Pattinson and Brewer.

Even the appearance of an unmanaged conflict of interest can damage an organisation's reputation, so conflicts need to be managed carefully. The policy is intended to protect both members of the Council from accusations of bias and the organisation as a whole.

A conflict of interest is any situation in which the personal interests of an individual member of the Equity Council or the loyalty which they owe to another organisation or person, could influence, or appear to influence, a decision made by the Council in which they participate.

It shall not be considered to be a conflict of interest where a member of the Equity Council serves on the board of another organisation as an appointee of the Equity Council.

A member of the Equity Council who believes that they have a conflict of interest shall declare that to a meeting of the Council before the item on the agenda over which they have a conflict is discussed. That declaration shall be recorded in the minutes of the meeting. The member of the Council declaring a conflict of interest may stay in the meeting and both speak and vote.

Once a declaration of a conflict of interest has been made it shall not be opened for discussion by the Council.

If a member of the Council fails to declare a conflict of interest they may be open to a complaint under the Rules.

Acceptance of the new standing orders was proposed by Dennis Ray and seconded by David Cockayne.

It was proposed by John Carnegie and seconded by Jean Rogers to remove the word 'personal' in the second paragraph. This was

**CARRIED**

The General Secretary reported to Council that she had received an email from Dave Eager about a part of the document circulated. He questioned that, by asking Councillors to declare a conflict of interest, how does this fit into Rule 3B(p) and also asked whether Councillors would have to declare connections with a religious group or a membership of a political party.

The Assistant General Secretary (C&MS) stated in response to this that a conflict of interest has nothing to do with an individual's belief. He stated that there will always be a range of views in debates. A conflict of interest would be if a member is likely to lose or gain from a decision.

Members of the Council expressed concern that the General Secretary was reporting a point given to her by an absent member of the Council and it was felt that in these circumstances Councillors should be asking other members of the Council to make reports rather than rely on the General Secretary.

It was suggested that this should be added to the March Council Agenda for discussion. This was

## **AGREED**

## **8.12 ELECTIONS**

### **8.12.1 By-election: Walk-on Seat**

The Assistant General Secretary (C&MS) reported that there has been a request from a Councillor that, whilst conducting the Walk-on seat by-election, Council should take the opportunity to fill the vacant Chorus and Ensemble seat.

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

- It was stated that there had been an opportunity for members to stand and this had not happened.
- It was felt that the reason the Council had not re-balloted for this seat in the past was because of the additional costs. However, because of the by-election, it would not cost any more to ballot for the Chorus and Ensemble seat at the same time.

The General Secretary referred to the previous Minutes and confirmed that Council had left the door open in order to re-open the debate. She also confirmed the legal advice given previously for this issue.

It was proposed by Tom Emlyn Williams and formally seconded that the by-election include the vacant Chorus and Ensemble seat. This was

**CARRIED** with 4 against and 4 abstentions

Following this decision, it was proposed by Sheila Mitchell and seconded by Tom Emlyn Williams that the by-election also include the vacancy on the Appeals Committee and on the Standing Orders

Committee as it is sometimes difficult to get a quorum with the current members. This was

**CARRIED** unanimously

**8.12.2 Timetable for the election of the national, area, specialist and equality committees**

The Assistant General Secretary (C&MS) presented the proposed timetable which had been previously circulated. This was

**ENDORSED**

**8.12.3 Election of Independent Scrutineers**

The recommendation to engage Popularis for the running of the by-election was proposed by David Cockayne and seconded by Corinna Marlowe and

**CARRIED** unanimously

**8.13 CONFERENCE OF DRAMA SCHOOLS COURSES – GRADUATE QUALIFICATION FOR MEMBERSHIP**

Matt Hood, Deputy Head of the Communications and Membership Support Department, was in attendance for this item.

Matt Hood presented his report to Council. He confirmed that the paper he was presenting was as a result of a consultation with young members, due to a perception that if they were not on a National Council for Drama Training or Council for Drama Education Training accredited course, they were being discriminated against in terms of coming into full Equity membership. The result of this is that when Equity go into schools, the students have already been rejected by the Union and it can be difficult to recruit them following this. He confirmed that both Equity and the Conference for Drama Schools want to work together with NCDT. He stated that the current system is preventing some performers from joining Equity. He recommended that Council endorse the following:

- In addition to those courses accredited by the NCDT, graduates from other vocational courses at CDS schools will also be able to join Equity as a full member on graduation, without having to provide a contract or evidence of professional work.
- CDS schools will be invited to nominate those additional courses which they believe fulfil Equity's vocational criteria, and the list of courses will be reviewed annually by Equity in September.
- Vocational courses are defined as those which train their students so that they are recognised as being capable of being employed in our industry upon graduation. Academic or theoretical courses will not be recognised as fulfilling Equity's criteria.

- CDS will act as a conduit of information on the course to be included on the list to Equity, not as a filter. The list of courses will be publicly available on the CDS website.
- Equity will have the final decision on which courses meet our criteria for membership.

It was proposed by John Carnegie and seconded by David Cockayne that some of the schools presented on the spreadsheet should be given membership following a job offer.

After it was stated that this was current policy the motion was

### **WITHDRAWN**

The Assistant General Secretary (C&MS) stated that at some drama schools some courses are accredited and some are not. This is about trying to ensure that all students have their first experience of Equity as a positive one.

The Assistant General Secretary (LP) reported that he had a conflict of interest in this debate as he was a member of the Council of the NCDT.

Acceptance of the recommendation was proposed by Corinna Marlow and seconded by Annie Bright.

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

- Would this reduce the status of the union by endorsing course that may not be of a high quality?
- NCDT could not accredit every course as it would lose its credibility.

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

- It was confirmed that part-time courses were not included in the database presented.
- Graduates for the unaccredited courses are successfully working in the industry so this is no indicator for gaining work after graduation.
- All the courses are validated by higher education standards so must be of a reasonable standard.

Following the discussion the recommendation was

**CARRIED** with 19 votes in favour, 6 against and 3 abstentions

## **8.14**

### **RESERVED SEATS FOR YOUNG PEOPLE ON THE COUNCIL**

The Assistant General Secretary (C&MS) reported that the Theatre Directors' Committee had submitted an amendment to proposed Rule 15: The Governing Body for consideration by the Special Representative Conference in October 2008. The amendment sought to

change the constitution and election procedures for the Equity Council such that under certain circumstances candidates under the age of 30 would deem to have been elected even if they polled fewer votes than candidates in the same electoral section who were 30 or over. The proposed amendment had been remitted to Council.

He continued that the Officers and Senior Management Team have given consideration to the desirability of reserving seats on the Equity Council for members below a certain age and had noted firstly that as it is open to any member of any age to stand for the Council and secondly that it is the current Council position not to seek to open a discussion on the composition of the Council.

It was proposed by Yvonne Joseph and seconded by Barbara Hyslop That the Council take no action on this. This was

**CARRIED** unanimously

## **8.15 CERTIFICATION OFFICE**

The General Secretary presented a copy of the union's response to the seven complaints made by Roy Radford as circulated to the Council in January.

She stated that if any member of Council wants a copy of the attachments they could contact Ana Reid, her personal assistant. The report was

**NOTED**

## **8.16 STAFF TRAINING DAY**

The General Secretary reported that the staff training day is an important opportunity for all the staff to be brought together for training. Since her election there have been three staff training days.

The next staff training day will be held in June (date to be confirmed) in London. This cost will again come from the staff training budget. This year we are holding the training day after the Annual Representative Conference.

In accordance with the arrangements for last year's training day the General Secretary will write to the Chairs of the national, area and specialist committees and the Secretaries of the general and variety branches to inform them that the Equity offices will be closed on the day. A clear notice will also be included in the spring edition of the Equity Magazine and on the website. Organisers will be asked to inform Deputies.

On the day itself the national and regional office switchboards, staff voice mail and mobile telephones, the website, email in boxes etc will refer emergency calls to an emergency number. Again in line with the arrangements made last year so that Guild House reception remains open the General Secretary will ask for two volunteers from the London

general branches to work on the reception. They will each receive payment as agreed between Equity and the GMB.

Therefore every effort will be made to ensure that members are informed of the arrangements for the day and that the minimum of disruption is caused. The report was

**NOTED**

## **8.17 TUC DISABILITY MOTION**

The General Secretary reported that Motions for the 2009 TUC Disability Conference must be received by the TUC no later than Wednesday 18 February. The Members with Disabilities Committee wish to send the following motion to the 2009 TUC Disability Conference:-

### **Portrayal**

“Recently a number of our major broadcasters have begun to make moves to increase the number of disabled people who appear on our screens, both in factual and drama programming. Disabled people make up 15% of the population, however our presence in media is still nominal. Increasing the presence of disability on our screens will allow the general public a greater understanding of disability and enable disabled young people access to a wider variety of role models.

Conference calls on the TUC Disability Committee to present ongoing honest feedback to the production company of the programme whenever a disabled person is seen on television to encourage the broadcasters that this is something the public is keen to see. Conference also calls on the TUC Disability Committee to encourage affiliated union’s Disability Committees to do likewise.”

The recommendation to support this motion was

**CARRIED**

## **8.18 MOTIONS FROM BRANCHES & COMMITTEES**

### **8.18.1 Walk-On and Supporting Artists’ Committee**

Equity arranged third party liability is in force when a member is working or training to work but not when they are employed. When members are employed they should be covered by employers’ liability insurance.

This is where the problem then exists. If a member accepts to work for nothing the definitions of whether a member is employed or not comes into question and potentially could end up in court. There is a chance that they are not insured at all depending on how that is resolved.

The Walk-on and Supporting Artists' Committee request Council to publish in the Spring Equity magazine and on the Equity website the above situation with regard to 3rd party liability insurance and its potential problematic effect upon members.

**Council Decision:** The Assistant General Secretary (RM) will write to the committee following advice received from First Act who have offered a number of insurance options for the committee to consider.

### 8.18.2

#### North West London Branch

The North West London branch moves that the Equity Council should take all necessary steps to ensure public recognition of John Levitt for all the tireless work he has done over 25 years for the Save London Theatres campaign. This recognition should take the form of an award in the Queens Honours List (New Year or Birthday Honours). The branch urges the Council to pursue this through the appropriate Government channels and also to seek support through its own network of political, arts and other channels.

**Council Decision:** The Council recognises the significant contribution John has made to the SLTC and indeed awarded him Honorary Life Membership. Whilst the union may have supported applications in the past, we do not believe the union should do so in future. The union should not initiate or make nominations although it should support nominations made by other parties as appropriate. It would be very difficult for the union to either initiate every nomination it is asked to make or to choose which it would or would not make.

### 8.18.3

#### Audio Committee

The Audio Committee supports Equity's continued opposition to any 'top slicing' of the Television Licence fee in order to finance television broadcasters other than the BBC.

However, recent reports about Channel 4 would seem to indicate the likelihood of a proposed link between that television channel and the commercial arm of the BBC, BBC Worldwide.

The Audio Committee is concerned that profits from the Audio business of BBC Worldwide, which are currently re-invested in BBC Audio programming, may become diminished should BBC Worldwide be used to finance Channel 4.

Should it transpire that Channel 4 be merged with BBC Worldwide, we call upon Equity to seek assurances from BBC Worldwide that any profits made by BBC Worldwide Audio and Music be 'ring fenced' and used only for investment in BBC Audio programming.

**Council Decision:** This is a much bigger issue than BBC Audio product. It is vital that both the BBC and Channel 4 are properly funded across all types of production. Equity should continue to campaign for sufficient funding for both public service broadcasters and that they both

remain publically owned. This message should not, at this time, be diluted by focussing on specific interest groups.

#### **8.18.4 Motion from the Women's Committee**

The Women's Committee asks the Equity Council to give support to the attached petition by:

- a) making a financial contribution to produce the petition website; and
- b) giving the widest possible publicity to its existence.

**Council Decision:** Given the successful launch with Equity's support across Europe of the FIA Gender project on 27 January, the presentation of the report by the General Secretary and Vice-President Jean Rogers to Barbara Follett MP, and the importance of keeping up the momentum generated by the project, the petition has now been successfully launched. The staff and members involved in the Gender Project are meeting to discuss the next steps.

#### **8.18.5 Motion from the 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.

**Council Decision:** Support.

### **8.19 LEGAL CASES**

#### **PERSONAL INJURY**

##### **Anne Robinson v Norwich Union Insurers**

Member has a personal injury claim for injuries sustained from a road traffic accident. She sustained a rear impact from another vehicle so liability is clear however she is suffering from a back injury which precludes her from work.

**FULL PROTECTION AGREED**

##### **Anika Wilson v JK Dance Studios**

Member was injured whilst she participated in a pole dancing exercise lesson. Sadly the said pole collapsed and our member fell causing extensive bruising and lacerations on the left side of her body.

**FULL PROTECTION AGREED**

##### **Helena Lymbery v Catherine Wheels Theatre Company**

Our member was injured when a set designed trap door closed prematurely trapping her fingers. Unfortunately she has lost the tip of her left ring finger as a result.

**FULL PROTECTION AGREED**

##### **Tessa Bell-Briggs v Radke Films**

Our member was injured whilst filming a television commercial abroad. She was instructed by the Director to rush down an incline as part of the action. He asked for another take with slightly more speed and our member sadly fell as a result. From the fall she sustained a serious fracture to her shoulder which will never fully heal.

## **FULL PROTECTION AGREED**

### **Becky Allen**

Our member was the victim of a violent attack on the way home from work. She sustained serious injuries from the attack. Therefore Morrish and Co Solicitors will administrate a CICA claim for compensation.

## **FULL PROTECTION AGREED**

### **Special Attention List**

#### **Patrick Wilson & Andrew Jenkins – One for the Road Limited**

Above company Directors and company owe ten Equity members over £32 000 in unpaid salary. The legal process has resulted in a court judgement; however, the company has now entered into liquidation.

## **MISCELLANEOUS**

**M Munro v Harmony's Restaurant**

**B Banwell v Aztec Hotel & Spa – Bristol**

**D Alacey v Nant Hall Hotel**

**T Martin v Jolly Sailor Pub – Saltford**

**C Capelin v TPP Theatrical Productions**

**C Donald v Show Teams Productions Ltd**

## **8.20 NEW MEMBERS & CURRENT MEMBERSHIP POSITION**

The Assistant General Secretary (C&MS) reported that there had been a very good start to the year. This was

### **NOTED**

## **8.21 COUNCILLORS' MOTIONS**

### **8.21.1 Motion in the name of Frederick Pyne, seconded by Sheila Mitchell**

"The A.R.C. is now firmly established and Council has fulfilled its pledge made at the first ARC to hold ARCs in each of the Nations. This year the ARC will be held in Blackpool. We seem to have got into the mind set of holding the ARC out of London every other year. Given the financial difficulties of the Union

Council will suggest to the next A.R.C that there should be a gap of at least two years after each out of London A.R.C. Any bid from a major city to hold the Conference will be weighed against the financial prospects for the Union".

In moving his motion Frederick Pyne stated that all he was asking Council to do was consider looking at this option. He felt that there was a significant difference in the cost when holding ARCs outside of London and he asked Council to be aware of this.

It was also stated that ARCs in London often mean that members don't stay for social events which changes the atmosphere a little.

It was felt that by not travelling outside of London Equity may lose some of its activists.

The motion was

**CARRIED** with 6 against and 2 abstentions

The second motion was

**WITHDRAWN**

**The meeting closed at 6pm**