
MINUTES OF THE FOURTH MEETING OF THE 2010/2012 COUNCIL HELD
AT GUILD HOUSE ON 2ND NOVEMBER 2010

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Present: David Cockayne (Vice-President – in the Chair), Riky Ash, Laura Bailey, Kate Bancroft, Peter Barnes, Ian Barritt, Henrietta Branwell, Annie Bright, Christine Bucci, John Carnegie, Nicky Diprose, Dave Eager, Bryn Evans (Honorary Treasurer), Peggy-Ann Fraser, Graham Hamilton, Ryan Forde losco, Yvonne Joseph, Joseph Kloska, Mary Lane, Brenda Marsh, Paul Mead, Andy Medhurst, Sheila Mitchell, Pauline Moran, Ellie Paskell, Frederick Pyne, Dennis Ray, Rhubarb the Clown, Jean Rogers (Vice-President), Sanita Simms, Julia Carson Sims, Sally Treble, Tim Walton, John Webb, Samuel West and Christine Payne (General Secretary).

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4.1 ANNOUNCEMENTS

In the absence of the President on tour, David Cockayne, Vice-President, chaired the meeting.

- 4.1.1. The Vice-President reported that Sheila Collings was back in hospital but was hoping to go to Denville Hall when she was discharged.
- 4.1.2 Agenda item 6 – Committees – online decision-making – this would be deferred until the December meeting.
- 4.1.3 Agenda item 3 had been re-ordered to include the Three Counties Branch as a new item 3d.
- 4.1.4 Agenda item 7 – Recorded Media – this would take place at 2.00 p.m. and would involve a PowerPoint presentation.
- 4.1.5 The Vice-President announced that a further table would be added to the Council Room to provide additional desk space. This was in response to a question from a Councillor.
- 4.1.6 The Honorary Treasurer said that Councillors' expenses needed to be claimed by 11.00 a.m. for payment to be guaranteed by lunchtime.
- 4.1.7 In relation to the 'For Information' papers, the Vice-President asked that any Councillor who wished to suggest a topic for discussion should give an outline of the proposed discussion by Friday, 26th November.
- 4.1.8 A Councillor referred to the reception staff in Guild House and all the extra work they had done during the refurbishment. It was **AGREED** that they should receive flowers.
- 4.1.9 The Vice-President said that all corrections to the Minutes of Council had been agreed prior to the Council meeting.

Points made in discussion:

- A Councillor said that he found it problematic not knowing what all the corrections were. *Reply – the policy on this had already been agreed by Council. If there were any problems with corrections, individual Councillors should contact the General Secretary.*
- This could lead to correcting the minutes twice.

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- The Vice-President asked if other Councillors were concerned about the new system. A number of Councillors raised their hands; it was therefore **AGREED** that OSMT should reconsider the position and report back to Council.
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4.2 MATTERS ARISING FROM THE MINUTES OF COUNCIL 3

- 4.2.1 Minute 3.2.1 – Announcements** – the General Secretary referred to the reply received from the office of Ed Vaizey, Minister for Culture, Communications and Creative Industries. Equity had now been told that this reply had been made on behalf of the Prime Minister's office. Nothing in Ed Vaizey's letter had indicated this to be the case. A further report on this would come back to the December meeting of the Council.
- 4.2.2 Minute 3.2.3 – BBC Pension Scheme** – the AGS (RM) reported that there had been ballots of the NUJ and BECTU members. BECTU had accepted the BBC's revised proposals and the NUJ had rejected them. Neither vote had been close. The NUJ would now be taking industrial action; he said that Equity would be liaising with the NUJ to identify any areas where their industrial action would impact on Equity members.
- 4.2.3 Minute 3.2.4 – Organising in Equity** – the AGS (LP & O) reported that the National Organising Team had met and another meeting had been arranged for the 29th November.
- 4.2.4 Minute 3.2.5 – UK Film Council** – the AGS (RM) reported that it was not yet certain which organisation would be taking over the work of the UK Film Council although rumours suggested it might be transferred to Arts Council England. The Union had not been asked to give verbal evidence. He said he would be monitoring the situation.
- 4.2.5 Minute 3.2.6 – BBC Audio Agreement** – the AGS (RM) reported that this was being dealt with in tandem with the BBC TV Agreement but there should not be any difficulty in getting a resolution on this.
- 4.2.6 Minute 3.4.2 – ITV National Insurance** – the AGS (RM) said that he, together with the General Secretary, President and Tax and Welfare Rights Officer, had met with ITV representatives to say that Equity was extremely unhappy with the way this matter had progressed. ITV had apologised and said that from their perspective it had been more about a dispute with the Revenue and they were sorry about the non-consultation. The result of the Tax Commissioners' hearing was still awaited and further discussions would be taking place with ITV. In terms of reporting, the AGS (RM) said that the matter was confidential

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but Councillors could report that the outcome of a court case on the National Insurance question was awaited.

4.2.7 Minute 3.7 – Staff Pension Scheme Vacancy – the AGS (RM) reported that the ballot had closed on 4th October and there had been three nominees. There had been 32 votes distributed as follows:

Michael Branwell: 15 votes

Dennis Ray: 12 votes

Barbara Hyslop: 5 votes

He confirmed that Michael Branwell had duly been elected to be a Pension Scheme Trustee. He thanked all the candidates for their willingness to take on such an onerous task.

4.2.8 Minute 3.9.1 – New Procedures for Dealing with New Members – a Councillor asked whether all of the current members of Council had an email address. The General Secretary undertook to report back on this at the next Council meeting.

4.2.9 Minute 3.10.5 – Audio Committee - John Webb told Council that there was now no intention to abolish the Burmese section of the World Service and quoted from Hansard to this effect. This was **NOTED**.

4.2.10 Confidential Minute 3.3.1 – Subsidised Repertory Agreement – the AGS (LP &O) told Council that the Subsidised Repertory Agreement had been ratified by the TMA on 21/10/10 and was now in place. Accordingly the matter was no longer confidential.

It was **proposed** by Dennis Ray and **seconded** by Dave Eager that the Minutes were a true and accurate record of the meeting. This was **AGREED**.

4.3 COMPREHENSIVE SPENDING REVIEW

The AGS (C & MS) referred to his written report on this – he told Council that Arts Council England funding was being reduced by 6.9% in April 2011 for one year and there would be a further three year settlement to run to 2015 as a result of which Arts Council England had made clear that up to 100 regularly funded clients would lose funding. Creative Partnerships was being cut by 50% and Arts and Business by the same amount. In Wales, three TIE companies have had their funding cut and funding for local government in England was being cut by 7.1% for each of the next four years. Somerset County Council had decided to axe its Arts funding altogether. He said that

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Sam West had attended a demonstration in Taunton the day before and would be attending Council later to explain the outcomes. Other demonstrations were taking place in Cumbria, Liverpool and Manchester. In addition, 500,000 public employees were likely to lose their jobs and there was speculation that there would be a similar scale of job loss in the private sector which would affect box office receipts severely. The fourth strand of the funding was private sponsorship which, in the current financial climate, was under severe pressure.

Equity had been responding in various ways to these threats. It had been gathering information about TUC sponsored demonstrations across the United Kingdom and had been asking for information through the Equity website. Regional Organisers were being asked to use their contacts in local Trades Councils. An email was going out to all Members to keep them informed about what was happening at a local level. The Union had written to the Council leaders in Somerset, Cumbria, Liverpool and Manchester and had emailed Members in each of these areas. Contacts had been made with Arts Council England and it was hoped to have a meeting soon with Alan Davey, Chief Executive of Arts Council England.

Postcards headed 'Save Our Theatres' had been produced and the Autumn edition of the magazine had provided further publicity. Initiatives were going on in Scotland and Northern Ireland. Finally, the Union had been in touch with the organisation '38 Degrees' about the on-line campaign addressing the freezing of the BBC licence fee.

Points made in discussion:

- The cost of theatre tickets will be increasing in January owing to the increase in VAT.
- Should Equity contact the National Association of Government Arts Officers? *Reply – the AGS (LP & O) said that he would add them to the list.*
- Can we donate something to 38 Degrees? *Reply – the AGS (C&MS) said he would look into this.*
- Have we looked at how to establish contacts with Treasury civil servants? *Reply – the AGS (LP & O) thought this was a good idea which could be looked into further.*
- Can we look at how theatres can get involved through media presentations at beginning of performances? *Reply – this depends on the cooperation of local theatre management but is worth looking into.*
- Local branches could affiliate to local Trades Councils to get better leverage.

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- The local government cuts will need a different kind of campaigning as there is much more direct competition at this local level. Can we produce a briefing document for use at this level? *Reply – the AGS (C & MS) said that the Union had already produced a briefing pack on how to run local campaigns.*
- We should make use of stars and give a budget to star Members and work this into policy. *Reply – the AGS (C&MS) said that a meeting was planned for 3rd November at the House of Commons involving the Performers' Alliance – this will look at what further activity is possible. The Union had written to the cast of Made in Dagenham to enlist their support and Benedict Cumberbatch and Joseph Kloska had been well received at the TUC demonstration on 19th October.*
- The industry is not all about stars – getting a highly paid star to turn up is not necessarily the best strategy.
- We should suggest that the Chancellor puts his own money towards the Arts and use this as a propaganda point. *Reply – the AGS (C&MS) said he thought such an approach could be counter-productive.*
- Local authorities also support parks, hospitals, school shows and these would be even more vulnerable and difficult to defend. *Reply – the AGS (C&MS) agreed that the problem will extend across more than just Council arts budgets.*
- We need a policy document to give to the Trades Councils – is it the case that very few branches have affiliated? *Reply – this was the time to tell branches to affiliate but statistics are not currently available on how many are already affiliated.*
- Who will be working on all these things? *Reply – the AGS (C&MS) replied that it would be himself and Louise McMullan, Policy Development Officer, in the main but others would be helping. He thought it was the most important piece of work currently facing the Union – there were more than 40,000 Members (including Student Members) who could be used as a resource.*

Ellie Paskell **proposed** the following Motion, **seconded** by Nicky Diprose:

‘That Council agrees a Working Party to establish a high-profile, nationwide, multi-media campaign (utilising our celebrity Members where possible) to highlight the benefits of our profession to the national economy and society in general.’

The AGS (LP & O) said in response to the Motion that this would cut across the Union’s strategy. In his view, setting up a working party was not

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the best way forward – it takes time and, in the short term, there was a need to fight and rally resources quickly as was being done on the Website.

The debate on this issue was continued under item 4.4.2 Save Our Theatres. This included consideration of the Motion put forward by Ellie Paskell.

4.4. LIVE PERFORMANCE

4.4.1 Outdoor Touring Contracts.

The AGS (LP & O) referred to his written report which made reference to an update on progress from Andy MacBean, Vice Chair of the Independent Theatre Arts Committee (ITAC). This update showed that twelve companies of the eighteen working in this sector had now signed up to the guidelines. There was no recommendation contained in the report but Council was asked to note that progress was being made.

It was suggested that Council should express its gratitude to Andrew MacBean and ITAC for all their good work on this. This was **AGREED**.

The report was **NOTED**.

4.4.2 Save Our Theatre campaign.

Council then returned to the debate on this item which had begun under item 4.3. The AGS (LP & O) referred to his written report which gave details of the lobbying activity the Union had carried out prior to the Comprehensive Spending Review on 20th October, 2010 and which summarised the main outcomes for cuts to front-line arts activities.

The **Recommendation** of the written report was as follows: 'That the report be noted and Equity staff continue to develop lobbying and other activities to protect Equity workplaces, and to ensure the protection of direct arts activities to the maximum degree.'

Following on from this, Council was shown a brief video report on the demonstrations against the cuts. This began with a CNN report and then went on to look at various links from the Equity Website.

At the end of this presentation, Sam West reported to Council on the demonstration he had attended the night before at Somerset County Council. He explained that this had been the first Council in the country to announce a 100% cut to arts funding. The Council had a total budget of £350 million and the Arts budget represented only 0.0045% of that figure (about £159,000). Sam West had been there as a board member of the National Campaign for

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the Arts. Somerset had no regularly funded building-based theatre, ten regularly funded organisations and a combined annual turnover of over £3 million. He said there would be a full meeting of Somerset County Council on 10th November to ratify the proposed cuts.

Whilst at the demonstration, Sam West had explained the itinerant nature of the profession and made the case for the importance of local arts in fostering talent. He said that the local Arts organisations were willing to accept a 26% cut and he hoped that this would be the final outcome.

In responding to the debate, the AGS (C&MS) said that the idea of contacting Arts Officers was a good one as was that of trying to establish a dialogue with Treasury civil servants. Standard letters could be used for Councils and advice given on petitions. It would also be a good idea to affiliate with local Trade Councils.

He explained that the Manifesto for Theatre document would be coming to Council in December – spreading the message would be a good thing and Council Members could be involved in doing this. This would be preferable to a Working Party structure.

Following further discussion, It was **AGREED** to add certain words to the above recommendation – these were as follows: ‘and that a register be compiled of Council Members who wish to be involved in campaign development and with whom staff can liaise in relation to campaign activities such as announcements in theatres and multi-media presentations.’

Ellie Paskell said that she was willing to withdraw her Motion provided that Council considered how such media presentations could be used to boost the campaign prior to theatre performances. The AGS (LP & O) said he was committed to looking at this. The Motion was accordingly withdrawn.

The OSMT recommendation, as amended, was **proposed** by Ellie Paskell and **seconded** by Annie Bright. This was **AGREED**.

A Councillor asked that Council pass a vote of thanks to Joseph Kloska and Benedict Cumberbatch for their contributions to the TUC Rally on 19th October, 2010 at Methodist Central Hall. This was **AGREED**.

The debate was **NOTED**.

4.4.3 Sussex and District Variety Branch

Referring to his written report, the AGS (LP & O) said that this matter had been to Council before and referred to the written report from John Ainslie, South-East Regional Organiser.

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This contained the following **recommendation** from John Ainslie:

'I recommend that the Council formally resolve that a branch with the title 'Sussex & District Variety Branch' will no longer be maintained and that its Members, along with its remaining funds of approximately £67.00, be transferred to the existing Wessex VB.

Further, that the enlarged Wessex Branch should, after consultations, be suitably renamed and asked to consider where it should hold meetings in future.

While the Council may wish to defer any renaming until it has received the report of the Branch Boundaries working party set up by Council decision on 7th September, to avoid further uncertainty and confusion I strongly recommend that the formal closure of this Branch, which has been discussed for over 12 months, should be carried out as soon as practicable.'

This recommendation had been endorsed by OSMT.

The OSMT recommendation was **proposed** by Sally Treble and **seconded** by Henrietta Branwell.

Points made in discussion:

- Do Branch Members need to be invited to join the Wessex Branch?
Reply – this would happen automatically.

The Recommendation was **ENDORSED**.

4.4.4. Three Counties Branch

The AGS (LP &O) referred to two written reports from John Ainslie, the South-East Organiser. The reports referred to the Motion to Council 4 from the Three Counties Branch which read as follows:

'This AGM of the Three Counties Branch believes the branch is not viable in its current form, and calls upon the Equity Council to dissolve the Three Counties General Branch'.

The OSMT **Recommendation** to this Motion was as follows:

'Support subject to discussions with the Branch Committee on how members in the current geographical area can be represented within a Branch structure'.

John Ainslie's first report contained the following **Recommendation** to Council:

'My recommendation is that Council:

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- i. Notes the Motion and
- ii. Agrees that the Three Counties Branch as currently established should cease to operate for the time being and
- iii. Agrees to act on it formally once plans are in place to establish simultaneously a new branch in Milton Keynes and the surrounding area *and* there are outline arrangements, at least, for a new branch to be established in the populous south of the current area.'

Subsequently, John Ainslie met again with the Branch and produced a further report containing the following Proposal and Recommendation:

PROPOSAL

1. WHO

This proposal comes from a group of members resident in the area of the proposed new branch and all of whom have been actively involved in the running of the existing branch, some since before its formal establishment.

It also follows a recommendation passed unanimously by the last committee of the 3 Counties Branch and is endorsed by the retiring chair of that branch.

2. WHAT

The proposal is for a branch to be called simply the "Milton Keynes" Branch. After discussion, it was felt to call it the "M.K & District" Branch was unnecessary: the "& District" is implied.

3. WHERE

The branch would cover an area encompassing Milton Keynes, Bedford and N. Bedfordshire, Luton, Northampton Town and southern Northamptonshire, Aylesbury & rural N. Buckinghamshire.

It is felt by these members who know the area well that this represents a realistic 'catchment'.

4. HOW MANY MEMBERS

For reasons of time, I have not been able to provide a full count of the members currently living in the proposed area: these figures are based on figures which may not be up to date in detail.

With that proviso, I estimate that the area contains perhaps 700 members, (including Student Members) of which around 230 are currently registered with the 3 Counties Branch.

The 3 Counties Area contained around 1,600 members and has a register of 287. So the new branch area would contain roughly 40% of the old area and around 80% of its current register.

5. ESTABLISHMENT

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It is proposed that Council establishes the branch immediately: the members are provisionally planning an inaugural meeting in mid-January 2011.

6. THE NEW COMMITTEE

The current group includes 2 ex-members of the 3Counties Committee who offered themselves for re-election at the AGM for the purpose of 'reconstruction', the one member who was nominated in due form before the AGM (and was elected) unopposed and 2 members instrumental in the request for the original branch.

It is proposed that a notice is sent to all members living in the area notifying them of the new branch and inviting actively interested members to come forward. At the inaugural meeting, it is proposed that use is made of Rule 5 (a) (iii) and the Branch Meeting is asked to approve the co-option of up to 9 Committee Members, who would then serve in the normal way with full powers until the first AGM, to be held as decided by the Branch.

Other Matters

The group of members have already accepted an offer that in future ALL branch meetings will be held at the 'Madcap Theatre' in Wolverton (Milton Keynes) which is a community and professional arts centre easily accessible by rail, bus and car.

They have provisionally decided that they should be held on a fixed day (as in 1st Thursday, or whatever): they are still deciding whether this should be monthly or bi-monthly.

They have determined to fix and advertise as soon as possible their programme of meetings for the first year, starting with the inaugural meeting in January.

They anticipate that these measures, coupled with the more narrowly defined geography, will increase attendance and participation fairly readily.

The **Recommendation** of John Ainslie, South-East Organiser, based on this report was as follows:

'In the light of all the above, not least the final section, I recommend that the Council accept this proposal and establish the new Milton Keynes Branch with immediate effect.'

The AGS (LP & O) said that Council had two options: it could adopt the recommendation from OSMT or support the OSMT recommendation and endorse the establishment of a Milton Keynes branch as per John Ainslie's second updated recommendation. This would mean the rest of the geographical area would still be under discussion.

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It was **proposed** by Rhubarb the Clown that the current branch be dissolved and a new Milton Keynes branch be set up. This was **seconded** by Henrietta Branwell.

Graham Hamilton **proposed** an amendment to Rhubarb the Clown's Motion to the effect that the Milton Keynes Branch should instead be called the Milton Keynes and District branch. This was **seconded** by Brenda Marsh. This was on the grounds that it gave the impression that you could not be a member unless you lived in Milton Keynes.

Points made in discussion:

- Under General Branch Rule 3 Members can be temporary full Members of a neighbouring branch.
- It's necessary to check that the new branch as constituted is viable in terms of Membership numbers.
- What is the branch and what is the Committee? *Reply – the branch is all the people in the geographical area and the Committee is the body of activists who come together to run it.*
- Can we create a new branch without dissolving the old one? *Reply – no, it first has to be dissolved.*

The view of the General Secretary was that she sympathised with the aspirations of the Three Counties Branch Members to keep Equity going in that part of the country. She thought it would be best to go back to the OSMT recommendation and support the dissolution and then discuss subsequently what was workable with the Branch. The OSMT Recommendation was the first part of Rhubarb the Clown's Motion and should be voted on.

The Vice-President then read out the OSMT Recommendation which was voted on. This was **CARRIED** unanimously.

Rhubarb the Clown then asked what would happen to the second part of his Motion which was to set up a Milton Keynes Branch with immediate effect. It was clarified that the intent was to return to this at a later meeting following the discussions with the Branch as per the OSMT Recommendation. Rhubarb the Clown thought that it would have been better for a vote to have taken place on this together with the amendment to the second part of Rhubarb the Clown's Motion proposed by Graham Hamilton. This however had not happened.

The General Secretary **proposed** to Council that it follow the OSMT recommendation in any event rather than the second part of Rhubarb the Clown's Motion. This was **AGREED**.

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The AGS (LP &O) said that he would report back to the South-East Organiser and bring back a report to the next Council meeting which would address the OSMT recommendation.

4.5 GENERAL SECRETARY

4.5.1 General Secretary's Contract

The General Secretary was not present in the Council Room during discussion of this Agenda item.

The Honorary Treasurer referred to his report to Council on this. He pointed out that the draft contract had been checked by Paul Statham of Pattinson & Brewer and that it was proposed that the General Secretary would receive exactly the same treatment as any other staff member in respect of the annual review of staff salaries and in respect of the provisions of the Staff Pension Scheme. The General Secretary had indicated that she was happy with the terms of the draft contract.

The **Recommendation** of the Lay Officers was as follows: 'That Council approve the draft contract (a fixed term contract of five years) for Christine Payne to serve as General Secretary from 1st November, 2010 to 31st October, 2015 at an initial annual salary of £74,252.'

This was **proposed** by John Webb and **seconded** by Frederick Pyne and was **AGREED**. However, the Honorary Treasurer then pointed out that, under the Rules, there had to be a formal vote. The Council then voted on the recommendation which was **AGREED** unanimously.

The General Secretary then returned to the Council Room.

4.5.2 Leave

The General Secretary referred to her brief report on this. She said that she would be taking three weeks' annual leave from Monday 8 November until Friday 26 November inclusive. She said that, given she would be absent for a long period, the Officers had agreed that Martin Brown would deputise in her absence. She said that in her absence on leave she would not be checking emails and she was greatly looking forward to her time off.

The **Recommendation** was therefore as follows: 'That Council is asked to endorse this arrangement'.

The Recommendation was **proposed** by Frederick Pyne and **seconded** by Ian Barritt.

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This was **AGREED**.

4.6 REPORT FROM ARC WORKING PARTY

The AGS (C&MS) referred to his written report and the five appendices attached to it. He said that the Open Space event at the 2010 ARC had been successful in that it had demonstrated the need for thinking time.

He said that in the past some Motions to ARCs might not have needed to have been submitted; others were not really matters of general policy and, at the last ARC, more of these type of Motions than previously had been ruled out of order by the Council.

He wished to thank the Members of the Working Party for their hard work. The Vice-President, David Cockayne, also thanked the AGS (C&MS) on behalf of the Working Party which he had chaired at its last meeting.

The **Recommendations** made by the Working Party were as follows:

1. That the number of Fringe Sessions should increase.
2. That the Open Space event should be repeated at each subsequent ARC, but with the SOC allocating more time, which may vary from conference to conference. At the Open Space event Members would be encouraged to volunteer to coordinate an Open Space event at the next ARC. At the earliest possibility information will be sent out about the ARC which should include encouragement to Members to volunteer to coordinate the Open Space event. The SOC will act as the contact point for Members wishing to coordinate an Open Space event. The Council will decide as to which one of the individuals who have put their name forward should coordinate the next Open Space event. If no member volunteers to coordinate an Open Space event it would not happen.
3. That guest speakers should not be mandatory, but that when they were invited they should always be appropriate.
4. That time limits on speeches by the President, Honorary Treasurer and General Secretary be drawn up by the SOC, in consultation with the officers concerned, for future ARCs.
5. That the Lesbian, Gay, Bi-sexual and Transgender Committee's suggestions on the diversity of representatives should be referred to the Diversity of Union Engagement working party.

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6. That the suggestions from the Walk-on and Supporting Artists' Committee, as set out below, should be implemented:
 - chairs should be made available close to the platform for proposers and seconders;
 - space should be made available close to the platform for disabled or wheelchair using Members.
7. That the practice of reserving seats for the Council should end so that anyone attending the Conference, including observers, can sit anywhere in the conference hall. In order to ensure that only accredited representatives can speak, it should be a requirement written in to the standing orders for the Conference to show a voting card if a representative or Council member wants to speak.
8. That tweeting by staff from the ARC should continue. Owing to concerns over confidentiality, anonymity and the ability for Members to speak freely, the working party is not recommending the introduction of streaming at this time.
9. That the Equity training document on drafting Motions should be circulated to all branches and committees well in advance of each ARC and that branches and committees should at the same time be reminded that submitting a Motion is not obligatory.
10. When the ARC is in London:
 - the London Area Committee be encouraged to establish a welcome point in the foyer of the Conference hotel on the Saturday to greet representatives.
 - the London Area Committee be encouraged to organise to get-together in the hotel bar at a set time on the Saturday evening. Details of the welcome event to be publicised to representatives in their pack. Representatives to be encouraged to wear their badge for identification purposes.
 - the SOC be encouraged to consider being represented at the welcome point to answer any questions about Conference procedures in advance of the Conference starting.

It was **AGREED** to vote on all of the recommendations at the same time and they were **proposed** by Dave Eager and **seconded** by Nicky Diprose.

Points made in discussion:

- The Standing Orders Committee can look further at the recommendations and how they should be implemented.
- It was surprising that not all of Equity's committees and branches had taken part in the consultation. *Reply – the AGS (C& MS) agreed that this was surprising.*

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- As the previous Chair of the ARC Working Party, Graham Hamilton thanked Martin Brown and the Members of the Working Party for all their hard work.

There followed a vote of all those in favour of adopting the report in its entirety. This was **CARRIED** nem con.

4.7 RECORDED MEDIA

4.7.1 The Hobbit

The AGS (RM) referred to his written report on this and said that some of what had gone on in New Zealand had been a disgrace. There had been death threats to the Federal Secretary of the MEAA, Simon Whipp, and the President of the New Zealand Branch. They had been subjected to harassment and on one occasion required a police escort from a restaurant. However, the contracts now being offered were significantly better than the previous ones and the MEAA had requested that Unions withdraw their instructions to Members asking them not to work on this film. In the meantime, the law in New Zealand had been changed to make all film actors freelancers in any circumstances.

Points made in discussion:

- A Councillor thought that a further letter of support should be sent to the New Zealand Union and to the MEAA. This was **AGREED**.
- We should send a strong letter of support to the actors in New Zealand.
- The successful negotiations should be publicised to other Union Members.
- In this country and within the EU collective agreements can be made if Members have 'worker' status which they may have even if self-employed.

The report was **NOTED**.

4.7.2 RHI/Hallmark – this item was deemed Confidential

The AGS (RM) referred to this written report and gave an update on the current position regarding the recovery of monies owed to members..

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4.7.3 BBC TV Agreement – this item was deemed Confidential

The AGS (RM) referred to his written report and ran through the current state of negotiations on the BBC TV Agreement.

4.8 ARC 2010

4.8.1 Motion 32: Blackpool Variety Branch/West and South-West London Branch

The AGS (C & MS) spoke to his written report on this. This related to the appointment of a working party to address Motions from the Blackpool Variety Branch (on branch boundaries) and the West and South West London Branch (on branch rules). He said that individual Members had been approached to assess their willingness to serve on this working party and OSMT was now recommending that Jean Rogers should chair the working party and that, in addition to the Officers themselves, the following individuals should be invited to serve on the working party:

Variety Branches: Chris Cotton (Blackpool) and Andy Christie (Thames)

General Branches: Alyn Gwyndaf (West and South West London) and Helen Raw (East of Scotland)

Midlands Area Committee: Sally Treble

Council: Sheila Mitchell and Yvonne Joseph

Matt Hood, Head of Communications and Membership Support, will staff the working party.

The **Recommendation** was therefore as follows: that the OSMT recommendation on the composition of this working party be endorsed.

Points made in discussion:

- What is the Council policy in appointing Members to a Working Party? *Reply – the General Secretary said that there was no hard or fast rule about this but OSMT had discussed it and thought it was best to have a balanced working party.*
- Why can't the working party elect its own Chair? *Reply – a Council Working Party is always chaired by a Lay Officer.*

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- It was important that the Chair appreciates what happens at a grassroots level as it gives him or her a better appreciation of the needs of Members.
- Kate Bancroft said that she would have liked to have served on the working party and felt that the outcome had been dictated.

Frederick Pyne **proposed** adding Graham Hamilton, Kate Bancroft and Laura Bailey to the Working Party list as an amendment. This was **seconded** by Annie Bright. It was pointed out that doing this would be changing Council policy and that there would not be a majority from the general branches on the Working Parties which had been the intention of the original movers of the Motion.

Following further discussion, Frederick Pyne **proposed** and Annie Bright **seconded** supporting co-option if the addition of these names was not possible.

John Carnegie **proposed** rejecting the OSMT recommendation and having an election specifically for the Council places. This was **seconded** by Julia Carson Sims.

The General Secretary commented that John Carnegie's Motion should be that the OSMT recommendation is accepted with the exception that the Councillors on the Working Party should be elected. This was **AGREED**.

Subsequent to this, Frederick Pyne and Annie Bright withdrew their amendment.

The Motion to accept the OSMT recommendation with the exception that the Councillors on the Working Party should be elected was **DEFEATED** overwhelmingly.

Dave Eager **proposed** and John Webb **seconded** that the OSMT recommendation be passed with the proviso that the Committee can co-opt further Members if need be. This was **AGREED**.

4.8.2 Motion 31 Minority Ethnic Members Committee

The AGS (C& MS) reminded Council that a rule-change Motion from the Minority Ethnic Members' Committee had been remitted to Council at the ARC due to the way it had been phrased. The Motion had sought to change the rules so that Equity could discipline or refuse Membership to active racists. The legal position was that until 1980 Members could be expelled in accordance with Natural Justice and a Union's own Rule Book. From 1980, the legal position had changed making it very hard for Unions to expel Members but due to the impact of a case taken by ASLEF it was now possible

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for Unions to discipline or expel Members under very specific circumstances. He ran through the advice in the letter from Paul Statham, solicitor at Pattinson & Brewer, which had been distributed to Council.

On the question of the Referendum, he said that this would go out in the March 2011 magazine as this would be the next magazine other than the Review of the Year. He said it was vital that this question be put to Members as otherwise it will feed the idea of the Union as one which appeases racists and bolster the view that it does not support black performers.

The **Recommendation** was therefore as follows:

'The Officers and SMT recommend that the rule changes, as drafted by Paul Statham, are put to a referendum of the Members with the next available edition of the Equity magazine, which will be in March 2011'.

The recommendation was **proposed** by Frederick Pyne and **seconded** by Joseph Kloska.

It was **NOTED** that the legal advice was a privileged legal document and therefore effectively Confidential to the Council.

Points made in discussion:

- Has the rule change been approved by the Minority Ethnic Members' Committee? *Reply – yes, they had met on Friday 29th October and were strongly in favour of it.*
- We need to reassure our brothers and sisters in the Union movement that we are not appeasers of racists.
- Would this affect a member who chose to demonstrate against Jerry Springer the Opera? *Reply – no, it wouldn't.*
- There was a potential conflict with the rule which promoted freedom of artistic expression. *Reply – that is a possibility.*
- Rule 3.2.17 is not needed – we can rely upon Rule 3.1.1.8
- A Councillor explained her support of the amendments in terms of the racist abuse she had herself suffered at the ARC and as a member of the London Area Committee.
- This was not about what people think – this was about conduct.
- What would have been the effect if this rule change had been in force at the time of the Simone Clarke affair? *Reply - the AGS (C & MS)*

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replied that it was not clear whether the rule change would have enabled the Union to expel the BNP member, Simone Clarke. At the time of her exposure as a BNP member by The Guardian, the legal advice was that Equity could not even launch an investigation so judging how any new rule might have operated in retrospect is difficult.

- This was not just about actions in the workplace – it was broader than that.
- Can we do something about race discrimination under the existing rules? *Reply – yes, we can.*

The OSMT recommendation was **AGREED** nem con with two abstentions.

4.9 BECS/EQUITY SECONDMENT ARRANGEMENT

The General Secretary referred to her written report on this matter. Over the past two years the Council had considered the future relationship between Equity and BECS (British Equity Collecting Society).

Equity and BECS have a formal arrangement by which Andy Prodger is seconded to BECS as its Chief Executive initially for 2.5 days a week and subsequently for 2 days a week. Details of the arrangement are set out in the four reports to Council (February 2008, January, April and November 2009) and were incorporated into a Secondment Agreement agreed between Equity and BECS.

However this arrangement had placed some stress on Equity and, whilst the staff had covered Andy's absence and Andy had undertaken all his duties to both organisations, it had become clear that the arrangement was no longer sustainable and that perhaps it was an appropriate time for BECS to make a decision on its Chief Executive.

Therefore, after discussion with the Officers the General Secretary had written to BECS to confirm that the Union believed that the secondment arrangement should end on 30th April 2011 and not 31st December 2011 as originally intended.

The BECS Board had met on Monday 1st November, and would meet again in December around its AGM when the Board would have an opportunity to consider this matter further. A response from BECS had been received on which some clarification was needed; therefore, the Officers decided that it could be circulated to the December Council meeting.

A further report would be brought to the Council at its meeting in December.

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Recommendation: Council is asked to endorse this approach to BECS.

The recommendation was **proposed** by Nicky Diprose and **seconded** by Joseph Kloska.

Points made in discussion:

- A Councillor referred to a letter from the BECS Board and asked why it had not been distributed to the Council. *Reply – the General Secretary said that the Officers believed it should go to the December Council Meeting.*
- Jean Rogers, Vice-President and Chairman of BECS, said that there had been a meeting of the BECS Board the previous day and the letter from the General Secretary had been on the agenda. The BECS Board had considered the letter and had asked the Vice-President to reply on its behalf. She said the Board had been very disappointed to get this letter and recognised that it was now for Andy Prodger to decide where he stood on this. Subject to finances permitting, the Board would be looking to replace the part-time CEO with a full-time CEO and had set in motion the process for deciding how to do this.
- The Honorary Treasurer said he did not think that secondments could ever be a long-term solution; they tended to be short-term arrangements that ended for a variety of reasons.
- This will cause BECS financial difficulties.
- This could be an opportunity to look at staffing costs and the staffing structure of Equity.
- John Webb wished to place on record the excellent work Andy Prodger had done as the CEO of BECS. The organisation is run on a small budget and will need a CEO who understands the minutiae of the collecting system in Europe.

The General Secretary said that she was asking Council to endorse the approach to BECS contained in her written report. She responded to the points made in discussion:

- The secondment arrangement was estimated initially to last for two years – the Union had been approached three years ago by BECS who at the time had a Chief Executive who was not willing to continue as CEO on the terms being offered by the BECS Board. BECS had come to Equity and Equity had tried to help.
- The AGS (RM) had started off by working 2.5 days per week for BECS and then 2 days per week; the Union had had to ensure that this was

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compatible with Equity doing its work efficiently. The Heads of Department positions had been created and the responsibilities within Recorded Media had been accommodated to the new structure.

- The Union had also tried to help BECS by bringing them into Guild House; as a result, they were paying less than half the commercial rent they had been paying. Accordingly, they had security, a reasonable rent and also six months rent free.

She wished to place on record her thanks to the AGS (LP & O) who, in addition to the Subsidised Repertory and Organising agenda, had managed the Guild House refurbishments himself with all the additional problems that had arisen. Overall, she said that she had not thought it unreasonable to bring the secondment arrangement to an end early; this was not a criticism of John Barclay, Head of Recorded Media, or of anyone at Equity. She thought the Union had done what it could to assist BECS and, whether Andy Prodger now moved to BECS or not, it was necessary to look at the structures necessary to enable the Union to deliver and serve its Members. The big pressure on the Union now was in campaigns and the challenges raised by these. It was appropriate to look at Equity's priorities as well as those of the BECS Board.

Following this, the OSMT recommendation was **CARRIED** with one against and two abstentions.

4.10 MOTIONS FROM BRANCHES AND COMMITTEES

1. Three Counties Branch

This AGM of the Three Counties General Branch believes the branch is not viable in its current form, and calls upon the Equity Council to dissolve the Three Counties General Branch.

OFFICERS/SMT RECOMMENDATION: Support subject to discussions with the Branch Committee on how Members in the current geographical area can be represented within a Branch structure.

This Motion had already been dealt with earlier in the meeting.

2. The Women's Committee

The Women's Committee has carried out a gender audit of parts cast in 2009-2010 by the major theatres in receipt of public funds in England. The results of this audit were reported at the recent Manifesto for Theatre Conference.

The Women's Committee calls on Council to now instruct the Equalities officer to draft a letter to be sent by the General Secretary to the audited theatres.

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This letter will either congratulate the theatres for promoting gender balanced casting or draw their attention to the data collected and the Gender Equality Duty.

The intention is to urge theatres to consider the gender impact of their choice of programmes and casting practices, and remind them of their obligations, as bodies in receipt of public funds, under the Gender Equality Duty.

OFFICERS/SMT RECOMMENDATION: Support

This was **AGREED**.

3. The Women's Committee

The Women's Committee asks Council to involve Equity Deputies in the Women's Committee's campaign for gender balanced casting. Specifically, the Women's Committee asks that Equity Deputies be required to complete gender casting breakdowns on a production by production basis, on a standard monitoring form to be produced by the Equalities Officer, and to pass on the data collected for each production to the Equalities Officer for analysis. This will generate a reliable data source going forward to be used as part of Equity's campaign for women's employment.

OFFICERS/SMT RECOMMENDATION: Refer back to Committee for further discussion on the information to be collected and the available resources to undertake this task.

This was **AGREED**.

4. W&SW London Branch

The introduction of email has greatly reduced the volunteer workload for branches' communication with their Members. This Branch therefore asks Council to review the 2008 ARC decision (Motion 14), with the aim of automatically including London Members on their local branch register, save for those who choose to opt out. This would help London branches recruit and develop an active Membership.

OFFICERS/SMT RECOMMENDATION: Support but after the implementation of the new Membership database and website.

This was **AGREED**.

5. The LGBT Committee **Equal Opportunities Publications**

The LGBT Committee calls on Council to approach the ITC, ACE, UKFC, the FEU, WGGB, BECTU, Directors Guild, PACT (and any other relevant body) with a view to producing Equal Opportunities publications covering age,

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sexual orientation, women, black & minority ethnic and disability issues in relation to performance and portrayal. These publications to be financed and promoted in partnership.

It is our belief that the process of developing the content of these booklets in partnership would not only raise the profile of these issues but the publications produced would carry more weight within the Industry. In this age of electronic communication, the costs of print publication could be ameliorated or side-stepped entirely through electronic distribution of the completed publications via partner websites.

OFFICERS/SMT RECOMMENDATION: Support on the basis that the General Secretary will write to each of the organisation identified in the Motion to determine what publication they already produce and whether they would be interested to join Equity in producing a joint publication.

It was **proposed** by John Carnegie and **seconded** by Nicky Diprose that the Directors' Guild be removed from the Motion. This was **AGREED**.

The Motion, as amended, was **AGREED**.

6. The LGBT Committee

ALL OF ME – Joint Campaign – Positive Benefits of Being Out

The LGBT Committee calls on Council to approach the FEU Unions (and any other relevant sister Trades Unions) to launch a joint Campaign on the positive benefits of being 'out', a campaign that makes clear that an individual's sexual orientation needn't be a barrier to professional success.

This is NOT an outing campaign and should NOT call on individuals to 'come out', but rather provide a platform for those individuals wishing to 'come out' to do so, knowing they will have the support of their Unions.

Being 'out' offers the individual numerous benefits, particularly in terms of their mental health and, in the case of actors, their ability to perform. This campaign should not seek to minimise the difficulties of being out, and the possibilities (both real and perceived) of damage to their careers but rather should offer the hope that in the 21st Century times and attitudes are changing, that Trades Unions support these changes and those of their Members who seek to promote greater equality by personal and courageous example. Thus the campaign should highlight and profile those leading exponents of the creative and sporting industries who have 'come out'.

Delivering the campaign via electronic and other innovative means will offer the widest distribution and the greatest impact.

OFFICERS/SMT RECOMMENDATION: Refer to FEU Equality Committee.

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This was **AGREED**.

4.10 LEGAL CASES

PERSONAL INJURY

David Birrell v Donmar Warehouse Projects Ltd

Member was seriously injured whilst performing in a production of Passion at the Donmar Warehouse when a blank firing pistol malfunctioned. During a duelling scene the weapon was discharged and as a result of the weapon failing our member was shot in the right eye. His injuries are extensive and have resulted in permanent physical damage.

FULL PROTECTION was sought for this case.

This was **AGREED**.

MISCELLANEOUS

Derek Barron v The Club House – Dalgety Bay/Scotland

Steve Dolder v D Spensley – Sheffield

Stephanie Buick v Tracey Miller – Cheadle.

Gareth Tudor Price v Hull Truck Theatre

These cases were **NOTED**.

It was **AGREED** to extend Standing Orders to enable the meeting to proceed after 6.00 p.m.

It was also **AGREED** to defer the Councillor's Motion in the name of John Carnegie to the December Council meeting.

4.12 MEMBERSHIP

4.12.1 New Members

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These were **proposed** by John Carnegie and **seconded** by Henrietta Branwell. They were **AGREED**.

4.12.2 Current Membership Position.

The AGS (C& MS) told Council that Student Membership had now reached 5,000.

The current Membership position was **NOTED**.

The meeting concluded at 6.04 p.m.
