
MINUTES OF THE FIRST MEETING OF THE 2010/2012 COUNCIL HELD AT
THE NATIONAL UNION OF TEACHERS, MANDER HALL, ON 27th JULY,
2010

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Present: Malcolm Sinclair (President – in the Chair), Riky Ash, Laura Bailey, Kate Bancroft, Peter Barnes, Chris Barltrop, Ian Barritt, Henrietta Branwell, Christine Bucci, Jo Cameron Brown, John Carnegie, Jonathan Cecil, David Cockayne, Nicky Diprose, Dave Eager, Esther Ruth Elliott, Bryn Evans (Honorary Treasurer), Peggy-Ann Fraser, Natasha Gerson, Graham Hamilton, Ryan Forde Iosco, Joseph Kloska, Mary Lane, Rebecca Louis, Kate McCall,

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Corinna Marlowe, Brenda Marsh, Paul Mead, Sheila Mitchell, Pauline Moran, Fiona Mott, Ellie Paskell, Peter Polycarpou, Frederick Pyne, Dennis Ray, Rhubarb the Clown, Jean Rogers (Vice-President), Julia Carson Sims, Sanita Simms, Sally Treble, John Webb, Samuel West, and Christine Payne (General Secretary).

1.1 WELCOME BY THE PRESIDENT

The President welcomed the new Council which he thought was a very good mixture of the energy of youth and the wisdom of age. He said this would be a difficult time for the Union with some very dangerous and stormy times ahead. His aim in terms of Council business was to get through it as efficiently and quickly as possible and to that end his aim was to finish the Council business for the day by 4.00 p.m. Referring to the pack, he said it was vitally important for Councillors to read and digest this prior to the meeting in order to avoid delay.

He made particular mention of two areas: on the subject of confidentiality he said that as many on Council knew there had been some damaging leaks to The Stage during the last term of Council – it was therefore essential for confidentiality to be maintained. Secondly, some issues of a lack of trust between members of Council and staff had arisen during the last Council term. He said that this would not be tolerated and it was essential for staff and Council to act as one unified team.

1.2 STANDING ORDERS FOR COUNCIL – ADOPTION OF STANDING ORDERS

The General Secretary referred to the Standing Orders for Council and said that Council would be working to these throughout the two-year Council term. She therefore asked for any questions on these.

Points made in discussion:

- Under Standing Order 1.12, would it be helpful to add that nothing should be discussed as a matter arising if it is on the Council agenda. *Reply – the General Secretary thought this was already covered under the existing rules.*
- Under Standing Order 1.13.1, there is no mention of a Councillor who may wish to put a motion that does not oppose Council policy but rather encourages, praises or draws attention to a specific point. *Reply – the President thought that such motions were implicitly covered by*



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the Standing Order and there had been no problems with such motions in the past.

- Under Standing Order 2.5, Minutes may not be published or quoted until they have been confirmed as correct. However, in relation to Standing Order 3.1, is it possible for Councillors to report on recommendations that are derived from the uncorrected minutes?
Reply - Councillors may have the corrected minutes; if not, they should rely on the short Council Report for a summary of decisions taken. There should be no reporting of any item for which confidentiality has been agreed.
- It was important to know how motions are sent to Council. *Reply - this will be covered in the Councillors' Induction Day on 6th September.*
- It was important to note that negotiations are always confidential in accordance with Standing Order 2.2.3.

John Carnegie **proposed** and Riky Ash **seconded** the adoption of the Standing Orders – this was **AGREED**.

1.3 ANNOUNCEMENTS

- 1) The General Secretary reported that Irene Gilchrest, the Scottish Organising Assistant, had now retired. There had been a retirement party and Irene had received several gifts, including £400 from the Council in American dollars with which to buy Broadway theatre tickets. She had since written to the General Secretary thanking Equity for these gifts.
- 2) Council Induction Day – the General Secretary said that this Induction Day on 6th September would be happening for the first time and would be an opportunity to discuss procedures on Council and find out what the duties and responsibilities of a Councillor are. This would be followed by dinner at Brown's with an opportunity for Councillors to get to know each other better and further working relationships. Dave Eager commented that he would not be happy to go for a meal at members' expense.
- 3) The President said that there would be a new item 6 after Council Appointees which would be a report on the Equity Staff Pension Scheme. Accordingly, Recorded Media would become item 7 and there would be a new item 7d) on the UK Film Council.
- 3) The Honorary Treasurer explained the expenses position for the benefit of new Councillors. Those who were London-based would



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receive travel costs plus a £7.00 lunch allowance; those who were not London-based could claim in accordance with the guidelines contained in the Council pack. He explained that Duncan Smith, Head of Finance, would be attending at 11.45 a.m. to deal with expenses; he therefore asked Councillors to complete a claim form and pass him a note if they were unsure about what to claim.

1.4 CORRECTIONS TO MINUTES OF 6th JULY

- 1.4.1 Minute 27.8.1.- Motion in the name of Clive Hurst** – in the sixth Point made in discussion, delete the words after ‘1994’.
- 1.4.2 Minute 27.11 – Theatre Designers’ Committee from 2009 ARC** – move the sentence ‘David Cockayne **proposed** and Dennis Ray **seconded** the following motion: ‘That a fuller investigative report be brought back to Council in the Autumn.’ from its position immediately after Points made in discussion to immediately before Points made in discussion.
- 1.4.3 Minute 27.14 – FIA** – in the second Point made in discussion, fourth line, delete the word ‘sought’ and insert the word ‘threatened’; add the following sentence after Points made in discussion: ‘It was **AGREED** to endorse all four motions’.
- 1.4.4 Minute 27.16.2 – CDS Vocational Graduates** – add the following sentence to the Reply to the second Point made in discussion: ‘There is a list of courses approved by the Theatre Designers’ Committee whose graduates may be admitted to membership on leaving the course’.
- 1.4.5 Minute 27.20** – in the first paragraph after 27.20 Legal Cases, line 4, insert the words ‘them and the’ after the word ‘thanked’.
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1.5 MATTERS ARISING FROM MINUTES OF 6th JULY

- 1.5.1 Minute 27.1.3** – the General Secretary reported that she had written to Robert Mill to express the Council’s condolences at the loss of his partner.
- 1.5.2 Minute 27.4.3** – the AGS (C & MS) said that he had received a reply from the British High Commission in Accra following the union expressing concern over the handling of the visa applications of Samuel Mensah, President of the Ghanaian Actors’ Guild, and Frances Kofi Dogbe, the Treasurer of the Guild. The reply indicated that the applications had been turned down initially due to their failure



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to supply the correct documentation. He said that in view of that it may be difficult to take the complaint any further. He further reported that Samuel Mensah had now recovered his luggage which had been mislaid by KLM for seven weeks. He told Council the good news that a new branch of the Ghanaian Actors' Guild would be opening to the west of Accra.

Points made in discussion:

- Why didn't the High Commission approach Equity? *Reply – the Data Protection Act prevented them from doing so.*

- 1.5.3 Minute 27.4.7 – BBC Television Agreement** – the AGS (RM) reported that he had tried to arrange a meeting with the BBC but they had cancelled again the previous Tuesday on the basis that they had not yet completed their work on the numbers. He said that the existing pay offer of a 1.26% increase could be accepted in the interim.
- 1.5.4 Minute 27.14 – FIA** – in relation to the production of The Hobbit in New Zealand, the AGS (RM) reported that the English speaking Unions have been asked to hold any action as it was reported the film may be running into financial and directorial difficulties and the union did not want to be blamed for the collapse of the film if there were other factors at work.
- 1.5.5 Confidential Minute 27.7.1 – BBC Radio Drama** – the AGS (RM) reminded Council that he had been asked to confirm what 'Fact to Fiction' was as reported under radio drama by the BBC. He said that it was a new BBC Radio 4 drama stream which takes news stories from the previous week and creates new dramas based on these. The BBC website contained more details on this.
- 1.5.6 Minute 27.7.4 – BBC Pension Scheme** – the AGS (RM) reported that BECTU and the NUJ and possibly the Musicians' Union have agreed to ballot their members on industrial action. He said that the number of Equity members in the Scheme was actually 24, not 40 as previously reported. We had met with our members who have been told that in addition the BBC had other major changes in mind for them. The members believe that these issues were more important to them at this moment in time. The AGS (RM) said he would bring a report back to Council on future developments.
- 1.5.7 Minute 26.10 – Equity Membership Database** – will it be possible for members to see the guidance as well as staff? *Reply – the General Secretary reported that the guidance was still a long way from being drafted but would come to Council then.*



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1.5.8 Minute 27.12 – Equity Website – it was commented that the report from Colin Farrow was very good and that it would be good for Council to see this. *Reply – the AGS (C&MS) said that he would include the report for information at the next Council meeting.*

1.5.9 Minute 27.4.7 – BBC Television Agreement – the AGS (RM) said he had looked at the Choreographers' Committee's new wording on the subject of copyright and approved it.

Points made in discussion:

- Could other creative team committees see the revised wording of the copyright clause? *Reply – yes, this will be circulated.*

1.5.10 Upfront Fees – a Councillor wished to know what progress there had been on this issue as it had been mentioned by Clive Hurst at the previous Council meeting. *Reply – the General Secretary said that a report was included in the Policy Development and Parliamentary Activity update included for information. In addition, the Policy Development Officer, Louise McMullan, would be meeting with the Variety Advisory Committee to discuss the matter further on 28th July.*

Mary Lane **proposed** and John Carnegie **seconded** the minutes to be a true and accurate record of the meeting. This was **AGREED**.

1.6 ELECTIONS

1.6.1 Results of election of President, Council, Standing Orders Committee and Appeals Committee

The General Secretary commented that it had been a very significant achievement with one of the best turnouts for 20 years showing that members want to be involved. There were 13 members on the current Council who had not been involved before and, for the first time ever, there were more women than men. She said that the SMT and all Equity staff were very much looking forward to working with the new Council.

The results of the election were **NOTED**.

1.6.2 Report on nominations for Vice-Presidents and Honorary Treasurer

The General Secretary reported that there were three nominations for the two posts of Vice-President: David Cockayne, Jean Rogers and Tim Walton.



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There would be a ballot of the entire Council and Councillors could vote on the day if they wished or take the ballot papers with them with a pre-paid envelope. The closing date was the 5th August. As some Councillors were on holiday, the ballot papers would be circulated online before the end of the week as well.

Moving on to the Honorary Treasurer position, she said that there had been one nomination: Bryn Evans. She was therefore delighted to confirm his re-election for the next two years. This news was greeted with acclaim by Council.

Points made in discussion:

- Peter Barnes said that this was the first time that spoilt ballot papers had been recorded – the figures showed that some members don't realise they can vote on every area of ballot papers or don't think they should. He offered to look into the reasons for this. *Reply – the AGS (C & MS) said he was happy for him to do this and bring back his ideas to Council.*
- Candidates may write 150 words in their election statement but the words 'in support of their own candidature' are no longer included. This needs looking at again. *Reply – the AGS (C & MS) said that the law protects candidates in saying what they like in their statements. Council cannot therefore prescribe what is said about other candidates in an election statement.*
- It is true that members are confused about their rights to vote for regional or specialist Councillors – this needs to be made clearer. *Reply – the General Secretary commented that there would be a review of the election and of the procedures for Council and the other elections. She would bring back a report well in advance so that lessons could be learnt for future elections.*
- The Forum should be looked after more carefully by Equity with better monitoring. *Reply – the President said the conduct of the Forum would be covered in future Council meetings.*

1.6.3 TUC Congress 2010 Delegation

The General Secretary said that there had been nine nominations for this with four to attend. She told Councillors that the ballot papers and ballot box were in the hall and Councillors had until 3.00 p.m. to cast their votes.

1.7 COUNCIL APPOINTEES



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The General Secretary referred to the written report showing the three groups involved: A Outside Bodies; B Equity Bodies and C Industrial Working Parties and the proposed nominees or procedure on nominations. In each case, she said that Council needed to decide whether they supported the recommendations. If there were questions on these, then there would need to be a debate.

A : Outside Bodies

Points made in discussion:

- Should those nominated be current members of Council? *Reply – the General Secretary said that this should be the case but it was not a strict requirement and there may be circumstances where because extensive training had been given and expertise developed it was desirable to retain the current nominees, even if not Council members.*
- In terms of the Equity Staff Pension Scheme, two of the Council's nominees, Robin Browne and Caryl Griffith, are no longer Council members. *Reply – the General Secretary said that this was true but this was a case where a lot of time had been spent on training the current Trustees.*
- Once you are elected as a Equity Pension Trustee, you stay on until you die or decide to resign.
- The Council's Staff Pension Scheme Trustees represent the members of the scheme; the Council has power to remove them but cannot direct them.
- The Pension Scheme has become a highly complex issue and it was therefore advisable that the current members be retained.
- The statement that the Council has four Trustee representatives should be amended in the light of this discussion.

All the Recommendations in respect of Outside Bodies were **AGREED**.

B: Equity Bodies

Council then moved on to look at the recommendations for Equity Bodies.

Points made in discussion:

- There were seven members of the Disciplinary Sub-Committee but in a given case not all of these would be involved; it is better to have more than seven put their names forward so that there can be a selection.



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- The Honorary Treasurer commented that it would be in the best interests of the Union if those who had little interest in finance refrained from putting their name forward for the Financial Stability Working Party.
- Why was there no Cinema Films Working Party - *Reply – the AGS (RM) commented that there was a finalised agreement and therefore there were no meetings planned for such a body during this Council term. It would be possible to convene such a Working Party if the need arose.*
- Would it be a good idea to co-opt any members of Council who were interested in serving on the Subsidised Repertory Working Party? *Reply – the President thought this would be a good idea and asked interested Councillors to give their names to the AGS (LP & O).*

At this point it was noted that the ballot paper for the TUC 2010 Congress nominations was inaccurate as a name had been left off. The General Secretary said this would be corrected.

There was then a fifteen-minute coffee break.

On resumption at 12.00, the General Secretary said that the 2010 TUC Congress ballot paper should have included the name Corinna Marlowe and not that of Annie Bright. She said that a new ballot paper would be delivered within half an hour. In the meantime, the ballot papers for the election of the Vice-Presidents were handed out.

1.8 EQUITY STAFF PENSION SCHEME

The AGS (RM) referred to his written report on this item together with the Deed of Amendment. He said that the terms outlined in the legal deed had already been agreed by Council and there was no need to read this in detail. He would therefore be focussing on his two page report and giving a summary of developments to date.

In response to an earlier question he said that so far as Trustees' Meetings were concerned he said it was fair to say that these used to be infrequent but about seven years ago most of the Trustees had been replaced and there had been a change in the legal adviser, actuary and financial advisers. In addition, the Trustees had received professional training to comply with the new, improved legislation. As a result, the Trustees were now meeting 8-10 times per year and meeting with all the advisers at least twice a year.

He went on to say that developments in the economy had clearly been outside of the control of the Trustees. After 9/11 there had been a huge drop



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in asset values and the recent recession had resulted in a similar effect. As a result of these changes, the Scheme had developed a deficit of £2.7 million and Staff had been asked to make some changes going backwards and proposals were made to pay off the deficit over a given timescale. The new Scheme significantly reduced the ongoing pension accrual of staff members and members of staff will see a reduction of up to 50% in their final pension. Staff have fully cooperated with this and understand the concerns about financial stability going forward and they have consequently agreed to make the changes contained within the Deed and the two-page letter.

Among these changes was the change in the accrual rate which will only accrue in future at 1/100 on a career average basis rather than 1/50 or 1/51.7 – this is a very significant reduction. In addition, members will be contracting back into the State Second Pension and therefore paying additional national insurance contributions and paying into a Defined Contribution (DC) Scheme.

Overall the cost of the Scheme has reduced by 11.6% of the salary bill per year and some 8.9% of this saving will be used to pay off the deficit over a 15 year period.

The AGS (RM) then referred to the extract from Council 20, Minute 20.4.2 on the Staff Pension Scheme which recorded the elements of the new scheme. He said that there had been test cases in the past where individuals had taken the employer to court to say they had not been aware of the changes or these changes were not done lawfully. In this case, each and every Equity member of staff has had a letter confirming that they had been fully informed about the Scheme and had the opportunity to seek further advice.

The AGS (RM) said that there had been a Trustees meeting the day before (26th July) with authority given for five of the Trustees to sign subject to authorisation by the Council.

The **Recommendation** at the end of the two page report was as follows:

That the Council of Equity approves the draft Deed and authorises the General Secretary to enter into the Deed by way of giving its written authorisation to the Trustees that they should effect the proposed amendments.

Points made in discussion:

- John Carnegie thanked the AGS (RM) for his handling of the Scheme and the way he had taken the Financial Stability Working Party through the process. He wished to know what was meant by 'active member of the Staff Pension Scheme'. *Reply – the AGS (RM) explained that there were three categories of member: active, deferred and pensioner. The active member was still making contributions, the deferred member had*



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ceased making contributions and the pensioner member was in actual receipt of the pension.

- How many are in the Scheme? *Reply – about fifty staff are members (some 80% of the workforce).*
- Is there any clause that prevents Council from re-evaluating the scheme? *Reply – the AGS (RM) said that the amendment clauses are less rigid for the scheme going forward than they were in the old scheme. In practice there was nothing to prevent Council deciding to close the Scheme but there would be financial consequences in so doing.*

The **Recommendation** was **AGREED** nem con with one abstention.

1.9 RECORDED MEDIA

1.9.1 BBC Audio Agreement – this item was deemed Confidential.

The AGS (RM) referred to the written report by Cathy Sweet, ITV and Audio Organiser on the BBC Audio Agreement Negotiations. The Recommendation was that Council allows the Audio Committee to proceed with the negotiations as shown in Nicola Hill's letter of 14/08/2010 and in the ITV and Audio Organiser's written report. This was **AGREED**.

1.9.2 BBC National Insurance – this item was deemed Confidential.

The AGS (RM) gave a verbal report on the current situation on the BBC's decision not to deduct National Insurance on Audio Drama contracts. The report was **NOTED**.

1.9.3 Hallmark/RHI – this item was deemed Confidential.

The AGS (RM) referred to his written report and the exchange of emails between Parallel Films and Irish Equity. Council was asked to endorse the actions taken to date in this matter. This was **AGREED**.

1.9.4 UK Film Council

The AGS (RM) said that without consultation or warning the UK Film Council had found itself included in a list of organisations to be scrapped as issued by the Department for Culture, Media and Sport (DCMS). The ramifications were not yet clear but the intention was to meet with the Film Council and write to DCMS. The AGS (RM) also read out an Equity Press Statement. He said he would report back to Council on developments. This was **NOTED**.



1.10 ORGANISING IN EQUITY

The AGS (LP & O) referred to his written report on Organising for Success. He said that Equity was moving to transform the way it operates towards what it has always been: an independent Trade Union. He said that a new Council had now been elected with a different representation from before. The Young Members' Committee illustrated this change; this is a new committee which had started to develop its own agenda and become more representative within the union. It was a campaigning committee and was trying actively to recruit by having meetings with non-members to try and encourage them to join the union.

The AGS (LP & O) said that the week before he had been to Branch Secretaries and Committee Chair meetings to discuss the Organising for Success agenda and had received mixed reactions; some Branch Secretaries were keen, particularly in relation to Subsidised Repertory, others less so. Some London branches were not even aware of which London theatres were subsidised repertory theatres and were now gathering more information about them. This was a good example of organising, of members doing it for themselves assisted by staff and summed up the difference between the organising approach and the servicing approach.

Committees did not exist to provide social meetings or just for training purposes. There was a need to adopt this organising mentality. There was already a Variety Organising Team, consisting of staff members and also rank and file lay officials and the aim was now to establish a National Organising Team which would include the AGSs, the four Heads of Department and a National and Regional Organiser. There was no reason not to have similar structures to Variety covering T.V., Theatre and Film if these sectors want them.

The **recommendation** was to endorse the written report.

Points made in discussion:

- We have been a trade union since we were formed.
- The problem is that nowadays the workplace is more diffuse in theatre and almost non-existent in film and T.V.
- How do we measure the success of this approach? *Reply – the AGS (LP & O) said that there needed to be discussions between members and staff and an Action Plan formulated covering a period of time.*
- The report is a huge leap in the right direction and it should be endorsed.



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- The report raises as many questions as it answers; lots of members come to us for the services and want the leadership to protect them.
- Will training be given for activists? *Reply – the AGS (LP & O) said that it would . Training would cover what a Deputy does in an actual industrial situation.*
- The problem is that there is much enthusiasm for short campaigns which then evaporates leaving a small hard core of enduring activists. The North and East London Branch is considered successful but would be happy to get 20 coming to a meeting though there are over 1,000 members in the area.
- Workplace issues can be solved in different ways but face to face communication is often the best way.
- What is the budget for this and what are we doing as a Council if we endorse it now? *Reply – the AGS (LP & O) replied that there was no budget as such at this stage – travel costs, etc. would come out of the Equity General Fund.*
- Members are always worried about the effect of being an activist on their professional prospects.
- At any given time 85% of the membership are not in the workplace – we should be looking wider than just this.
- Taking a decision at this meeting would be premature.
- As part of the organising process, could not members take their own claims? *Reply – the AGS (LP & O) said that he thought it better to continue representing members in these cases although some unions have gone down this route.*
- It's good to be looking at other unions' practices and looking outwards. If people are frightened of being an activist they shouldn't be here. It was important to work with sister unions. *Reply – the AGS (LP & O) agreed it was important to talk to sister unions.*
- We should work towards members having the confidence to work together.
- The report is useful in that it provides a narrative – we now look to the staff on how to get this narrative going.



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- The report is somewhat lacking in specifics. *Reply – the AGS (LP & O) said he had avoided too much detail to see if Council were in agreement with the general approach.*
- The document is decades overdue.
- We need both the organising and the servicing model for the union to function well.
- The reference point for many members who don't work much in theatres would be the General Branch.
- The level of membership within a particular sector is a vital detail.

Sheila Mitchell **proposed** that the report should be brought back with more detail and a budget before being endorsed. This was formally **seconded**.

John Carnegie **proposed** the following amendment to the report: that the National Organising Team should consist of 50% staff and 50% members. This was **seconded** by Natasha Gerson. In proposing his motion, John Carnegie said it was essential to start with a joint staff and member approach at the top as this was fundamental to everything else in the report. The AGS (LP & O) commented that the reason for not having a 50:50 split was in order that the National Organising Team would represent staff input and members would be involved in individual teams such as the Variety Organising Team.

Sheila Mitchell's motion was **DEFEATED** overwhelmingly.

John Carnegie's amendment was **DEFEATED** with 17 for, 19 against and 3 abstentions.

Nicky Diprose **proposed** and Dennis Ray **seconded** endorsing the report including the proposal for a Regional and National Organiser on the National Organising Team. This was **AGREED** nem con.

The meeting broke for lunch at 1.40 p.m.

The meeting resumed at 2.40 p.m. The President asked for mobiles to be switched off.

1.11 LIVE PERFORMANCE

1.11.1 Subsidised Repertory Agreement – this item was deemed Confidential.



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The AGS (LP & O) spoke to his written report on the Subsidised Repertory Agreement.

1.11.2 Company Managers recognition

Referring to the written report by the West End Organiser, the AGS (LP & O) said there were about thirty Company Managers in the West End who were not included in SOLT or TMA agreements. A meeting had been held on 11th June with company managers and as a result of this Virginia Wilde made the following **recommendation**:

That SOLT be approached and that the union seek to represent company managers. The union will make it clear to the company managers that they must join Equity and if they do not do so in sufficient numbers then it will not be possible to proceed with the initiative. If they do join, then the union will work with representatives of the company managers to negotiate a standard contract.

The **Recommendation** was **ENDORSED**.

1.11.3 Bristol Old Vic

The AGS (LP & O) referred to his written report on this. He explained that the Bristol Old Vic had approached the union to seek agreement in their having five drama school students take part in speaking roles in the new production of *The Way of the World*. He said that existing union policy sanctions the use of drama students but only where those roles do not have individual lines – speaking as part of a chorus would be possible. The Bristol Old Vic had put pressure on the union to reach an agreement and this had included contacting senior Council members and the General Secretary and seeking meetings with the Bristol General Branch. After discussion, it was decided that Equity could not sanction the arrangement proposed for *The Way of the World*. At the time, it was understood that this action could result in a different production with as few as four cast members but it now appeared that Bristol Old Vic had decided to do another production with eleven cast members. The Bristol Old Vic would still like to have a longer discussion about student members. The South West Organiser, the AGS (LP & O) and Bristol General Branch representatives would therefore be meeting the Bristol Old Vic for further discussions.

Points made in discussion:

- The important thing here was that the students were not exploited and that jobs are not taken from members.
- Actors who are starting out will not want third-year drama students taking their parts.



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- It is not good if management think they can exert influence on the union by lobbying senior members or 'opinion formers'.
- Have theatre managements got copies of the policy guidelines referred to? *Reply – the AGS (LP & O) said that the original Council policy was not to proffer guidelines but now they are provided to management on a 'when needed' basis.*
- It would be better if management knew the policy beforehand. *Reply – to date the policy to proffer the guidelines on a 'when needed' basis has worked well; if it ceases to do so, it can be reviewed.*
- Mary Lane wished to pass on the thanks of the Bristol & West General Branch to both the Officers and SMT and the South West Organiser for their work in resolving this issue.

The Report was **NOTED**.

1.11.4 Save Our Theatre – this item was deemed Confidential.

Referring to his written report, the AGS (LP & O) gave Council an outline of future action and campaigning in relation to proposed funding cuts.

1.11.5 Shakespeare 2012

There was a brief report from Sheila Mitchell on the Shakespeare 2012 Project. She referred to the For Information report in the papers and encouraged all Council members to get involved. The website was www.Shakespeare2012.com

1.12 EQUITY MEMBERS INSURANCE RENEWAL

The AGS (RM) referred to the written report on this and the renewal terms. He said that the small increase in general insurances was due to the increase in Equity members as this influenced the premium amount.

He explained that the Stunt Performers' premium had gone up 50% due to an excessive claim history. Kevin Harding, a Director of Royal and Sun Alliance, and First Act had met with the Stunt Committee on 25th April, 2010 and as a result First Act will be offering a range of additional insurance packages to members to help get a better fit for individual needs. In addition, he explained that Stunt Coordinators can bill producers for each Stunt Performer engaged and this has enabled the subsidy to be increased so that members will not see the increase in the premium. It would be possible therefore to keep Stunt



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insurance at its current level this year although future years would depend on subsequent monies received.

The **recommendation** was to renew members insurances for an additional three years as per the proposal.

Sally Treble **proposed** endorsing the recommendation and this was **seconded** by Dave Eager.

Points made in discussion:

- What was meant by the use of the word 'excessive' in the report?
Reply – the AGS (RM) said it simply meant that more was paid out than was collected which was due to some serious injuries stunt performers which had occurred during the year on a Harry Potter film and a James Bond film as well as a fatality on another film.
- The more you work, the greater the risk of injury – it was just part of the job.
- There were no claims by hypnotists on public liability so could the premium not be reviewed? *Reply – this was being looked at.*

The **Recommendation** was **ENDORSED**.

Following this item, the General Secretary announced the result of the ballot for the delegates to the TUC 2010 Congress: these would be David Cockayne, Natasha Gerson, Corinna Marlowe and Jean Rogers.

1.12 MOTIONS TO BRANCHES AND COMMITTEES

1.13.1 Walk-On and SA Committee

Council ensures that our administrative systems provide for there always being a member of staff responsible for responding to any notification of the death of a member within two working days of receiving notification. Such coverage will remove communication delays attributed to holidays or illness.

OFFICERS/SMT RECOMMENDATION: refer back to the Committee for clarification on what is required for this motion.

Points made in discussion:

- The AGS (C & MS) said that he was not aware of what these delays were nor clear what notification was being talked about. He thought it best to go back to the Committee and seek more information.



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- Sally Treble said it was to do with a member who had passed away. The relevant member of Equity staff was on holiday and the question was therefore whether someone could be responsible when staff were on holiday. *Reply – when a member of staff is on holiday, their work is covered.*
- The recommendation as it stands is not appropriate – clarifications are needed.

It was **proposed** by Sally Treble that the recommendation be changed to 'Refer back to the Committee for an explanation'. This was formally **seconded**.

This was **AGREED**.

1.13.2 Independent Theatre Arts Committee

Forthcoming funding cuts will place many companies operating the Equity/ITC with the alternative of reducing actors and stage managers wages or closure. The Independent Theatre Arts Committee are contacting ITC Approved Managers currently using the Equity Agreement to look for ways we can support their own lobbying and fundraising campaigns. ITAC asks that Equity support this action and communicates information about active campaigns in the independent sector to its membership.

OFFICERS/SMT RECOMMENDATION: Support

This was **AGREED**.

1.13.3. Independent Theatre Arts Committee

During the meeting of the Independent Theatre Arts Committee meeting held on 6th July, it was unanimously agreed to seek the co-option onto the committee of Deborah Charnley.

Deborah has provided details of her experience and also evidence of her work in the sector. Therefore the committee requests that the Equity Council consent to Deborah's co-option.

OFFICERS/SMT RECOMMENDATION: The original recommendation was to support subject to Committee giving reasons for the co-option and clarification on the total size of the committee. As this information had now been provided so that the recommendation was to support.

This was **AGREED**.



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1.13.4 Walk-On & Supporting Artists' Committee

Due to Simon Clancy's current unavailability in terms of him being unable to attend meetings of the Walk-On & Supporting Artists' Committee. The committee in accordance with the rules and standing orders of the union unanimously agreed at the meeting held on the 5th July 2010 to co-opt Ann Loraine who was the next unsuccessful candidate to attend committee meetings until Simon's available to attend. The committee therefore requests that Council ratify this co-option.

OFFICERS/SMT RECOMMENDATION: Support

This was **AGREED**.

1.13.5 North and East London General Branch

This branch notes the letter from Stephen Spence warning that "industrial action cannot be ruled out" in pursuit of our current Sub Rep claim. We call on Council to instruct the Live Performance Department to take immediate, comprehensive legal advice to clarify the union's position re the full range of industrial action open to us, including a general instruction to members not to sign contracts with TMA/Sub Rep employers, in order to ensure that any action called for is in compliance with the relevant legislation.

OFFICERS/SMT RECOMMENDATION: Support. The Live Performance Department has within its ranks staff with extensive knowledge in relation to the legalities of balloting processes as a result of the normal work of the Department, such as the West End campaign. Indeed the combination of knowledge held within the Department on the legal processes combined with the knowledge held within the Department on the collective agreements and the nature of theatre means the combined specialisations of the Department are quite possibly in advance of the knowledge of any individual legal practitioner.

Nevertheless, as with the West End campaign, it is the practice of the Department to consult extensively with Pattinson & Brewer and relevant barristers, where appropriate, in advance of any campaign developing down an industrial path. Generic legal advice, no matter how comprehensive, provides no more than the Department already understands, it is bespoke strategic and technical advice that will be required and that will be sought at the appropriate moment.

It is worth noting, as recent events have demonstrated in other sectors, British Airways for example, that the legislation is written in such a way that it is difficult to comply exactly without the danger of some loophole.

The Branch response to the recommendation was read to the Council.

Points made in discussion:



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- The AGS (LP & O) commented that advice was not needed on how the Act worked but on how to apply the law to specific circumstances. The staff have prior experience in this.
- The Branch member who proposed the motion is a member of the Subsidised Repertory Working Party.
- The legislation is designed to trip unions up – it was not clear, for example, whether not signing a contract amounted to action short of a strike.
- Legal opinions are often very finely balanced and tend to come down to the final paragraph; it is therefore important to get the information at the right time as situations can change.
- It was concerning that the OSMT recommendation had gone to the movers of the motion prior to the Council. *Reply – this had been the policy for the last two years. The Branch Secretaries and Committee Chairs are informed of the OSMT Recommendation when the agenda goes out so that they can consider the recommendation, have a debate if need be and respond to Council.*

The recommendation was **proposed** by Henrietta Branwell and **seconded** by Nicky Diprose. This was **AGREED**.

1.13.6 Independent Theatre Arts Committee

Following an approach by the role play company Interact, the Independent Theatre Arts Committee meeting held on 6th July, agreed the position outlined in the attached letter.

Therefore the committee requests that the Equity Council endorse ITACs response to Interact, noting the conditions attached to the agreement.

OFFICERS/SMT RECOMMENDATION: Support

This was **AGREED**.

1.14 LEGAL CASES

MISCELLANEOUS

Luke Meredith v Southpark Nursing Home



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Paul Phillips v Burnhead Bowling Club

Paul Phillips v Linthouse Bowling Club

Stephen Wright v Abigail Levy

Paul Myers v Rose Faith Burns

Leo Hedman v Brick House Restaurant

Chris Fleming v Rock Hotel and Churchill's Restaurant

Robin Good v Wheatcroft

These were **NOTED**.

1.15 MEMBERSHIP

For the benefit of new Council members, the AGS (C & MS) explained that the membership figures were circulated at each meeting and showed the membership position at the end of the previous month. The New Members List is also circulated at Council so that Councillors can raise any queries about any of the parties mentioned.

1.15.1 New Members

It was **proposed** by Sheila Mitchell and **seconded** by Mary Lane that new members be approved. This was **AGREED**.

1.15.2 Current Membership Position

The AGS (C & MS) told Council that overall the union was almost exactly where it had been at the same time in 2009, and Student Membership is now at an all-time high.

A Councillor asked whether the next meeting would be held back in Guild House. The General Secretary said that the building work should be finished by the end of August and that therefore it should be possible to hold that 7th September, 2010 meeting at Guild House. The builders had given assurances this would be the case.

Another Councillor queried the date of the January meeting – *Reply – dates were on the agenda for the September meeting.*



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The Meeting closed at 4.00 p.m.

