



**Incorporating the Variety Artistes' Federation
MINUTES OF THE EIGHTEENTH MEETING OF THE 2008/2010 COUNCIL
HELD AT THE EQUITY OFFICE ON 3rd NOVEMBER, 2009**

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- 18.16 COUNCILLORS' MOTIONS**
 - 18.16.1 Motion in the name of David Cockayne**
 - 18.16.2 Motion in the name of Riky Ash**

Present: Graham Hamilton (President – in the Chair), Henrietta Branwell, Annie Bright, Robin Browne, Jo Cameron Brown, John Carnegie, Jonathan Cecil, David Cockayne, Nicholas Courtney, Michael Cunningham, Nicky Diprose, Bryn Evans (Honorary Treasurer), Natasha Gerson, Caryl Griffith, Clive Hurst, Barbara Hyslop, Yvonne Joseph, Joseph Kloska, Peter Kosta, Mary Lane, Kate McCall, Corinna Marlowe, Tina May, Paul Mead, Sheila Mitchell, Frederick Pyne, Dennis Ray, Rhubarb the Clown, Jean Rogers (Vice-President), Malcolm Sinclair (Vice-President), Alan Thompson, Sally Treble, Frank Williams, Tom Emlyn Williams and Christine Payne (General Secretary).

18.1 ANNOUNCEMENTS

- 1) It was announced that Riky Ash, Stunt Councillor, could not attend and that therefore his Motion would be deferred.
- 2) The General Secretary explained that a Rule 29 Complaint had been received from the member Claude Starling. It was alleged that Rule 3.1.1.4 had been breached. The Council had previously agreed how such complaints were to be dealt with; accordingly, the General Secretary would be making enquiries and a written report would be brought to the December Council meeting.
- 3) It was announced by Councillor Sheila Mitchell that Douglas Blackwell, a long-serving member of the Audio Committee, had died. He had served on the Committee until the last elections when illness had prevented him from standing again.

18.2 MINUTES FROM PREVIOUS MEETING

- 18.2.1 Minute 17.1 – Announcements at 3)** – in line 1, delete ‘President’ and insert ‘The Honorary Treasurer’. Delete the final line and insert ‘He informed the Council that he had sent a letter of thanks’.
- 18.2.2 Minute 17.1** – add a new Announcement as follows: ‘The General Secretary advised the meeting that the Low Pay Commission were holding a meeting for performers on Tuesday 10th November and to contact Clive Hurst for details.’
- 18.2.3 Minute 17.3.3 – TUC Motions** – in line 4, delete ‘Spense’ and insert ‘Spence’; in line 6, delete ‘Emile’ and insert ‘Emily’.
- 18.2.4 Minute 17.12 – Stunt Register – Joint Industry Grading Scheme** – in ‘Points made in response’, delete the second bullet point.
- 18.2.5 Minute 17.14** – in line 2, delete ‘Tamarind’ and insert ‘Tamarin’.
- 18.2.6 Confidential Minute 17.3.2 – Unknown Funds** – in line 4, delete the word ‘finds’ and insert the word ‘funds’.
- 18.2.7 Confidential Minute 17.4.3 – Subsidised Repertory negotiations** – in ‘Points made in response’, first bullet point, delete the words ‘is already allowed in’ and insert the words ‘can be negotiated under’.
- 18.2.8 Confidential Minute 17.8.3 – TAC** – in the first paragraph of line two, delete the words ‘had now been’ and insert the words ‘were thought to have been’; add the following sentence to the end of paragraph one: Two issues have been re-opened by TAC and a meeting has been arranged in Cardiff to try and resolve these’.
- 18.2.9 Confidential Minute 17.8.7 – BBC walk-on and supporting artists**
Under ‘Points made in discussion’ insert a new bullet point after the third

bullet point to read 'ITV/PACT and the BBC have all asked for half-days and there is the potential for them to be used more'; under 'Points made in response', insert a new bullet point: 'It was reported that in both the TAC and FAA agreements, half days were rarely used because of the inability of production companies to manage the process'.

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

18.3 MATTERS ARISING FROM THE MINUTES OF PREVIOUS MEETING

- 18.3.1 Minute 17.3.5 - Result of Committee Elections** - it was confirmed that the results of the Stunt Committee election had been circulated at the last Council Meeting and had been published in the Autumn edition of the Equity magazine.
- 18.3.2 Minute 17.3.7 – Manifesto for Theatre** – the Assistant General Secretary (LP) reported that he had received a report in French on freelance workers from the French-Canadian “Union des artistes”. A translation had been made by the Honorary Treasurer, Bryn Evans. The report in fact gave no additional information on how to deal with freelancers and nothing useful could be learned from it. Councillor John Carnegie asked for a copy of the report which was handed over to him at Council.
- 18.3.3. Minute 17.3.10 – ARC Motions recommendations for action – Cultural Olympics** - a Councillor queried whether any reply had been received from Tony Hall, Chief Executive of the Royal Opera House, who has been appointed to chair the board which is organising the Cultural Olympiad. The Assistant General Secretary (LP) said that he had written to Tony Hall and taken the matter up with Horace Trubridge of the Musicians' Union, but nothing further had been heard. After further discussion, it was decided that the General Secretary would write a follow-up letter to Tony Hall.
- 18.3.4 Minute 17.3.11 – Guild House Windows** – The Assistant General Secretary (LP) reported that the Guild House windows repairs were three weeks ahead of schedule and £175 over budget. The Honorary Treasurer added that the cause for the project being over budget was that the condition of the fire escape was worse than first thought and most of the contingency fees had been spent on repairing this.
- 18.3.5 Minute 17.4.4 – Commercial Theatre negotiations** – the Assistant General Secretary (LP) reported that negotiations were ongoing; the Working Party would be convened when negotiations had made further progress.
- 18.3.6 Minute 17.13 – International Federation of Actors (FIA) Meetings** – three members of Council would attend the FIA Executive Committee meeting and two members of Council would go to EuroFIA. Councillors Peter Kosta, Frederick Pyne and Rhubarb the Clown would attend the Executive Committee and Councillors Corinna Marlowe and Peter Kosta would be attending EuroFIA. Following a personal intervention

by Vice-President, Malcolm Sinclair, Alan Rickman, President of the International Performers' Aid Trust (IPAT), will be talking about IPAT to the FIA Executive Committee. He will attend on Thursday just before lunch together with the Chair of IPAT, Michael Branwell.

18.3.7 Confidential Minute 17.4.3 – Subsidised Repertory negotiations – the Assistant General Secretary (LP) reported that there had been another leak to The Stage this time in respect of the interim settlement with the Theatrical Management Association (TMA). However, whoever was responsible for the leak, had given The Stage the wrong offer figure stating that it was 1.5% rather than 0.5%. The Assistant General Secretary (LP) said that if this had been published it would have rendered a settlement impossible and ruined the negotiations. As it was, it was difficult to ask The Stage not to publish and the Assistant General Secretary had to advise them of the true figure ahead of the final settlement. The Assistant General Secretary (C & MS) said that he had been contacted about the matter by The Stage and they had appreciated that publication would have caused members significant damage. The paper had therefore shown a responsible attitude.

Points made in discussion:

- Did any article appear in The Stage?
- Did The Stage contact Stephen Spence?
- This may stop leaks from happening as in future The Stage may not publish them
- This may not have been a Councillor

Points made in response:

- An article will be appearing in The Stage
- The Stage had contacted Martin Brown about the matter
- Malcolm Sinclair said that on the occasion of the previous leak the editor of the Stage had confirmed it had come from a Councillor
- The Staff were informed that a member of the Council had leaked information to The Stage.

18.3.8 Minute 17.8.3 – TAC – Andy Prodger, Assistant General Secretary (RM) reported that there was a problem with the TAC negotiations in that S4C have stated they are not happy with them. The Assistant General Secretary had learnt that S4C had put out a tender for their industrial relations service and, although TAC can tender for this, it renders the status of the current agreement with TAC uncertain. The Assistant General Secretary will report back at the next Council meeting although he believes that an agreement has been concluded.

18.3.9 Confidential Minute 17.8.4 – BBC National Insurance – The Assistant General Secretary (RM) reported that a response had now been received from HMRC but the response needed further clarification. The response appeared to indicate that the Archers' cast would not have Class 1 National

Insurance deducted and would be treated on a par with sessional musicians but that this would not apply to other audio performers.

Points made in discussion:

- Is the Union pushing to ensure that salaried Drama performers are not placed in this category?
- The majority of The Archers' cast work full-time doing three sessions per day
- Stage Managers are also having their status looked at by HMRC

Points made in response:

- The Union would be challenging the treatment of the Archers' cast and would resist any attempts to include other radio performers in that category
- A survey of Stage Managers is currently being carried out.

18.3.11 Confidential Minute 17.8.7 – BBC Walk-On and Supporting Artists

It was reported that the Walk-On Negotiating Team had met on 1st November and this was followed by a meeting of the Walk-On Committee. A report was now awaited from the Committee Secretary.

18.4 FINANCE – BUDGET 2009

Duncan Smith, Head of Finance, discussed the 2009 budget and the projections presented to Council. He reported that there was now a projected operating surplus of £70,150. As shown at page 2, note 1 of the accounts, income from Members was up over £104,000. Staff Costs, as shown in Note 6, were very much on line. Within Benefits to members, the cost of the Special Royalty Project had come down from £30,000 to £10,000. Election costs were down by £13,000 to £42,000.

Bryn Evans, Honorary Treasurer, commented that the operating surplus showed that the strategy followed in February had been the right one and there might still be good news on subscription income. He commented that investment income was up £20,000 to £478,486.

Within 'Other recognised gains and losses', it was now possible to repatriate £350,000 thereby creating a gain of £21,524 but there may still be further losses to offset against this and the Pension Fund liability would change the picture.

Points made in discussion:

- How have we increased subscription income given that membership figures have actually gone down slightly?
- The income figure from Visiting Artists is very low.
- What does the £8,400 figure represent in note 10, administrative expenses?

- Members not in benefit has increased by 81 showing that retention is still an issue.
- Do we not pay an affiliation fee to the FEU?
- Is it not the case that the Pension Scheme figure is only a 'guesstimate'?

Points made in response:

- The increase is due to membership figures being higher than in 2008 for each of the ten months of 2009.
- Though figures have slipped this month, the figures for 2009 are consistently higher than in 2008.
- The low Visiting Artists figure is largely due to the new Home Office arrangements whereby the Border Protection Agency no longer pass on information to Equity.
- The £8,400 figure represents credit card commission.
- Where we can measure membership, we are better than last year as in terms of cast lists for T.V., film and theatre. People leaving the profession due to the recession have had an influence on the retention rate.
- We do not pay an Affiliation Fee to the Performers' Alliance.
- The Pension Scheme figure will not be known until around 15 January 2010 and in any case that figure will be based entirely on bonds values which is not how all the Pension Fund monies are invested.

The Report was **NOTED**

18.5 RECORDED MEDIA

18.5.1 Film Audit – this item was deemed Confidential.

18.5.2 Film Agreement – this item was deemed Confidential.

18.6 STAFF REFERENCE BY COUNCILLOR – this item was deemed Confidential.

18.7 ARC – WORKING PARTIES

The Assistant General Secretary (C&MS) spoke to his report on this matter. At its meeting in September 2009 the Council had agreed strategies to implement the motions carried at the 2009 Annual Representative Conference. In three instances this requires Council members to serve on working parties.

Those three instances were:

- Motion 1 from the Women's Committee calling for a co-ordinated strategy among the different departments of the union to tackle the systemic bias within the entertainment industry which deprives women members of jobs.

- Motion 3 from Lesbian, Gay, Bisexual and Transgender Committee calling for a strategic plan for increasing the diversity of union engagement.
- Motion 38 from South West Area Committee calling for an investigation of the structure and format of future Annual Representative Conferences.

In each instance, two members of the Council are required to serve on a working party.

In relation to the Women's Committee Motion, the Assistant General Secretary (C&MS) reported that Corinna Marlowe had put her name forward for this Working Party. Jo Cameron-Brown said that her name could be added.

In relation to the LGBT Committee Motion he reported that no names had yet been put forward.

In relation to the South West Area Committee, the names put forward for this Working Party were Mary Lane, John Carnegie, Nicky Diprose, Ian Barritt and David Cockayne and there would therefore have to be a ballot. It was intended to close this ballot on 9th November.

18.8 EQUITY TRUSTEES

The General Secretary reported that the trustee George Baker had resigned; he needed a major hip and thigh operation and would no longer be able to come up for meetings. The General Secretary had accepted this resignation with great regret and had acknowledged receipt.

It was **AGREED** to send the Council's thanks and appreciation for all the work of George Baker along with a suitable gift.

The General Secretary said that there are currently four trustees: Judi Dench, Timothy West, Johnny Worthy and Roy Hudd were in post. Under Rule 32 there had to be at least three but not more than six trustees and the Officers' Recommendation was to appoint two more: Penelope Wilton and Sir Ian McKellen. She was pleased to report that both had agreed to serve as Trustees. There would therefore need to be a ballot. Ballot papers were then handed out and returned to a box on the Council table. The results would be announced at the next Council meeting.

18.9 LIVE PERFORMANCE

18.9.1 Subsidised Repertory

The Assistant General Secretary (LP) referred to the bulletin which set out for members the reasons for the 0.5% interim settlement with the Theatrical Management Association (TMA). It was being distributed via workplace meetings and the Website.

The Assistant General Secretary (LP) said that the interim settlement became official at noon on 28th October, 2009. The Stage would be reporting this in its next edition. This was **NOTED**

18.9.2 Manifesto for Theatre

The Assistant General Secretary (LP) ran through the cast and stage management meetings and open meetings which had been held in connection with the Manifesto for Theatre in Bristol, Birmingham and Glasgow. He said the three open meetings had been held involving mainly branch members and activists; the cast and stage managers were tending to go to the cast and stage management meetings. He said that there had been some concern amongst members about voicing criticisms in case it had an adverse affect on job prospects. There was a widespread consensus amongst those attending that there were too many support staff now in theatres. The next meeting was in Nottingham and they would then continue elsewhere after that.

Points made in discussion:

- The reduction in production rates will affect Arts Centres as well as traditional theatres.
- We should be concentrating on how money is being spent and not so much on getting pay rises.
- Being asked to work for nothing is still a live issue.
- The London meeting at St Paul's church has to be campaigning demo; this will be on 23rd November and the Union should aim to fill the church.
- The issue was that of there being too many staff – we should try to recruit high profile members on this issue.

Points made in response:

- It was necessary to see the change in production rates in its political context – the issue had become de-politicized.
- The problem is about a style of management which needs to change.
- The Assistant General Secretary (LP) would write a report at the end of the year to feed into Conference in 2010 and try to get prominent members to Conference.
- It was worth considering cutting the TMA out of the picture altogether.

The Report was **NOTED**.

18.9.3 Variety Demonstration and Licensing Act

The Assistant General Secretary (LP) reported that this demonstration was held on 22nd October 2009 in Parliament Square immediately prior to the Westminster Hall debate. The Magazine report and various press reports were included in the Council papers. A meeting with the Minister Gerry Sutcliffe was now being organised for November with the Performers' Alliance Parliamentary Group.

The Assistant General Secretary (LP) wished to thank very sincerely all of those Councillors and members, including those who attended in costume, for making the demonstration so colourful and impressive. The MPs, The Media and the Police Officers from Charing Cross were extremely impressed.

The Assistant General Secretary (LP) showed Council pictures from the recent demonstration. Prior to the demonstration, he had written to the relevant Minister, Gerry Sutcliffe, but had no reply; however, during the demonstration, the Musicians' Union had been contacted by the Minister and a meeting was arranged following which Gerry Sutcliffe announced that there would be a concession. In the subsequent Westminster Hall debate, he confirmed that he was prepared to consult on a proposal that no licence would be needed for gatherings of 100 or fewer.

The Assistant General Secretary wished to thank the Councillors who had come along to the demonstration. Two Tory, one Labour and two Liberal-Democrat politicians had also come along to speak: John Whittingdale, Chair of the Culture, Media and Sport Select Committee, Peter Luff, Don Foster, Lord Clement Jones and Neil Gerrard, Secretary of the Parliamentary Group. Fergal Sharkey, Chief Executive Officer of U.K.Music, had also been present..

There would be a Parliamentary Group meeting with Gerry Sutcliffe on 17th November at which arrangements for circus licensing would also be discussed and hopefully further concessions would be made. The Assistant General Secretary thanked Louise McMullan, Policy Development Officer, for all her efforts in organising the meeting and also Mike Day, the Variety Organiser. The Council expressed its thanks to the Assistant General Secretary for his excellent work on this issue.

Points made in discussion:

- The one hundred limit should apply only to those actually attending the function and not to others who may be present in the premises.
- The President said that he was devoting his article in the magazine to the issue of licensing.

The Report was **NOTED**

18.10 VISION FOR FUTURE – PHASE THREE.

The General Secretary spoke to her report on Vision for the Future – Phase 3. The Report recommended a further reorganization of Union structures.

1. BACKGROUND – PHASES 1 AND 2

The aim of the initial Vision for the Future (2006) report concentrated on 3 areas of activity: young people, communications and member participation.

The main changes were to create the Communications & Membership Support department and its Head; to emphasise the importance of workplace visits and to improve the visibility of the union in workplaces and in drama / dance schools; to

establish an Equality Officer; to focus on the importance of training for members – both vocational and in terms of participation in the union; to establish a Human Resources Manager to review the House Agreement with the staff unions, create an appraisal system and develop a staff training program.

The aims of the report were reviewed by the Council and in 2008 the Council endorsed Phase 2. The emphasis of this report was on recruitment and retention.

The main changes were to create two new posts of Recruitment Organiser and to provide more time for the national and regional Organisers to undertake workplace visits (by relieving them of them of the paperwork associated with legal claims and to attend fewer meetings of the variety branches).

As a result of these two programs the focus of the union has been transformed; membership is almost back to the 2005 levels; the profile and visibility of the union has greatly improved; the number of student members is at an all time high; communications are constantly and significantly improving; we have just elected our first Young Members' Committee; more members have stood for election to the Council and Committees (although the number of members voting has remained low); 3 new General Branches have been formed and members are being trained as Ambassadors in order to promote the union to members especially in workplaces.

To list all the positive changes would run the risk of missing some and the purpose of this paper is specifically to identify areas where improvements are needed.

2. AREAS FOR IMPROVEMENT

Broadly the areas for improvement fall into 3 areas:-

- Recruitment and Retention – visits to workplaces and schools.
- Member participation.
- Development of the Organising model within Equity and delivering the industrial imperatives.

Recruitment and Retention – visits to workplaces and schools

There is no doubt that the Union had greatly improved its visibility and presence in workplaces and schools but there was a need to do more – and most importantly we need to find more time for the staff to be able to do these visits and at the same time manage their other work; and we need to continue to find ways to encourage and enable members to be involved in these visits. The West End campaign has shown us – and cast lists tell us - that the density of membership in recorded media and live performance can be improved. Therefore we need to continue to focus our efforts on reaching and growing the membership.

We still rely principally on the staff to undertake visits and in particular the 7 national and regional Organisers; the 2 Recruitment Organisers; the 4 LP Organisers, Kevin Livgren (LP department), the 5 RM Organisers and the Organising Assistants in the RM department. These visits are supported by the Membership Relations Manager and the Membership Relations Assistant, the assistants in the LP department and the assistants in Scotland, Wales and Manchester.

The involvement of members is still low but with the training of our Ambassadors, Equality Reps, Training Reps and Deputies the situation is improving - but not fast enough.

The staff also are increasingly concerned that when they are away from the office emails and other work pile up and whilst mobile phones/PDAs/laptops are useful staff still need to spend a lot of their time dealing with members problems, negotiations and individual claims as well as servicing branches and committees.

Member participation

Despite improvements to the nomination and election process which have resulted in more members standing for election to Council and committees – the number of members voting is extremely low.

However we are now providing more training and support for members who want to be involved in the Union. This year we provided a training session for new committee members which included getting to know more about Equity's committees, how they influence policy, the 'jargon' we use, the purpose of a motion and how to write one, how a committee communicates with its constituency and the importance of a committee identifying its priorities. Also 19 members attended the ARC for the first time this year and the Standing Orders Committee provided a session to help new members find their way around the ARC procedures. We are intending to provide a training session to the 2010 – 2012 Council next September on the responsibilities of governance and effective decision making. Equality and Training reps are being developed, Deputy training continues to be important and the Ambassadors' training has encouraged members to stand for election to Council, branches and committees.

The growth of member participation is essential but the union has 28 committees and 17 branches all of which to differing degrees rely on staff resources and this is now causing difficulties in terms of allocation of staff time. General branches are growing, some variety branches are just surviving but essentially both are self servicing – and apart from circulation and attendance at meetings the branches run themselves.

This is not the case for Committees. There are 8 national and areas committees which meet collectively around 49 times a year; the 4 equality committees each meet four times a year and the 16 specialist committees collectively meet around 92 times a year giving a total of around 157 committee meetings each year overseen by 16 Organisers (plus support staff). The costs of holding these meetings in 2008 was £33,500. Hardly any are self servicing and the staff are entirely responsible for preparing the agenda, writing the minutes and distributing the paperwork for meetings. Action 2000 encouraged committees to be more self servicing – and this was echoed in the recommendations from the Working Party on Committees (2003) but this has simply not happened.

More members are standing for election but the vast majority of members are not voting. Fewer than 7 in 100 members exercised their right to vote in this year's committee elections. The elections cost £42,000 to organise giving a cost of each member voting of around £18. Adding to the election costs the costs of holding these meetings gives a total cost to the union, excluding the staff time detailed above, of £75,000.

The democratic structures rely on member participation which is vital and we must continue to put resources into increasing the participation of members in their union. However the democratic structures also continue to rely on huge amounts of staff resources and time and the current staff resource cannot be servicing the union's democracy and recruiting/retaining/visiting workplaces and schools/negotiating new agreements/improving existing agreements/dealing with individual claims and problems and so on.

Therefore this must be urgently reviewed.

Development of the Organising model within Equity and delivering the industrial imperatives

The importance of the 'organising' as opposed to the 'servicing' model has been generally accepted by the union as the way forward; its value was clearly demonstrated in the West End pay campaign and it is now being utilised in the subsidised theatre / Manifesto for Theatre campaign.

The negotiation of relevant industrial agreements remains our priority and there have been changes in the industrial departments to reflect this and focus staff resources in priority areas. The Communication & Membership Support department has, in discussion with the industrial departments, produced focused briefings and materials quickly and effectively and our ability to be flexible and pro-active has increased enormously.

Eighteen months ago the Council decided that the relationship between BECS and Equity needed to be closer and in May 2008 agreed that Andy Prodger should take on the responsibility – on a temporary and part time basis– as Chief Executive of BECS to be reviewed after one year. This resulted in John Barclay becoming (on a temporary basis) Head of the RM Department. This arrangement was made on the basis that Andy would work for BECS as its Chief Executive Officer for 2.5 days a week, that BECS would make a payment to Equity equivalent to his salary for these days, and that all additional payments/resources necessary to facilitate this arrangement (including an additional non-pensionable payment to John) would be covered by the payment from BECS and therefore with no additional costs being incurred by Equity.

In May 2009 the Equity Council and the BECS Board agreed that these temporary arrangements should be extended, on the same basis with the exception that Andy would work for BECS for 2 days a week, for a further year i.e. until May 2010. However because this is a temporary arrangement John has maintained his workload as PACT TV Organiser as well as taking on the additional work as Head of Department including as line manager for all the staff in the RM department. This is an unsustainable workload and in addition the uncertainty of these temporary arrangements is a problem in terms of planning and focus for the union.

At the same time BECS had to move to new premises and asked Equity if it would investigate the possibility of purchasing a permanent home for BECS. We asked Kenington's to investigate this for us, the emphasis being that we wanted BECS to be as close to Equity as possible and from their report unless the union is willing to purchase a freehold or leasehold property (of which there is limited availability) then the rents would continue to be in the region of £56,000 (1,000 sq ft) and £112,000 (2000 sq ft).

BECS currently pays a rent of around £120,000 per annum for fully serviced offices in the Covent Garden area and BECS's current lease expires in April 2010. Therefore either BECS will stay where it is or new offices must be found.

As part of the Vision for the Future Phase 2 program it was envisaged that Nick Craske's work would move to BECS – this has not happened because BECS has needed to urgently review its distribution systems and is in the process of choosing a new system. Therefore in the meantime it was agreed that, in making the Contract Compliance post (Claire Jones) permanent, Nick would work as a senior assistant and would assist Claire and the Organisers in the RM Department. However in order to cover Claire's maternity leave Wayne Bebb is covering on a temporary basis. This means that Equity rather than BECS is continuing to process some payments to members and questions are being asked by the staff - if BECS are improving their systems and given that the systems Equity and BECS use need to be compatible – why isn't Equity also looking at a new system? – or even why aren't Equity and BECS working to have one agreed system?

To improve our density in LP and especially to retain our improved membership in the West End, in January this year Hilary Hadley became temporary Head of Organising (to be reviewed in December 2009) and Stephen Spence took on a more strategic role in terms of our recruitment and retention work in LP. A new post was created for Kevin Livgren who was to focus on independent theatre, again with an emphasis on recruitment and retention work. But again the uncertainty of these temporary arrangements is a problem in terms of planning and focus.

Therefore how can the union address these issues and improve its performance in these key areas?

3. NEXT STEPS

In order to address these issues and strengthen our emphasis on developing the 'organising' model, reaching and increasing the membership and improving member participation we propose the following changes are made from 1 January 2010 to be reviewed after two years which fall under 3 headings:

- **Structure**
- **Committees and Branches**
- **BECS**

STRUCTURE

a. Recorded Media

Andy Prodger to become **AGS, RM & Internal Affairs** - he will continue to be responsible for negotiations in the RM department but he will also take on duties – referred to in general as Internal Affairs – and which will include: staff negotiations and the House Agreement, staff pension scheme, insurances (First Act), human resources (line manager the HR Manager).

John Barclay is confirmed in the permanent post of **Head of the RM Department** (on parity with Hilary Hadley) – he will have line management responsibility for all the

Organisers and clerical staff in the RM department. In discussion with Andy he will lead negotiations but Andy will continue to be the Officer responsible for all negotiations in the RM department and Andy will attend and report to the Council. There will be a review of work allocation in the RM department in order to relieve John of some of his day to day responsibility for PACT television productions. The national and regional Organisers will also report to John on any RM issues.

b. Live Performance

Stephen Spence to become **AGS, LP & Organising** - he will co-ordinate at a strategic level our organising work across the two industrial departments, the nations and the English regions. He will have a strategic responsibility for organising activity across the union and will work closely with John and Hilary in the development of claims and strategies. This will ensure that the organising model – negotiations and campaigning - is joined up and understood across the industrial departments, the nations and regions. Stephen will re-locate to the 5th floor and Hilary will move into his office on the 3rd floor. He will also retain responsibility for Health & Safety (staff and members) and for Guild House maintenance along with Matthew Foster (IT & Guild House Manager) and Kenington's (independent building managers).

Stephen will take over line management responsibility for all the national and regional Organisers

Hilary Hadley is confirmed in the permanent post of **Head of the LP Department** (on parity with John Barclay) - she will have line management responsibility for the Organisers and clerical staff in the LP department. In discussion with Stephen she will lead negotiations but Stephen will continue to be the Officer responsible for all negotiations in the LP department and Stephen will attend and report to the Council. The national and regional Organisers will also report to Hilary on any LP issues.

c. Recruitment Organisers

The purpose of the two Recruitment Organisers is: to proactively take forward and implement, across both industrial departments, the union's strategy for the recruitment, retention and re-joining of members into the union and to drive through agreed plans on how to optimise the growth in membership and to identify new areas of work where membership could be built.

Matt Hood will take over line management responsibility for **Steve Rice** who will remain based in Guild House to work with and support the London based industrial Organisers, the South East and South West Area Organisers, and the National and other English Area Organisers as necessary and required.

Jamie Briers will take over line management responsibility for **Andrew Whiteside** who will remain based in the North to work with and support the National and English Area Organisers and in particular the North West, North East and Midlands Area Organisers, and the London based industrial Organisers as necessary and required.

d. Legal claims

Tim Johnson will continue to manage the small claims for the North East, North West, Midlands and South West which will relieve Chris Ryde, Jamie Briers and Nigel Jones of most of their small claims work.

Martin Kenny will continue to manage the small claims work for the South East and Wales which will relieve Chris Ryde and John Ainslie of most of their small claims work.

e. **Heads of Departments**

There will be 4 Heads of Departments:

John Barclay	- line manager Andy Prodger.
Hilary Hadley	- line manager Stephen Spence.
Matt Hood	- line manager Martin Brown.
Louise McMullan	- line manager Christine Payne.

The Heads of Departments will line manage designated members of staff. In addition they will also have the delegated authority from their own line manager and will therefore have seniority to the other Organiser posts. In practice this will mean that they will be able to implement their own decisions on appropriate action under the supervision of their own line manager. The purpose of this change is to devolve day to day running of the departments from the Senior Management Team to the Heads of Department which will give more flexibility and enable issues to be addressed and resolved more quickly; it will also ensure a co-ordinated and joined –up approach throughout the organisation.

4. COMMITTEE AND BRANCHES

a. **National, Area, Equality and Specialist Committees**

Committees must start to become more self servicing. Therefore staff will no longer draft minutes but will produce a brief **Note of Actions and Decisions** which will confirm: the date of the meeting, those attending the meeting, apologies, decisions/motions and agreed action points. If a committee wishes to have minutes then the committee will need to elect a Minutes Secretary. The staff will continue to prepare the agenda and will circulate the paperwork for meetings.

Also in line with the recommendations of the Working Party on Committees (2003) committees will at the start of their two year term identify their aims and objectives for the next two years and at the end of the 2 year term will undertake a self appraisal and produce a report on what they have achieved which will be passed on to the new committee. A copy of the aims and objectives and the self appraisal report will be given to the General Secretary and will be available to any member of Council wishing to see them.

b. **Variety and General Branches**

In the 2008 Phase 2 report the Council agreed that Organisers need not attend ordinary meetings of the variety and general branches. However many of them still do and therefore Organisers and Branches will be reminded of the Council's decision and in order to free up more of the Organisers time this will be positively encouraged

in future. As agreed in 2008 the Organisers will liaise with the Branch Secretary and attend if there is a specific reason or need, they will provide a written report for all meetings apart from the AGM which they will attend. The branch Secretary and Organiser will have a conversation - either by telephone or in person (not by email) – before each branch meeting so that the Organiser can expand on or add to their written report.

BECS

In May 2008 the Equity Council and the BECS Board agreed that the interests of Equity members are best served by cementing a much closer working relationship between BECS and Equity.

BECS was created by Equity in the 1990's to collect monies from blank tape levies in some European countries and distribute it to UK-based performers. However, in the past decade the growth in work for BECS has not been from overseas collecting societies but from ex-gratia payments and collective licences negotiated by Equity. Currently, the vast majority of money distributed by BECS arises from agreements made by the union and this is likely to increase in the future. Without this income stream from Equity it is doubtful that BECS would survive in the long term. However Equity needs a collecting society in order to collect and distributes overseas payments to our members – and non members. Therefore BECS needs to exist so that these payments can be collected and distributed to our members.

However it is clear from this shift in emphasis in the work undertaken by BECS that the common interests of the two organisations have significantly converged over the past decade and as a result it is even more important that the links between BECS and Equity are strong now and into the future.

Currently, the governance of BECS works towards this: six of the eight directors of BECS are also elected members of the Equity Council and the Chief Executive works partly for BECS and partly for Equity. However, BECS is a legally separate entity. The BECS board is entitled to take decisions in the interest of BECS members which may or may not be in the best interests of Equity members and a future Chief Executive Officer of BECS may place a different emphasis on the importance of close links with Equity.

Since leaving Equity BECS has been located in its own premises for which it has to pay its own way. It is now located in offices in the Covent Garden area at a cost of around £120,000 a year and the lease will expire in April 2010. BECS has already asked Equity to help it find a more secure home and the report from Kenington's sets out the options.

However it is clearly important, for the reasons set out above, that Equity and BECS work closely together, particularly as the vast majority of monies BECS will distribute in the future will arise from agreements and negotiations undertaken by the union, and it is the view of the Officers and Senior Management Team that BECS should return to Guild House; that it is in the long term interest of both organisations, and most importantly our members, that BECS and Equity work as closely together as possible and that this is best secured by them being in the same building.

Therefore the Union should ask Kenington's, our building managers, to provide a feasibility study on moving BECS into Guild House and bring a report to the December Council meeting.

If BECS were re-located in Guild House then it could mean that:-

- BECS could pay a 'rent' to Equity which would cover the associated costs of housing them in Guild House which would be significantly less than a commercial rent ;
- The income available to BECS to distribute to members would be maximised;
- Equity and BECS could enter into urgent discussions about having an agreed database system which will meet the requirements of both organisations in terms of membership relations and distribution;
- Equity's assets and investments would remain untouched and would not be used to buy or lease an office for BECS.

The Equity Council would also need to recommend to the BECS Board that Andy Prodger be made Chief Executive Officer of BECS, on a part-time basis, for two years from 1 January 2010.

RECOMMENDATIONS: The Council is asked to endorse the following recommendations:-

1. Structure

That the structure as set out above will be effective from 1 January 2010 to be reviewed after two years.

2. Committees

- a. **That staff will no longer draft minutes but will produce a brief Note of Actions and Decisions which will confirm: date of meeting, those attending the meeting, apologies, decisions/motions and agreed action points. If a committee wishes to have minutes then the committee will need to elect a Minutes Secretary. The staff will continue to prepare the agenda and will circulate the paperwork for meetings.**
- b. **That all committees will at the start of their two year term identify their aims and objectives for the next two years and at the end of the 2 year term will undertake a self appraisal and produce a report on what they have achieved which will be passed on to the new committee. A copy of the aims and objectives and the self appraisal report will be given to the General Secretary and will be available to any member of Council wishing to see them.**

3. Variety and General Branches

That the Organisers will liaise with the Branch Secretary and attend a branch meeting if there is a specific reason or need, and they will provide a written report for all meetings apart from the AGM which they will attend. The branch Secretary and Organiser will have a conversation - either by telephone or in person (not by email) – before each branch meeting so that the Organiser can expand on or add to their written report.

4. BECS

- a. **That it is in the long term interests of both organisations, and most importantly our members, that BECS and Equity work as closely together as possible and that this is best secured by them being in the same building.**
- b. **That Kenington's will be asked to provide a feasibility study on moving BECS into Guild House.**
- c. **The Council will recommend to the BECS Board that Andy Prodger is, on a part time basis, made Chief Executive Officer of BECS for two years from 1 January 2010.**

John Carnegie proposed and Sheila Mitchell seconded that the Recommendations be brought back to Council after further details had been provided.

If this Motion failed, then the Recommendations would be proposed by David Cockayne and seconded by Frederick Pyne.

Points made in discussion:

- Questions remained about the staff restructuring costs even if offset by the savings from the BEC's reorganisation.
- If Committees have to self-service, this would take out another Committee member apart from the Chair.
- Minutes training would be needed for Committee members.
- Organisers should attend Branch meetings; it would encourage members to attend.
- It would be better to have BECS in the same building.
- The lack of a diagram as previously provided with the Vision for the Future papers makes it difficult to understand the proposed new Staff structure.

Points made in response:

- The General Secretary outlined the salary situation of the Heads of Department which are more than covered by payment from BECS to cover Andy Prodger..
- Existing Branch Committees are self-servicing – there has never been a member of Staff to do this.
- There was a risk of the campaigning model being at the expense of the servicing model – this could be particularly relevant to the VAC.
- Young members could be put off getting involved in Committees by the bureaucracy.
- It was important to have BECS in the same building and to work closely with them because of what had happened with Collecting Societies in Europe practically taking over the Union.
- If members have individual problems, it would not be appropriate to raise these with Organisers at Branch Meetings which are more to do with policy.
- It was agreed that a diagram was needed.

In relation to John Carnegie's Motion this was **DEFEATED** with 4 for, 16 against and 4 abstentions.

Recommendation 1 - Structure

This was **ENDORSED** with 20 for, 1 Against and 4 abstentions.

Recommendation 2 – Committees

This was **ENDORSED** with 17 for, 6 Against and 2 abstentions.

Recommendation 3 – Variety and Gen Branches

This was **ENDORSED** with 14 for, 7 Against and 4 abstentions.

Recommendation 4 – BECS

This was **ENDORSED** with 22 for, 2 Against and 1 abstention.

18.11 SKYPE – this item was **DEFERRED**.

18.12 LEARNING DISABLED PERFORMERS

The Assistant General Secretary (LP) recommended that this item be deferred until early 2010. This was **AGREED**.

18.13 MOTIONS FROM BRANCHES AND COMMITTEES

1. Theatre Fight Directors Committee

a. At the Fight Directors Committee meeting of 24th September 2009 the quorate committee agreed to recommend to council that Equity recognise an additional training organisation equal to the current status of the BADC and BASCC. One committee member declared a conflict of interest and did not vote. A probationary period was included to allow for comments from members.

“The fight Director’s Committee recommends to council that Equity recognise the Academy of Performance Combat (APC) as a training provider equal to the current status of the BADC and BASCC; with a probationary period until December 2009”.

Officers/SMT Recommendation: Support

b. Following the amendment to the clause in the Fight Directors Agreement that requires Equity to be notified when a suitably qualified member of the Equity Fight Directors Register is not to be engaged, the Fight Directors Committee has considered the implications of this.

“That following the change to the current TMA/SOLT/ITC/Equity Fight Directors Agreement the Fight Directors Committee advises Council of its ongoing view that only members of the Equity Fight Directors Register should be engaged by employers as Fight Directors.

Accordingly the Fight Directors Committee recommends to Council that in future legal protection only be extended to Fight Directors employed who are current members of the register should an accident occur.”

Officers/SMT Recommendation: Support the first paragraph; however the second paragraph should be opposed as this would be in breach of the Rules. Following discussion, it was **AGREED** that the Recommendation should be modified to read as follows:

‘Support the first paragraph of the Motion; however, the second paragraph of the Motion should be opposed as this would be in breach of the Rules.’

The Recommendations, as amended, were both **ENDORSED**.

2. West & South West London General Branch

Until the whole question of use of branch funds is investigated, the W&SW London Branch asks Council to endorse the payment from the Branch of £500 to the Shakespeare 2012 project.

Officers/SMT Recommendation: Oppose – the Council has already made a decision on this matter that the Union’s funds should not be used towards this project.

Points made in discussion:

- Ian Flintoff had given this money to the branch on the understanding it would be transferred.
- This was the member’s own money to do with as he wished.

Points made in response:

- This has to be opposed as it is not Council policy.
- The matter has already been debated in Council following an Emergency Motion.
- HMRC’s view is that branch funds form part of the funds of the Union.

Following further discussion, it was decided that this motion was **OUT OF ORDER**. A procedural Motion would be required to reopen the matter given that the Council has an existing policy.

3. Birmingham Variety Branch

The Birmingham Variety Branch requires the Equity Council to clarify how Variety Artists will be affected by the Independent Safeguarding Authority and its new requirements compared to the CRB, as well as find support for those who will have to pay to conform with the new legislation.

Officers/SMT Recommendation: Support

Points made in discussion:

- How will these be clarified?

Points made in response:

- By going to the Independent Safeguarding Authority (ISA) and asking for guidance.

The Recommendation was **ENDORSED**.

4. Members with Disabilities Committee

The Members with Disabilities Committee urges Council not to recruit into membership – be that student, graduate or full – learning disabled performers or any other disabled performers on benefits, who are not studying at an accredited drama school or working under paid contracts.

To recruit into membership disabled performers in receipt of incapacity related benefits who undertake unpaid work has the potential to put the welfare of these individuals at serious risk. This is because their entitlement to incapacity related benefits could be seriously compromised by the undertaking of work, even if the work is unpaid. The Members with Disabilities Committee has consistently articulated this concern during the consultation process and the Committee welcomes the fact that this is now being taken into account.

If Equity defines that the unpaid work undertaken by learning disabled performers who work for companies such as Wicked Fish, Lawnmowers and Firebird is 'professional' work, there is a real risk that the Department for Work and Pensions may regard this work as being incompatible with the receipt of incapacity for work related benefits. This means that learning disabled performers could be deemed to be capable of work and thus benefits could be withdrawn.

Equity's current Rules, as recently updated, ensure that more than adequate provision is made for all members, both disabled and non-disabled. The Members with Disabilities Committee believes that a reasonable adjustment has already been made in recent years by lessening the requirements for membership for everyone. The Committee is also of the view that Equity, as a trade union, should be cautious about accepting working practices that encourage performers to work without pay.

The Members with Disabilities Committee welcomes the decision by the Assistant General Secretary Live Performance to review his recommendations to Council on the recruitment of learning disabled performers and urges the Council to uphold the current membership requirements without any adjustment.

Officers/SMT Recommendation: This motion to be taken with item 9 on the agenda when the Assistant General Sec (LP) will recommend that in the light of this developments the issue should be deferred until early 2010 so that further consultation can be taken with the ITAC Committee and the Members with

Disabilities Committee, along with representatives of existing members and potential members.

It was **AGREED** that this should be **DEFERRED**.

18.14 LEGAL CASES

18.14.1 Personal Injury

Michael Bull v Butlins

Member slipped and fell whilst taking a shower at the Minehead Butlins. Member sustained severe bruising to his back and right side.

Full

William Forbes-Hamilton v Scott Free Productions

Member was engaged as a supporting artist on the recently filmed production of Robin Hood. He was crossing a field when he fell after placing his right foot in a rabbit hole. He sustained a sprained ankle and extensive bruising to his right side.

Full

Katy Jane Organ

Member was hurt after falling down a set of stairs at her accommodation whilst working in Norfolk. She sustained severe bruising to her back which requires physiotherapy.

Full

Full Legal Protection was **AGREED** for all three personal injury cases.

18.14.2 Contract

Andrew Gant v Buckingham Palace

Full

The Legal Referrals Officer reported that this case had been **SETTLED** and that the member was reinstated but there were outstanding issues yet to be resolved.

18.14.3 Miscellaneous

Gerry Brownridge v Thompson

David Kidd v Ripon Bowling Club

Leigh Chellis v Nicola Davidson

Adam Night v Longhirst Golf Club

David Drewitt v John Fowler Holidays Ltd

Pete Holden v Wagon & Horses PH – Bath

Anthony Morse v Strauss Gala Productions Ltd

Paul Stanton v Drayton Manor Cricket Club

Christine Alexander v Manhattan Heights Entertainment Agency

The Miscellaneous Cases were **NOTED**.

18.15 NEW MEMBERS AND CURRENT MEMBERSHIP POSITION

John Carnegie proposed and Malcolm Sinclair seconded that the new members list be approved. This was **AGREED**.

The current Membership position was **NOTED**.

18.16 COUNCILLORS' MOTIONS

18.16.1 In the name of David Cockayne:

It was **AGREED** that this Motion should be **DEFERRED**.

18.16.2 In the name of Riky Ash:

It had been **AGREED** earlier in the meeting that this Motion should be **DEFERRED** due to the absence of Councillor Riky Ash.

THE MEETING ENDED AT 6.00 P.M.