
**MINUTES OF THE FOURTEENTH MEETING OF THE 2018/2020 COUNCIL
HELD AT GUILD HOUSE ON 8th OCTOBER 2019**

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- 14.14 Membership**
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- 14.16 Any Other Business**

Councillors Present: Maureen Beattie (President, in the Chair), Dan Ayling, Ian Barritt (Vice-President), Xander Black, Linda Broughton, Kelly Burke, Adam Burns, Jo Cameron Brown, Kelly Burke, Bertie Carvel, Di Christian, Bryn Evans (Honorary Treasurer), Nick Fletcher, Tony Gardner, Graham Hamilton, Maureen Hibbert, Isabella Jarrett, David John, Mary Lane, Alan McKee, Red Sarah, Rhubarb the Clown, Sally Treble, Paul Valentine and Linden Walcott-Burton.

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Staff Present: Christine Payne (General Secretary), Stephen Spence (Deputy for the General Secretary, Industrial and Organising), from 2.00 p.m., Matt Hood (Assistant General Secretary, Communications and Membership Support), Hilary Hadley (Head of Live Performance), Louise McMullan, (Head of the General Secretary's Department), Phil Pemberton (Head of Communications & Membership Support) and Alan Lean (Council Secretary).

Apologies for Absence: Julia Carson Sims (Vice-President), Maggie McCarthy

14.1 **ANNOUNCEMENTS**

- 14.1.1 The President said that Council would be paying tribute to Patricia Leventon later in the meeting when David John, the Audio Councillor, had arrived in Council.
- 14.1.2 The General Secretary referred to the new Rules and Standing Orders for Council Meetings as amended at the last Council Meeting. She advised Councillors to destroy the previous copy from now on.
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14.2 **CORRECTIONS TO THE DRAFT MINUTES AND DRAFT CONFIDENTIAL MINUTES OF COUNCIL 13**

- 14.2.1 **Staff Present** – amend 'Deputy General Secretary' to 'Deputy for the General Secretary'.
- 14.2.2 **Minute 13.5.2 – Unknown Funds Applications** – amend title 'Deaf and Disabled Members Committee' to 'D/deaf and Disabled Members' Committee'.
- 14.2.3 **Minute 13.14.2.1 – North & East London General Branch** – amend the first paragraph of the recommendation to read:

"Qualified support. Equity members wishing to participate in the 20th September day of action on climate change are free to participate in general demonstrations or protests outside the workplace and Council believes as required by Rule 3.2.4. It is in the professional interests of our members for a sustainable environment to be achieved. Equity's current green review contributes to that goal."
- 14.2.3 **Confidential Minute 13.7 - Complaint Rule 29** – Recommendation F2 amend 'The Trade Union and Labour Relations' to 'The Trade Union and Labour Relations (Consolidation) Act 1992.

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The Draft Minutes and Draft Confidential Minutes were **proposed** by Mary Lane and **seconded** by Ian Barritt as a true and accurate record of the meeting and **AGREED**.

14.3 MATTERS ARISING FROM THE MINUTES OF COUNCIL 13

- 14.3.1 Minute 13.3.1 – HMRC** - Alan Lean, speaking as Tax and Welfare Rights Officer, gave Council an update on the meeting with the engagers which had taken place on 3rd October to discuss the draft tax guidance for the sector. The next meeting with HMRC was due to take place on 22nd October.
- 14.3.2 Minute 13.3.4 - Arts Policy and Campaigns** – the General Secretary reported that the launch of the campaign had gone well and a copy of the report had been sent to all branches and committees. The campaign working group would be meeting on Thursday.
- 14.3.3 Minute 13.6 – General Secretary’s Election** – the General Secretary reported that the first two members of the interview panel would be Nick Fletcher and David John and then Bertie Carvel and Isabella Jarrett. All four members of Council were invited to attend training on 20th October. This would be run by Elizabeth George from Pattinson & Brewer. The interviews would take place on 9th February.
- 14.3.4 Minute 13.8 – EuroFIA Israel** – the General Secretary reported that Martin Brown would now be joining the delegation along with Maureen Beattie, Ian Barritt and Stephen Spence.

Points made in Discussion:

- We should try to link up with the theatre organisations in Palestine we already have connections with.

- 14.3.5 Minute 13.14.1 – ARC 2019 Motions 18 and 28** – the General Secretary reported following an election Graham Hamilton and Paul Valentine would represent the Council on the working party.

14.3.6 Confidential Minute 13.7 – Complaint Rule 29

The General Secretary reported that in relation to recommendation E2 the meeting with the VCEC and the union’s solicitor was due to take place on 6th November at 10.30 a.m.

Points made in Discussion:

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- Have we had any further response from Dave Eager? *Reply – the General Secretary said that she had sent him the wording of the Council Report amended to reflect decisions actually made by Council. He had responded by asking if these were the final decisions and she had confirmed this was the case.*
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14.4. INDUSTRIAL COMMITTEES: CLAIMS AND AGREEMENTS

14.4.1 Screen and New Media Committee

John Barclay reported that the next meeting of the Committee was scheduled for 13th November but gave Council a brief verbal update on recent developments.

Formal approval from PACT was still awaited for the Supporting Artists' Agreement.

Nominations were being sought to establish the TV Working Party – the BBC's intention was to extend the iPlayer licence from one month to thirteen months.

Disney Plus was launching a new subscriptions/VOD channel.

The audit of the studios was ongoing.

A meeting was planned with BECTU and the FAA to discuss the work we could do collaboratively on agents, commission rates, book fees, etc.

There was due to be a games meeting on 6th November featuring representatives of the games industry.

Points made in Discussion:

- Some Walk-On artists are taking a double hit on commission. *Reply – John Barclay said that with booking fees the effective rate of commission could be 30 or 40% leaving members with as little as £20 per day. We were looking at how to work with branches to ensure access to agents who did not overcharge and with BECTU and the FAA to tackle rogue agents.*
- Streaming on games is going to be huge in the next few years. *Reply – John Barclay said that there was no collective agreement yet to cover this area.*

The report was **NOTED**.

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14.4.2 Stage Committee

The next meeting of the Stage Committee was on 28th October. Hilary Hadley gave a brief verbal report on recent developments.

A soft launch of the new Code of Conduct for auditions had taken place at the West End Deputies meeting. The new Code applies to West End, Commercial and Subsidised Agreements and 8000 emails were sent out to members who had worked recently in these areas advising them of the changes and asking if they had experienced problems particularly with the yes/no. Over 100 had replied.

Meetings had been set up with the CDG and CDA to go over the changes to the Code of Conducts for auditions. A meeting was scheduled for 16th October with the PMA. There would be random audits of the audition processes to see if they were working.

Five-day rehearsal week – a survey had gone out to Directors and SDUK were sending out the same survey.

Hilary Hadley said that a meeting had taken place on workshop agreements for productions going to the West End and Commercial theatres which included salary, first refusal and profit participation.

Puppeteers' Network – this was very successful and already highly organised group. A meeting was planned with the managers to try and negotiate a puppeteers' appendix to go into the theatre agreements.

Points made in Discussion:

- There can be up to eleven auditions on a show like *Les Miserables*. This can be a huge waste of time, energy and finances and the younger ensemble members are bearing the brunt of this.
- There had been positive reactions so far on the rehearsal week concept.

The report was **NOTED**.

14.4.3 Variety, Circus and Entertainers' Committee

Hilary Hadley referred to her written report on the Variety, Circus and Entertainers' Committee meeting which had taken place on 4th September. It was announced that Yvonne Joseph had been re-elected as Chair, for which she was congratulated. The ballot for Vice-Chair which had closed on 30th August had been a dead heat between Alec Powell and Neil McFarlane so was being re-run. The closing date would be noon on 13th September 2019.

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There were also reports on the progress on the ARC motions relevant to the VCEC, the negotiations which had been taking place with the professional wrestling sector and the Blackpool Museum project. There were updates on the Comedians Network, Puppeteers' Network, Circus Network and Burlesque Network.

Points made in Discussion:

- Is it legal to re-run the ballot as opposed to tossing a coin or those involved doing a year each which is how dead heats had been resolved historically? *Reply – Rhubarb the Clown said that one of the two candidates had withdrawn so there was no need for a second ballot.*
- It was very good news about the Blackpool museum project – it was to be on The Sands near the South Pier.
- Motion 45 is not just about the burlesque field.
- We should stress that the casting provisions are now part of the collective agreements.

The report was **NOTED**.

14.5 MINIMUM INCOME FLOOR (MIF) JUDICIAL REVIEW OUTCOME

Emma Cotton, Tax and Welfare Rights Organiser, was present for this item and referred to her written report. She took Council through this including the 'legacy benefits' which existed before Universal Credit (UC) and the 'gainful self-employment' (GSE) test and 'minimum income floor' (MIF) within UC. The report also explained the grounds for the Judicial Review challenge involving Equity member Charmaine Parkin which were as follows:

- a) Work incentives: the GSE claimant with fluctuating earnings is better off giving up their self-employment and becoming either unemployed or employed under UC in order to receive adequate financial support. It was argued that that is a perverse incentive to work.
- b) Human rights: the discrimination is not justified on human rights grounds (right to family life, self-employment as a status)
- c) Irrationality: MIF policy is irrational - i.e. so unreasonable that no reasonable body acting properly and directing itself correctly as to the law could have formulated it
- d) Public sector equality duty: the DWP did not have 'due regard' to their duty; the policy adversely affects single parents such as Charmaine, who are mostly women.

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The judge did not accept that employed and self-employed claimants were in an analogous situation. It was found that although there is discrimination and different treatment, it is justified on the basis that unprofitable self-employment should not be subsidised, and that the UC system was justified to create a mechanism for tackling this as the previous social security systems had been abused in the past (this evidence is not detailed). The judges' solution to hardship created by the MIF was in line with the DWPs - that if the UC claimant is unable to sustain themselves through self-employment, they can and should elect to not be treated as self-employed full-time under UC, and mitigate their circumstances by finding employment work.

The judge emphasised that UC had been designed to create 'behaviour change' and to get more people into work. In the judge's view this had been subject to the highest parliamentary scrutiny and passed into law. Considerations regarding the value of the entertainment or any other industry, social mobility, or the claimant's individual circumstance, etc., were not deemed to be relevant.

At this time, it is thought that a further appeal would not be successful and so will not be pursued. Leigh Day have provided a summary of the case and the outcome which can be found here:

<https://www.leighday.co.uk/News/2019/July-2019/High-Court-to-hear-universal-credit-minimum-income>

A full copy of the judgement can be found here:

<https://www.matrixlaw.co.uk/wp-content/uploads/2019/09/RCharmain-Parkin-v-Secretary-of-State-for-the-Home-Department-2019-EWHC-2356-Admin.pdf>

Although no further legal challenge is possible, we still consider that the MIF is an unjustified austerity measure that scapegoats the self-employed. Nearly a sixth of the UK's workforce is self-employed, it is vital that we have a welfare system which reflects that reality and provides a safety net. We are concerned about the socio-economic effect this measure will have on the entertainment industry. We will continue to work with the membership and other organisations to see how we can continue our lobbying for the MIF to be scrapped. We are grateful to Charmaine for pursuing the judicial review.

Recommendation: that Council notes the report.

Points made in Discussion:

- Is this part of an attack on the self-employed? *Reply – Alan Lean (replying as Emma Cotton had left the meeting) said that this was part of the basic lack of understanding of our members' work patterns and the value of their work to the economy.*

It was **proposed** by Mary Lane and **seconded** by Rhubarb the Clown to send personal thanks to Charmaine Parkin.

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This was **AGREED** unanimously.

The report was **NOTED**.

14.6 RECOGNITION OF DRAMA SCHOOLS

In 2017, following the closure of Drama UK, Equity and Spotlight agreed criteria for the recognition of drama and musical theatre courses whose graduates would qualify automatically for full membership.

The course criteria, endorsed in 2017, were as follows:

- Vocational training courses for performers – practical rather than theoretical
- Equivalent to NQF¹ level 5/SCQF² level 8 or above qualification issued by a recognised body
- Contact hours in excess of 30 hours per week
- No more than 22 students in a class, and 30 weeks in a year of instruction
- Courses that offer a professional showcase opportunity, attended by industry
- Courses that offer professional development programme with industry engagement
- Access to professional facilities
- Clear commitments on safeguarding, bullying and harassment, and diversity

Equity adjusts the above criteria as appropriate for other performing disciplines, such as dance, singing and circus, and for non-performing disciplines, including stage management, theatre design and directing.

This scheme has now been in operation, successfully, for 2 years. However, it has become clear that the qualification level in the criteria is at a lower level than the other constituent parts. In agreement with Spotlight, we are proposing to raise the courses' qualification level to RQF³/CQFW⁴ level 6/SCQF level 9 for all newly qualifying courses.

The RQF defines a level 6 qualification as one which in which the *“Holder has advanced practical, conceptual or technological knowledge and understanding of a subject or field of work to create ways forward in contexts where there are many interacting factors. Holder understands different perspectives, approaches or schools of thought and the theories that underpin*

¹ National Qualifications Framework

² Scottish Credit & Qualifications Framework

³ Regulated Qualifications Framework (England & Northern Ireland)

⁴ Credit & Qualifications Framework for Wales

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them. Holder can critically analyse, interpret and evaluate complex information, concepts and ideas.”

Examples of level 6 qualifications include bachelor's degrees, graduate certificates, graduate diplomas, level 4 NVQs and technical apprenticeships.

The level 5 qualification that would no longer qualify would be the Higher National Diploma.

If this change is agreed, it will not affect the courses whose students qualify for student and graduate membership, which is open to all vocational training courses at RQF/CQFW level 2/SCQF level 5 and above.

RECOMMENDATION: That Council raises the qualification level for courses whose graduates are automatically entitled to full Equity membership to RQF⁵/CQFW⁶ level 6/SCQF level 9 for all newly qualifying courses.

Points made in Discussion:

- There is a big difference in quality – many drama schools don't get people ready for the industry. They need training on how to build a CV, get an agent and maintain themselves in the profession. *Reply – Matt Hood agreed that many drama schools were not good on the professional development aspects and both Equity and Spotlight have had to help with these programmes.*
- Matt Hood clarified that the criteria also applied to places which had not historically been covered such as courses run by ex-Polytechnics.
- Can we share this with Stage Sight? *Reply – the President confirmed that this could be done.*

The recommendation was **proposed** by Xander Black and **seconded** by Ian Barritt and **AGREED** unanimously.

14.7 BECS (British Equity Collecting Society)

14.7.1 Commission

Matt Hood referred to his written report. In April 2019, Equity wrote to BECS with a copy of the report supplied by Julie Eyre, the auditor appointed by Equity to carry out an Independent Verification of the Equity monies held by BECS.

⁵ Regulated Qualifications Framework (England & Northern Ireland)

⁶ Credit & Qualifications Framework for Wales

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The agreed value of performers' monies following the audit was £7,777,956.00. The monies being held by BECS in respect of the value of the maximum commission claim asserted against Equity inclusive of VAT was £506,477.10. Therefore, the total value of performers' monies that should have been paid to Equity was £7,271,478.90 compared with £7,103,835.33 – a difference of £167,643.57.

Equity requested that the £100,000 held by Sheridans in escrow be released to Equity, and the balance paid by BECS to the union.

In May 2019, Tayyiba Nasser, BECS's COO & Finance Director, responded to claim that as the value of the monies held was now higher, BECS's commission claim would now also increase to £576,134.57 inclusive of VAT.

Equity does not recognise BECS's entitlement to commission regardless of value. However, in order to make progress and separately deal with the commission claim it was agreed that:

1. BECS paid to Equity the sum of £98,086.11 – these being identified performers' monies not in dispute. Equity would continue to dispute BECS's claim to commission asserted against Equity, regardless of the value of the claim.
2. That on receipt of the above performers' monies, and invoices for the costs of BECS's work on the audit (£6,538.48) and Innervate's work to remove Equity data (£21,780), Equity will settle those invoices. That Equity would bear these costs was previously agreed between the parties.

Equity received the payment of monies for performers in June 2019, and the invoice for costs in July 2019, which was paid at the beginning of August.

Following settlement of the above issues Matt Hood had written to Andy Prodger, BECS's CEO, on 16 September 2019 to repeat the union's final offer of **£101,861.30 + VAT** as a contribution towards BECS's costs, and not a deduction from performers' monies. The letter was attached to his report. We have given BECS until 4 p.m. on 21 October 2019 to accept this offer. The BECS Board meets on 17 October 2019 and will therefore be able to consider this matter before the deadline.

It is the union's intention to resolve this matter without recourse to our lawyers. However, we have put Eversheds Sutherland on notice to draft a course of legal action for the union should the BECS Board fail to respond, or respond negatively, to the union's offer.

RECOMMENDATION: This paper is for noting.

Points made in Discussion:

- Bryn Evans, Honorary Treasurer, asked Matt Hood to confirm that if we went down the legal route we would not be agreeing any commission to

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be payable other than commission on monies distributed. *Reply – Matt Hood confirmed that this was the case as our view would be that commission is only due on monies distributed.*

- Would legal action further affect the budget on this? *Reply – Bryn Evans, Honorary Treasurer, said that £120,000 had already been budgeted on this and it was likely that further legal action would increase that amount.*

The report was **NOTED**.

14.7.2 **BECS Board**

The General Secretary referred to her written report. Under the BECS Articles of Association Equity has one seat on the BECS Board to be nominated by the Equity Council and endorsed by the BECS AGM. The Appointee is made by a decision of the Equity Council but must be a member of Equity and member of BECS.

The Council at its meeting in July 2018 decided not to nominate an Appointee to the BECS Board given the serious differences between our two organisations at that time. However the Council also decided that it would review the situation during 2019 and make a decision on whether to nominate an appointee to the 2019 BECS AGM.

BECS have asked if the Council has made a decision on an appointee to the BECS Board for the forthcoming year.

Recommendation: subject to the commission matter being settled prior to the BECS AGM Equity should take up its place on the BECS Board and therefore the Council at its meeting in October should call for nominations from the Council with a view to a member of the Council willing to go on the Board to be elected by the November Council meeting.

Graham Hamilton **proposed** the recommendation and also proposed that it be amended to insert the words 'time of the' before 'November' in the last sentence. This was **seconded** by Sally Treble.

Points made in Discussion:

- Does the General Secretary foresee future problems even if the current ones are resolved? *Reply – the General Secretary said that BECS may seek to change its Articles of Association at their next AGM as the basis for making a further application for distribution rights. We will continue to defend the integrity of our collective agreements.*
- Nick Fletcher said that he would be voting against the recommendation and asked for his name to be recorded.

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- Jo Cameron Brown said that she hoped that the matter would be resolved for the mutual benefit of all the members. It was really important to have some representation on the BECS Board of Directors if we could get it.
- Bryn Evans, Honorary Treasurer, said that all of these problems had arisen in the last two or three years. Prior to that it had normally been possible to talk issues through with BECS.

The recommendation, as amended, was **AGREED**. The amended Recommendation therefore read as follows:

Recommendation: subject to the commission matter being settled prior to the BECS AGM Equity should take up its place on the BECS Board and therefore the Council at its meeting in October should call for nominations from the Council with a view to a member of the Council willing to go on the Board to be elected by the time of the November Council meeting.

14.8 TRADE UNION CONGRESS (TUC)

The General Secretary referred to the revised report which had been tabled at the beginning of the Council Meeting. She ran through the different speeches made at the Congress including that by Mark Serwotka, the President of the TUC. He had made a very powerful and personal speech which included his own experiences of life-saving treatment from the NHS. There was also an address by Guilarte de Nacimiento, General Secretary of CTC Cuba.

Equity spoke in favour of several motions:

Stephen Spence spoke to Equity's motion 27 on the EU copyright directive.

The General Secretary spoke to motion 28 the inclusion of freelance workers in TUC policy.

David John spoke to Equity's motion 35 on class inequality

The President spoke to motion 38 ILO convention on workplace sexual harassment.

Sam Swann spoke to motion 39 mental health in low paid employment.

Isabella Jarrett spoke to motion 65 rebuilding local government on arts cuts.

Isabella Jarrett said that she had found the visit hugely rewarding and she had learned a lot even after forty years as an activist. It was good to be there in solidarity with other trade unionists.

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The President said that she had much enjoyed being there for a second time. She said that it had also been good to support the Artists' Union of England which now had more than five hundred members. They had brought a motion about the cost of studio spaces which dovetailed with Equity's work on low pay/no pay.

The Council Meeting then stopped for lunch, the time being 12.45 p.m., and re-convened at 1.45 p.m.

14.9 BREXIT

Stephen Spence referred to his written report. On 24th September Equity, through Louise McMullan, attended "Brexit: Where Are We Going?" (organised by the Incorporated Society of Musicians (ISM) and other organisations there included theatres, BFI, ABO and Directors UK). Among the topics discussed were copyright and how our IP rights regime will be threatened by trade deals with the US, China and others. Visas and mobility were also a big part of the discussion – there remains a real lack of clarity about what happens in each of the deal/no deal scenarios.

On **2nd October** Equity will attend a no deal planning workshop at the Department of Culture, Media and Sport (DCMS) – the Union is considering a call out on social media asking members to share their experiences and concerns to take them to that meeting.

The Union has also submitted an application to the Government's grant fund for £50,000 to run Brexit information events in London, Edinburgh, Cardiff, Belfast and Manchester.

The Government's advice to EU citizens on immigration arrangements was updated on 5th September so it would be good to draw this to our members' attention:

<https://www.gov.uk/government/publications/no-deal-immigration-arrangements-for-eu-citizens-moving-to-the-uk-after-brexit/no-deal-immigration-arrangements-for-eu-citizens-arriving-after-brexit>

The Government's portal for accessing advice on travelling to and working in the EU post Brexit is at the following link:

https://www.gov.uk/brexit?gclid=EAlaIQobChMI76XYIeHr5AIVWeDtCh33GgMbEAAYASAAEqJTJfD_BwE&gclidsrc=aw.ds

Both resources are inadequate for self-employed workers in the creative sector which is why the Union is working on inviting members to tell us what the gaps are from their perspective so those views can be taken to the meeting on 2nd October.

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Further to his report, Stephen Spence added that he had just learnt that the union was not successful in its bid for £50,000 from the grant fund; however, he was not aware of any other union which had been successful in such a bid.

Points made in Discussion:

- Louise McMullan said that it had been possible to give concrete examples to the civil servants involved – the union had stressed this was not just about big organisations but could involve self-employed workers travelling to do a short engagement commercial. Longer-term what we were seeking were two-year travel visas for entertainers and freedom of movement which will hopefully form part of the trade agreement to be negotiated post-Brexit.
- Ian Barritt, Vice-President, said that a No Deal Brexit may make it impossible for artists to tour Europe and referred to a recent article on this in *The Guardian*.
- Has the TUC position changed? *Reply – the General Secretary said that the TUC position remained as set out in their Brexit statement which was in the Council papers.*
- Is the refusal of the grant appealable? *Reply – Stephen Spence said that it was in the discretion of civil servants and was not appealable.*
- Could we do information days on Brexit? *Reply – Stephen Spence said that he would discuss this further with Louise McMullan but resources were limited.*
- Do we know what the position of Spanish actors working in the UK will be?
- What will be the position on taxes? *Reply – Louise McMullan said that the reciprocal arrangements on tax would remain but social security looked more problematic. The French for example do not want to continue reciprocity on this.*

14.10 REFERENDUM

The General Secretary referred to her written report. Soon after the Equity Magazine containing the referendum paper started to be distributed to members it had come to her attention that the four equality committees were actively campaigning against the position of the Council – and the ARC – in the Referendum in respect of all or some of the questions.

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On the 22nd September she had written to the Chairs of the equality committees and advised them that if this was the case then as an advisory committee to the Equity Council this is out of order and therefore **ALL postings or information in the name of their committee in relation to the referendum questions would need to be deleted.**

Under the rules and standing orders for the equality committees each committee is an advisory committee to the Equity Council. The committees have given their advice on the Council's motions to both the Council and the ARC and the decision of the ARC was overwhelmingly to accept the motions in the name of the Council.

Some members may agree with the rules and standing orders for the committees and some may not - but these are the rules and standing orders for **all** committees set up by the Council under rule 16.2.3. i.e. Audio, Singers, etc.

She had also advised the Chairs that the actions of the committees could lead to a Complaint under Rule 28.

The response received from the Committee was attached to her report.

The General Secretary had specifically invited the Chairs of the equality committees to write the statement against the rule change motion precisely because the committees argued against the rule change both to the Council and at the ARC.

The statement therefore reflected the factual reality of the position of the committees. As representatives of the committees to the ARC they were advising the Council and in turn the ARC of the committee's position. Therefore the statement is not in conflict with the rules and standing orders because it is a factual statement. However, campaigning and taking action in the way they have is in conflict with the rules and standing orders.

She had subsequently advised the Chairs that as individual members of the union they can - and indeed should - campaign in the referendum. They can also say that they are a member of the committee. What they cannot do is campaign on behalf of, or as a representative of, the committee. The rules and standing orders only apply to the committee itself as an elected and advisory committee to the Council. **Therefore the postings which must be removed are those in the name of the committee or purporting to represent the committee.**

The committees had quoted paragraph 2.2 of the rules and standing orders which says that any such action, 'shall be subject to prior approval of the Council or the General Secretary' and have therefore appealed to be allowed to participate in a constructive, respectful debate with the membership.

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As General Secretary her duties under Rule 23.1 are to act as the chief executive officer and spokesperson for the Union and, subject to the Rules and the law, at all times act in accordance with the directions given, and with the policies approved, by the Council. Therefore if she were to allow the committees to participate as they wish then she would be in breach of her duties under the rules.

Under paragraph 16 of the rules and standing orders for committees (Alterations to the Rules and Standing Orders of the Committee) the rules and standing orders may not be amended, added to, or suspended without the consent of the Council. The committee shall have the right to refer a request to alter any rule or standing order to the Council whose decision shall be final.

Recommendation:

The role of the equality committees (and all committees established by the Council) is as advisory committees to the Council and this is the basis on which members have been elected to the committees. The committees in their elected capacity have advised the Council and in turn the ARC of their view. The ARC at its meeting in 2019 agreed with the Council and as a result all three motions have been put to a referendum of the entire membership. The factual position of the equality committees is as set out in the statement in the referendum and therefore the membership is clearly aware that the equality committees oppose the rule change. Should members of the committees wish to campaign against the position of the Council and the ARC then they can and should do this but only in their own individual capacity as members of the union. Therefore Council does not agree to amend, add to or suspend the rules and standing orders for the equality committees.

Points made in Discussion:

- The General Secretary added that Council now needed to decide if it would allow the committees to campaign against Council's decision. Her advice was not to do so as they would be setting a dangerous precedent.
- What did the campaigning consist of? *Reply – members of the Committees sent out Tweets and made posts on Facebook using the Committees' names and Equity logo.*
- Have all the social media postings and tweets been removed? *Reply – The General Secretary said that this was the case but even if they were there for a short time there was the risk of results being challenged and a possible Rule 28 complaint against all involved.*
- It would be confusing to have different opinions all going out under the Equity logo.

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- Kelly Burke, speaking as the Chair of the Women's Committee said that their understanding had been that they were allowed to campaign and it all been undertaken in good faith. In her view, the debate had been conducted in a pro-Equity way and felt that the current system was not taking equalities issues sufficiently into account.
- The Equality Committees had made a strong statement and we should leave it there and let members decide.

The recommendation was **proposed** by Ian Barritt and **seconded** by Isabella Jarrett and **AGREED** with 3 against and 4 abstentions.

14.11 MENTAL HEALTH AND WELL-BEING SERVICE DELIVERY

The General Secretary referred to her written report. The following motion was carried by the 2017 ARC:

This ARC recommends to Council that monies should be set aside to fund a full-time or part-time fully-trained member of staff with the responsibility for (but not limited to) anti-bullying and mental health issues for the benefit of our members - the position to be created for a period of two years minimum. It is hoped that the appointee will reassure members, campaign, effect change and act as a call to action for employers and members alike.

This is not a day-to-day running issue since it covers a specific contemporaneous issue and is not expected to be a permanent position. The post may even be groundbreaking within the trade union movement.

On the advice of the General Secretary, a two year temporary fixed term post of Membership Support Assistant was created. Addam Merali-Younger was appointed to the post and the two year period expires at the end of January 2020. Addam's working hours are 28 hours i.e. 4 days per week which was arranged at his behest as the post was originally advertised as full time. The cost of the post was covered by the Unknown Funds i.e. £36,937.31 per year.

The General Secretary had reviewed the post and, from the information and feedback she had received, it is clear that the main demand from members was for mental health and well-being advice. Whilst the post has also had the role of signposting members on issues of bullying and harassment, these matters had generally been referred to, and dealt with by, the industrial departments.

As well as advice by email and telephone, Addam has also raised the profile of the union's work to branches and given advice face-to-face e.g. drop-in days at the London Actors Centre.

She believed the post has shown that there is a need for the union to provide access to advice and signposting which the post has provided.

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However, she was concerned that the limitations of the post means that this advice is only available for 4 days a week and even if the post reverted to being full-time it would only be available for 5 days a week Monday to Friday.

Our members generally worked outside normal office hours and having demonstrated that there was a need for members to get advice from the union she believed for this service to be of any real and effective benefit it needed to be available 24 hours a day and 7 days a week. This could not be provided by the post as currently constituted.

Therefore she believed the union needs to expand its method of addressing the needs of members and she had proposed a three-part solution which will actually need to allocate additional resources which can only be done if the mental health and wellbeing advice is combined with other services in a package as follows:

Membership Support Assistant - to not renew the two year temporary post of Membership Support Assistant.

Part 1: Help Desk --- to create a temporary two year post of Help Desk which will be located in the General Secretary's department and the Line Manager will be Louise McMullan. The Help Desk will provide assistance to members who are not sure which member of staff they need to speak to and therefore they will need to be familiar with the work of the union generally. The Help Desk will also give general advice and signposting across all of the union's work including bullying, harassment, mental health and wellbeing.

This cost to be covered by the General Fund for two years.

Part 2: Health Assured - to appoint Health Assured to provide a 24/7 confidential helpline along with other services. Further details on this were given in the attachment to the General Secretary's report. The cost per head for the Helpline and other benefits was £1.18, so based on 45,000 members £53,100 (ex VAT).

In discussion with Health Assured the revised pricing is now £0.65 per head, equating to £29,250 (ex VAT). However this rate has a cap of 1,350 calls per year i.e. one call per member, with additional calls being charged at £25 (ex VAT). At 3 calls a day that is 1095 a year which is well within the calls received by the temporary post (4 days a week) over the past two years across all its functions of bullying, harassment and mental health.

This cost to be covered by the Unknown Funds for two years.

Part 3: Professional Counsellor --- to appoint a professional Counsellor to be available for 8 x 1 hour sessions a month at a cost of £500 per month i.e. £6000 a year. Members would be referred to the Counsellor by the union and/or Health Assured. In discussion with the Counsellor we will develop a protocol for members to follow for referrals. This would include the Counsellor

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advising on the number of sessions required for an individual member and there would be a limit on the number of sessions available e.g. 6 in order to ensure fair access. The sessions would generally be delivered by Skype and therefore the Counsellor would be available to all members regardless of where they are based or working in the UK.

This cost to be covered by the Unknown Funds for two years.

This package will deliver a more comprehensive service for members by expanding its reach both in terms of geography but also 24 hour access with the additional element of counselling which is currently completely outwith the union's current provision.

Recommendation:- Council is asked to support the proposals as set out above.

The recommendation was **proposed** by Graham Hamilton and **seconded** by Linda Broughton.

Further to her report the General Secretary said that it was for Council to make policy and the role of the General Secretary to implement it. The motion to the ARC had asked us to investigate setting up support for members with mental health issues.

There had not been an inundation of enquiries but there was enough concern on the three issues of mental health, bullying and harassment for the union to continue to do something. Members have these concerns at any time e.g. two o'clock in the morning.

In other sectors, theatre and film have set up 24 hour helplines- the West End helpline and the one run by the BFI. Ours is currently available for four days but not at other times.

Her view was therefore that we were not servicing the demand in the most effective way and we should have a 24 hour helpline. The proposal is that this should be provided by Health Assured.

Under Option 1 Health Assured were willing to provide the helpline support for 65 pence per member with a maximum of 1300 calls a year.

We had also looked at the possibility of Counselling. We had initially looked at Industry Minds but they are volunteers and do not use registered Counsellors. We were therefore looking instead at BAPAM to which we contribute £30,000 per year. The proposal would be that the first session would be free and then the union would pay for subsequent sessions.

The Help Desk idea was essentially to provide signposting for members who are not sure what it is they need.

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Points made in Discussion:

- It's better if we look at BAPAM to cover Part 3.
- Membership would see the Help Desk as a backwards step.
- Communication on this could have been better – we have not had any report from Addam to Council.
- Bryn Evans said that we were now looking at BAPAM instead for Part 3 with the same rough figure of cost. This new structure did not work out as a cost-cutting exercise – the cost of the present post of £36,937 was being replaced by £35,250 plus the cost of the Help Desk. We were increasing our spending so as to give a more comprehensive service and having an element of that out of house.
- The post-holder has just won an award – this looks like binning another member-led initiative.
- Why is the post seen as unsuccessful? *Reply – the General Secretary said that Addam had been very good in the role, popular and spoke well. He had been around the branches as a good spokesperson. However, the post as constituted did not meet the need as members did not have their crises on a 9-5 basis. We were looking to enhance the service by making help available 24/7.*
- Why can't we have this and retain Addam? *Reply – the General Secretary said that staffing was her remit and her view was the job was not delivering in terms of a proper service. BAPAM will provide proper counselling and had forty-two counsellors available around the country.*
- Di Christian, speaking as Councillor for Members with Disabilities, said that she had little knowledge of the current post-holder as he had never come to Council. Health Assured were an employer/employee interface and started from a deficit model rather than seeing mental health issues as something to be managed and lived with. The language used in her view was appallingly old-fashioned. She had looked on the net but been unable to find any independent review of their services.
- We don't have any statistics about Addam's post and we can't be sure what members want as we haven't asked them. There is real concern about what this means for our members.
- Other organisations such as the ISM and BMA were using Health Assured. What the General Secretary had outlined was a model so this

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review will be crucial. Help Musicians UK have 24 hour help available for musicians but we have no equivalent. In terms of statistics, there had been less than two contacts per day and most were referred on internally. The visits to branches had been important but the Helpline and drop-ins were not being sufficiently used.

- It's better if BAPAM are involved.

Following further discussion the recommendation was modified to read as follows:

Council has concerns about the proposals for Health Assured but agrees to explore the general framework as set out above and asks the General Secretary to bring a more detailed report to the November Council Meeting. In the meantime, the Membership Support Assistant will be informed that his contract will not be renewed after its expiry in January.

Further Points made in Discussion:

- It's difficult to form a view without having a re-cap on the current post. This made it difficult to judge why we should have a Help Desk rather than a Membership Support Assistant. *Reply – General Secretary replied that we do not yet have a job description for the new role but we can make it broader. Members will be able to phone the Helpline when they need to.*
- Stephen Spence said that there was a strong view amongst officials that the union should not be the body providing solutions to these complex health-related issues. He had spoken to Addam and told him about the report and he had also spoken to the Unite union. A reply had been received from Addam and from Unite and the General Secretary had been fully aware of these in formulating her report.
- Engagers should also look at what their responsibilities are.

Graham Hamilton agreed to accept the amendments to the recommendation he had earlier proposed.

The recommendation, as amended, was **AGREED** with two abstentions.

14.12 MOTIONS REFERRED TO COUNCIL BY THE GENERAL SECRETARY

14.12.1 Sheffield General Branch:

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Feedback and the collated information from all branch reviews was fed back to branches before any decisions were made by council.

Recommendation:- Support

The recommendation was **AGREED** with one against and four abstentions.

14.12.2 Welsh National Committee

The Welsh National Committee has been made aware by members in Wales of the excessive use of single use plastic and other unnecessary waste on film and TV sets. The Committee asks that Equity, in accordance with its own green policy, seeks to work collaboratively with the industry alongside existing sustainable initiatives like albert (wearealbert.org), broadcasters and producers to continue to promote the environmental and potential economic benefits of reducing or eradicating such waste in the workplace. We suggest that this could include a package of educational and campaigning materials which can then be made available to members to circulate whilst in the workplace to continue to raise awareness.

Recommendation:- Qualified support. The Union can work with engagers promoting the eradication of waste but the Union is not resourced to produce its own materials on this subject; rather Equity can identify and signpost to Government or environmental groups materials.

It was **AGREED** to modify the recommendation to insert the words 'as part of the Green Review' after the word 'identify' in line 3 so that it would read:

Recommendation:- Qualified support. The Union can work with engagers promoting the eradication of waste but the Union is not resourced to produce its own materials on this subject, rather Equity can identify as part of its Green Review, and signpost to Government or environmental groups materials.

The recommendation, as amended, was **proposed** by Red Sarah and **seconded** by Paul Valentine and **AGREED** unanimously.

14.12.3 Singers Committee

The Singers Committee have identified an issued regarding the offices of Chair and Vice Chair of Equity committees during the period from the publication of committee election results until the first meeting of the new committee. Since July 2019 until our first meeting of the new committee on the 18th September there has been at least two occasions where both the Screen and New Media Committee and Stage Committee have met and the Singers Committee has not had a Chair or Vice Chair in post to attend. We believe the same has happened with other specialist committees.

The Singers Committee asks Council to consider changing the Committee Rules and allow the Chair and Vice Chair of the Specialist and Industrial Committees to remain in office for the short period of time until a new Chair and Vice Chair can be elected. We believe this would provide consistency in the democratic process.

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Recommendation:- Support

The recommendation was **proposed** by Graham Hamilton and **seconded** by Rhubarb the Clown and **AGREED**.

14.12.4 Singers' Committee

The Singers Committee share the unions concerns regarding the catastrophic impact of a No Deal Brexit on the work of our members in the EU. The committee believe that even if a deal is agreed there could be fundamental changes to the documentation, insurance and healthcare requirements of working and travelling in the EU.

The Singers Committee asks Council to communicate information to members through all Equity platforms as we approach the 31st October 2019 to raise members awareness of what information or documentation is available through all government sources and, where necessary, collate information as well. It is vital that our members are prepared if they are working and travelling in the EU after the 31st October 2019.

Recommendation:- Qualified support. The Union can and does signpost members to relevant information and gathers its own information from members and passes that on to Government and other relevant bodies, but is not resourced to collate documentation from other sources.

The recommendation was **proposed** by Bryn Evans and **seconded** by Dawn Hope and **AGREED** unanimously.

14.12.5 Singers' Committee

The Singers Committee ask the Equity Council to approve the co-option of Martyn Harrison to the committee to fill the one permanent vacancy.

Recommendation:- Support

The recommendation was **proposed** by Rhubarb the Clown and **seconded** by Mary Lane and **AGREED** unanimously.

14.13 LEGAL CASES

Garry Rowntree v Casey – The Black Horse PH.

Donna Trego v Grand Central Food Hall Ltd

Chris Tame v Staincliffe Hotel Hartlepool

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Nicole Evans v Stada Media Ltd

Andrew Gray v Douglas Arms Hotel

The Legal Cases were **NOTED**.

14.14 MEMBERSHIP

14.14.1 New Members

The new members were **proposed** by Dan Ayling and **seconded** by Mary Lane and **AGREED** with 1 abstention.

14.14.2 Current Membership Position

Matt Hood reported that there were a record 47,456 in membership and ran through the increases which had taken place in the different membership categories which had included a 36% increase in Variety membership.

14.14.3 Tribute to Patricia Leventon

The President read out the following tribute to Patricia Leventon who had sadly passed away:

Patricia Leventon served on the Council as Audio Councillor from 1994 until 1998. She was a member of the Audio Committee from 1983 to June 2019 – serving for an incredible 36 years on behalf of members working in the audio field. Patricia was always keen to get stuck in and help wherever she could. She served on the Radio Commercials Working Party for many years as the liaison between this working party and the Audio Committee. She formed part of the team that assisted with the negotiations with the BBC on the BBC Audio Agreement on numerous occasions during the years she served on the Committee. Her contributions at meetings were lively and spirited showing the passion she felt for her union and for improving conditions for our members. She will be missed and we owe her our heartfelt thanks for her long service.

Points made in Discussion:

- David John, Audio Councillor, said that Patricia had been an old school Audio Committee member going back to when it was the Radio Committee. She had always made lively contributions to the Committee and had appeared over the years at numerous events including Audio Book events. She was very well respected in the industry.

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- Graham Hamilton said that Patricia had actually been on Council from 1992 not 1994 and had been a founder member of the North West London Branch and its first Secretary. She was a strong supporter of branches and Equity, an excellent Audio artist and a passionate trade unionist. She would be much missed by all the branch members and all at Equity.

This was followed by a minute's silence and a final round of applause.

14.15 COUNCILLOR'S MOTION

Motion in the name of Adam Burns

The OSMT has not respected the Council's democratic mandate nor our longstanding custom and practice, having imposed the introduction of recommendations on Councillor's Motions. Whilst there may be merit in some cases, Council urges the General Secretary to withdraw this measure until such time as the Council can debate it and vote on an informed basis on what is, in effect, a change to our standing orders.

Recommendation: The Council has always received the view of the OSMT on any Councillor's motion. This has been given verbally. However recently some Councillors have said that it would be helpful to know the OSMT view in advance of the Council meeting. Therefore the OSMT agreed that in future it would give its view in writing and in advance of the Council meeting itself.

Under the rules the General Secretary has a duty to give professional advice to the Council.

Duties of the General Secretary:

Rule 23.4.2 advise the Council in accordance with Rule 16.3.2;

Duties of the Council:

Rule 16.3.2 The Council shall consult with the General Secretary, if he or she is available, on all issues that come before it.

The General Secretary's preference had always been to do this in discussion with the elected Officers and senior management, in writing and wherever possible in advance of the Council meeting. Should the Council decide that it does not wish to receive the view of the OSMT in writing and in advance of the Council meeting then it would be her intention to give the Council her professional advice on each Councillor's motion in writing and in advance of the Council meeting.

Since becoming General Secretary she had always worked closely with the elected Officers and the senior management and very rarely is a recommendation put to Council which does not have the collective agreement

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of the OSMT. In her experience this had been welcomed by Council and had been useful to the discussion. Ultimately the final decision rests with the Council and it was not unknown for the Council to disagree with or amend an OSMT recommendation. This was she believed the Officers, staff and Council working at its best.

The motion was **seconded** by Xander Black.

Speaking in favour of his motion Adam Burns said that he thought it represented a significant change to the democratic processes of the union. The change had not been brought to Council but had just been imposed on it and hence was democratically untested. Under Rule 23.1 the General Secretary shall at all times act in accordance with the directions given, and with the policies approved, by the Council. It was a long-standing custom and practice that no recommendations were made on Councillors' motions and there was nothing in Standing Orders about this. He thought that the matter should have been subject to a proper debate and accepted that at the end of such a debate the view of OSMT may well prevail.

Points made in Discussion:

- Bryn Evans said that a Councillor has five minutes to put the motion. If there is a recommendation this gives them the opportunity to think further about the issue and present their argument in a way which should assist the debate. Council always has three options when considering any recommendation – to approve, to amend or to reject.
- The General Secretary said that Adam had quoted Rule 23.1 but equally under the Rules the Council had a duty to consult the General Secretary on all issues that come before it. It was therefore arguable we should have been doing this a long time ago in respect of Councillors' Motions.
- Adam Burns said this was more about whether we wanted to change a long-standing custom and practice without any proper discussion or debate in Council.
- The General Secretary said that if her written report had caused any offence she was happy to apologise. In future, OSMT will be making recommendations and if any Councillors have questions they should ask her.

On a vote, the motion was **DEFEATED** with 5 votes in favour, 12 against and 3 abstentions.

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14.16 ANY OTHER BUSINESS

14.16.1 West of England Variety Branch

Mary Lane wished to thank the West of England Variety Branch for their fund-raising efforts on the Sunday before.

14.16.2 Launch event for new BBC iPlayer

Bertie Carvel referred to the launch event for the extended iPlayer and said he had found some of the statements made at the launch very concerning. They suggested a complete change of culture away from linear TV and the demise of residual payments.

14.16.3 Launch of Aesthetic Labour Report

Kelly Burke reported that she had attended the launch of the Aesthetic Labour report. Dawn Hope had spoken on the panel and it had been featured on the front page of *The Stage*. Both the President and Maureen Hibbert had been in attendance.

14.16.4 National Theatre sponsorship

Graham Hamilton reported that the National Theatre had announced it was no longer seeking sponsorship from Shell. This followed the line of the RSC which was no longer seeking sponsorship from BP.

The Council Meeting concluded at 5.10 p.m.