

## **ANNEX - Correspondence between the Cabinet Office and the Musicians' Union in 2006**

**Email from the Better Regulation Commission to the Musicians' Union on 01/02/06**

**Subject: FW: Review of the Implementation of the Licensing Act 2003**

The Better Regulation Commission has started a review of the implementation of the Licensing Act 2003. I understand that you were contacted by Sir Les Elton's licensing fees review team (his Secretariat have kindly provided me with your contact details) but were unable to contribute to his study. I was wondering if you'd like to contribute anything to our body of work.

The Better Regulation Commission is an independent advisory body whose terms of reference are: 'To advise the Government on action to reduce unnecessary regulatory and administrative burdens and ensure that regulation and its enforcement are proportionate, accountable, consistent, transparent and targeted' . The Commission has taken on the role and responsibilities of the Better Regulation Task Force, whose 1998 report recommending the deregulation of licensing legislation helped prompt the changes to the licensing regime. We will look at which of the Task Force's recommendations were implemented, the effect of these and whether the process has met the principles of good regulation. Further details on the work and role of the Commission can be found on our website:

<http://www.brc.gov.uk>

We are aiming to produce a short report at the end of February/beginning of March. This will be submitted to the Government and will attempt to identify lessons for the Government to consider when implementing large deregulatory proposals in the future. I have been collecting information over the past few weeks and want to ensure that I have thoughts from a range of stakeholders. On top of the evidence gathered by the House of Commons ODPM Select Committee I have received several representations from retailers, the pub trade and village halls but would like to know if other sectors have experienced similar or unique difficulties. Because of the short period of time set aside for this study we are having to target our consultation.

The review will only be a short report and will focus on the actual implementation of the Act, rather than the provisions of the Act itself. The provisions of the Act will be mentioned where they have had a direct bearing on its implementation, but we will not be able to go into too much detail on this area because of our timescale. So far, the problems we have identified concerning implementation centre around:

- The application form and process
- Guidance
- Timing of the guidance and regulations
- Fees/costs (*please note - we do not intend to go into much detail on fees due to the more extensive review that Sir Les Elton is undertaking*)
- Problems associated with local authorities and other stakeholders

If you would like to provide any comments on the Act's implementation I'd be grateful if you could let me have them by **Friday 3 February**. An e-mail, letter or even a telephone call would suffice, although it may also be possible to meet face to face at a convenient time if this would suit you better.

**Email from the Musicians' Union to the Better Regulation Commission  
03/02/06  
Subject: RE: Review of the Implementation of the Licensing Act 2003**

Thank you for your email.

In the recent past we have tended not to comment on the wider implications or processes associated with the Licensing Act 2003 and have concentrated on the entertainment aspect. However, our perceptions in relation to the points that you raise are:

- The application form and process  
We were concerned that this would be over complicated and are still of the opinion that the process could be simplified. It most certainly concerned us when we heard that some smaller venues decided not to apply for regulated entertainment because of perceived difficulties with filling in the form.
- Guidance  
We're generally happy with the guidance, although some of the points made re regulated entertainment we would have preferred to have seen on the face of the Act, thus eliminating some ambiguities.
- Timing of the guidance and regulations  
No problems as far as we're concerned.
- Fees/costs  
Much too high for the smaller (previously 2-in-a-bar) venues.
- Problems associated with local authorities and other stakeholders  
Lack of consistency across the country, e.g. in our opinion, local authorities need an authoritative definition of incidental music in order to do their job properly.

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Thanks for taking the time to comment. It's useful for us to get a range of views from different sectors that were affected. I'll make sure your comments are considered when we come to draft our findings.

**Email from the Better Regulation Commission to the Musicians' Union on  
02/02/06  
Subject: RE: Review of the Implementation of the Licensing Act 2003**

I have an additional question regarding the Licensing Act which I hope you might be able to answer. There has been a lot of press coverage about the new requirements, some of which has been inaccurate. One article that caught my eye over Christmas was that carol singers needed to apply for a Temporary Event Notice before

performing. Do you have any idea whether there is some truth in this, and would there have been similar requirements under the previous regime?

I must admit that I've got a good understanding of how the regime differs for alcohol licences but I'm still uncertain on how the requirements have changed for musicians and entertainment.

Any advice you can give would be appreciated.

**Email from the Musicians' Union to the Better Regulation Commission on  
03/02/06**

Subject: RE: Review of the Implementation of the Licensing Act 2003

Sorry, I can't help with this one. We are only interested in the effect the Act has on professional musicians. Carol Singers, Morris Dancers etc do not concern us.