



Licensing Act 2003: The experience of smaller venues in applying for live music authorisation

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Summary

Across the 2,101 establishments who took part in this study, 61% now have a new Premises Licence authorising live music, with a further 2% having staged live music under some other authorisation. This is similar to the combined proportions of establishments who previously had either a Premises Entertainment Licence (PEL) or ever put music on under some other authorisation (60%). Out of those who had a PEL, 90% now have live music authorisation. Out of those who used to put on music under other authorisations (e.g. under 2-in-a-bar) 70% (of those who know the outcome) now have live music authorisation. For both groups, the vast majority (95%) of those without live music authorisation stated that they chose not to apply - mainly on the grounds that they would not use it, or their establishment was unsuitable. A very small number had their applications denied (less than 2%). In addition, quarter of establishments who had never previously put on live music now have live music authorisation. Over half (55%) of all applicants stated that the application process was 'easy', with the lack of renewals process most frequently given as the key benefit. The majority (79%) of respondents who had applied for live music authorisation stated they were 'satisfied' with the overall outcome.

Background

This Research Brief summarises the findings of a survey conducted by Ipsos MORI on behalf of the Department for Culture Media and Sport (DCMS), in association with the Live Music Forum (LMF). The survey looks at the experiences of people (predominantly licensees) involved in making new licence applications under the 2003 Licensing Act, with specific reference to how they have found the transition and whether they applied for a licence to allow the staging of live music.

The survey was conducted by telephone between 16th August and 13th September, 2006. The findings are based on 2,101 interviews with 'smaller' establishments across England and Wales, those being public houses, wine bars and nightclubs, hotels and inns, student unions, restaurants and cafes (providing table-side service), members clubs and associations, places of worship and community halls (where licensable activities take place).

Overall pattern of live music authorisations

Across the broad range of establishments taking part in this survey, the proportion with authority to stage live music under the new licensing regime is very similar to the proportion of establishments which used to stage live music, either through a Public Entertainment Licence (PEL) or under other

authorisations, such as 2-in-a-bar (60%). Just over three in five establishments (61%) have this authorisation under the new licensing regime. A further 2% have staged live music under some other authorisation (e.g. giving a Temporary Event Notice).

What happened to establishments which didn't have a PEL but staged live music?

The key change in this respect is that 70% of establishments which used to stage live music without a PEL (and know whether or not their new Premises Licence permits live music) now have a Premises Licence which permits the staging of live music events. As, in most cases, there are no restrictions on the number of performers, even those who used to operate under the 2-in-a-bar rule can now stage live music with two or more musicians, except in the few instances where restrictions have been added during the licence application process.

Among those establishments previously operating under the 2-in-a-bar exemption, 71% applied for a Premises Licence which allowed the staging of live music events, just one per cent had their application denied which means that 70% of establishments which previously operated under 2-in-a-bar were granted a premises licence including the provision of live music. This is despite the fact that they were a little more likely than

average to receive an objection regarding their application (typically about noise levels).

Among those who used to stage live music without a PEL and who do not now have a Premises Licence permitting the staging of live music, the vast majority (97%) chose not to apply to include live music provision in the Premises Licence. Just three per cent of these establishments (or less than half of one per cent of all establishments) applied for a licence to stage live music but were denied.

What about those who did have a PEL?

Of those establishments which used to have a PEL (45% of all establishments), 90% now have a Premises Licence which permits the staging of live music. (Three in five establishments which had a PEL chose to simply convert their licence with no variations.) Seven per cent of those who had a PEL chose not to apply for a licence to stage live music events, while one per cent were denied a licence to stage live music.

Representations and conditions

Excluding those who directly converted their PEL, three in ten establishments (29%) applying for a Premises Licence which allowed provision for live music included conditions in their initial application, which suggests that they may have taken a pragmatic approach to the licensing process. The conditions were most likely to relate to the timings of their live music events.

Again excluding those who directly converted their PEL, 15% of establishments applying for live music on the Premises Licence received objections. These were most likely to come from local residents (or people representing them), and were most likely to relate to noise levels. Two-thirds of cases where objections were received went to a hearing, whilst others were either dealt with through mediation or, in a small number of cases, the application was withdrawn. Nine per cent of all establishments applying to include live music in their Premises Licence, excluding those who directly converted their PEL, added or had conditions attached to their licence application following a hearing or mediation process.

Overall impressions of application process

Overall, 55% of establishments say that they found the application process "easy" (while 27% found it "difficult"). The key benefit of the new Licensing Act 2003 in terms of the ease of putting on live music is identified as the "lack of a renewals

process" - 38% of all establishments selected this from a list of possible alternatives read out to them over the telephone.

Out of all those who applied for live music as part of their Premises Licence, 79% describe themselves at least "satisfied" with the outcome, and just 6% say they are "dissatisfied".

Music with more than 2 musicians: early indications

Over a quarter of all establishments (27%) with a Premises Licence allowing the staging of live music have already put on at least one event where more than two musicians have performed (that is, between November 2005 and September 2006). A further 8% say they definitely will do so. Almost half of all establishments, on the other hand, say that this is unlikely. The micro establishments (those with capacity for fewer than 101 people for live music) are less likely to have staged a live music event with more than two musicians, although 18% have done so, and 5% say they definitely will.

For further information about the research methods and data analysis in this study please contact Sarah Partridge at the Department for Culture, Media and Sport.

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For the full report and any associated technical information please visit our website:

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

