

**Live Music Forum Meeting, 15 September at 2.30 pm  
at Performing Right Society, 29/33 Berners Street, London W1**

**Note of Meeting**

**Attendees**

**Chair**

Feargal Sharkey

**Members**

Alan James	Arts Council England
Jim Mawdsley	Generator North East
John Smith	Musicians' Union
Robin Osterley	National Music Council
Deborah Clarke	Action with Communities in Rural England
Diana Spiegelberg	Serious (in place of Claire Whitaker)
Chris Taylor	Performing Right Society
Martin Hopewell	Primary Talent International
Rachael Rogers	Local Authorities Co-ordinators of Regulatory Services
Mark Ringwood	Roots Around The World
Angela Overington	Department for Education and Skills
Victoria Todd	National Campaign for the Arts
Alison Tickell	Creative and Cultural Sector Skills Council

**Observers**

Marc Jaffrey	Music Manifesto
Ellen Collins	National Campaign for the Arts

**DCMS**

Paul Aley	Music Branch, DCMS
Suzi Daley	Music Branch, DCMS
Andy Thomas	Music Branch, DCMS
Marianne Siponmaa	Music Branch, DCMS
Philippa Staff	Arts Division, DCMS
Jason De Bono	Licensing Team, DCMS
Lucy Blackburn	Licensing Team, DCMS
Gary Mundy	Evidence and Analysis Unit DCMS

**Apologies**

Dr Martin Rawlings	British Beer and Pub Association
Stephen Godsall	Local Government Association (Bournemouth)
David Francis	Performing Right Society Foundation
Andy Williams	Welsh Music Foundation
Natasha Hale	Welsh Music Foundation
Pete Jenner	Sincere Management

## Agenda Item 1: Introduction and minutes of Last Meeting

The Chair began by thanking the PRS for the use of their Boardroom.

Action: **Secretariat** to send thank you letter on behalf of Forum to Adam Singer for the use of PRS Boardroom.

He then thanked members for all their hard work to date on the Forum, but warned that the next year or so until the end of the Forum's term would probably require even more of their time.

Because of time constraints and the importance of fully discussing the agenda items, the Chair suggested that the meeting should move straight to item 2 as most actions from the last meeting would be picked up during the rest of this meeting.

## Agenda Item 2: Post 6 August

### i. Current Position on number of applications

DCMS Licensing Team gave an update on the current position with applications.

Around 85 % of potential applications had been received by local authorities, and indications suggest that a significant number of pubs and bars were choosing to vary their license to include regulated entertainment. The Forum welcomed this but agreed it was important not to become complacent and to recognise that there was still work to be done in respect of those venues who had not applied for the live music option.

The Chair then asked for DCMS to summarise what action had been taken by DCMS and Forum members to try and ensure applications were received on time. DCMS reported the following highlights:

- adverts were included in over 30 trade magazines including publications covering the licensing trade and the music and broader entertainment sectors (eg *Morning Advertiser*, *Cater and Hotelkeeper*, *Music Week* and *The Stage*).
- over 100 Ministerial interviews with the media.
- licensing hotline set up in association with LACORS.
- guidance on application process included on DCMS website.
- 180,000 leaflets produced in June and July.
- post August 6 tailored leaflet produced for live music venues with supportive statement from the Chair.
- leaflets mailed out with high profile trade magazines such as *Audience*.
- leaflet produced in 9 languages.
- final warning letter sent out by licensing authorities.
- several licensing authorities had sent licensing officers to visit premises to encourage licensees to complete their applications by Aug 6<sup>th</sup>.
- letters sent to DCMS sponsored arts bodies and ACE funded bodies.
- Chair of Forum had given many interviews on the subject.

- concert promoters and agents had been including electronic version of leaflet in all outgoing email.
- hard copies of leaflet had been attached by promoters and agents to outgoing contracts with venue owners/licensees.
- in appropriate cases, PRS staff had disseminated DCMS' leaflet and reminders about applying to local authorities under the Act.
- music publishers' A&R scouts handed out the leaflet to small venues.
- numerous last minute personal phone calls made to venues by wide range of organisations, including music development agencies.

The Forum agreed that very little more could reasonably have been expected to ensure applications were received on time.

From initial research with the music industry/live music organisations it would appear that there was a very high level of awareness amongst licensees regarding the August 6<sup>th</sup> deadline.

Action: **Secretariat** to record the Forum's view that not much more could have been done to ensure applications were received before August 6.

Action: **Secretariat** to record that local authorities were being proactive in the process of getting applications through on time.

#### ii. Next steps before November 24

The Chair asked the Forum to identify the next steps to ensure as many venues as possible take up live music. It was suggested that it was important to look to what can be done after the November deadline to bring in those venues who had not applied for a variation on licence to include live music. If, as some in the grass roots sector had indicated, there is evidence that the complexity of the forms had deterred venues from applying to vary their licenses; then the Forum would consider recommending changes to the form in its recommendations to Ministers.

Action: **DCMS and Chair** to re-examine what else can be done to try and ensure venues include the live music option in their applications. This could include collecting evidence to determine the extent of problems experienced by applicants completing the forms. Of particular importance would be to ascertain whether applicants had been deterred from pursuing their applications because the forms were too complex.

Action: **LMF/DCMS** to ensure that any issues with forms were covered in the second stage of the research

Action: **Members** to consider if final recommendations to Ministers should include suggested changes to application process if there is evidence that current process has proved complicated or difficult.

#### iii. 2 in a bar venues

The Forum agreed that it was crucial to continue to try to identify the venues previously operating under 2 in a Bar and to try, wherever possible, to ensure they continue to provide live music. It was agreed that these venues were the most difficult to identify. The Chair asked for feedback on what was being done to target these venues. The PRSF had commissioned research to identify small venues which may have been operating under the 2 in a Bar rule. It was agreed that although the research may prove of value in targeting some 2 in a bar venues, many of the contacts organisations and venues listed in the research paper would by definition already hold Public Entertainment Licences. Therefore more work was needed.

Whilst the evidence DCMS put forward indicated that the vast majority of pubs and bars applied to vary their licence to include public entertainment, some Forum members were concerned that others had not. This was despite the extensive pre 6 August campaign. This would suggest that some venues knew about the Act but were choosing not to apply for the live music option.

Action: **LMF/ DCMS** to develop a post 24 November strategy to encourage those previously operating under 2 in a Bar to take up the live music option and fast track them back into the system next year when the Forum should be in a better position to identify them.

Martin Hopewell suggested that the Agents Association could be helpful in flagging up venues which had stopped providing live music since the new Act.

John Smith reported that the MU journal in December will ask members to feed back problems and to try and identify the 2 in a Bar venues that have not taken up the live music option.

The Chair said it was important to highlight that it was not complicated to apply for a variation and to give examples to venues worried about applying of how other venues are benefiting from putting on live music under the new Act.

Action: **DCMS** to provide guidance on applying for variation on license (by end October).

The Chair said he had received representations setting out a number of concerns about perceived ambiguities within the Act.

Action: **Members** to feed through any examples (ie hard evidence) of where perceived ambiguities were causing problems for those wanting to stage live music. This could then inform final recommendations to Ministers.

Action: **DCMS** to provide relevant sections of the guidance to help clarify areas of where people are perceiving ambiguities within the Act.

The Chair had been looking at examples of hearings on applications to vary to include live music that had been refused by licensing authorities; or had been granted only after the imposition of conditions which could be interpreted as being against the spirit of the Act i.e unnecessary, disproportionate and unreasonable. He was looking to establish how supportive LAs were being towards applications including live music. He said that on the whole the majority of LAs had been helpful but that the examples he had uncovered indicated that the

problem although small was not confined to just one or two LAs and warranted further investigation.

Action: \* **A working party** (Rachael Rogers, Martin Hopewell, Victoria Todd, Martin Rawlings, Stephen Godsall) to meet to consider how reasonable and proportionate conditions are attached to live music variations up to and after November 24.

Action: **The Chair** to continue investigating applications to gauge the extent of the problem. He will also try and establish the nature of the objections being considered by the LAs concerned.

Action: Once evidence gathered by working group and Chair, **the Forum** to decide if they needed to recommend changes to the guidance.

### **Agenda Item 3: Consultation on Permitted Temporary Activities and draft Temporary Event Notices (TENs) regulations.**

Robin Osterley reported that he was drafting a Forum response to the consultation and asked for a steer from members. Members' main concerns focused on why the number of available TENs with an alcohol license had been reduced from 12 to 5. At the same time, Deborah Clarke was preparing a response from ACRE. There was a discussion about whether the Forum wanted to incorporate ACRE's comments into their response.

Action: **Deborah Clarke** to circulate ACRE response to Forum. If agreed then **Robin Osterley** would feed this into Forum response which will include their conclusion on the limits on TENs and the possibility of there being some flexibility to rules where alcohol is provided under a Temporary Event. Deadline for submissions to the DCMS consultations 5 October.

There was a short discussion about TENs and open spaces. DCMS reported that it was encouraging local authorities to consider licensing public land for community cultural events. Take up is currently low and there may be a role for the LGA to try and encourage LAs to license these spaces.

### **Agenda Item 4: WOMAD/Reading Council/LGA initiative**

Alan James reported back from a meeting over the WOMAD weekend where Chris Smith from Reading Council and Thomas Brooman from WOMAD had met with Feargal Sharkey and Alan to discuss the Public Private Partnership between the Council and festival.

It was agreed at the meeting in July at WOMAD that the Forum should consider using this partnership as a template for other LAs to create events with local arts organisations. It was suggested that a workshop could be held to bring together LAs to show how the partnership between WOMAD and Reading Council works. The Chair said that members of the All Party Music Group would be keen to know if this type of partnership could be replicated in other constituencies.

Members also highlighted other partnerships that could create templates, for

example that between Mackenzie Group and Arts Council which are co-funding a live music promoter to work with grass roots musicians in Brixton.

It was suggested that the Forum could consider working with One Music on spreading models of best practice.

Action: **Alan James and Rachel Rodgers** to work up ideas on the proposal for an event to promote WOMAD/Reading partnership to other LAs in time for the next LMF meeting.

Action: **Rachel Rodgers** to try and ensure a reference to the WOMAD/Reading partnership is included in LACOR's large events guidance.

Action: **Chair and DCMS** to investigate the possibility of an event to be held in conjunction with the Arts Council, LACORS, the LGA and the All Party Music Group. Possible guest speakers to include all those involved with the Reading/WOMAD partnership to illustrate how local authorities might be able to license their own land and work with local arts organisations.

#### **Agenda Item 5: Proposed research on local economic impact of live music**

Gary Mundy reported on progress. DCMS had been working on trying to find suitable mechanisms that could provide robust data at a reasonable cost. He reported that DCMS were to shortly commission a feasibility study whose terms of reference would need to take into account the diversity of the live music sector, costs, outcomes and options. It was agreed that the company commissioned to do the feasibility study would present their findings at the next Forum meeting in December.

Action: **DCMS** to commission a feasibility study and to invite research company chosen to present their findings to the next Forum meeting in December.

#### **Agenda Item 6: Security Industry Agency**

Because of time constraints this item was postponed until the next meeting.

Action: **The Chair** to discuss issues around the Private Security Industries Act 2001 with Martin Hopewell.

#### **Agenda Item 7: Any Other Business**

The Chair reported that the Brit Awards, for the second year running, would feature an award for Best Live Act. The award would be sponsored by Radio 2 and launched on the Jonathan Ross Show. He thanked the BPI for their support.

The Chair reported that PLASA had followed up their generous support for two rehearsal spaces in South London and North Wales with a further award. This award was presented to Marc Jaffrey and Robin Osterley (Music Manifesto and Music Matters) at their recent conference and would be used to set up a young live music

promoter scheme initially at one school in London. If successful the programme could be developed across the UK.

Action: **The Chair** to write to PLASA to thank them on behalf of the Forum for their contribution to the Music Manifesto and Making Music of a live music promoter programme in London school.

**Date of Next Meeting**

7 December at DCMS.