



department for
**culture, media
and sport**

Live Music Forum

Licensing Act 2003

The experience of smaller establishments in applying for live music authorisation

Technical report

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The views expressed in this report are the authors' and do not necessarily reflect those of the Department for Culture, Media and Sport or the Live Music Forum

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This report can be downloaded from the DCMS website:

http://www.culture.gov.uk/Reference_library/Research/research_by_dcms/live_music_exec_summary.htm

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1. Introduction

- 1.0.1. This report contains 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 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.
- 1.0.2. The results to this survey and summary report are contained within a separate document.
- 1.0.3. The Licensing Act 2003 took effect on 24th November 2005 following the transfer of responsibility for the issuing of licences from the magistrates courts to licensing authorities (usually local authorities). All premises involved in licensable activities (sale of alcohol; provision of regulated entertainment and provision of late night refreshment) are now required to hold a Premises Licence or a Club Premises Certificate.
- 1.0.4. Applications for the new licences could be made between the period of 7th February and 24th November 2005. Those with existing licences had six months between 7th February and 6th August 2005 to convert their old licences.
- 1.0.5. The aim of the Act was to modernise previous legislation and to give greater freedom to licensees. In addition, the new Act was implemented to strengthen the protection for communities and enhance powers of enforcement. The four licensing objectives are as follows:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- 1.0.6. Government considered that a number of measures contained in the Licensing Act 2003 would encourage more venues to obtain authorisations to stage live music. Specifically, the streamlined application process; the central setting of fees; the abolition of the renewals process; and the application of only necessary and proportionate licensing conditions.

1.1. Objectives

- 1.1.1. On commission of the survey, Ipsos MORI attended a detailed briefing session with DCMS and members of the Live Music Forum to discuss the objectives of the survey and how best to satisfy these in the planned programme of research.

- 1.1.2. The DCMS, along with the Live Music Forum, wished to establish whether or not “smaller” establishments have secured authorisation to put on live music under the new licensing regime. In addition, they wished to identify experiences related to the application process during the transition period from the old to the new regime and, for those who did not secure the provision to put on live music, why this was the case.
- 1.1.3. As set out in the original research brief, the objectives of the survey were to:
 - Measure the number of establishments that secured the provision for live music on their new licences /certificates;
 - Identify why some establishments chose not to apply for live music within their new licence and whether or not such establishments provide live music via other means;
 - Identify the extent and nature of any problems that may have been experienced by those in the establishments applying for live music during the transitional period.
- 1.1.4. In more detail, the study set out to enable the DCMS to identify:
 - Of the total number of licensees, how many had a Public Entertainment Licence (PEL) authorising live music under the old licensing laws; and whether they successfully converted these PELs to enable them to continue putting on live music under the new system;
 - Of those licensees who did not have a PEL under the old licensing laws, how many staged live music under the old “two in a bar” rule or other authorisations;
 - Did the licensees without PELs apply to vary their licence and include the provision of live music during the transitional period or since the new regime came into force;
 - Did applications for new licences include the provision of live music;
 - Did licensees face particular difficulties in obtaining permission to put on live music? For example, did they receive representations relating to an application for live music and, if so, from whom?
 - How were the representations resolved? Were conditions attached or adjustments made to their licence? Did applicants appeal any licensing authority decisions?
 - How many establishments not licensed to provide live music are planning to do so using Temporary Event Notices (TENs) or to vary their licence in the future? Has a shortage of TENs ever been a problem for people applying for them?

1.2. Target audience

- 1.2.1. Whilst the survey was designed to capture the experiences of those in different types of establishments applying to stage live music it focused particularly on smaller establishments where up to 500 people might be

able to listen to live music. It is among the smaller establishments that the new Licensing Act is thought to have the greatest impact, mainly because they would previously have been less likely to have a PEL, and more likely to have operated under the 2-in-a-bar exemption, which meant that their application process was more likely to be subject to licensing committee decisions. Also, the LMF have little intelligence of how those in the smaller group are coping with the changes made. Interviews were undertaken across six different types of establishment across England and Wales:

- Public houses, wine bars and nightclubs;
- Hotels & inns;
- Student unions;
- Restaurants and cafés (only those providing table-side service);
- Members clubs & associations;
- Places of worship & community halls - only those where licensable activities take place. (N.B. Throughout the main body of the report these establishments are referred to simply as ‘community halls’)

1.2.2. As mentioned above, the survey focuses specifically on smaller establishments where up to 500 people can listen to live music. We have further sub-divided this group into “micro” establishments for those with a capacity of up to 100 and “small” establishments for those with a capacity of between 101 and 500 people. For the purpose of this survey we have adopted the following size definitions for establishments:

- Micro – total capacity of up to 100 people;
- Small – total capacity of between 101-500 people;
- Medium/Large – total capacity of 501+ people.

This definition excludes any establishments where no music has been staged under either the old or new licensing regimes, and those which have no areas for the putting on or performing of live music. More details on how capacity was calculated are contained in 1.14.4.

1.2.3. The restaurant and café sample was screened at the outset of the questionnaire to establish if the premises have table-side service. Any outlets which either only offer take-away services, or where customers order at a counter were excluded from the sample. The places of worship sample was also screened to ensure that all respondents were responsible for a hall or other area in which licensable activities take place.

1.2.4. Within each establishment selected to the sample we interviewed licensees or another person within the establishment who had overall responsibility for applying for the establishment’s licence under the new licensing arrangements. A carefully worded introduction and set of initial screening questions were designed with the aim of locating and interviewing the most appropriate person within each establishment.

1.3. Methodology

- 1.3.1. Ipsos MORI carried out 2,101 interviews with licensees between 16 August and 13 September 2006. Interviews were conducted over the telephone using CATI (Computer Assisted Telephone Interviewing) equipment. (A copy of this questionnaire appears in Annex B.)

1.4. The sample of licensees

- 1.4.1. The sample was designed to ensure that a minimum number of establishments of each type participated in the survey (i.e. Public houses, wine bars and nightclubs, Hotels and inns, Student unions, Restaurants and cafes, Members clubs & associations, Places of worship and community halls). Having achieved this minimum number of interviews, the aim was to ensure as representative as possible a sample in terms of the number of establishments within each category, whether or not they had applied for a licence to allow them to stage live music. A total of 1,865 interviews were conducted in England (1,738) and Wales (127). This total was boosted by a further 236 interviews in Wales, resulting in a total of 363 interviews in Wales when main and booster samples are combined, so that the results of the survey could be analysed separately in the principality. A separate report for Welsh establishments will be produced next year
- 1.4.2. If the sample had been selected pro-rata to the true geographic distribution of licensees within establishments spread around the entire sampling area, we believe we would have interviewed too few licensees in Wales to allow a thorough and meaningful analysis of their responses. It was therefore decided to boost the number of interviews in Wales from 5.6% (i.e. the estimated proportion of licensees in the Principality, based on population size) to 17% of the total interviews conducted. Out of the 2,101 interviews carried out, 363 were carried out in Wales and 1,733 in England. The resultant data were weighted to 117 and 1,984 respectively – that is, back to the true population proportions for the entire sampling area.
- 1.4.3. Table 1 shows:
- The total number of interviews conducted ('Sample' column);
 - The proportion of the total sample made up of each establishment type ('Proportion of sample');
 - The 'total universe', i.e. the numbers of each type of establishment that exist in England and Wales – based on Valuation Office Agency (VOA) figures¹;
 - The proportion that each establishment makes up of the total universe, again based on information provided by the VOA. ('Proportion of universe').

¹ <http://www.voa.gov.uk>

Table 1 Sample by establishment type

Type of Establishment	Sample	Proportion of sample	Total universe	Proportion of universe
		%		%
Public houses, wine bars and nightclubs	1,028	49	56,374	42
Hotels & inns	226	11	7,844	6
Student unions	57	3	617	1
Restaurants and cafés	343	16	25,212	19
Members clubs & associations	249	12	16,963	13
Places of worship & community halls	198	9	28,694	21
TOTAL	2,101		135,704	

Source: Ipsos MORI

1.5. Sample sources

- 1.5.1. Sample for all categories was sourced from Experian's database. The database is compiled from 10 data sources and contains over 4.2 million business records. Experian provides a relatively comprehensive database and the listings include organisation name, telephone number, address and named contacts. There is no evidence to suggest that any particular types or sizes of establishment are any more or less likely to be on the Experian database.
- 1.5.2. The reason for using Experian, as opposed to, for example, simply drawing a sample based on VOA information, is that this provides a named contact and up to date phone number. This helps to gain respondents' trust from the outset, and thus encourages a much more representative sample. The VOA database also does not include small businesses which are not VAT registered and do not pay rates (such as church halls), which were an integral part of the sample. Alternative sample sources, such as the Inter Departmental Business Register (IDBR), were rejected on the grounds of not providing a complete picture of all relevant organisations: IDBR excludes some very small businesses (self employed and those without employees and low turnover) and some non-profit making organisations. Action with Communities in Rural England (ACRE) were approached to supplement the places of worship and community halls sample, but information was not received from them in time to include in the survey.
- 1.5.3. The Survey Management System (SMS) randomly samples from the full sample listing, and provides each interviewer working on the survey with a new number to call on completion of each interview/attempted interview, so there is no scope for any bias in the sample to emerge at this stage.

Once quota cells have been filled, the system automatically pulls out the relevant leads from the remaining sample.

1.6. Weighting of the survey data

- 1.6.1. In order to weight the data, population estimates were made using the Valuation Office Agency database and these are detailed in the above table.
- 1.6.2. Also, the survey results were weighted back into their correct proportions by region (i.e. England and Wales), so as to give an accurate overall distribution of the target audience it represents across the survey area.
- 1.6.3. More details on the total numbers of interviews conducted within each establishment type, size and region are included in Annex A.

1.7. The questionnaire

- 1.7.1. The questionnaire designed specifically for the purpose of this survey was fully structured and part pre-coded and contained 45 pre-coded and four open-ended questions. The initial draft was compiled by the Ipsos MORI research team in close collaboration with the DCMS and the Live Music Forum. A copy of the final questionnaire used appears at Annex B. The questionnaire took 7 minutes on average to administer to licensees (ranging from 2 to 59 minutes).
- 1.7.2. The interview started with a neutral introduction to potential respondents which asked if they were willing to be interviewed. They were assured of complete anonymity of their individual reply – in compliance with the MRS Code of Conduct.
- 1.7.3. The questions asked were clear, to the point and elicited the information that was required. Also, there were clear interviewer instructions throughout the CATI script which guided the telephone interviewer through the interview with ease.

1.8. Telephone interviewing fieldforce

- 1.8.1. All interviews were carried out by Ipsos MORI's own internal telephone interviewers. These interviewers are fully trained and experienced and worked under the direct supervision of the facilities manager. All telephone interviewers are members of the Interviewer Quality Control Scheme (IQCS) recognised by the Market Research Society, which lays down industry-wide minimum standards – on interviewer recruitment and training and supervision – with records and procedures subject to rigorous annual inspection. In fact, quality control at Ipsos MORI goes well beyond the IQCS requirements – particularly for this study where great care and attention was placed on quality and accuracy.

1.9. Briefing of the telephone interviewers

- 1.9.1. Prior to the main stage of the survey, the telephone interviewers allocated to work on the pilot survey attended a personal face-to-face briefing held on 11 August 2006 at Ipsos MORI's telephone interviewing facility in

Edinburgh. The briefing was carried out by Andy Martin, the Survey's Project Director. During the briefing session, the telephone interviews were taken through the following areas:

- Familiarisation with all study materials;
- Purpose of the survey and objectives;
- Background to the survey;
- Categories of respondent being interviewed;
- Selection of the most appropriate respondents within the establishment contacted;
- The content of the questionnaire and CATI script;
- Quality control procedures and compliance with the Ipsos MORI standard of fieldwork;
- What they are to do and who they are to contact if they have any further queries or encounter any problems when interviewing.

1.9.2. Following the pilot survey and before the start of the main fieldwork period, a telephone briefing was conducted for all of the interviewers working on the project. This covered the same topics as the pilot briefing.

1.10. Pilot survey

- 1.10.1. Prior to the main stage of this survey we carried out a pilot study to “test out” the proposed questionnaire. This added an extra layer of understanding to the survey design and helped us to “fine tune” and refine the final questionnaire. In total, we undertook 15 pilot interviews spread across each of the different establishment types.
- 1.10.2. As part of this pilot survey, interviewers were hand picked to undertake this exercise and were asked to record any problems they had on completion of each telephone interview. The survey Director perused all comments made and spoke to the pilot interviewers personally to help identify what, if any, problems were encountered and what enhancements were required for the main stage of the study. The client was also asked for approval of each of the changes suggested as a result of this pilot survey.

1.11. Main stage survey

- 1.11.1. Once all of the changes from the pilot were agreed, the main stage of the survey went into field on 16th August 2006.
- 1.11.2. One routing error was spotted once the main stage telephone fieldwork had begun, which meant that 57 establishments (all of which had previously put on live music, but which are not doing so now) were not being asked about the number of separate areas they had for putting on live music events. As we included a question about taking part in further research in the questionnaire, we were able to recontact a total of 53 respondents to seek this information. A further four respondents had not granted permission to get back in touch, so question 32 has a total of 4 respondents labelled as ‘not asked’.
- 1.11.3. The table below (Table 2) shows how the interviews were achieved within each type of establishment, based on the original sample. More details are provided below about what each row actually represents.

Table 2 Sample breakdown, by type of establishment

	Public houses, wine bars and nightclubs	Hotels and inns	Student unions	Restaurants and cafés	Members clubs	Place of worship and community halls	Total
Numbers of leads/interviews (unweighted)							
Total sample provided (excluding 'bad numbers')	7,456	2,362	212	2,356	1,808	1,393	15,587
Over quota (automatically suspended by SMS)	4,847	1,712	56	1,125	1,184	151	9,075
Effective total sample	2,609	650	156	1,231	624	1,242	6,512
Screened out/ ineligible	524	127	31	297	101	558	1,638
Refused	327	123	16	255	73	127	921
Bad/ other ineffective/ other	933	197	73	434	273	435	2,345
Achieved	1,029	226	57	342	249	198	2,101
Response rate (%)	76	65	78	57	77	61	70

Source: Ipsos MORI

Note to accompany table 2	
Total sample provided (excluding 'bad numbers')	The total number of leads supplied to the Ipsos MORI telephone centre, excluding any numbers which were tried but simply did not work
Over quota (automatically suspended by SMS)	The total number of leads unused, when the survey was completed
Effective total sample	The total number of leads used (the total sample row minus the 'over quota' row)

Screened out/ ineligible	The number of respondents who were deemed ineligible to take part. This is proportionately higher in restaurants and cafés (where we screened out those without tableside service), and place of worship and community halls (where we screened out those which did not have a hall where licensable activities take place). Other reasons included the licensee not being at that establishment when the Premises Licence was applied for, or not being involved in the application.
Refused	The number of potential respondents who simply chose not to participate. This equates to just 14% of calls, ranging from 10-21% across different types of establishment.
Bad/other ineffective/other	These include companies having gone out of business or having moved, licensees not being available during the fieldwork period, and establishments where we reached a maximum number of call-backs with no reply. This averages 36%, and is relatively consistent across different types of establishment.
Achieved	The total number of interviews achieved
Response rate	The numbers of interviews achieved divided by the total number of those who were asked to participate and were eligible to do so.

1.11.4. Using a quota sampling approach, as used for this survey, the importance of the ‘response rate’ is not central, compared to a true ‘random sample survey’, as we are not restricted to a limited number of potential respondents, whom we contact on several occasions in order to try to persuade them to participate. Here, if someone chooses not to participate, we simply move on to the next potential respondent. The quota cells ensure that the final sample is representative of the wider ‘universe’. In this survey, the number of refusals is, in any case, relatively low in relation to the number of completed interviews (presumably given that most licensees are keen to put across their views on the subject). Furthermore, the relative similarity in refusal rates across the different types of establishment points to a survey with no great degree of ‘non response bias’, and which is thus broadly representative of the overall population we set out to measure.

1.12. Statistical reliability

- 1.12.1. It should be remembered that a sample, rather than all licensees, took part in this survey. Consequently, all results are subject to margins of error, which means that not all differences are statistically significant.
- 1.12.2. The sample tolerances that apply to the percentage results in this report are given in the tables which follow. The initial table shows the possible variation that might be anticipated because a sample, rather than the entire population, was interviewed. As indicated, sampling tolerances vary with the size of the sample and the size of the percentage results.

Table 3 Approximate sampling tolerances applicable to percentages at or near these levels

	10% or 90%	30% or 70%	50%
	±	±	±
Size of sample on which survey result is based			
2,101 (all licensees)	1.3	2.0	2.1
1,028 (licensees in public houses, wine bars and nightclubs)	1.8	2.8	3.1
939 (previously had a PEL)	1.9	2.9	3.2
538 (all micro establishments)	2.5	3.9	4.2
208 (licensees in London)	4.1	6.2	6.8

Source: Ipsos MORI

- 1.12.3. For example, on a question where 50% of licensees in a sample of 2,101 respond with a particular answer, the chances are 95 in 100 that this result would not vary more than 2.1 percentage points, plus or minus, from a complete coverage of the entire population using the same procedures.
- 1.12.4. Tolerances are also involved in the comparison of results from different parts of the sample. A difference, in other words, must be of at least a certain size to be considered statistically significant. The following table is a guide to the sampling tolerances applicable to comparisons.

Table 4 Differences required for significance at or near these percentages

	10% or 90%	30% or 70%	50%
Size of sample on which survey result is based			
939 vs. 1,088 (Those who had vs. those who did not have a PEL previously)	2.6	4.0	4.4
1,028 vs. 343 (pubs, bars and night clubs vs. restaurants and cafés)	3.7	5.6	6.1
208 vs. 305 (licensees in London vs. rest of the South East)	5.3	8.1	8.8

Source: Ipsos MORI

1.13. Ipsos MORI's quality control procedures

1.13.1. For this survey, Ipsos MORI exceeded our minimum requirements in terms of quality checking and standard procedures.

1.14. Presentation and interpretation of the data

1.14.1. Results within this report are generally presented as percentages. Where percentages do not add to 100%, this is due to rounding of figures or where respondents were able to provide more than one answer to a question. Where base sizes are particularly small, however, we refer to the absolute numbers of respondents, using unweighted data.

1.14.2. Any comments about differences between sub-groups within the main text reflect statistically significant differences. This does not apply to any differences found in the tables, however, in order to provide more accuracy.

1.14.3. An asterisk (*) in the table denotes a value of less than 0.5%, but greater than zero. Mean score calculations are derived from raw data.

1.14.4. To analyse the data by size of venue we have created an aggregate variable based on responses to Q33 where respondents gave the approximate capacities of each area of their venue. We chose not to ask an overall capacity question to respondents as we felt they would be able to give us more accurate figures if we asked them to think about each area in turn (in particular this should avoid respondents underestimating by only quoting the capacity of their largest area). We asked them to specify in size bands rather than give an accurate number as we were concerned that respondents would find it difficult to give the exact figure on the spot.

1.14.5. For each size band we calculated the mid-point of the band as shown in the table below:

Table 5 Mid-points used to calculate aggregates

	Mid-point
Size band of area	
Up to 50 (N.B. if had no areas they were not asked the question)	25.5
51 – 100	75.5
101 – 200	150.5
201 – 500	350.5
501 +	501

Source: Ipsos MORI

1.14.6. Finally, we summed the mid-points of each area the venue has to create an aggregate size variable. We then split this into the following categories for analysis:

Table 6 Size breaks

	Capacity
Size band of area	
Micro	Up to 100
Small	101 – 500
Medium/Large	501+

Source: Ipsos MORI

1.15. Publication of the data

1.15.1. Ipsos MORI's Standard Terms & Conditions apply to this study, as to all those that we undertake. No press release or publication of the findings from this study shall be made without the prior approval of Ipsos MORI. Such approval will only be refused on the grounds of inaccuracy or misrepresentation of the research findings.

2. Annex A: Sample breakdown

Table 7 Interviews conducted within each type of establishment, by region							
	Public houses, wine bars and nightclubs	Hotels and inns	Student unions	Restaurants and cafés	Members clubs	Place of worship and community halls	Total
	Numbers of completed interviews (unweighted)						
North East	39	9	3	5	11	17	84
North West	111	40	6	34	37	26	254
Yorkshire & Humberside	74	17	1	27	25	12	156
West Midlands	78	14	7	31	22	22	174
East Midlands	80	15	3	21	15	13	147
East of England	105	13	7	32	23	16	196
London	98	12	7	56	20	15	208
South East	164	30	8	45	32	26	305
South West	101	33	8	31	19	17	209
Wales	175	43	7	60	44	34	363
No region	3	0	0	1	1	0	5
Total	1,028	226	57	343	249	198	2101
<i>Source: Ipsos MORI</i>							

Table 8 Interviews conducted within each size of establishment*, by region				
	Micro (capacity up to 100)	Small (capacity 101- 500)	Medium/ large (capacity 501+)	Total
	Numbers of completed interviews (unweighted)			
North East	23	30	9	62
North West	62	86	16	164
Yorkshire & Humberside	43	46	8	97
West Midlands	39	64	12	115
East Midlands	40	51	9	100
East of England	56	63	11	130
London	41	58	10	109
South East	84	119	19	222
South West	54	73	14	141
Wales	96	104	27	227
No region	0	2	0	2
Total	538	696	135	1,369
<i>Source: Ipsos MORI</i>				

* Base = all those with at least one area with capacity for staging live music

Table 9 Interviews conducted within each type of establishment, by size*				
	Micro (capacity up to 100)	Small (capacity 101- 500)	Medium/ large (capacity 501+)	Total
	Numbers of completed interviews (unweighted)			
Public houses, wine bars and nightclubs	342	328	36	706
Hotels & inns	49	74	18	141
Student unions	2	9	45	56
Restaurants and cafés	56	31	5	92
Members clubs & associations	55	136	19	210
Place of worship & community halls	34	118	12	164
Total	538	696	135	1,369
<i>Source: Ipsos MORI</i>				

* Base = all those with at least one area with capacity for staging live music

3. Annex B: Questionnaire

DCMS Live Music

Impact of the Licensing Act (J28308)

Final Questionnaire – Main stage

16 August 2006

Good morning/afternoon/evening, my name is, and I'm calling on behalf of Ipsos MORI, the independent Market Research Agency. We are undertaking an important study among ... (INSERT CATEGORY OF ESTABLISHMENT) to find out more about your experiences since the introduction of the new licensing act last year. The interviews vary in length but take an average of 10 minutes.

IF NOT ABLE TO UNDERTAKE THE INTERVIEW NOW ASK IF YOU CAN CALL AT A MORE CONVENIENT TIME (RECORD DETAILS OF RING BACK DAY AND TIME).

We would like to reassure you that all of your responses will remain completely anonymous.

DEMOGRAPHICS FOR QUOTAS / ROUTING

NO Q1

ASK IF A CHURCH/PLACE OF WORSHIP

Qai **Is there a church or community hall attached to, or associated with, your place of worship?**

SINGLE CODE

Yes	1	CONTINUE TO Qaii
No	2	THANK AND CLOSE

ASK IF A CHURCH/PLACE OF WORSHIP

Qaii **And is 'regulated entertainment' (such as plays, films, indoor sporting events, live music, recorded music, or dance) ever provided in the hall? (Entertainment that is solely for the purpose of religious services or meetings is not counted as 'regulated entertainment'.)**

Note to interviewers: For such entertainments to be licensable they must be provided to entertain a public audience, or to entertain a private audience that is charged with a view to making a profit (including raising money for charity).

SINGLE CODE

Yes	1	CONTINUE TO QB
No	2	THANK AND CLOSE

ASK IF A CHURCH/PLACE OF WORSHIP

QB **Would you describe yourself as the hall's licensee?**

SINGLE CODE

Yes	1	CONTINUE TO Q2a
No	2	ASK FOR REFERRAL

ASK ALL

Q2.a **In this survey we will be talking about the new licensing process and its implications, particularly with respect to the provision of live music within your establishment.**

Within your establishment, who was responsible for applying for your licence under the new licensing arrangements?*

MULTICODE; READ OUT IF REQUIRED

Respondent	1	CONTINUE
Respondent's partner	2	ASK FOR REFERRAL
Other person within the establishment	3	ASK FOR REFERRAL
Head office	4	ASK Q2b
Legal advisor (e.g. solicitor)	5	ASK Q2b
Previous owner / tenant	6	THANK AND CLOSE
Someone else	7	THANK AND CLOSE

*Note to interviewer – Applications for licences under the new arrangements could be made from 7th February 2005. The new arrangements took effect from 24th November 2005.

ASK IF LEGAL ADVISOR / HEAD OFFICE DEALT WITH APPLICATION FOR ESTABLISHMENT'S LICENCE

Q.2b **Did you or anyone else in your establishment (i.e. not head office) have any input into the application process for the new licence and are you or they able to answer questions on the process you went through as part of this application?** SINGLE CODE

Yes, I had input and would be able to answer questions	1	CONTINUE
Yes, someone else in this establishment had input and would be able to answer questions	2	ASK FOR REFERRAL
No, had no or little input and would not be able to answer questions	3	THANK AND CLOSE
Don't know	4	THANK AND CLOSE

ASK ALL RESTAURANTS

Q3.a **Does your restaurant offer table-side or waiter service?** SINGLE CODE

Yes – offer table-side service	1	CONTINUE
No – do not offer table-side service	2	THANK AND CLOSE
Don't know	3	

Q3.b **What was your experience of the transition to the new licensing regime?**

WRITE IN

Don't know/no comment

Q3.c **What has been your experience since the Licensing Act came into force on 24th November 2005?**

WRITE IN

Don't know/no comment

MAIN SECTION

Q4 **Did you have a Public Entertainment Licence (PEL) under the old licensing laws; that is before 24th November 2005 authorising this establishment to put on live music?** SINGLE CODE

Yes	1	CONTINUE TO Q5
No	2	GO TO Q6
Don't know	3	GO TO Q13a (ROUTE B)

Q5 **In your application for the new licence, which of the following best describes what you applied to do in respect of your Public Entertainment Licence (PEL)?** READ OUT LIST; SINGLE CODE. ROTATE ORDER

We decided not to convert our Public Entertainment Licence (PEL) – we let it lapse	1	GO TO Q8
We did not convert our Public Entertainment Licence (PEL). We applied for a brand new licence	2	GO TO Q13.a
We converted our Public Entertainment Licence (PEL) with no variations	3	GO TO FINAL SECTION
We converted the Public Entertainment Licence (PEL), and varied one or more aspects of the licence with regard to the provision of live music	4	GO TO Q13.a

Q6 Did you ever put on live music in your establishment under the old licensing regime?

SINGLE CODE

Yes – did put on live music	1	CONTINUE TO Q7
No – did not put on live music	2	GO TO Q13.a
Don't know	3	GO TO Q13.a

Q7 Under what authorisation or authorisations did you put on live music under the old licensing regime? PROBE FULLY Any other authorisations?

DO NOT READ OUT, MULTICODE OK

Under the 'two in a bar' exemption	1	GO TO Q13.a
Registered Members Club	2	GO TO Q13.a
Under a short term / temporary public entertainment licence	3	GO TO Q13.a
It was an open space that the Local Authority did not require to be licensed (e.g. village green)	4	GO TO Q13.a
Premises with a theatre licence (e.g. music is associated with the play and does not need a PEL)	5	GO TO Q13.a
Music was incidental to a religious service – (NB the general "incidental music" exemption did not exist previously)	6	GO TO Q13.a
Music took place on Crown Land and didn't need a licence	7	GO TO Q13.a
Without official authorisation	8	GO TO Q13.a
Under another authorisation or exemption (PLEASE SPECIFY)	9	GO TO Q13.a
Don't know	0	GO TO Q13.a

Q8 For what reasons did you decide to let your Public Entertainment Licence lapse? DO NOT PROMPT. PROBE FULLY For what other reasons?

DO NOT READ OUT; MULTICODE OK

Lack of know how / Perceived as too bureaucratic / too much hassle	1	GO TO Q9
Cost (applying for a licence / advertising)	2	GO TO Q9
Cost to put on live music (setting up stage / staging events / door security)/	3	GO TO Q9
Regulatory compliance – e.g. disability discrimination act; health and safety; door security	4	GO TO Q9
Thought they'd get objections / risk of complaints re: noise pollution	5	GO TO Q9
Lack of demand from customers or customer profile /	6	GO TO Q9
Wouldn't use it	7	GO TO Q9
Venue unsuitable / Not appropriate	8	GO TO Q9
Offer something different / put other entertainment on instead	9	GO TO Q9
Not relevant	0	GO TO Q9
I am / plan on using TENs (Temporary Event Notice) instead	X	GO TO Q9
Am currently applying for live music / plan to apply for live music in the future	Y	GO TO Q9
Have since added live music to my licence	1	SKIP TO Q13b
Thought I'd wait and see what my competitors did	2	GO TO Q9
Difficulty in finding appropriate artists	3	GO TO Q9
Inability to promote effectively	4	GO TO Q9
Just not interested	5	GO TO Q9
Previous bad experience	6	GO TO Q9
No budget from parent company	7	GO TO Q9
Unable to / Directive from Head Office	8	GO TO Q9
Mistake	9	GO TO Q9
Other	0	GO TO Q9
Don't know	X	GO TO Q9

ROUTE A

Q9 Since the new licensing system has been in place, have you put on live music under any other authorisation? For example under a Temporary Event Notice or by making use of the ‘incidental music’ exemption.

SINGLE CODE

Yes – have put on live music under other authorisation	1	CONTINUE TO Q10
No – have NOT put on live music under other authorisation	2	GO TO FINAL SECTION
Don’t know	3	GO TO FINAL SECTION

Q10 Under what authorisation have you played live music since the new Licensing Act has come into force? PROBE FULLY And any other?

DO NOT PROMPT; MULTICODE OK

Temporary Event Notice (TENs)	1	GO TO FINAL SECTION
Music was incidental	2	GO TO FINAL SECTION
No official authorisation	3	GO TO FINAL SECTION
Other (PLEASE SPECIFY)	4	GO TO FINAL SECTION
Don’t know	5	GO TO FINAL SECTION

No Q11 or Q12

ROUTE B

Q13.a Did you apply to allow for the provision of live music on your new licence application?

SINGLE CODE

Yes – applied to allow for the provision of live music	1	GO TO Q13.b
No – did NOT apply to allow for the provision of live music	2	GO TO Q14
Don’t know	3	GO TO FINAL SECTION

Q13b Did you include any conditions in your initial application relating to the provision of live music? For example, limiting the number of performers, or undertaking to install sound proofing.

NOTE TO INTERVIEWER: This question only refers to conditions they chose to put into the application when they were making it i.e. not changes made in response to complaints or objections.

SINGLE CODE

Yes	1	GO TO Q13.c
No	2	GO TO Q15
Don't know	3	GO TO Q15

Q13.c What were the restrictions or conditions relating to the provision of live music? PROBE FULLY. Any other restrictions or conditions?

DO NOT PROMPT. MULTICODE

Doors / windows shut	1	GO TO Q15
Limit on number of events	2	GO TO Q15
Restriction on timing of events	3	GO TO Q15
Restriction on number of performers	4	GO TO Q15
Restriction on size of audiences	5	GO TO Q15
Sound-proofing required	6	GO TO Q15
Noise limiter installation	7	GO TO Q15
Position / movement of music equipment specified in licence (e.g. speakers must face in certain direction)	8	GO TO Q15
Other (PLEASE SPECIFY)	9	GO TO Q15
Don't know	0	GO TO Q15

Q14 For what reasons did you decide not to apply for the provision of live music on your new licence? PROBE FULLY For what other reasons?

DO NOT READ OUT; MULTICODE OK

Lack of know how / Perceived as too bureaucratic / too much hassle	1	GO TO Q9
Cost - applying for a licence / advertising	2	GO TO Q9
Cost to put on live music - setting up stage / staging events / door security	3	GO TO Q9
Regulatory compliance – e.g. disability discrimination act; health and safety; door security	4	GO TO Q9
Thought I'd / we'd get objections / risk of complaints re: noise pollution	5	GO TO Q9
Lack of demand from customers or customer profile	6	GO TO Q9
Wouldn't use it	7	GO TO Q9
Venue unsuitable / Not appropriate	8	GO TO Q9
Offer something different / put other entertainment on instead	9	GO TO Q9
Not relevant	O	GO TO Q9
I am / plan on using TENs instead	X	GO TO Q9
Am currently applying for live music / plan to apply for live music in the future	V	GO TO Q9
Have since added live music to my licence	1	SKIP TO Q13b
Thought I'd wait and see what my competitors did	2	GO TO Q9
Finding appropriate artists	3	GO TO Q9
Inability to promote effectively	4	GO TO Q9
Just not interested	5	GO TO Q9
Previous bad experience	6	GO TO Q9
No budget from parent company	7	GO TO Q9
Unable to / Directive from Head Office	8	GO TO Q9
Mistake	9	GO TO Q9
Other	0	GO TO Q9
Don't know	X	GO TO Q9

Q15 Did you receive any objections that affected your application to provide live music?

SINGLE CODE

Yes	1	CONTINUE
No	2	GO TO Q24
Don't know/can't remember	3	GO TO Q24

Q16 Who made the objections relating to the provision of live music come from? PROBE FULLY. Anyone else?

DO NOT READ OUT; MULTICODE OK

Local resident(s) or someone representing them (e.g. MP or councillor)	1	CONTINUE
A body representing local residents (e.g. residents group / Parish Council)	2	CONTINUE
A local business or someone representing them (e.g. MP or councillor)	3	CONTINUE
A body representing local businesses (e.g. a trade association)	4	CONTINUE
Police	5	CONTINUE
Environmental Health	6	CONTINUE
Health and safety	7	CONTINUE
Fire Authority	8	CONTINUE
Planning Authority	9	CONTINUE
Body concerned with protecting children from harm	0	CONTINUE
Trading Standards	X	CONTINUE
Other (PLEASE SPECIFY)	Y	CONTINUE
Don't know	1	CONTINUE

Q17 What, specifically, did the objections regarding live music relate to? PROBE FULLY And anything else?

DO NOT READ OUT; MULTICODE OK

Time of events/finish time	1	CONTINUE
Noise levels – Music	2	CONTINUE
Noise levels – Customers	3	CONTINUE
Not enough/No limit on number of events	4	CONTINUE
Not enough/No limit on the days of the week events can take place	5	CONTINUE
Not enough/No limit on the frequency of events	6	CONTINUE
Type of music	7	CONTINUE
Customer behaviour	8	CONTINUE
Car parking	9	CONTINUE
Other (PLEASE SPECIFY)	0	CONTINUE
Don't know	X	CONTINUE

Q18 Which, if any, of the following I am about to read out best describes what happened as a result of the objections?

READ OUT; SINGLE CODE ONLY

They were dealt with at a hearing	1	GO TO Q19c
Some were resolved through mediation whilst others were dealt with at a hearing	2	GO TO Q19a
They were all resolved through mediation and all objections were withdrawn	3	GO TO FILTER AT Q22a
We withdrew our application for putting on live music	4	GO TO FINAL SECTION
Other (PLEASE SPECIFY)	5	GO TO Q24
Don't know	6	GO TO Q24

MEDIATION PROCESS

Q19.a As a result of the mediation process, were conditions added or adjustments made to the licence application which would affect the provision of live music?

Note to interviewer: we are interested in knowing this even if they found the restrictions prohibitive and therefore did not continue with their application for a live music licence

SINGLE CODE

Yes, there were conditions attached / adjustments made to the licence	1	CONTINUE
No, there were no conditions attached or adjustments made to the licence	2	GO TO Q19.c FILTER
Don't know	3	GO TO Q19.c FILTER

ASK IF CODE 1 AT Q19a

Q19.b What were the conditions attached or adjustments made to the licence in relation to live music as a result of the mediation process? PROBE FULLY What else?

DO NOT READ OUT; MULTICODE OK

Doors / windows shut	1	CONTINUE
Limit on number of events	2	CONTINUE
Restriction on timing of events	3	CONTINUE
Restriction on number of performers	4	CONTINUE
Restriction on size of audiences	5	CONTINUE
Sound-proofing required	6	CONTINUE
Noise limiter installation	7	CONTINUE
Told to make whatever arrangements I felt necessary to ensure no noise disturbance in adjoining /nearby buildings	8	CONTINUE
Position / movement of music equipment specified in licence (e.g. speakers must face in certain direction)	9	CONTINUE
Other (PLEASE SPECIFY)	0	CONTINUE
Don't know	X	CONTINUE

HEARING PROCESS

ASK IF CODES 1 OR 2 AT Q18

Q19.c **As a result of the committee hearing process, were conditions attached or adjustments made to the licence which would affect the provision of live music?**

Note to interviewer: we are interested in knowing this even if they found the restrictions prohibitive and therefore did not continue with their application for a live music licence

SINGLE CODE

Yes, there were conditions attached / adjustments made to the licence	1	CONTINUE
No, there were no conditions attached or adjustments made to the licence	2	GO TO FINAL SECTION
Don't know	3	GO TO Q22

ASK IF CODE 1 AT Q19.c

Q20 **What were the conditions attached or adjustments made to the licence in relation to live music, as a result of the committee hearing process? PROBE FULLY What else?**

DO NOT READ OUT; MULTICODE OK

Doors / windows shut	1	CONTINUE
Limit on number of events	2	CONTINUE
Restriction on timing of events	3	CONTINUE
Restriction on number of performers	4	CONTINUE
Restriction on size of audiences	5	CONTINUE
Sound-proofing required	6	CONTINUE
Noise limiter installation	7	CONTINUE
Told to make whatever arrangements I felt necessary to ensure no noise disturbance in adjoining /nearby buildings	8	CONTINUE
Position / movement of music equipment specified in licence (e.g. speakers must face in certain direction)	9	CONTINUE
Other (PLEASE SPECIFY)	0	CONTINUE
Don't know	X	CONTINUE

Q22.a **Did you appeal against the licensing authority's decision in the magistrates court, with respect to the provision of live music or not? Did you.... READ OUT. SINGLE CODE**

Yes, I appealed	1	CONTINUE
I appealed but subsequently <u>withdrew</u> that appeal	2	GO TO Q22aaa
No – did not appeal	3	GO TO Q22aaa
Don't know	4	GO TO Q22b

ASK IF APPEALED

Q22.aa **On which of the following grounds was your appeal made?**

READ OUT. ROTATE ORDER – LEAVE OTHER AT END.
MULTICODE OK

Licence should have been granted	1	GO TO Q22b
Different or fewer conditions should have been attached	2	GO TO Q22b
Less restriction should have been applied to a licensable activity	3	GO TO Q22b
Licensable activity should have been included	4	GO TO Q22b
Procedural irregularity affected decision	5	GO TO Q22b
Other	6	GO TO Q22b
Don't know	7	GO TO Q22b

ASK IF DIDN'T APPEAL

Q22.aaa **Please tell me which of the following reasons I'm going to read out describe why you decided not to appeal?**

READ OUT. ROTATE ORDER – LEAVE OTHER AT END.
MULTICODE OK

I was happy with the live music provision my licence authorised	1	CONTINUE
I thought the outcome of the application process was not ideal, but was a compromise I could live with	2	CONTINUE
I thought it would have been too expensive	3	CONTINUE
I thought it would have been too time consuming	4	CONTINUE
I thought it would have been too bureaucratic	5	CONTINUE
I wasn't confident of a successful outcome	6	CONTINUE
Other	7	CONTINUE
Don't know	8	CONTINUE

Q22.b Did anyone else appeal against the licensing authority's decision in the magistrates court, regarding the provision of live music in your establishment? (And not subsequently withdraw it).

SINGLE CODE

Yes	1	CONTINUE
No	2	GO TO Q23 and FILTER
Don't know	3	GO TO Q23 and FILTER

Q22.c Who appealed against the licensing authority's decision? PROBE FULLY Who else?

DO NOT READ OUT. MULTICODE

Local resident(s) or someone representing them	1	CONTINUE
A body representing local residents (e.g. residents group / Parish Council)	2	CONTINUE
A local business or someone representing them	3	CONTINUE
A body representing local businesses (e.g. a trade association)	4	CONTINUE
Police	5	CONTINUE
Environmental Health	6	CONTINUE
Health and safety	7	CONTINUE
Fire Authority	8	CONTINUE
Planning Authority	9	CONTINUE
Body concerned with protecting children from harm	0	CONTINUE
Trading Standards	X	CONTINUE
Other (PLEASE SPECIFY)	Y	CONTINUE
Don't know	1	CONTINUE

Q22.d On which of the following grounds was their appeal made?

READ OUT. ROTATE ORDER – LEAVE OTHER AT END.
MULTICODE OK

Licence should not have been granted	1	CONTINUE
Different or additional conditions should have been attached	2	CONTINUE
A licensable activity should have been restricted more	3	CONTINUE
Licensable activity should have been excluded	4	CONTINUE
Procedural irregularity affected decision	5	CONTINUE
Other	6	CONTINUE
Don't know	7	CONTINUE

IF AN APPEAL TOOK PLACE – EITHER CODE 1 AT Q22a OR CODE 1 AT Q22b

Q23 What was the outcome of the appeal? In other words, what amendments, if any, were made to the licence as a result of the appeal hearing? PROBE FULLY. Any other amendments?

OPEN ENDED. WRITE IN

WRITE IN

No amendments made 1

No decision yet 2

Q24 Does your new licence authorise the provision of live music?

SINGLE CODE

Yes	1	GO TO FINAL SECTION
No	2	GO TO Q9
Don't know / No decision yet	3	GO TO FINAL SECTION

NO Q25

FINAL SECTION

ONLY ASK THOSE WHO RESPONDED Q24 code 1, OR Q19c code 2, OR Q5 code 3 (organisations with new licence permitting live music)

Q26 Have you put on, or are you now planning to put on, live music events with more than two musicians under your new licence? PROBE: Is that 'definitely' or 'probably'? SINGLE CODE.

Yes, already have done	1
Yes – definitely will	2
Yes – probably will	3
No. probably won't	4
No, definitely won't	5
Don't know	6

ASK ALL

Q27.a To what extent did you find the process of applying for a new licence easy or difficult? Was itREAD OUT. SINGLE CODE

Very easy	1
Fairly easy	2
Neither easy nor difficult	3
Fairly difficult	4
Very difficult	5
Don't know	6

Q27.a In what way could the process of applying for a licence to host live music events be improved, or made easier? PROBE FULLY In what other ways?

WRITE IN

Don't know/no comment

Q27.b Which, if any, of the following changes to the licensing system do you think has made it easier to put on live music generally?

READ OUT. ROTATE ORDER OF START. MULTICODE

Centralised setting of fees	1	CONTINUE
Streamlined licence application system	2	CONTINUE
Abolition of '2 in a bar' rule	3	CONTINUE
Move away from standard conditions	4	CONTINUE
No renewals process	5	CONTINUE
Licence exemption for churches	6	CONTINUE
Fees exemption for village halls, church halls, parish halls, community centres, other community buildings	7	CONTINUE
Incidental Music exemption	8	CONTINUE
Other	9	CONTINUE
None	0	CONTINUE
Don't know	X	CONTINUE

ASK ALL EXCEPT Q5 CODE 1 and Q13a CODE 2 (i.e. everyone except those who didn't apply for a new licence permitting live music or decided to let their PEL lapse)

Q28 To what extent are you satisfied or dissatisfied with the outcome of your application, in relation to the live music your licence now authorises you to provide? PROBE FOR 'VERY' OR 'FAIRLY'

Very satisfied	1
Fairly satisfied	2
Neither satisfied nor dissatisfied	3
Fairly dissatisfied	4
Very dissatisfied	5
Don't know	6

NO Q 29 - 31

DEMOGRAPHICS

ASK ALL EXCEPT THOSE WHO HAVE NOT PUT ON LIVE MUSIC UNDER THE OLD REGIME (q6 CODES 2 OR 3) AND HAVEN'T APPLIED FOR A LICENCE UNDER THE NEW REGIME (Q13a = CODES 2 OR 3)

Q32 How many separate areas for putting on or performing live music are there in your venue?

1	1
2	2
3	3
4	4
5	5
6-7	6
8-10	7
11+	8
0	9
Don't know	0

ASK ALL EXCEPT THOSE WHO HAVE NOT PUT ON LIVE MUSIC UNDER THE OLD REGIME (q6 CODES 2 OR 3) AND HAVEN'T APPLIED FOR A LICENCE UNDER THE NEW REGIME (Q13a = CODES 2 OR 3)

Q33 Approximately how many people can the (INSERT IF MORE THAN ONE AREA): 'largest'/'second largest'/'third largest', etc.) area accommodate when live music is/was being performed?

Up to 50	1
51-100	2
101-200	3
201-500	4
501 or more	5
Don't know	6

REPEAT Q 33 FOR EVERY AREA WHERE LIVE MUSIC IS PUT ON (MAX 5 AREAS)

Q34 Sex (DO NOT ASK)

Male	1
Female	2

Q35 Age

18-24	1
25-34	2
35-44	3
45-54	4
55-64	5
65+	6

Q36 For how many years have you been a licensee?

Less than 1 year	1
Less than 1 year and up to 2 years	2
More than 2 years and up to 5 years	3
More than 5 years and up to 10 years	4
More than 10 years and up to 15 years	5
More than 15 years and up to 20 years	6
More than 20 years and up to 25 years	7
More than 25 years	8
Not a licensee	9

Q37 And for how many years have you been a licensee (or held this position) in this establishment?

Less than 1 year	1
Less than 1 year and up to 2 years	2
More than 2 years and up to 5 years	3
More than 5 years and up to 10 years	4
More than 10 years and up to 15 years	5
More than 15 years and up to 20 years	6
More than 20 years and up to 25 years	7
More than 25 years	8

Q38 Region (RECORD FROM LEADS)

London	1
South East	2
South West	3
Wales	4
West Midlands	5
East Midlands	6
Eastern	7
Yorks & Humberside	8
North West	9
North East	10

ASK ALL

Q39. Would you be willing for Ipsos MORI to re-contact you if we had any follow up questions arising from this survey?

SINGLE CODE

Willing to be re-contacted	1
Not willing to be re-contacted	2

Q40. Would you be willing for us to pass on your details to another research organisation working on behalf of the Department of Culture, Media and Sport so that they can contact you again with regards to this subject?

Please note, any follow up questions are likely to be regarding particular aspects of the process, for example, what the hearing process is like, so in order for them to target appropriate people we would also need to pass on some of the answers you have given. Are you happy for us to do this? If not, please be assured that your responses will remain completely confidential.

NOTE TO INTERVIEWER: Please ensure respondents know they are not required to give permission and that if they do not their responses will still be used in our report but no information will be passed to DCMS about the individual or their organisation.

SINGLE CODE

Yes – happy for Ipsos MORI to pass on contact details and responses to questions that are relevant to future research to a research company acting on behalf of DCMS	1
No – not happy for details to be passed on to research organisation working on behalf of DCMS	2