

Live Music Forum Meeting
12 May 2006 at DCMS, 2-4 Cockspur Street, London
Minutes

Attendees:

Chair

Feargal Sharkey

Members

Alan James	Arts Council England
Jim Mawdsley	Generator North East
John Smith	Musicians' Union
Deborah Clarke	Action with Communities in Rural England
Claire Whitaker	Serious
Chris Taylor	Performing Right Society
Andy Williams	Welsh Music Foundation
Pete Jenner	Sincere Management
Rachael Rogers	Local Authorities Co-ordinators of Regulatory Services
Robin Osterley	National Music Council
Stephen Godsall	Local Government Association (Bournemouth)
Martin Hopewell	Primary Talent International
Barbara Tucker	Department for Education and Skills

Observer

Marc Jaffrey	Music Manifesto
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Guests

Nicky Burke	LACORS
Camilla Ford	LACORS
Andy Martin	MORI
Pamela Bates	British Beer and Pub Association

DCMS

Paul Alsey	Music Branch
Suzi Daley	Music Branch
Andy Thomas	Music Branch
Marianne Siponmaa	Music Branch
Jason De Bono	Licensing Team
Mandy Stevens	Licensing Guidance Review Team
Ian Wood	Evidence and Analysis Unit
Philippa Staff	Arts Division
Mark Ferrero	Head of Creative Industries Division

Apologies

Mark Ringwood	Roots Around the World
Dr Martin Rawlings	British Beer and Pub Association
Charlotte Ray	PRS Foundation

Agenda Item 1: Introduction and minutes of last meeting

The Chair suggested as the agenda was full the meeting should move straight to agenda item 2.

Agenda Item 2 : Research

i) MORI Baseline study

Representatives from MORI and the DCMS Evidence and Analysis Unit were invited to give the Forum the opportunity to ask questions about any aspect of MORI's 2004 baseline research, in order to clarify any issues the Forum may have and to help inform future research in this area and to discuss a complaint made about the study to the Market Research Standards Board (MRSB).

The Chair summarised the details of the complaint which had raised a number of issues around how the baseline study research findings were interpreted and subsequently publicised in a DCMS issued Press Notice. He reminded Forum members that MORI, who were awarded the research contract after a competitive tender process, had acted in accordance with the research brief which had been agreed, after several meetings, between Forum members and DCMS.

The MRSB concluded that the DCMS Press notice quote "An estimated 1.7 million gigs were staged in the past year alone in bars, clubs, students unions and restaurants," was potentially misleading as the figure actually related to all types of venue surveyed not just the four types cited. The MRSB requested that the press release be amended as quickly as possible, this has since been done.

In respect of the other issues raised by the complainant the MRSB "Did not consider that there was a case to be pursued."

It was further noted by Forum members that complaints regarding the baseline study had also been made to the Statistics Commission. DCMS had provided a detailed table showing the derivation of the 1.7m (live music events) figure and answered a number of queries put to them by the Commission. The Commission were satisfied by this response and a copy of the Commission's findings is available from their web site.

Forum members agreed that they could not foresee any reason as to why they would need to revisit this issue.

The representative from MORI left the meeting at this point.

The Chair then flagged the repeat baseline study which DCMS will conduct next year (2007) when the Act has been in force for more than a year. He asked members to suggest ways in which the original study could be improved. What lessons had been learnt? Forum members put forward a number of recommendations which were noted by DCMS staff.

ii) Second Stage of Research

Following the MU's presentation of its research findings at the last LMF meeting on 23 February, the Forum decided that the next round of research should look in greater detail at the experiences of smaller venues during the transitional period; it should look at both those venues which had previously held a PEL and those which had previously operated under 'Two in a Bar'. The research also needed to focus on whether smaller venues had secured authorisation to put on live music. Following the February meeting and in consultation with Forum members, DCMS had drawn up a draft questionnaire reflecting the Forum's comments and designed to solicit this type of information.

The questionnaire was agreed at the meeting and will now form part of the tender to be issued.

Rachael Rogers suggested that Government should resource Local Authorities to use their existing databases to track live music activity at small venues.

The following Actions were agreed:

Action: DCMS to send the draft specification to the Forum by 20/5. To be agreed by 28/5 - since done.

Action: Forum to consider recommending that Local Authorities create a standard template to register/record live music activity especially amongst grass roots organisations. (It was noted however that there are issues with requesting data collection from LAs which the Forum and DCMS should consider as what may be feasible for the final recommendations)

Action: DCMS to consider whether the Scrutiny Councils that are being used to monitor aspects of the Act could assist in gathering this type of information.

Action: Forum to identify individuals in each Local Authority Cultural Department who could provide useful information on live music activity.

iii. Feasibility Study: Impact of the live music on local economies

The Chair reported that the tender for the feasibility study on research into the local economic impact of live music had now been let and that work was currently underway. He said that this research could now feed back into the second round of research.

Action: LMF to consider how to take forward this work once results are in, eg links to Creative Economy Programme.

Action: Chair to continue to address and seek input from Regional Development Agencies.

Members suggested that the recent report on the positive economic impact of The Sage in Gateshead should be used to promote the positive impact of live music.

Action: Secretariat to forward details of The Sage economic impact story to the Forum and DCMS to consider as part of research.

The Chair reported that the High Court had upheld a decision for the Mean Fiddler against the Police regarding costs.

Action: Rachael Rogers to send Secretariat a copy of decision from Melvin Benn.

Agenda Item 3: Reports Back from Sub Groups

i. Promotion Sub Group

Jim Mawdsley, Chair of the Group, reported back from the second meeting. He said there needed to be a co-ordinated approach to bring together the different work strands that were developing.

The group had sent a questionnaire out to around 60 organisations as part of the consultation into ideas to feed into recommendations to Ministers at the end of Forum's term. Of the responses received, the lack of good venues was the issue raised most often. The Licensing Act was not cited as a barrier to live music provision.

The Group reported on ideas for helping establish other rehearsal spaces like those facilities recently set up in Wrexham. The Chair reported that Creative London were about to commission a feasibility study to look at funding and delivery mechanisms for rolling out the Wrexham initiative i.e establishing a region-wide initiative intended to provide training, rehearsal and production space for musicians (particularly unsigned acts and youth groups). This could be used as a model for other RDAs to use.

Action: Forum to register thanks to Graeme Hitchen of Creative London for helping to take the rehearsal space initiative forward.

Members of the Sub-Group have also met the DfES New Schools Build Team to talk about the importance of good music facilities in the schools of the future.

It was agreed that together with the DFES 'Spaces for Sports and Arts' scheme there was considerable scope for linking this work with the work on rehearsal spaces.

Action: DCMS to try and establish which of the Spaces for Sports and Arts are being used for live music and if there is potential for making more use of them.

Action: Barbara Tucker to investigate the potential for Forum benefiting from the New Build programme.

Action: Forum to develop a strategy to assist schools who have opted to use Spaces for Sports and Arts option.

Action: DCMS to consider how best to ensure DFES consider music within the Spaces for Sports and the Arts and New Build Programme, including the possibility of DCMS Ministers raising it with their DfES Ministerial colleagues .

Marc Jaffrey reported that the Music Manifesto would be pushing for schools to let space for music performance and rehearsal during school holidays.

Agenda Item 4

i. Promotion Sub Group

Robin Osterley circulated a discussion paper prior to the meeting. The paper outlined seven different reasons why LAs should recognise the importance of a healthy live music scene to their communities and therefore build it into their (mandatory) cultural strategies much more specifically than currently is the case with many existing Strategies . The seven different reasons for LAs to consider are:

economic contribution; employment; inward investment; quality of life; reduction in anti-social behaviour; reduction in binge drinking/town disorder; putting the community on the map.

Action: Sub Group to develop the paper in order to provide positive suggestions to engage Local Authorities.

The Group thought that it was important to build on the various Promoter Development Schemes (such as those between the Academy Music Group and the Arts Council) and to ensure there was a broad skills base amongst the broader live music industry, including managers and agents.

Action: DCMS to send Martin Hopewell contact details for Al Tickell at Creative and Cultural Skills so they can discuss training and skills issues for promoters (since done).

Action: DCMS to feed back on Creative Partnerships in relation to Arts and Kids Programme.

Action: Alan James and Jim Mawdsley to meet to revisit Public Private Partnership work and report back to the next meeting.

Feargal reported that he had some initial meetings with independent small festival promoters about the possibility of setting up a trade association which would be helpful for lobbying on collective issues like Police Charges, SIA regulations, ticket touting etc.

Action: Jim Mawdsley to attend the next meeting with promoters.

Action: Alan James to discuss issues of importance for festivals sector with Steve Heap from the Association of Festival Organisers and feed back to Forum at next meeting.

There was a short discussion on the potential for the Forum to recommend tax breaks for live music. Members cited similar schemes in France and Canada.

Action: The Group agreed to consider the feasibility of introducing tax breaks for companies and organisations which fund or sponsor live music as part of the Arts within the Forum's final recommendations.

Action: DCMS to clarify the exact percentage that companies put into the Arts in North America.

ii. Impact of the Act Sub Group

John Smith, Chair of the Group, reported that they had not yet met as they were awaiting the follow up to the MU 'State of The Nation' report as well as the research into rural communities from ACRE.

He reported that the MU had followed up their 'State of the Nation' report by contacting venues who had taken part in the research and had expressed a willingness to offer further information. He said that the strongest negative opinion was amongst those who had previously benefited from the 'Two in A Bar' exemption or where music had been incidental to the main activity of the venue. This seemingly was of particular concern to the jazz community where musicians earned extra income by playing solo or in duos. He welcomed plans for the second round of research focusing on smaller venues.

Action: John Smith to send Secretariat a list of the 94 venues who took part in the research.

Action: Deborah Clarke to send John Smith and Forum the research into the impact of TENs on village halls.

The Chair reported that he had continued to investigate the three Local Authorities who were imposing conditions. He was also going to send another letter to a Police Licensing Officer to find out why he had applied conditions.

Alan James mentioned that there were small voluntary organisations who were dropping out of the live music community because of a lack of knowledge of the system.

Action: Alan James to send the Chair specific examples of where small voluntary run festivals had been cancelled.

Agenda Item 4 - Interim Review of Guidance

Jason De Bono gave feedback on the review. He said that the public consultation will take place over the Summer before the production of a revised version of the Guidance by the end of 2006. The Licensing Review Team is currently analysing responses to the Review to assess whether issues raised can be addressed as part of the Interim Review, part of the Full Review, or would require Primary Legislation to be implemented. The Interim Review Team will consider which of these three options are most appropriate for the Forum's suggested amendments. The Forum has asked the Review to consider amendments around prevention of public nuisance and noise conditions police representations, live music monitoring by LAs, the

Department for Culture, Media and Sport

processes involved in advertising and notification of applications including application for variations to licences.

Agenda Item 5 - Incidental Music

A discussion paper from Stephen Godsall on potential definitions of incidental music was circulated prior to the meeting together with a LACORS response. Following the discussion at the meeting the following Actions were agreed:

Action: Forum to consider the draft put forward by Stephen Godsall with a view to making recommendations to Government that Incidental Music should be further addressed in the Full Guidance Review.

Action: Rachael Rogers to work with Stephen Godsall to work on advice to go on LACORS website.

Agenda Item 6 – Public Land Register

Jason De Bono circulated the 'pilot' version of the Licensed Public Land Register, which DCMS are hoping to put on the website shortly. The Forum agreed that this was a very useful document.

Action: DCMS to circulate draft register and to try and drum up more interest and to add more information, with the aim of officially launching it later in the year.

Agenda Item 7 – Any Other Business

The Chair thanked Jason de Bono, who will be moving to another post within DCMS, for all his work with the Forum.

Date of Next Meeting - 22 September