



department for
**culture, media
and sport**

Live Music Forum

Licensing Act 2003

The experience of smaller establishments in applying for live music authorisation

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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 making new licence applications under the 2003 Licensing Act¹, with specific reference to how they have found the transition and whether they applied for a licence to allow the staging of live music.

1.1. Objectives

- 1.1.1. The survey's overarching aims were to:

- Measure the proportion of establishments that secured authorisation for the provision for live music on their new licences /certificates;
- Identify why some establishments chose not to apply for live music authorisation 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.

This survey has not set out to establish the number or types of live music events being staged under the new licensing regime. That objective will be met by a separate piece of research, once the Licensing Act has been in force for more than 12 months.

- 1.1.2. 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);

¹ For details, see: <http://www.opsi.gov.uk/ACTS/acts2003/20030017.htm>

- 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’)

1.1.3. 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 1.2.9.

1.1.4. In more detail, the survey enables the DCMS to identify:

- The number of establishments that had and did not have a PEL under the old licensing laws;
- The percentage of those with and without PELs who chose to include provision of live music in their application (and the percentage who were successful in securing live music authorisation on their licence);
- The level and nature of representations; the number and type of conditions attached to licenses and the stage in the process at which they were attached;
- Differences by size of establishment, type of establishment and region in which the establishment is based (subject to limitations of sample sizes).

1.2. Methodology

1.2.1. Following a detailed briefing session with DCMS and members of the Live Music Forum, a CATI (computer assisted telephone interviewing) questionnaire was designed, programmed and tested (A copy of this questionnaire appears in Annex 3).

1.2.2. The telephone interviewers were briefed face-to-face by a Research Director and then commenced 18 pilot interviews spread across the different establishment types. Following the pilot, a number of enhancements were made to the questionnaire, based on interviewer feedback and discussions with the DCMS.

1.2.3. The main stage involved a quantitative survey among a sample of 2,101 licensees (or others within an establishment who had overall responsibility for applying for the establishment's licence during the transition to the new licensing arrangements).

1.2.4. 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

1.2.5. 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) figures². (Full details are available in the technical report);
- The proportion that each establishment makes up of the total universe, again based on information provided by the VOA. ('Proportion of universe').

² <http://www.voa.gov.uk>

Table 1 Sample by establishment type

Type of establishment	Sample (unweighted)	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
Community halls	198	9	28,694	21
TOTAL	2,101		135,704	

Source: Ipsos MORI

1.2.6. The survey results were then adjusted by being weighted back into their correct proportions by establishment type and region (i.e. England and Wales), so as to better reflect the overall distribution of the target audience types.

1.2.7. Interviews were conducted over the telephone, by Ipsos MORI's telephone centre, between 16th August and 13th September, 2006.

Number of areas used for live music performances

1.2.8. As discussed in the technical specification, our sample was designed to include micro, small and medium/large sized establishments. In Table 2 below we show the number of areas each establishment had for putting on live music.

Table 2 Number of areas for live music performance

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

Base: All except those who did not put on music under old regime and have not applied to do so with new licence (1,174)

	%
One	62
Two	21
Three	7
Four	2
Five	1
Six-seven	*
Eight-ten	*
Eleven or more	*
None	5
Don't know	2
Not asked ³	*

Source: Ipsos MORI

Capacity

1.2.9. For each of the establishments we have also calculated their total capacity by aggregating the capacities of all their separate areas for putting on live music. A full explanation of how this was done is included in the technical specification. As can be seen in the table below (Table 3), student unions are the most likely to have larger establishments.

³ See the technical report for more details.

Table 3 Overall size of establishment

Base: All, except those who did not put on music under the old regime and have not applied to do so under the new regime, and have at least one area for putting on live music (and know its size)

	Base	Micro (capacity up to 100 people)	Small (capacity 101 – 500 people)	Medium/Large (capacity over 500 people)
		% across		
All respondents	(1,369)	37	56	7
Type of establishment				
Public houses, wine bars and nightclubs	(706)	48	47	5
Hotels & inns	(141)	34	53	13
Student unions	(56)	-	20	80
Restaurants and cafés	(92)	61	36	4
Members clubs & associations	(210)	27	65	8
Community halls	(164)	20	73	6

Source: Ipsos MORI

1.2.10. Based on this aggregated data, of all establishments except those who did not put on music under the old regime and have not applied to do so under the new regime, and have at least one area for putting on live music (and know its size) nearly four out of ten (37%) of the establishments can hold fewer than 101 people in total in areas for putting on live music in their establishment. A further 56% have a capacity of between 101 and 500 people in their main or only area, and just 7% have a capacity greater than 501 in their combined areas.

1.3. Presentation and interpretation of the data

- 1.3.1. Within this report the results are 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. Please note that not all of the questions were answered by all respondents. The percentages used within the report may therefore reflect the views of those in each sub-group, rather than the entire sample. In each chart and table, the base definition is clearly set out.
- 1.3.2. As a sample of the population rather than the whole population was interviewed, results are subject to sampling tolerances, and not all differences between sub-groups may be statistically significant. For more information on sampling tolerances, please refer to Annex 4. There is a margin of error around the results, which is the case for all surveys as results are based on a sample of establishments rather than *all* establishments.
- 1.3.3. An asterisk (*) in the tables and figures in this report and the accompanying computer tables denotes a value of less than 0.5%, but greater than zero. Mean score calculations are derived from raw data, in order to provide more accuracy.
- 1.3.4. Where a question allowed respondents to make multiple responses the % shown in the tables is the % of establishments that mentioned that particular option. If a respondent made the same point multiple times in response to the same question this would be counted as one response. Equally, if a respondent made two different points they would be counted as two separate responses.
- 1.3.5. One of the key objectives for undertaking this piece of research was to investigate the impact of the Licensing Act 2003 on smaller establishments (defined in this case as those in the “*micro*” and “*small*” categories). Where there are **statistically significant** differences between these establishments and the larger establishments in their experience of the Act we have put this information in boxed text. Please note, again, that the definition upon which the sizing was based relates to each establishment’s capacity for staging live music events. Those establishments which stated that they do not have any areas suitable for staging live music are excluded. (Whilst we could possibly assume that they are smaller in size, we do not know this for certain.)

1.4. Publication of the data

- 1.4.1. Ipsos MORI’s Standard Terms & Conditions of Contract apply to this survey, as to all those that we undertake. No press release or publication of the findings from this survey 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. Executive summary

2.1.1. This Executive Summary 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 Act⁴, with specific reference to how they have found the transition and whether they applied for a licence to allow the staging of live music.

2.1.2. 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

2.1.3. 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?

2.1.4. 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.

2.1.5. 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

⁴ For details, see: <http://www.opsi.gov.uk/ACTS/acts2003/20030017.htm>

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).

- 2.1.6. 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?

- 2.1.7. 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

- 2.1.8. 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.
- 2.1.9. 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

- 2.1.10. 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.

2.1.11. 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

2.1.12. 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.

3. Background

3.1. Overview – Introduction of the Licensing Act

3.1.1. 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.

3.1.2. 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.

3.1.3. 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.

3.1.4. 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.

3.1.5. The Government also believed live music provision would benefit from the abolition of the “two in a bar rule” which, when coupled with the very high rate of some public entertainment licensing fees, had previously acted as a disincentive to more diverse forms of music.

3.1.6. Under the new regime, there is no additional fee when applying for authorisation to provide musical entertainment, when applying at the same time for other licensable activities such as the sale of alcohol. The new premises licence fees have been set centrally by the Secretary of State to ensure consistency across the country. The need for a separate Public Entertainment Licence (PEL) has now disappeared.

- 3.1.7. In order to obtain a licence or certificate, the applicant has to apply on the same form for authorisation to carry out all licensable activities⁵. They also have to give additional details such as the layout of the premises, the forms of entertainment that are to be provided, the hours and days to be licensed and a statement about the steps they will take to promote the four licensing objectives, as outlined above.
- 3.1.8. More details of the changes brought about by the 2003 Licensing Act are contained in Annex 1.
- 3.1.9. The run-up to the introduction of the 2003 Licensing Act saw a great deal of negative press coverage in the trade and general press. A number of reports suggested that the transition was likely to be badly handled, with licensees largely uninformed about the process, and slow to make their applications. This, in turn, it was suggested, would leave many premises without licences when the Act came into force. The following extract from *The Guardian* (19th March 2005), reflects the general theme:

Crisis looms over longer pub hours

Local authorities and pub trade bodies yesterday warned that the government's much-criticised extended opening hours regime was already close to crisis - even before the first licences had come into force.

The system, designed to simplify licensing regulations, requires all pubs, bars, hotels, clubs, off licences and supermarkets to submit building surveys and complete a 27-page form, sending copies to between eight and 11 public bodies, including police, councils and fire services.

Hundreds of thousands of applications were expected to flood into councils six weeks after the first stage of a licensing law took effect.

However, authorities around England and Wales have only received several hundred forms, according to the Local Government Association.

Westminster, the largest licensing authority with 3,600 premises, has received 27 applications, 15 of which were filled out incorrectly.

Camden has received two applications from 1,700 premises, while Chester has received none, as have a string of other authorities. "The number we have received is scarily low and we are deeply worried about whether the act will work," a senior LGA official said yesterday.

⁵ The application form(s) and guidance notes on completing them can be found on the DCMS website: www.culture.gov.uk/what_we_do/Alcohol_entertainment

3.1.10. As well as adverse media coverage of the potential effects of late night opening, there were also objections voiced over the potential negative effect the new 2003 Licensing Act may have on the provision of live music. Critiques of the new Act said that a number of establishments objected to its introduction and predicted that a number of licensees may abandon putting on live music altogether:

- **Licence fear for live music scene** (www.bbc.co.uk/news 1st August 2005);
- **New live music rules could halve number of gigs** (The Guardian, 2nd August 2005).

3.1.11. These criticisms included the anticipated slowness of licensees in applying for a new licence generally, whether or not it included live music, plus the cost associated with obtaining authorisation to provide live music, the abolition of the 2-in-a-bar exemption, and the potential extra costs which may be involved in having to comply with conditions in order to stage live music.

3.1.12. In the lead up to the Act's introduction, licensees had to apply to convert their previous licences and certificates, and were given the opportunity to vary aspects at that time (e.g. by extending hours or adding licensable activities). All those surveyed had gone through the application process for themselves and had first-hand knowledge of the procedure and the outcome for their establishments.

3.1.13. This survey looked specifically at the new licence application process to determine how successful these establishments were in securing authorisation to stage live music and to examine, where applicable, the reasons why applicants decided not to apply for authorisation to stage live music. This will provide the LMF and DCMS with an understanding of spread of live music authorisations, the factors affecting decisions to apply and the experience of the process.

4. Main findings

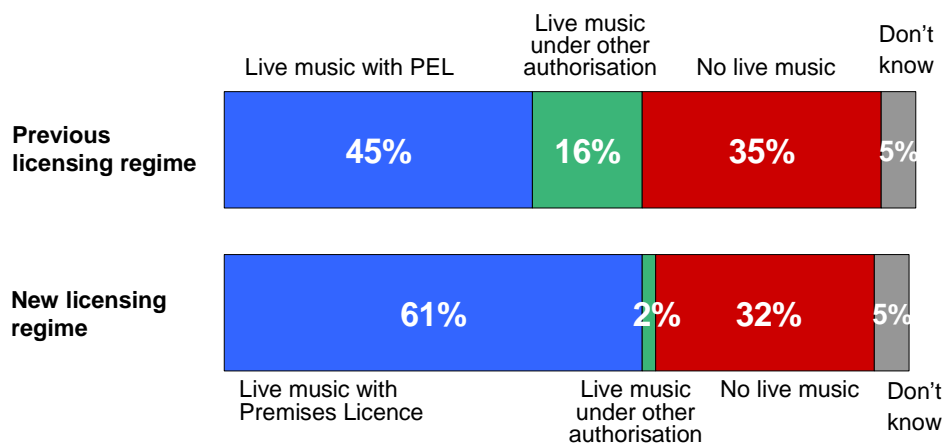
- 4.0.1 One of the key objectives for undertaking this piece of research was to investigate the impact of the Licensing Act 2003 on smaller establishments (defined in this case as those in the “*micro*” and “*small*” categories). Where there are **statistically significant** differences between these establishments and the larger establishments in their experience of the Act we have put this information in boxed text. Please note, again, that the definition upon which the sizing was based relates to each establishment’s capacity for staging live music events. Those establishments which stated that they do not have any areas suitable for staging live music are excluded. (Whilst we could possibly assume that they are smaller in size, we do not know this for certain.)
- 4.0.2 Perhaps the most noticeable result is the similarity in responses between those with a capacity of fewer than 501 and those with a larger capacity. There are, in fact, very few responses where the difference is statistically significant.

4.1. Authorisation to stage live music

- 4.1.1. As can be seen in Chart 1 below, under the previous licensing regime 60% of establishments had authorisation to stage live music: 45% say they had a Public Entertainment Licence (PEL) and a further 16% put on live music under another authorisation, such as the 2-in-a-bar exemption⁶. This overall proportion is very similar to the current situation - six in ten (63%) establishments have authorisation for live music performances, either on their new Premises Licence (61%) or through another form of authorisation (2%), such as a Temporary Event Notice (TENS).

⁶ NB 60% is calculated using the raw data rather than rounded figures so whilst the two constituent figures (16% and 45%) appear to add to 61% when the un-rounded figures are used they sum to 60%.

Chart 1 Comparison of music authorisations under previous and current licensing regime



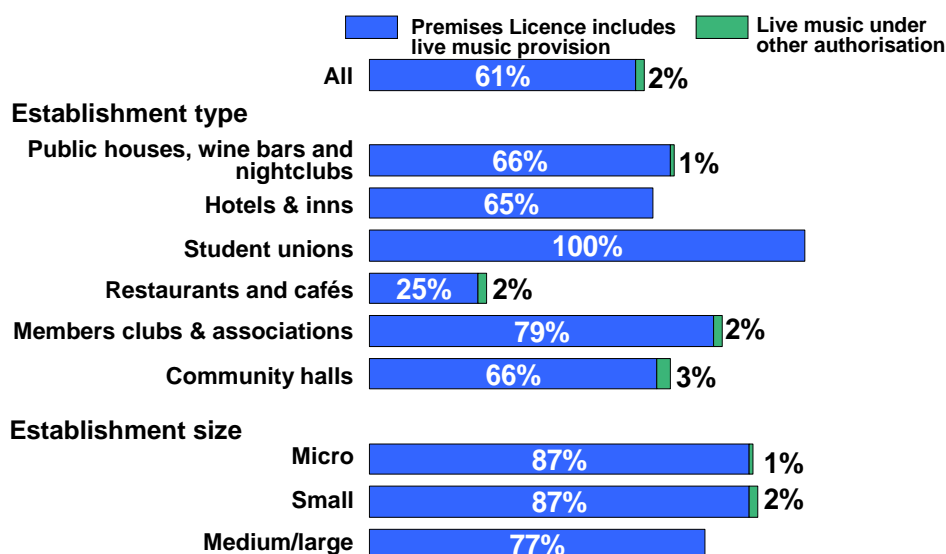
Base: All establishments (2,101)

Source: Ipsos MORI

- 4.1.2. However, as a result of these changes, a larger proportion of establishments now have authorisation to put on live music events and many of those who previously operated under the 2-in-a-bar exemption are not now limited to a given number of musicians⁷.
- 4.1.3. Student unions are the most likely establishments to have a Premises Licence with authorisation to stage live music, while restaurants and cafes are least likely. (See Chart 2 below.)

⁷ Some of those applying for a licence voluntarily added conditions including restrictions on the numbers of musicians they would have performing at one time.

Chart 2 Authorisations establishments can use/are using to stage live music under new licensing regime (All establishments)



NB Size sub-groups based only on establishments which have one or more areas with capacity for staging live music
 Base: All establishments (2,101)

Source: Ipsos MORI

4.1.4. As might be expected, micro establishments (capacity up to 100) were less likely than the other establishments to have had a PEL under the old licensing regime. Micro and small establishments were also more likely to have operated under 2-in-a-bar. Although the base sizes are very small, it would appear that the micro and small establishments are also marginally more likely to have put on music under the new regime, using an authorisation other than a Premises Licence.

4.2. Establishments which used to be authorised to stage live music

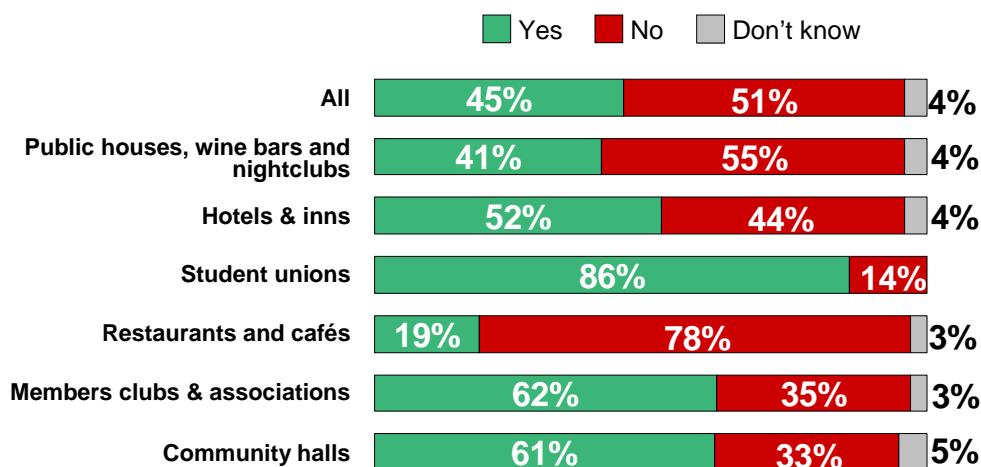
4.2.1. In this section, we discuss what happened under the previous licensing regime. In particular, the percentage of establishments with and without PELs, and other means by which respondents chose – and were able – to put on live music.

Public Entertainment Licences

4.2.2. Just under half of establishments (45%) had a PEL under the old licensing system. This varied significantly by establishment type, with student unions the most likely to have held a PEL, and restaurants and cafés the least likely (see Chart 3). Medium/large establishments are significantly more likely to say they had a PEL under the old licensing regime than small and micro establishments.

Chart 3 Establishments which had a PEL – by type of establishment

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?

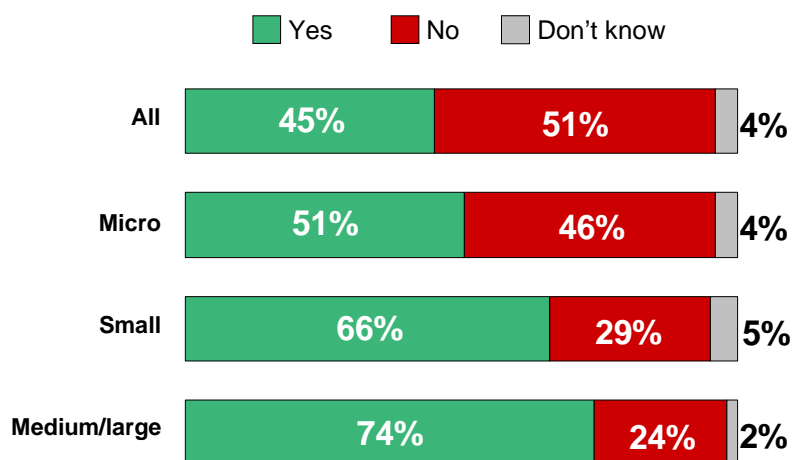


Base: All establishments (2,101)

Source: Ipsos MORI

Chart 4 Establishments which had a PEL – by size of establishment

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?



Base: All establishments (2,101)

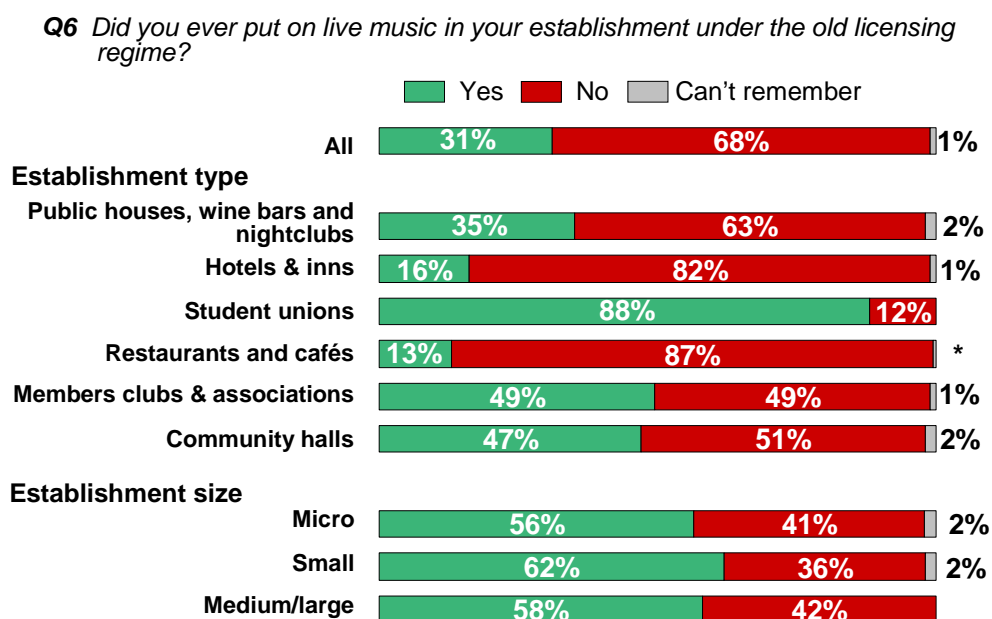
Source: Ipsos MORI

4.2.3. Regionally, establishments in the North East (59%) were more likely than in any other region to have held a PEL. Those in London (27%), on the other hand, were less likely than others to do so – perhaps due to the higher costs of the PEL in some of the London boroughs or potentially, a relatively greater number of smaller establishments.

Live music events under the previous licensing regime

4.2.4. Under the previous licensing regime, in addition to those who had PELs (45%), 16% of all establishments put on live music under other authorisations or exemptions, including 2-in-a-bar. This equates to 31% of all those without a PEL staging live music events (see Chart 5). Smaller establishments were most likely to put on live music without a PEL (26% of all micro establishments compared with just 14% of all medium/large establishments).

Chart 5 Establishments previously putting on live music without a PEL



NB Size sub-groups based only on establishments which have one or more areas with capacity for staging live music
 Base: All establishments who did not previously have a PEL (1,088) Source: Ipsos MORI

4.2.5. Aside from PELs, and as can be seen in the table below, the most common authorisations used to put on live music were the 2-in-a-bar exemption (7% of all establishments, or 44% of those who played music without a PEL). This was particularly the case in public houses, wine bars and nightclubs, whereas members clubs appeared more likely to put on music without official authorisation (22% of those putting on live music without a PEL), or as a Registered Members Club (31%)⁸. Micro establishments were significantly more likely to operate under this than the larger establishments (52% of micro versus 34% small and 16% medium/large). It was also more commonly used in establishments in the South of England (58% in South East and 59% in South West⁹).

⁸ Under the previous licensing regime, private members clubs did not need a licence for providing entertainment during 'permitted hours' (i.e. pub opening times).

⁹ Small bases: 55 and 34 respectively.

Table 4 Authorisation under the old licensing scheme

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

	All who put on live music without a PEL	All Establishments
Base	(325)	(2,101)
Top Mentions	%	%
Under the 2-in-a-bar exemption	44	7
Under a short term / temporary public entertainment licence	17	3
Under another authorisation or exemption	13	2
Without official authorisation	11	2
Registered Members Club	5	1
Music was incidental to a religious service	2	*
Premises with a theatre licence (i.e. where music is associated with the play and does not need a PEL)	1	*
It was an open space that the Local Authority did not require to be licensed (e.g. village green)	*	*
Don't know	9	1

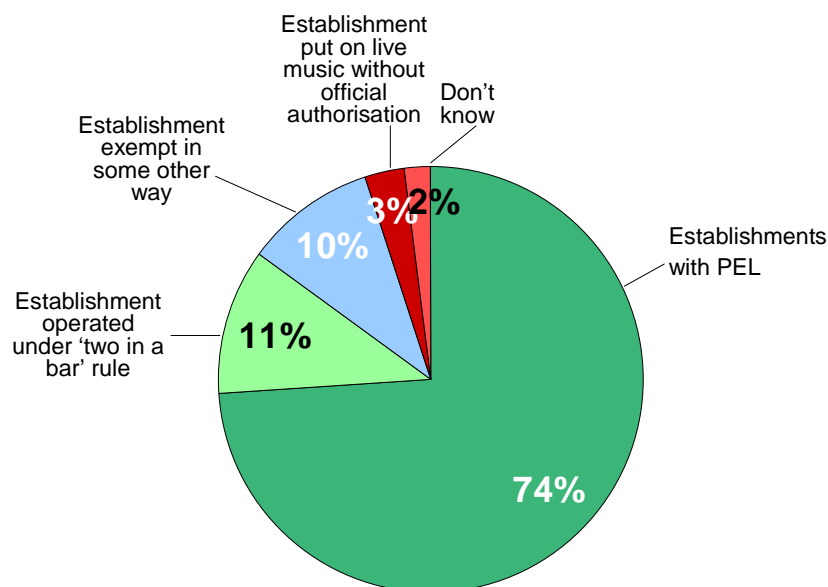
Source: Ipsos MORI

4.2.6. Overall, 70% of establishments that used to stage live music without a PEL now have a licence enabling them to stage live music events (out of those who know whether or not their new licence includes provision of live music.)

4.3. 2-in-a-bar exemption

4.3.1. Seven per cent of all establishments operated under the 2-in-a-bar exemption under the old licensing regime (86% of these establishments were public houses, wine bars and night clubs).

Chart 6 How establishments previously put on live music



Base: All establishments that had a PEL or staged live music (1,264)

Source: Ipsos MORI

- 4.3.2. Seven in ten establishments (71%) who previously put on live music under the 2-in-a-bar exemption applied to allow the provision for live music on their licence. Just one per cent had their application denied which means that 70% of establishments which previously operated under 2-in-a-bar are now able to stage live music when they want and, if they so wish, with any number of musicians¹⁰.
- 4.3.3. Of the 26% of 2-in-a-bar establishments which didn't apply (42 respondents in total), the most common reason given is insufficient capacity – 39% say their establishment is unsuitable - while 17% simply say they wouldn't use it¹¹. Another 10% mention cost and 5% the bureaucracy (N.B. this is only 3 respondents). Six respondents who used to operate under 2-in-a-bar say that they have put on live music since the new Licensing Act came into force under other authorisations. As these are very small base sizes – representing less than half of one per cent of all establishments – the results should be treated with caution. However, the fact that so few appear to be put off by perceptions of bureaucracy is worth noting.
- 4.3.4. One in five (22%) previous 2-in-a-bar operators who did apply for a licence received an objection (compared with 15% of the general population who applied). These tended to be about noise levels from the music (88% vs. 68% of all those who received objections), or noise levels caused by the customers (45% vs. 31%).

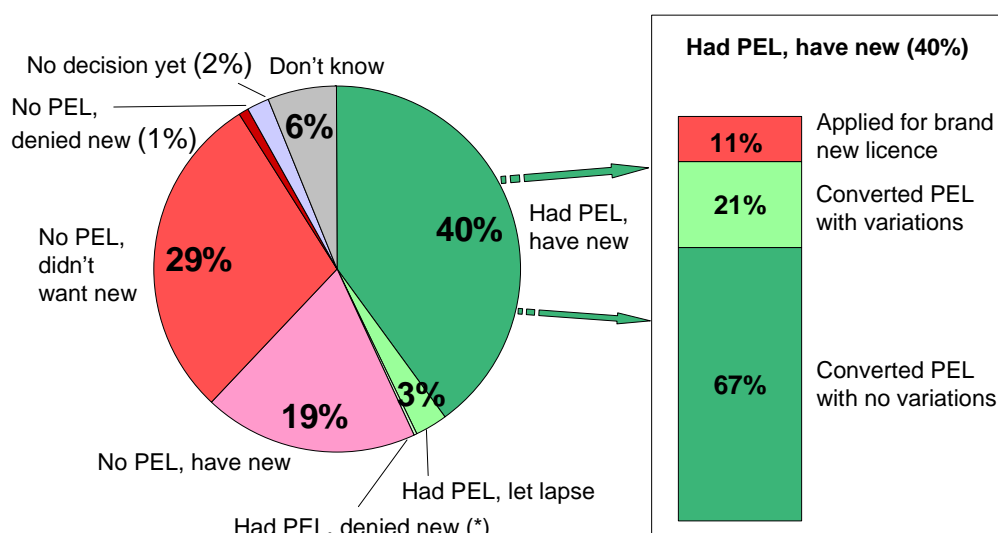
¹⁰ Unless they chose to add a condition restricting the number of performers: 9 of these venues did so.

¹¹ Whilst it may appear odd that some venues operating under the 2-in-a-bar rule have not applied for live music on their licence because their venue is deemed unsuitable, a number of factors may be at work; e.g. changes of management, new layout, or simply a change in policy.

4.4. Changes brought about by the new Licensing Act

- 4.4.1. The new Licensing Act has changed the process of applying for a licence and, specifically, the way in which a live music licence is obtained. In this section we discuss these changes and the impact they have had on establishments.
- 4.4.2. The survey results reveal that the most common route for those who previously had a PEL was to convert the licence without a variation (61%) – i.e. to maintain the status quo. Just over a fifth (22%) varied one or more aspects of their licence (which may have included extending the hours; amending the licensable activities or removing unnecessary conditions); and 14% took out a completely new licence.
- 4.4.3. As discussed in Section 4.1 above, three in five (61%) establishments now have a licence to put on live music. Chart 7 below summarises the situations of all the establishments interviewed at the time of the survey. The largest group are those who previously had a PEL and now have permission to put on live music under their new licence (40%). The second largest group are those who did not have a PEL and chose not to apply for permission to put on live music under their new licence. Of all the different establishment types, Community halls are the most likely to say they do not know the outcome of the application for their new licence, or that they are still waiting for a decision (5% compared to 2% overall).

Chart 7 Routes taken to arrive at the current licensing situation with regard to staging live music



Base: All establishments (2,101)

Source: Ipsos MORI

- 4.4.4. Excluding those who simply converted their PEL, just over half of all establishments applied for the provision of live music on their new Licence. Student unions, and members clubs and associations

were the most likely types of establishment to do this¹². The size of establishment was not related to this decision.

Table 5 Those who *did* and *did not* choose to apply for live music authorisation in their application

Q13a Did you apply to allow for the provision of live music on your new licence application?

Base: All except those who converted their previous PEL with no variations

		Yes	No	Don't know / not answered
	Base	% across		
All	(1,533)	51	45	4
Type of establishment				
Public houses, wine bars and nightclubs	(795)	62	36	2
Hotels & inns	(140)	45	52	1
Student unions	(28)	100	-	-
Restaurants and cafés	(301)	17	79	4
Members clubs & associations	(147)	71	26	4
Community halls	(122)	54	36	10
Size of establishment*				
Micro	(362)	86	12	3
Small	(423)	84	11	5
Medium/large	(72)	85	13	2

* Size sub-groups are based only on establishments which have one or more areas with capacity for staging live music

Source: Ipsos MORI

4.4.5. As before, there are some establishments which are still putting on live music without a licence, such as through TENS, incidental music and live music with no authorisation. This, though, is a very small proportion (only 4% of those who do not have a new licence, which equates to 2% of all establishments). The base is too small (32) to identify any significant differences between subgroups.

¹² NB the base size for student unions is too small for significance testing but 100% of those answering applied for provision of live music in their Premises Licence application.

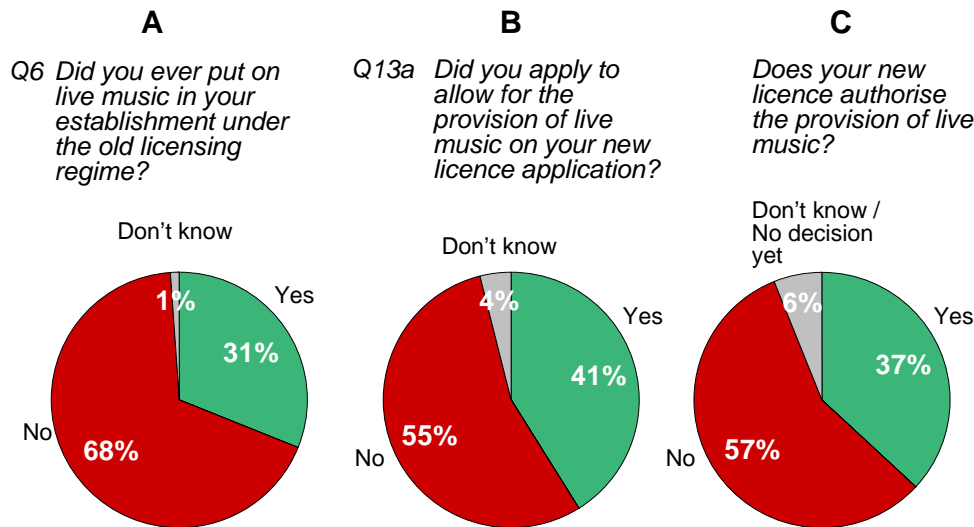
4.4.6. In the next two sections we discuss separately the experiences of those who did and did not have a PEL during the previous licensing regime, to look at the impact the 2003 Licensing Act has had on these different groups.

Impact on those who previously did not have a PEL

4.4.7. A quarter (25%) of establishments which did not have a PEL nor put on music under the old licensing regime now **do** have a licence that allows them to play live music. Public houses, wine bars and night clubs are most likely to fall into this category (42%).

4.4.8. Out of **all** those who did not previously have a PEL, two in five (41%) applied for authorisation to put on live music on their new licences (see 'B' in Chart 8, below). Nine in ten of those who applied (or 37% of all those who did not previously have a PEL) were successful (see 'C' in Chart 8 below). Around 69% of those who used to stage live music without a PEL applied for a new licence allowing the provision of live music.

Chart 8 Establishments which did not have a PEL



Base: All establishments who did not previously have a PEL (1,088)

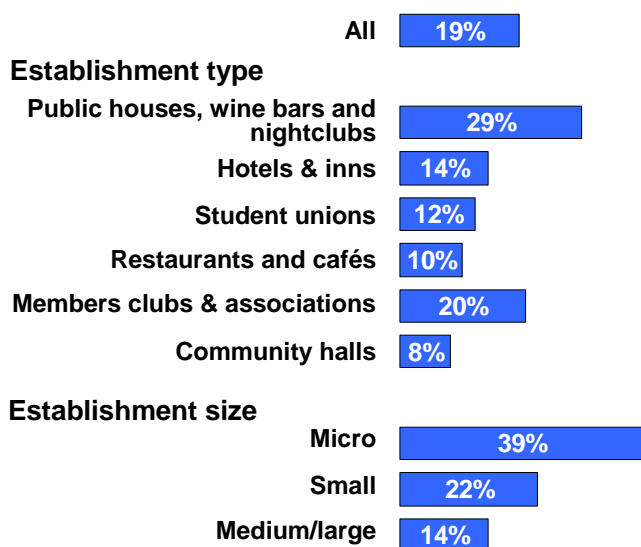
Source: Ipsos MORI

4.4.9. Fewer than three in ten (28%) establishments which say they used to put on live music without a PEL do not have authorisation to put on live music under their new licence. Predominantly these establishments **chose not** to apply for authorisation (97%) and only 3% applied for authorisation but had their application refused. The main reasons some chose not to apply for a new licence were that they felt they *“wouldn't use it”* (24% of those who did not apply mentioned this reason, or 1% of all establishments) or their establishment was *“unsuitable/not appropriate”* (22% of establishments). Just seven per cent of establishments said that the *“cost of applying for a licence/advertising”* had put them off. Six per cent,

meanwhile, did not apply because they felt that the “cost of putting on events” was prohibitive.

4.4.10. In total, 19% of all establishments which previously did not have a PEL now have a Premises Licence enabling them to stage live music events. Pubs, wine bars and nightclubs account for 63% of this change. The chart below (Chart 9) shows the proportions of establishments in different categories that have gone from having **no** PEL to now possessing a Premises Licence which allows them to put on live music events.

Chart 9 Proportion of establishments who previously did not have a PEL, that now have a Premises Licence authorising live music



NB Size sub-groups based only on venues which have one or more areas with capacity for staging live music

Base: All venues (2,101)

Source: Ipsos MORI

Impact on those who previously had a PEL

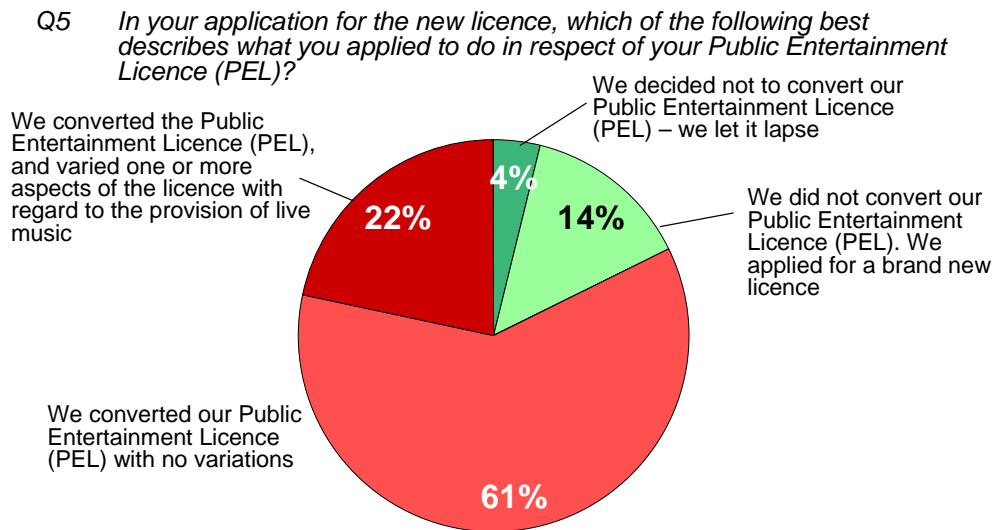
4.4.11. As can be seen in Chart 10 below, the majority (61%) of those involved in new licence applications in establishments that previously had a PEL decided to convert with no variations. This was particularly the case for hotels and inns (72% of whom converted with no variation). Public houses, bars and nightclubs were least likely to choose this option (54% converted with no variation), although this was still the most common route for them to take (see Table 6 below).

4.4.12. Just over one in five (22%) chose to convert their PEL with a variation regarding the provision of live music. This route was particularly common amongst student unions (37%), public houses, wine bars and nightclubs (29%) and members clubs and associations (28%) and was significantly more common for medium/large establishments (34%). One in four (26%) of those who applied for a variation in their licence included conditions relating to the staging

of live music events. These generally related to the “*timings of events*”, or “*having doors and windows shut*”.

4.4.13. Finally, just under one in seven establishments (14%) chose not to convert their PEL and instead applied for a brand new licence, while fewer than one in twenty-five (4%) let their PEL lapse completely. Applying for a new licence rather than converting the PEL was most common amongst new licensees (26% of those who have been a licensee for less than 2 years applied for a new licence rather than converting their PEL) and less common in medium/large establishments (5% of medium/large establishments).

Chart 10 What establishments did with their PEL



Base: All who previously held a PEL (939)

Source: Ipsos MORI

4.4.14. The table below (Table 6) looks at what each type and size of establishment chose to do with respect to their PEL.

Table 6 Application for new licence (establishments with PELs)

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)?

Base: All who previously had a PEL

		No variations	Varied one or more aspects	Applied for brand new licence	Let PEL lapse
	Base	% across			
All	(939)	61	22	14	4
Type of establishment					
Public houses, wine bars and nightclubs	(423)	54	29	12	5
Hotels & inns	(116)	72	17	7	4
Student unions	(49)	58	37	5	0
Restaurants and cafés	(66)	63	13	19	6
Members clubs & associations	(160)	64	28	7	1
Community halls	(125)	65	11	19	4
Size of establishment					
Micro	(270)	65	21	11	3
Small	(456)	61	22	15	3
Medium/large	(110)	57	34	5	3

Source: Ipsos MORI

4.4.15. The majority (90%) of those who previously had a PEL also have authorisation for putting on live music under their new premises licence. Fewer than one in ten (7%) chose not to obtain authorisation to put on live music under their new licence, and a very small proportion (less than 1% or 5 establishments out of the 2,101 taking part in the survey) applied for permission but had it denied – the reasons for having permission denied or choosing not to apply are discussed in sections 4.5 and 4.7 below. Finally, 2% are unsure or do not yet know the outcome of their application.

4.5. Conditions placed on licences

4.5.1. There are four stages where conditions could be incorporated into a premises licence which we discuss in detail in this section¹³:

- Conditions inserted as part of the initial application;

¹³ Throughout this section we have excluded those who simply converted their PELs into new Premises Licences.

- Conditions added by the applicant following mediation;
 - Conditions added by licensing sub-committees as a result of a hearing;
 - Conditions added after an appeal.
- 4.5.2. Overall 35% of those applying for authorisation to put on live music had conditions incorporated into their licence regarding live music:
- 29% included conditions themselves at the application stage;
 - 15% received objections, 57% of which led to changes, including conditions being attached to the licence.
- 4.5.3. Just **two** establishments (out of the 89 who went through the hearing process) had an appeal against the result of a hearing – for one the outcome is unknown, for the other the outcome was to keep restrictions added in the hearing.
- 4.5.4. Because of the low number of respondents in the sample who received objections (6% of all establishments) or went through the appeals process (9 respondents, or less than half of one percent of all establishments), we are not able to draw any further conclusions from the results.

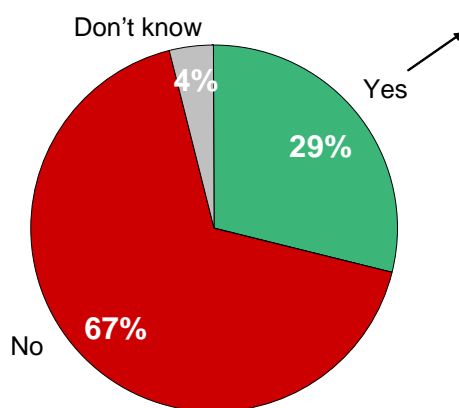
Conditions

- 4.5.5. As mentioned above, three in ten (29%) of those who applied to include live music in their licence (excluding those who directly converted their PEL) included conditions in their initial application. This was highest among student unions (39%), hotels and inns (35%) and public houses, wine bars and night clubs (32%). Establishments that previously held a PEL were found to be less likely to include conditions than those who did not (25% versus 32%). This may be because their PELs already included a number of standard conditions and the applicants did not feel they had to put forward any additional ones.
- 4.5.6. Regionally, the establishments most likely to voluntarily include conditions in their initial applications were those in the North West (43%).
- 4.5.7. The most common condition or restriction added as part of the initial application was a “*restriction on timing of events*”: This was included in the applications of over half of those who attached conditions (54%). This condition was common across the different establishment types and sizes. Other conditions attached at the application stage included “*keeping the doors and/or windows shut*” (18%) and a “*restriction on the number of performers*” (17%). This last point may indicate that some establishments deliberately restricted their application to a small number of performers, perhaps in line with the

previous 2-in-a-bar exemption, in the belief that their application would have a better chance of success (see Chart 11 below).

Chart 11 Conditions establishments incorporated into their applications

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.



Base: All establishments who applied for music authorisation in their new licence except direct conversions of PEL (800)

Q13c. What were the restrictions or conditions relating to the provision of live music?	
Top Mentions	%
Restrictions on timing of events	54
Doors/windows shut	18
Restrictions on number of performers	17
Noise limiter installation	8
Sound-proofing required	7
Restriction on size of audiences	4
Sound/noise monitoring/checking noise levels	4
Limit the number of events	4

Base: All establishments who attached conditions (243)

Source: Ipsos MORI

Objections

4.5.8. The new Act is intended to give local communities a greater say in the licensing decisions that affect them. “Interested parties” (see below) can object to an application if they believe that what is being applied for will undermine any of the four licensing objectives¹⁴.

4.5.9. For any premises, “interested parties”¹⁵ are those who are entitled to make representations to the licensing authority about applications for the grant, variation or review of premises licences or club premises certificates. Interested parties can also ask for a review of a premises licence or club premises certificate if problems arise.

4.5.10. One in seven (15%) of those who applied to include live music in their licence application (excepting direct conversions of a PEL) received objections that affected their application to provide live music. The only statistically significant difference was that public houses, bars and nightclubs were slightly more likely than average to receive one or more objections (19%)¹⁶. There were no differences in the proportion of establishments of different sizes receiving objections.

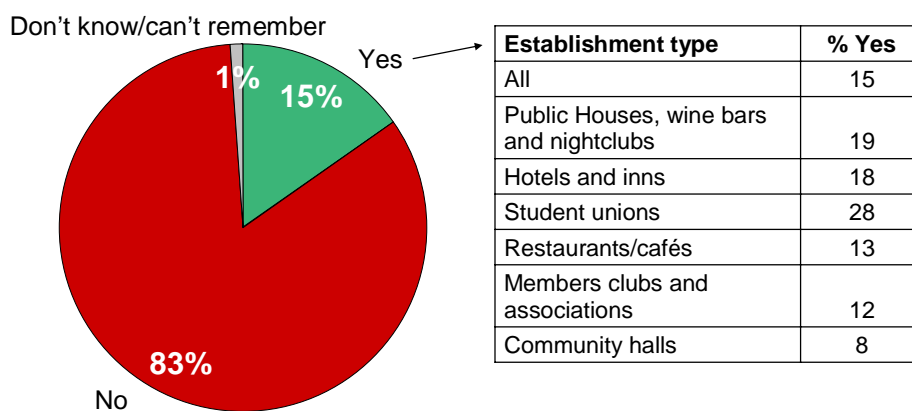
¹⁴ See glossary in Annex 2 for details

¹⁵ See glossary in Annex 2 for details

¹⁶ The percentages are too small for much sub-group analysis of this question.

Chart 12 **Those who received objections**

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



Base: All establishments who applied to include live music in their new premises licence except direct conversions of PEL (800)

Source: Ipsos MORI

4.5.11. It appears that including conditions in the application initially did not necessarily lead to a reduction in objections. The difference between the percentage of applicants who chose to include conditions in their application who then received objections (19%) and those who chose not to include their own conditions who received objections (14%) is not statistically significant.

4.5.12. Among those who applied to include live music in their licence (except those who directly converted their PEL) and received objections, the bulk of the objections came from local residents or their representatives (e.g. MP or Councillor). This was the source of the objection in nearly four out of five cases (77%)¹⁷. Other objections came from Environmental Health (12%) and bodies representing local residents (e.g. residents groups/ parish councils) (5%). (See Table 7).

¹⁷ NB The percentages are too small for sub-group analysis of this question.

Table 7 Who made objections regarding the application for the provision of live music

Q16 Who made the objections relating to the provision of live music?

Base: All who received objections to the application for live music in licence (133)

	%
Local resident(s) or someone representing them (e.g. MP or councillor)	77
Environmental Health	12
A body representing local residents (e.g. residents group/ Parish Council)	5
Police	4
The council ¹⁸	2
Planning Authority	2
Other	1
Don't know	2

Source: Ipsos MORI

4.5.13. The main reason for objections to the applications for live music related to the “*noise levels of music*” (68%) – way ahead of any other objections which mainly related to the “*timing of the events/finish time*” and the “*noise levels of the customers*”.

4.5.14. On average, the establishments that received objections mentioned one or two different types of objection. Other objections included the time of the events/finish time (33%) and the noise levels of customers (31%). For a full list see the table below (Table 8).

¹⁸ Whilst “the council” per se cannot make an objection to a licence application, these responses presumably relate to bodies from within the Council, such as Environmental Health, or Health and Safety

Table 8 What were the objections regarding live music

Q17 What, specifically, did the objections regarding live music relate to?

Base: All who received objections to application for live music in licence (133)

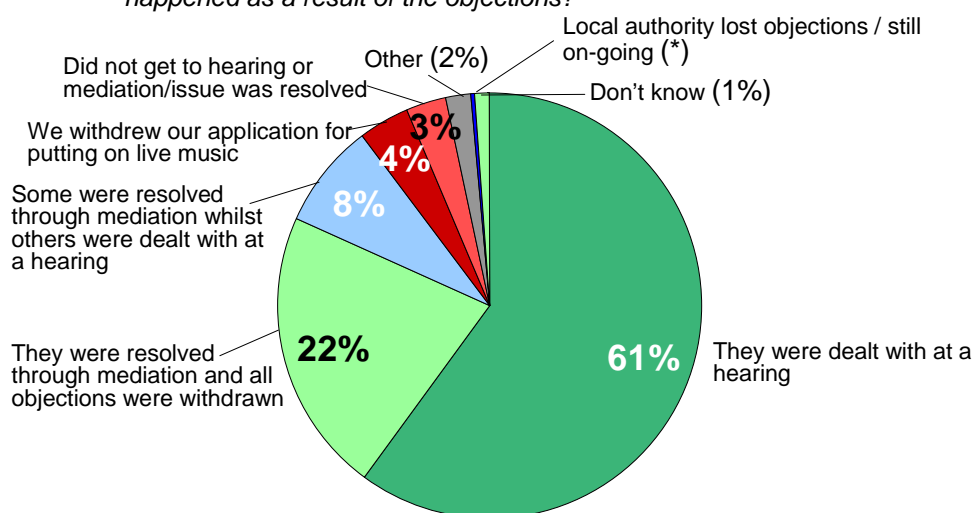
Top Mentions	%
Noise levels - music	68
Time of events/finish time	33
Noise levels - customers	31
Customer behaviour	8
Car parking	3
Not enough/no limit on the frequency of events	2
Type of music	*
Other	10

Source: Ipsos MORI

4.5.15. Six in ten (61%) of those receiving objections went on to a **hearing** and just over a fifth (22%) resolved their objections through **mediation**. A further 8% settled some of their objections via mediation but had to deal with others via a hearing. Those remaining either withdrew their application, resolved the issues, or did something else (see Chart 13 below).

Chart 13 Outcome of objections

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



Base: All establishments who received objections (133)

Source: Ipsos MORI

4.5.16. In summary, therefore, out of all of those who applied for the provision of live music as part of their Premises Licence who did not directly convert their PEL (i.e. 37% of all establishments), 15% received objections (119 establishments out of the 2,101 surveyed).

In one per cent of cases, the applicant withdrew their application. Nine out of ten (92%) had their licence application granted including the provision of live music, whilst 2% had their application denied and a further 5% still do not know the outcome of their application. Of those who applied for provision of live music on their licence excluding those who directly converted a PEL, 9% had conditions added either following mediation or a hearing.

Mediation process

4.5.17. Only 36 of the establishments included in our survey went through mediation and 23 of these attached conditions to their licence as a result of this process. Conditions were most likely to be placed on “*the timing of events*” (43%, or 10 establishments), the requirement to “*shut windows and doors*” (29% - 7 establishments) or a requirement to “*do what is necessary to alleviate noise disturbance*” in the adjoining or nearby buildings (28% - 6 establishments).

Hearing process

4.5.18. Of the 89 establishments who went through to a hearing, six in ten had conditions attached to their licence as a result of this process. Again, with the most common relating to the “*timing of the events*”, the “*shutting of windows and doors*” and the “*installation of a noise limiter*” (see Table 9).

Table 9 Conditions attached as a result of a hearing

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?

Base: All who had conditions attached as a result of a hearing (55)

Top Mentions	%
Restriction on timing of events	48
Doors/ windows shut	36
Noise limiter installation	21
Told to make whatever arrangements I felt necessary to ensure no noise disturbance in adjoining/ nearby buildings	13

Source: Ipsos MORI

Appeals from other parties

- 4.5.19. As seen in Table 9 above, 55 establishments had conditions or adjustments made to their licence as a result of the hearing process. In only two of these cases the decision was appealed by someone else – one of which came from a local resident and the other from a local business. In one of the cases the appeal was made because the person felt the licence should not have been granted, the other establishment was unsure of the exact nature of the appeal.
- 4.5.20. In one case the respondent did not know or did not wish to comment on the outcome of the appeal. In the other the licence was granted with the restrictions added during the hearing.

Appeals by establishments

- 4.5.21. Of the 55 establishments which had conditions attached to their licence as a result of a hearing, six establishments **appealed** against this decision, primarily as they believed that “*less restriction*” or “*different/fewer conditions*” should have been applied to their licence, or to a licensable activity. (This, of course, equates to less than half of one per cent of the entire sample who appealed against a decision.)
- 4.5.22. In three out of the six appeals by establishments, no amendments were made. Of the remainder, one of the three had the condition they appealed dropped and the other two had the conditions softened. Of course, the very small base size makes this finding indicative rather than representative of the wider picture.
- 4.5.23. A sizable minority (23 out of 49) of those who chose not to appeal did not do so because they were happy with the live music the licence authorised. A further 13 out of 49 establishments felt the outcome of the application process was not ideal but was a compromise they could live with. Other reasons not to appeal are shown the table below (Table 10).

Table 10 Reasons establishments chose not to appeal against a hearing decision

Q22aaa Please tell me which of the following reasons I'm going to read out describe why you decided not to appeal?

Base: All who did not appeal against decision at a hearing (49)

	%
I was happy with the live music provision my licence authorised	45
I thought the outcome of the application process was not ideal, but was a compromise I could live with	27
I wasn't confident of a successful outcome	23
I thought it would have been too bureaucratic	13
I thought it would have been too expensive	10
I thought it would have been too time consuming	8
Other	12

Source: Ipsos MORI

4.6. Overall impressions of the application process

The application process itself

- 4.6.1. As a result of the new Licensing Act 2003, there have been a number of changes made to the application process, including the introduction of a mechanism for objections to be made by “responsible authorities” and “interested parties”¹⁹.
- 4.6.2. During the transition to the new licensing system, establishments applied to their licensing authority (usually their local authority) to convert their previous licences. At the same time, they could apply to vary aspects of those licences (e.g. to extend the hours, to add licensable activities, or to remove unnecessary conditions). Straight conversions involved a simple process and licences were granted automatically, unless the police objected. Applications to vary were subject to the full application procedure. This involved copying the application to relevant “responsible authorities” and advertising the application at the premises and in a local newspaper. Residents or businesses in the vicinity of the premises are then able to make representations to the licensing authority about the likely effect of

¹⁹ See glossary in Annex 2 for more details of these and other terms

granting the application on the promotion of any of the four licensing objectives²⁰.

- 4.6.3. All interested parties and responsible authorities will then have a period of 28 days from the date of application in which to make representation to the licensing authority about the application. At this point there is an opportunity for mediation to resolve any issues. If mediation is either unsuccessful or not possible, and if the licensing authority considers that the representations are relevant, it will hold a hearing. This hearing takes place before a “licensing sub-committee”²¹ to listen to and consider the representations.
- 4.6.4. The licensing committee then has to decide how to proceed and can do one of the following:
- Decide to grant or vary the licence on the same terms as it was applied for;
 - Decide that it is necessary to refuse to issue, or vary the licence;
 - Decide to grant or vary the licence but to modify the conditions;
 - To exclude from the scope of the licence a licensable activity.
 - In the case of a premises licence, refuse to specify a person as the premises supervisor.
- 4.6.5. If no representations are made to the licensing authority, the licence or variation will be automatically granted.

²⁰ See glossary (Annex 2) for details.

²¹ See glossary (Annex 2) for details.

Experiences of the new applications process

- 4.6.6. Respondents were asked an open-ended question whereby their verbatim responses were recorded word-for-word and, at the analysis stage, common answers or “themes” identified and included within the tabular analysis. By far the most popular response and one which reflects favourably on the new system is that the process is found to be “easy” or “straightforward” – particularly among those from Student unions (47%), Hotels and inns (39%) and Public houses, wine bars and nightclubs (36%). Other comments were not so favourable; a fifth (19%) described the process as “complicated” or “confusing” – perhaps relating to the fact that some respondents (such as those in members clubs) had not previously had to apply for a licence. One in six respondents (17%) say they did not notice any real difference.

Table 11 Experience of transition to the new licensing regime

Q3b What was your experience of the transition to the new licensing regime?	
Base: All respondents (2,101)	
Top mentions (<i>multiple responses permitted</i>)	%
Easy / Straightforward process	33
Complicated / Confusing process	19
Too much bureaucracy / Red tape	9
Slow / Long winded process	9
Expensive	8
Took advice from a solicitor / Consultant / Council	6
None / Nothing / No difference	17
Don't know	12

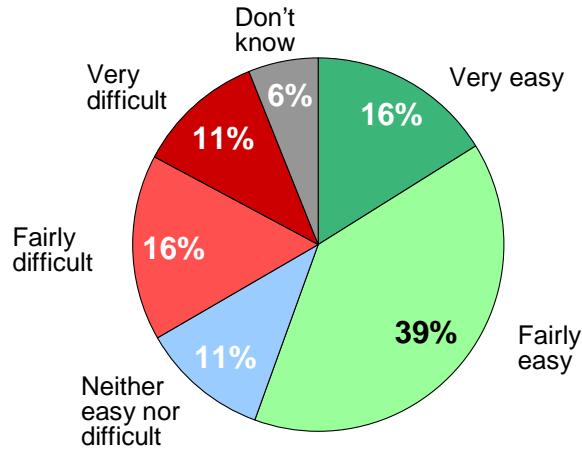
Source: Ipsos MORI

- 4.6.7. Negative experiences of the transition to the new licensing regime were largely associated with the process. One in five (19%) felt they were complicated or confusing (particularly members clubs – 27%), one in ten (9%) thought that the process was too bureaucratic (particularly Community halls – 17%) and 9% felt that the process was slow and long winded. Also, 8% felt that the process was expensive.
- 4.6.8. When prompted the proportion of respondents who are positive about the ease of the process increases – over half (55%) of respondents say they found the process of applying for a new licence “easy” and fewer than three in ten (28%) say they found it “difficult” (see Chart 14) – a ratio of 2:1, which contrasts with expectations expressed in some media reports in the run up to the Act’s

implementation. As can be seen in Table 12 below, restaurants and cafés, public houses, wine bars and night clubs, and hotels in particular found the application process ‘easy’.

Chart 14 Experience of application process

Q27a To what extent did you find the process of applying for a new licence easy or difficult?



Base: All respondents (2,101)

Source: Ipsos MORI

4.6.9. There was not much difference between the perceptions of those who had and those who did not have a PEL, with regard to the ease of applying for a new licence. However, two groups were slightly more likely than average to find the process easy: those who did not previously have a PEL and did not apply for live music on their new licence (38% ‘net easy’ compared to the overall figure of 27%) and those who let their PEL lapse (37% ‘net easy’).

Table 12 Ease of applying for new licence

Q27a To what extent did you find the process of applying for a new licence easy or difficult? Was it...?

Base: All respondents

	Base	EASY (very or fairly)	Neither easy nor difficult	DIFFICULT (very or fairly)	Don't know
		% across			
All respondents	(2,101)	55	11	28	6
Type of establishment					
Public houses, wine bars and nightclubs	(1,028)	60	10	26	4
Hotels & inns	(226)	53	11	30	5
Student unions	(57)	46	16	38	1
Restaurants and cafés	(343)	63	10	22	5
Members clubs & associations	(249)	50	10	36	4
Community halls	(198)	43	14	29	14
Size of establishment					
Micro	(538)	57	10	29	4
Small	(696)	48	12	33	6
Medium/large	(135)	51	14	26	9
Route					
Had PEL. Have new Premises Licence	(851)	53	12	30	5
Had PEL. Let it lapse with respect to live music	(68)	67	0	30	4
No PEL. Have new Premises Licence	(430)	53	11	33	2
No PEL. Not want new Premises Licence	(595)	59	11	21	10

Source: Ipsos MORI

4.6.10. A majority of respondents involved in new licence applications were unable to suggest ways to make the application process easier – two-thirds either said “*nothing*” (6%) or “*Don’t know*” (61%). Although the question specifically asked about the “*process*” for applying for a licence for live music events and most gave generic comments, more were targeted at the licensing process in general.

4.6.11. However, a number of respondents did highlight ways in which the process could be improved or made easier. One in eight (13%) say this could be achieved by “*simplifying*” or “*reducing the bureaucracy / paperwork*” and approaching one in ten mention that providing “*clearer information*” or “*more guidelines or information*” would be an improvement (9%). Some examples of specific verbatim comments made by respondents were as follows:

The form in general was over-complicated. After section k you were repeating yourself over and over.

We only had one complaint yet the whole process was very long-winded. They need to think of the good of the community. We are a village pub.

The court system was simpler and straightforward as you could justify yourself there and then while there are too many people to object on a council.

Layers of regulation hinder us from running a business and achieving a profit.

It was designed to be easier but ended up more bureaucratic and expensive.

4.6.12. Other advice included the following:

They could make it possible for web applications so that you could also submit photographs of your establishment and the facilities, ruling out the need for an inspector to visit.

Explanation notes could be clearer. Having a helpline with a knowledgeable person answering it would be an advantage.

They could have allowed arguments for customers who were aggrieved that we couldn’t have live music to be heard in court/there were letters from customers but weren’t heard in court.

Less gobbledegook - we run the pubs and we don't understand the forms.

4.6.13. Respondents’ general experiences since the introduction of the Licensing Act 2003 have, on the whole, been neutral or more positive than negative (see Table 13 below). When respondents were asked to respond **spontaneously** to the question: “*What has been your experience since the Licensing Act came into force on 24th November 2005?*”, one-third (34%) had nothing to say, or said that there has been no change or no difference since before its implementation. One in six (16%) describe their experience as being “*good*” or being “*better*” than

their expectations and a further one in ten (10%) comment on the “flexibility of the opening hours” – all other aspects were mentioned by fewer than one in twenty. There are few significant differences in attitude by the size or type of establishment. Below, we outline a few of the respondents’ verbatim comments:

For me it really has not made much difference. I only open for an extra hour on a Friday and a Saturday

We are a pub/hotel so it was very good for the more mature crowd who like to stay out later in pub environment but don’t want the trouble of nightclubs, etc

The only negative aspect is that the police turn up every week asking to see your licence

The staff are more aware of their liability

4.6.14. Some mention negative impacts of the Licensing Act 2003. In particular, the additional expense (4%), not having enough information about the rules and regulations (2%) and a perception that the rules and regulations are more strict (2%).

We were told we could not get a licence unless we joined the local Pubwatch scheme which felt like being strong-armed into something we know nothing about

Table 13 Experience since the Licensing Act came into force

Q3c What has been your experience since the Licensing Act came into force on 24th November 2005?

Base: All respondents (2,101)

Top Mentions	%
It's been good / OK / Gone fairly well / Much better	16
Flexibility of opening hours	10
More expensive	4
Not enough information concerning the rules and regulations	2
More relaxed/peaceful atmosphere	2
Rules and regulations are more strict/harsh	2
None / Nothing / No / Not much change / Difference	34
Don't know	19

Source: Ipsos MORI

4.6.15. Micro and small establishments are more likely to mention flexible opening hours as a positive impact of the Act, perhaps demonstrating their ability to respond more creatively to different market conditions.

Experiences of the new applications process with respect to live music

4.6.16. The table below (Table 14) shows the most popular ways in which respondents thought the process of applying for live music could be improved, or made easier across establishment type, size and route (mentioned by 2% or more of the respondents). Student unions, members clubs and associations and community halls are the most likely to mention reducing the quantity of paperwork as a change that would make the process easier (28%, 15% and 17% respectively, compared to 13% of all establishments). The second most common response is a request for more or clearer guidance/information, which was mentioned by about one in ten establishments (9%), rising to 29% of student unions and 20% of community halls²².

4.6.17. Micro and small establishments are more likely to mention reducing paperwork as a means of possibly simplifying the whole process (although they were just as likely to have had input into the application from head office or through legal advisors).

²² NB small base for student unions

Table 14 Improvements to applying for licence

Q27b In what way could the process of applying for a licence to host live music events be improved, or made easier?

Base: All respondents

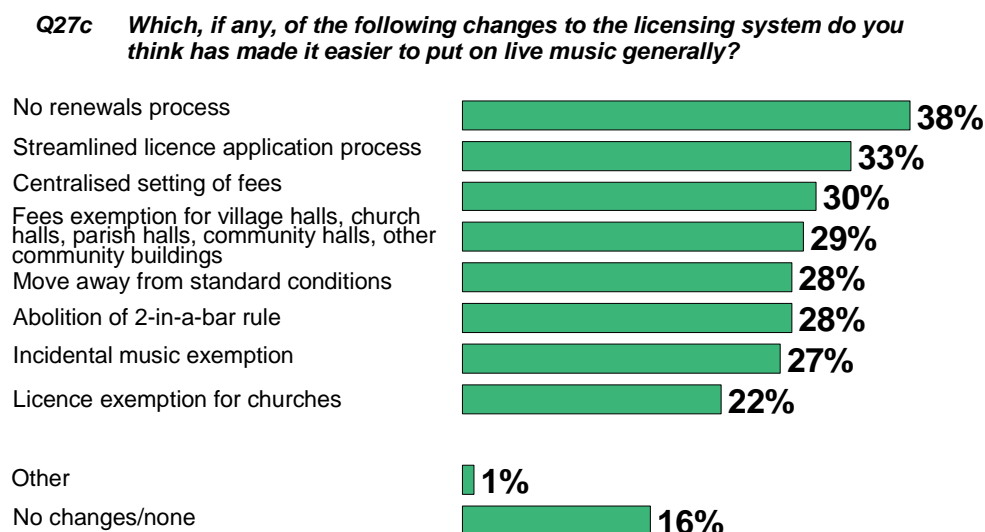
TOP MENTIONS

	Base	Reduce/ Simplify the bureaucracy /paperwork	Clearer information /more guidance/ info. needed	Reduce cost/ too expensive	Less jargon/use layman's terms/ make forms easier to understand	Speed up process
		% across				
All respondents	(2,101)	13	9	2	2	2
Type of establishment						
Public houses, wine bars and nightclubs	(1,028)	13	4	3	2	2
Hotels & inns	(226)	10	7	2	1	3
Student unions	(57)	28	29	0	2	3
Restaurants and cafés	(343)	9	6	2	*	1
Members clubs & associations	(249)	15	8	2	3	1
Community halls	(198)	17	20	2	3	2
Size of establishment						
Micro	(538)	14	7	2	2	2
Small	(696)	18	12	3	3	2
Medium/large	(135)	9	11	2	1	1
Route						
Had PEL. Have new Premises Licence	(851)	16	9	2	3	3
Had PEL. Let it lapse with respect to live music	(68)	11	10	5	3	0
No PEL. Have new Premises Licence	(430)	16	9	3	2	2
No PEL. Not want new Premises Licence	(595)	9	6	3	1	1

Source: Ipsos MORI

4.6.18. When prompted with a list of eight changes which might have made it generally easier to put on live music, the fact that there is “no renewals process” is the most frequently selected item (38%). One in three (33%) see the streamlined licence application system as an improvement and three in ten (30%) agree the centralised setting of fees makes it easier (see Chart 15 below). All of the other factors on the list were mentioned by between 22%-29% of establishments²³

Chart 15 Which changes have made it easier?



Base: All establishments (2,101)

Source: Ipsos MORI

4.6.19. Those who had a PEL and/or new premises licence including the provision of live music are more likely to select these options than those who chose not to apply for one - presumably because these options are more relevant to those who do or are interested in putting on live music.

Satisfaction with the outcomes of applications

4.6.20. Among those who have applied to include live music in their licence, the level of satisfaction with the outcome of their application is high – at a ratio of 13:1, more are “satisfied” than “dissatisfied” in this respect. As can be seen in Table 15 below, four in five establishments (79%) who applied for their new licence to include the provision of live music events were ‘satisfied’ with the outcome with respect to live music –approaching four in ten were “very satisfied” (38%). Members clubs and associations are most likely to be “satisfied” (86% “satisfied”), followed closely by student unions (85%). Those with a smaller capacity are also more likely than average to say

²³ It should be noted that as respondents were asked about changes which generally made it easier to put on live music, not all of those who mention the “licence fee exemption for village halls, church halls, parish halls, community centres, and other community buildings” or the “licence exemption for churches” were from community halls.

Licensing Act 2003: Experience of smaller establishments

they are “*satisfied*” (micro – 83% “*satisfied*”, small – 79% “*satisfied*”, medium/large – 76% “*satisfied*”).

Table 15 Satisfaction with outcome of application

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?

Base: All who applied to include live music in licence

	Base	SATISFIED (very or fairly)	Neither satisfied nor dissatisfied	DISSATISFIED (very and fairly)	Don't know
			% across		
All	(1,419)	79	9	6	6
Type of establishment					
Public houses, wine bars and nightclubs	(740)	80	8	8	4
Hotels & inns	(150)	77	12	7	3
Student unions	(57)	85	6	7	2
Restaurants and cafés	(104)	76	10	6	8
Members clubs & associations	(212)	86	7	5	2
Community halls	(156)	73	10	4	13
Size of establishment					
Micro	(494)	83	8	6	3
Small	(659)	79	9	6	6
Medium/large	(129)	76	7	10	7

Source: Ipsos MORI

4.7. Reasons for not applying for live music

- 4.7.1. In this section we look at why respondents decided not to apply for authorisation to put on live music. We split this into three sections:
- Establishments which had PELs but decided to let them lapse;
 - Establishments which did not have a PEL and have chosen not to apply for provision of live music in their new licence;
 - And finally, a subset of the second group – those who used to operate under the 2-in-a-bar exemption.

Establishments which had PELs but decided to let them lapse

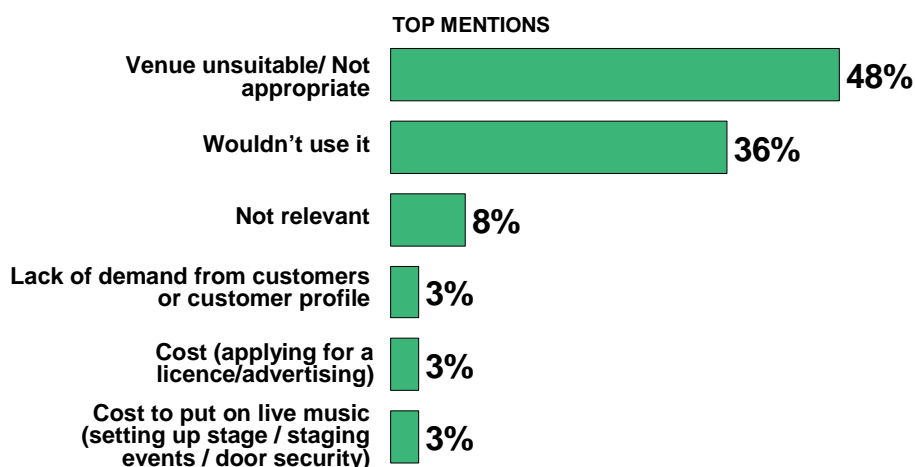
- 4.7.2. A small proportion (39 establishments in all) let their PEL lapse and did so mainly because they claim that they would not use it (23%, or 9 establishments), or that there is a lack of demand from their customers (16% - 6 establishments). Cost was not a significant factor for this group, with the cost of applying for a licence mentioned by just four respondents, and the cost of staging live music by two.

Establishments which did not have a PEL and have chosen not to apply for provision of live music in their new licence

- 4.7.3. A larger proportion of establishments (31% of the total) did not previously have a PEL and decided not to apply for the provision of live music in their new application (see Chart 16 below). The top reason across nearly all the establishment types (48%) was that their establishment is unsuitable or not appropriate. The other reasons were very similar to those with PELs i.e. they wouldn't use it (36%), it wouldn't be relevant (8%), or lack of demand (3%). Again, few respondents highlighted the cost of obtaining authorisation for live music – either in terms of the perceived cost of “*applying*” for a licence or advertising (3%); or actually “*staging*” live music (3%). (This equates to around 1% of all establishments, in both cases.)

Chart 16 Reasons for not applying for live music on new licence

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



Base: All establishments who didn't apply for provision of music in new licence (643)

Source: Ipsos MORI

- 4.7.4. The most common reason for not applying for the provision of live music on their new licence cited by members clubs and associations and community halls is that they “wouldn't use it” (42% and 57% respectively). Also, three in ten members clubs (30%) say that it is ‘not relevant’ to them.

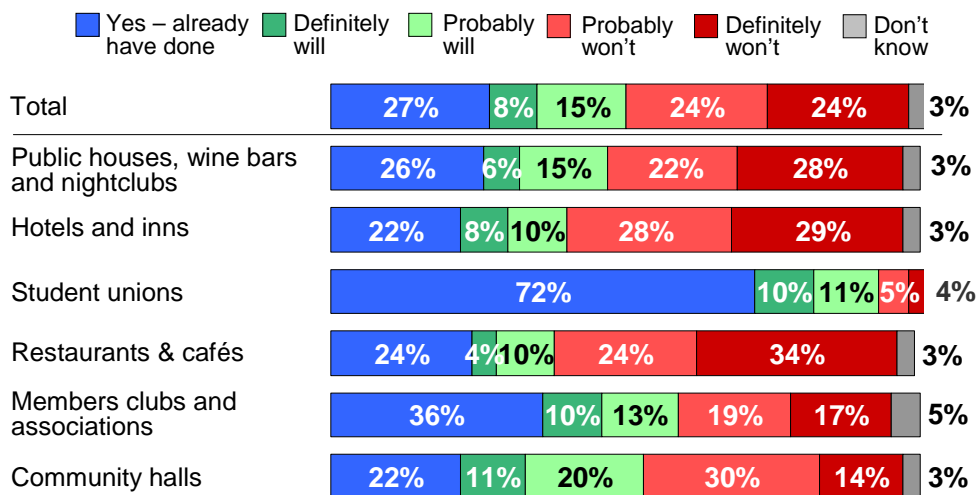
Early indications of impact: staging music with 2+ musicians

- 4.7.5. In this section we discuss some tentative early indications of the impact of the 2003 Licensing Act on the staging of live music with 2+ musicians. As discussed above, one of the intended effects of the Act was to enable a greater number of establishments to stage music with more than two musicians.
- 4.7.6. Of those who have a licence permitting live music, just over a quarter (27%) have already put on live music events with more than two musicians (see Chart 17 and Table 16 below). This is particularly the case for student unions (72% of whom have already put on such an event) and members clubs and associations (36%). Additionally, 8% say they “definitely will” put on such events and a further 15% say they “probably will”. There is a significant difference in terms of establishment capacity, with 68% of medium/large establishments having “already put on” live music events with more than two musicians, or saying they “definitely will” do, compared to 43% of small establishments and 22% of micro establishments. Two in five establishments which used to operate under the 2-in-a-bar rule say they either “already have”, or “definitely will” stage live music events with more than two performers.
- 4.7.7. On the other hand, a sizeable proportion of establishments whose licence now authorises them to put on live music events, have little

intention to put on music with more than two musicians. Approaching one quarter say they “probably will not” or “definitely will not” (24% and 24% respectively) – although the majority of those in this group have the option to do so if they so wish²⁴.

Chart 17 Live music events with more than two musicians

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?



Base: All establishments with a licence permitting live music (1,320)

Source: Ipsos MORI

²⁴ Again, it is worth noting that some venues may have voluntarily limited the number of musicians who can perform at one time, in their licence application

Table 16 Live music events with more than two musicians

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? Is that “definitely” or “probably”?

Base: Organisations with new licence permitting live music

		Yes, already have done	Yes – definitely will	Yes – probably will	No – probably won't	No – definitely won't	Don't know
	Base	% across					
All	(1,320)	27	8	15	24	24	3
Size of establishment							
Micro	(473)	18	5	14	29	32	3
Small	(626)	33	10	16	22	15	4
Medium/large	(126)	60	8	18	8	5	1

Source: Ipsos MORI

4.7.8. The establishments most likely to have a new licence covering provision of live music but unlikely to use it for music with two or more performers are those who converted their PEL without variation.

4.7.9. Medium/large establishments which have authorisation to stage live music in their Premises Licence are more likely to have already put on live music events with **more than two musicians** (55% have done so, compared with 33% of small establishments and 18% of micro establishments). On the other hand, micro and small establishments are more likely to say they definitely or probably won't do so. Whilst this may be because these smaller establishments are taking time adapting to the freedom of staging live music events with larger numbers of musicians than they are used to, it is quite likely that their capacity simply limits the numbers of musicians that they feel able to host.

5. Profile of establishments & respondents

5.1. Establishments

- 5.1.1. Of those who know both whether or not they had a PEL and whether or not they now have authorisation to put on live music under their Premises Licence, a sizable minority of establishments (44%) previously had a PEL and still have authorisation to put on live music²⁵. The second largest category was establishments which did not have a PEL and do not have authorisation to put on live music (31%).
- 5.1.2. As can be seen in Table 17 below, all the student unions we spoke to now have authorisation to put on live music. Establishments in London were less likely to have a PEL previously (67% did not, compared to 51% of all establishments), equally, they were less likely to apply for provision of live music in their new licence (57% didn't, compared to 44% of establishments as a whole excluding those who directly converted their PEL), although their reasons were similar to those given in other regions.

²⁵ In this table we have excluded those who do not know either whether they previously had a PEL or whether or not they currently have authorisation for live music on their Premises Licence.

Table 17 Old and new licences held

Data derived from questionnaire based on responses to multiple questions

Base: All who know whether or not they previously had a PEL and know whether they now have provision to stage live music

	Base	Had PEL, Have new music authorisation	Had PEL, let it lapse with respect to live music	Had PEL, denied new music authorisation	No PEL, have new music authorisation	No PEL, not want new music authorisation	No PEL, denied new music authorisation
		% across					
All respondents	(1,964)	44	4	*	21	31	1
Type of establishment							
Public houses, wine bars and nightclubs	(969)	39	4	*	31	25	1
Hotels & inns	(216)	51	3	1	15	29	1
Student unions	(57)	82	-	-	18	-	-
Restaurants and cafés	(320)	16	4	*	11	68	1
Members clubs & associations	(233)	62	2	-	22	14	-
Community halls	(169)	65	5	-	10	19	2
Region							
North East	(77)	59	8	1	12	20	-
North West	(239)	45	6	*	18	31	-
Yorkshire and Humberside	(151)	40	4	1	22	32	1
West Midlands	(165)	51	2	-	16	30	1
East Midlands	(139)	51	4	-	19	24	2
East of England	(183)	41	4	1	23	31	1
London	(189)	28	2	-	21	47	3
South East	(283)	45	3	-	29	24	*
South West	(194)	45	2	-	22	31	1
Wales	(340)	47	5	-	16	32	1
Size of establishment							
Micro	(508)	50	3	1	42	4	1
Small	(645)	69	3	*	24	4	*
Medium/large	(131)	72	4	-	14	3	7

Source: Ipsos MORI

5.2. Respondents

5.2.1. All of those who took part in the survey had some input into the licence application. The vast majority were solely responsible for applying for their licence. Others had input from other sources – 11% were assisted by Head Office, 4% by legal advisors, and 2% by others within their establishment. Perhaps not surprisingly, given the presence of large chains of pubs, the involvement of Head Office was highest among the public houses, wine bars and nightclubs (18%).

Table 18 Who completed the application

Q2a Within your establishment, who was responsible for applying for your licence under the new licensing arrangements?

Base: All respondents

	Base	Respondent	Head Office	Legal advisor	Other person within the establishment	Respondent's partner	Previous owner	Someone else
		% across						
All	(2,101)	86	11	4	2	1	*	*
Type of establishment								
Public houses, wine bars and nightclubs	(1,028)	78	18	5	1	1	0	0
Hotels & inns	(226)	87	9	5	1	*	0	0
Student unions	(57)	91	2	7	0	0	0	0
Restaurants and cafés	(343)	89	9	3	1	1	*	0
Members clubs & associations	(249)	91	3	5	1	1	0	1
Community halls	(198)	97	3	1	5	0	0	0
Size of establishment								
Micro	(538)	86	11	5	2	*	0	0
Small	(696)	85	11	4	2	1	0	0
Medium/large	(135)	81	12	7	1	0	0	1

Source: Ipsos MORI

5.2.2. The majority of respondents were licensees (87%) and over half have been a licensee for more than 5 years (53%). As can be seen in the table below (Table 19), two-thirds (66%) of respondents would have been in the same establishment 2 years ago.

Table 19 Length of time as licensee

Q36 For how many years have you been a licensee?²⁶

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

Base: All respondents (2,101)

	Total years as licensee	In THIS establishment
	%	%
Less than 1 year	9	16
1 year and up to 2 years	9	17
More than 2 years and up to 5 years	16	25
More than 5 years and up to 10 years	18	20
More than 10 years and up to 15 years	12	10
More than 15 years and up to 20 years	8	5
More than 20 years and up to 25 years	6	3
More than 25 years	8	3
Not a licensee	13	-

Source: Ipsos MORI

²⁶ N.B. The survey excluded all respondents who were not involved in the application process for that particular establishment, thus affecting the profile overall

6. Conclusions

- 6.1.1. The proportion of establishments which now have a Premises Licence permitting them to stage live music is **not** significantly larger than the proportions of establishments which previously put on live music events, either with a PEL or through some other form of authorisation. Very few establishments that wanted a new licence were denied it, and many who were previously limited to 2-in-a-bar now have the ability to stage music with 2 or more musicians²⁷
- 6.1.2. This contrasts, of course, with the fact that 40% of establishments now have no automatic means of putting on live music (i.e. they would have to give a TEN). Whether this is problematic is debatable: these establishments have tended to indicate a lack of suitability or local demand for putting on live music – so we might expect the negative impact from this to be minimal.
- 6.1.3. Seven in ten of those who used to operate under 2-in-a-bar now have a Premises Licence allowing them to stage live music with any number of performers. Among those who do not have such a licence, the vast majority **chose** not to apply, with the most common reason given being that the establishment was **unsuitable**. This might imply that the licensees themselves were not altogether happy with staging live music events – or that the establishment has since changed in some way (e.g. layout).
- 6.1.4. There have been few differences in the licensing application process experienced between micro/small and medium/large establishments. As might be expected, smaller establishments were more likely to operate previously under 2-in-a-bar or other authorisations, and they are less likely to have **already staged** live music events under their new Premises Licence with more than two musicians.
- 6.1.5. However, the survey results appear to go some way to addressing the concerns voiced in the media prior to the introduction of the Act about large numbers of smaller establishments ceasing to put on live music. As the majority of these premises now have a Premises Licence which allows them to stage live music events, any changes in the actual numbers of live music performances would appear to be linked to factors other than the Licensing Act itself.

²⁷ Again, it should be noted that some of those who applied for live music provision on their Premises Licence have voluntarily restricted the numbers of musicians they will have performing at any one time.

- 6.1.6. There are quite a large number of establishments which now have the ability to stage live music on their Premises Licence, with no apparent intention of putting on events with more than two musicians. We do not, at this stage, know whether they are currently staging live music with one or two performers. It may be, though, that many establishments have simply applied for the ability to stage live music, to allow them the flexibility to use it in the future. Either way, this represents one less barrier for the future expansion of the live music event market in these establishments. Whether the net effect of this – set against the 40% of establishments who have no live music authorisation - is generally positive or negative for the industry, only time will tell.

Annexes

1. Changes in the licensing law

The previous regime

Previously, there were more than 50 statutes affecting the licensing of premises in England and Wales for the sale of alcohol, public entertainment and late night refreshment.

Public entertainment licensing

Public entertainment licensing for areas outside Greater London was primarily governed by the Local Government (Miscellaneous Provisions) Act 1982, and for areas within Greater London by the London Government Act 1963 (The most significant difference being that outside London, Local Authorities had discretion about whether or not to apply the licensing requirements to entertainment in the open air, or on private land).

Generally if venues wanted to put on live music previously (other than under the 'two in a bar' rule) they had to apply to their local authority, each year, for a 'Public Entertainment Licence' (PEL), and copy it to the police and fire authority. The fees for PELs were set by individual councils and varied widely. In London, there was no fee if the entertainment was for educational or charitable purposes. Outside London, Councils had the discretion to either charge, or to waive part or all of the fees if the entertainment was for educational or charitable purposes.

Alcohol Licensing

Alcohol licensing was governed primarily by the Licensing Act 1964. If venues wanted to sell alcohol they had to apply to the licensing justices for the area, copying it to the police. It involved having an appearance in court to determine whether the applicant was a 'fit and proper person'. Justices licences lasted 3 years, and had to be renewed. There was a fee of £30 for the 3 years. Applicants had to give notice to the licensing justices, the police, the local authority and the fire authority. They are also required to advertise at the premises and in a newspaper and provide a plan of the premises.

In addition:

- The licensing of plays was governed by the Theatres Act 1968 and that of films by the Cinemas Act 1985
- The licensing of late night refreshment and night cafés was primarily governed by the London Local Authorities Act 1990, the Late Night Refreshment Houses Act 1969 and the Local Government (Miscellaneous Provisions) Act 1982

The Licensing Act 2003

The Licensing Act consolidates the former licensing regimes into a single system, controlled by a single licensing authority (usually local authority). Licensing Authorities now issue all licences to authorise:

- The sale and supply of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

The Act requires each licensing authority to carry out its duties with a view to promoting four licensing objectives. These are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

These objectives comprise the basis on which the licensing authority determines what is in the overall public interest when carrying out its functions. A licensing authority may only restrict licensable activities such as live music performances where it is necessary for the promotion of any of these licensing objectives.

Application process

Generally, establishments now need a [Premises Licence](#) (or a club premises certificate for qualifying clubs) to carry on licensable activities.

During the transition to the new licensing system, establishments applied to their licensing authority to convert their previous licences. At the same time, they could apply to vary aspects of those licences (e.g. to extend the hours, to add licensable activities, or to remove unnecessary conditions). Straight conversions involved a simple process and licences were granted automatically, unless the police objected. Applications to vary were subject to the full application procedure detailed below.

The fees for premises licences have been set centrally to avoid inconsistencies and largely relate to the non-domestic rateable value of premises, so that larger establishments and events are more likely to attract a higher fee than smaller ones. During transition, when establishments converted, they could apply to vary their licence to add live music at no extra cost.

Premises licences are not time limited (unless requested), nor subject to renewal every three years (as was previously the case for liquor licences) or have a duration of only a year (as was the case for public entertainment licences).

When an application is made for a new licence, or for a variation, copies must be sent to the “responsible authorities” for the area where the establishment is situated. These include public bodies that are entitled to make representations about applications. They are:

- The chief officer of police;
- The fire authority;
- The health and safety authority;
- The local planning authority;
- The environmental health authority;
- The body recognised as being responsible for protection of children from harm;
- Inspectors of Weights and Measures (trading standards officers).

These applications must also be advertised at the premises and in a local newspaper to bring them to the attention of “interested parties”, who are also entitled to make representations. Interested parties include:

- People living in the vicinity of the premises;
- Bodies representing people living in that vicinity (e.g. residents group; parish council);
- People involved in a business in the vicinity of the premises;
- Bodies representing persons involved in these businesses (e.g. trade association).

Any representations have to be about the likely effect of granting the application on the promotion of any of the licensing objectives. This new system provides a more thorough, professional and expert scrutiny of every licence application, and also ensures that local communities’ views are taken into account.

Where no relevant representations are made the licensing authority must grant the application subject only to the mandatory conditions and conditions that are consistent with the operating schedule.

If relevant representations are received, the licensing authority must hold a hearing and consider them, unless all parties come to an agreement through mediation beforehand. Following a hearing, the licensing authority must take such steps as it considers necessary to promote the licensing objectives. This may result in the rejection of the application, the exclusion of a licensable activity, or the attachment of conditions to the licence. For example, a licensing authority could attach a condition preventing the playing of amplified music after 11pm for a pub in a quiet residential area. This is a change from the old system, where PELs often included a set of standard conditions.

If an applicant, or anyone that made a relevant representation during the application stage is unhappy with a licensing authority’s decision (e.g. they think different conditions should have been attached to the licence), they can appeal the decision in the magistrates court.

Exemptions

The Act exempts churches and places of public religious worship from the entertainment aspects of the licensing regime.

It also exempts village halls, parish halls and other community buildings as well as schools and colleges (where the entertainment is provided by and for the school or college) from licence fees associated with public entertainment.

Performances of live music or the playing of recorded music will not need licensing if they are *incidental* to another activity which is not 'regulated entertainment', as defined under the Act.

2. Glossary of terms

Club Premises Certificate

Club premises certificates are authorisations needed by clubs to carry on certain activities (e.g. selling alcohol to members and their guests). They may be granted to clubs which meet the special requirements set out in Part 4 of the 2003 Licensing Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). These commonly include ex-services clubs such as the Royal British Legion, Conservative, Labour and Liberal clubs, working men's clubs, miners' welfare institutions and sports and social clubs. The application process is similar to that for a premises licence. For example, there are similar provisions about advertising applications and making representations. However, a key difference is that, unlike a premises licence, there is no requirement to identify a designated premises supervisor to allow the supply of alcohol under a club premises certificate.

Incidental Music

Live or recorded music that is incidental to another activity which is not 'regulated entertainment'.

E.g. - a juke box in a pub played at moderate levels would normally be regarded as incidental to the other activities there, but one played at high volume would not benefit from this exemption.

E.g. - Stand-up comedy is not regulated entertainment and musical accompaniment incidental to the main performance would not make it a licensable activity.

Interested Parties

For any particular premises, "interested parties" are bodies or individuals who are entitled to make representations to licensing authorities on applications for the grant, variation or review of premises licences or club premises certificate. Interested parties can also ask for a review of a premises licence or club premises certificate. "Interested parties" are defined as:

- A person living in the vicinity of the premises;
- A body representing persons who live in that vicinity;
- A person involved in a business in the vicinity of the premises;
- A body representing persons involved in these businesses.

Licensable Activities

Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment and the provision of late night refreshment. If you carry on any of these activities, you are likely to need an authorisation (a premises licence, a club premises certificate or a temporary event notice).

Licensing Authorities

Licensing authorities are usually local authorities, and are responsible for licensing functions under the Licensing Act 2003.

Licensing Committee

Licensing committees are appointed to carry out the functions of licensing authorities. They are generally made up of between 10-15 local authority councillors. The committees delegate a number of their functions to sub-committees and licensing authority officers.

Licensing Objectives

Licensing authorities must carry out their functions with a view to promoting four licensing objectives. These are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

Licensing authorities must decide applications in connection with premises licences and club premises certificates on the basis of the steps it considers necessary to promote these objectives. Each objective is of equal importance.

Licensing Sub-Committee

Full licensing committees delegate a number of their functions to one or more "licensing sub-committees". These are made up of at least three members of the full licensing committee.

Live Music

This refers to music (vocal and / or instrumental) performed in public by at least one person in real time that is not pre-recorded - excluding karaoke, and DJs playing recorded music.

Live Music Forum

The Live Music Forum was set up following the introduction of the Licensing Act 2003 to look at the impact of the Licensing Act on Live Music and to consider what kind of things could be done by either Government or the commercial or cultural sectors to promote live music and foster and encourage its development. The Forum is comprised of a broad range of representatives of key bodies from music, local government, the arts and establishment operators.

Operating Schedule

The operating schedule is the part of the application form for a premises licence or club premises certificate, where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities.

Among other things, it must include a description of the proposed licensable activities; proposed opening hours and times for licensable activities; proposed duration of the licence or certificate; and a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, arrangements for door security to prevent crime and disorder). The significance of the operating schedule is that if the application for the premises licence or club premises certificate is granted, it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them.

Premises Licence

A premises licence authorises the use of premises for “licensable activities”.

Qualifying clubs

Qualifying clubs are those clubs which meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). These are clubs where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members (see examples under “club premises certificate” above). Such clubs carry on activities from premises to which public access is restricted and alcohol is supplied other than for profit.

Regulated Entertainment

Generally speaking, the provision of regulated entertainment means the commercial or public provision of entertainment facilities or the commercial or public provision of any of the following sorts of entertainment:

- The performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- Boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Entertainment of a similar description to live music, recorded music or dance;
- Facilities for allowing people to make music;
- Facilities for allowing people to dance;

- Facilities for allowing entertainment of a similar description to making music or dancing.

(Relevant) Representations

These are written representations (usually of complaint) about the likely effect of the grant of an application for, or variation to a premises licence or club premises certificate, on the promotion of the licensing objectives. “Interested parties” such as local residents and “responsible authorities” such as environmental health can make representations. The term “relevant” relates to representations made by interested parties, and refers to representations that are considered “valid” by the licensing authority. The representations must be made within 28 days after the day on which the application is given and must be made seriously (i.e. must not be frivolous or vexatious). Representations can also be made in relation to an application for the review of the premises licence or club premises certificate.

Responsible Authorities

Responsible authorities include public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. Responsible authorities include the following for the area in which the premises are situated:

- The chief officer of police;
- The fire authority;
- The health and safety authority;
- The area in which the premises are situated;
- The environmental health authority;
- The body recognised as being responsible for protection of children from harm;
- Inspectors of Weights and Measures (trading standards officers);
- And in respect of vessels only - i) The Environment Agency; ii) The British Waterways Board; iii) The Maritime and Coastguard Agency and, if different from these, iv) the relevant navigation authority / authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

Temporary Event Notices

The Licensing Act introduced a system of “Temporary Event Notices” (TENs) to authorise relatively small, ad-hoc events. The TEN system is subject to certain limitations:

- No more than 499 people attending at any one time;
- Limit of five TENS per person per year; or 50 for personal licence holders;
- Limit of 12 per premises per year (subject to a maximum aggregate duration of the periods covered by TENS at any individual premises of 15 days in any year);
- An event may last for no more than 96 hours;
- Minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises.

The system involves an event organiser giving the TEN in duplicate to the licensing authority and copying this to the police no later than ten working days before the event starts, together with the fee of £21. Provided that the criteria set out above are met, only the police may intervene to prevent an event covered by a TEN or agree a modification of the arrangements on crime prevention grounds. This notice must be in a prescribed form, which is available on the DCMS website.

2-in-a-bar Exemptions

Another major change is the abolition of the 2-in-a-bar rule. This was a disapplication under the previous licensing law of the need for a public entertainment licence in certain situations, such as two performers singing or, playing music, at premises where a justices' licence was in force. The Government believed this rule, in practice, restricted what entertainment was being provided, created disincentives to the presentation of more diverse musical acts and failed to protect local residents from noise nuisance. Establishments could not convert this disapplication during the transition to the new regime.

3. 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

4. Sampling tolerances

Only a sample of the ‘universe’ of all relevant establishments has been interviewed so we cannot be certain that the figures obtained are exactly those we would have found, had every establishment been interviewed (the ‘true’ values). However, for any percentage given, we can estimate ‘confidence intervals’ within which the true values are likely to fall. (In fact, the calculations used for this estimation are based on a truly random sampling methodology. For the approach used for this survey, we should treat these figures as indicative, rather than absolutely accurate.)

For example, on a question where 30% of the respondents in a sample of 2,101 respond with a particular answer, the chances are 95 in 100 that this result would not vary by more than two percentage points from a complete coverage of the entire population using the same procedures. The following table shows that the sampling tolerances vary with the size of the sample and the percentages involved in the visitor survey:

	95 % Confidence Intervals		
	10% or 90%	30% or 70%	50%
Sample Size	$\pm\%$	$\pm\%$	$\pm\%$
2,101 (full sample)	1.3	2.0	2.1
939 (all who used to have a PEL)	1.9	2.9	3.2
538 (all micro establishments)	2.5	3.9	4.2
168 (all who used to operate under 2-in-a-bar)	4.5	6.9	7.6

Tolerances are also involved in comparing results from different parts of the sample and study. In other words, a difference must be at least a certain size to be considered statistically significant. The table below is a guide to these tolerances.

	Margins (%), which are just significant (at 95%)		
	Approximate % to which margin relates		
	10% or 90%	30% or 70%	50%
Sample Size	$\pm\%$	$\pm\%$	$\pm\%$
939 vs. 1,088 (All who had a PEL vs. those who did not)	2.6	4.0	4.4
1,028 vs. 343 (Public houses, wine bars and night clubs vs. restaurants and cafés)	3.7	5.6	6.1
1,234 vs. 135 (Micro & small vs. medium/large establishments)	5.3	8.2	8.9



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