



The Live Music Forum - Reply to Consultation on Deregulation Schedule 1

Proposal Impacts: Questions

Q1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?

Yes, we believe that, generally, the proposals will lead to an increase in performances and attendances. The proposals would benefit charities and voluntary organisations by making it easier for them to put on fundraising events.

We would hope for up to twenty per cent more pub gigs in three years and a similar increase in other areas such as community and charity events.

Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?

From the point of view of a jobbing musician, we believe the proposals will definitely lead to more employment and musical activity in general for the many working musicians The Live Music Forum speaks for.

Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact

assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).

We believe there are a huge range of benefits which are hard to quantify at this early stage. For example, when there are more gigs happening there will be more work for music teachers. The spin-offs are many. If the small festival circuit can be restored you might see more people spending more of their holiday money in the UK instead of abroad. Live Music events lead to more work for catering staff, cleaners, taxi drivers, printers and advertising media, just to identify several links in the chain.

There will undoubtedly be substantial benefits to individual and collective well being due to the extra provision of entertainment and participation in arts, as well as additional social interaction. This will naturally mean less burden on the National Health Service in ways that are unquantifiable.

Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.

We believe that the proposals will save the Police a lot of money. In the early stages of de-regulation the changeover may lead to some financial burden on local authorities but this will diminish once the new system is in place.

We believe that more live music events will offer all age groups some positive alternatives and interests to aimless excessive drinking which the Police and NHS Accident and Emergency Centres have often repeated is their biggest problem in a town centre on a weekend night.

Social activities such as dance and listening to live music, theatre etc. are incongruous with excessive drinking, which has been stated to be one of the main problems for the Police and Hospitals. When people have something other to do rather than just 'get drunk' there will be less incapacity leading to crime, accidents and hospital attendance at A & E.

Q5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please

provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment

There may be a temporary small increase in the number of noise complaints in some built up areas, where venues that don't usually feature live music take advantage of the de-regulation. But, we expect that these will decrease as changes to routines in localities bed in.

Not all noise complaints are justified and often they are based on the representations of minorities which are against the wishes of the majority of residents. In some cases, noise complaints seem to be encouraged by local authorities

(<http://www.lambeth.gov.uk/Services/Environment/Pollution/NoiseControl.htm>), also some authorities are quite alarmist about proposed de-regulation,

(http://www.oxfordtimes.co.uk/news/headlines/9320655.Council_vows_to_fight_change_in_licensing_laws/)

Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimates of what you think the correct ranges should be and explain how those figures have been estimated.

We believe you need to distinguish more clearly between indoor and outdoor events. They are two completely different types of scenario in a variety of ways and don't suit like for like comparison.

Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?

Nothing to add.

Q8: Are there any impacts that have not been identified in the Impact Assessment?

Again, you need to distinguish more clearly between indoor and outdoor events. For example, we would not recommend an unlicensed indoor event for 5000 people. But 5000 is not a large number for a small festival.

Perhaps you underestimate the financial benefit resulting from the well being derived from attendance at a live music event.

Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out in the impact assessment? If so, please give figures and details of evidence behind your assumptions.

Nothing to add.

Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?

The reforms should remove all regulations and restrictions, including those that have been attached to Premises Licenses. It makes no sense to retain license restrictions such as, "No Rock or Pop Music" or "only two performers".

Retaining licensing conditions which have included limited frequency and restrictions on genres of music would achieve nothing if your aim is to "remove red tape around live music".

When the Licensing Act 2003 was publicised by Labour Minister James Purnell in 2005, he promised "an explosion of live music" and the removal of restrictions on limits on performer numbers was the only benefit that he could highlight. This was over-hyped with his clumsy analogy concerning The White Stripes duo being able to play at a local pub whilst Cold Play could not, under the previous regime.

On the BBC's Today programme he said,
"So the, the whole point is by removing that restriction and by introducing this box-ticking way of getting a public entertainment licence, we've made it much easier. Because the problem that lots of pubs who wanted to play music before, if they went to their local authority were finding that they were having unreasonable conditions and were being charged thousands of pounds."

However, some local authorities imposed unreasonable conditions on certain Premises Licenses including restrictions on the frequency performances, number of musicians allowed to perform and types of music which were permitted.

The Role of Licensing Controls: Questions

Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?

Yes we agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003. However, there should be a distinction between indoor and outdoor events.

Q12: If you believe there should be a different limit – either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.

The limit of 5000 is high if you are referring to indoor events and could be thought of as low if you are referring to outdoor events.

In 2005 we called for a small gigs exemption for audiences up to 250. Possibly an indoor limit of 1000 might be more suitable for some large venues. 5000 sounds reasonable for a small outdoor festival or event.

Q13: Do you think there should there be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case. Please could you also suggest the limits you feel should apply to the specific activity in question.

Nothing to add.

Q14: Do you believe that premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives? If so please provide details of the scenario in question.

We do not believe that "premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives".

The Licensing Objectives include only control objectives. There is nothing positive there to promote Cultural Activity or Public Health. Another licensing objective should be added to promote public health and happiness through cultural and sporting pursuits.

Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.

We believe that different audience size limits should be applied to indoor and outdoor events. A larger crowd in a field can enjoy a live music performance with an increased safety expectation, for example, because they are in a field and are not subject to fire risks associated with an event in a building. Crowd control should be easier outdoors than indoors.

Q16: Do you think that events held after a certain time should not

be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.

Midnight is a suitable cut off time for licensing de-regulation for amplified music.

Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.

Outdoor unamplified music need not be regulated in the circumstances of a small festival where residences are most likely some distance away.

Q18: Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?

Nothing to add.

Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do think such a code should contain and how should it operate?

Any such code should be derived from the input of a range of interested parties such as jobbing musicians, landlords and sound engineers, not just mainly licensing officials and lawyers.

Q20: Do you agree that laws covering issues such as noise, public safety, fire safety and disorder, can deal with potential risks at deregulated entertainment events? If not, how can those risks be managed in the absence of a licensing regime?

Existing legislation is ample to deal with noise and public safety concerns. No evidence has been produced that noise from live music is a significant problem, or that existing noise nuisance legislation is inadequate. There is no evidence that live music causes more

complaints than recorded music or general behaviour around a Premises that might feature Large Screen Sports and other broadcast entertainment. Patrons are attracted to a venue as a result of all sorts of activities and it is not realistic to regulate live music in order to control the social behaviour of a particular Premises' clientele.

Q21: How do you think the timing / duration of events might change as a result of these proposals? Please provide reasoning and evidence for any your view.

It is understandable that in some quiet residential areas an 11pm finishing time is appropriate, but, in town centres midnight or later is much more realistic if the aim is to encourage people to come out to these areas for entertainment. There are a lot of failing provincial town centres. An abundance of entertainment is an added attraction which will aid small businesses and shops to survive by preventing town centre decay.

Many residents desire and expect a vibrant community in a town centre, and that, for some, may be the reason to live there.

Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?

Most town centres are the location for late night entertainment, eating and drinking. It is therefore not practical for Town Planning Departments to encourage Senior Citizen Residential complexes to be built close by. It is this lack of foresight that has led to many noise complaints. It ought to be a principle that a reasonable border should be left between Town Centres and new residential developments. This would assist in the re-generation of hundreds of failing town centres.

Performance of Live Music: Questions

Q23: Are there any public protection issues specific to the

deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Nothing To Add

Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.

See above answers to Q16 and Q17

Q25: Any there any other benefits or problems associated specifically with the proposal to deregulate live music?

The de-regulation of live music will lead to more employment in a variety of professions, a greater sense of well being and better health in the population and a revitalisation of the once supreme British Music Industry.

Performance of Plays: Questions

Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Nothing To Add

Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?

Nothing To Add

Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?

Nothing To Add

Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?

Nothing To Add

Performance of Dance: Questions

Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Nothing To Add

Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?

Dancing is one of the oldest forms of human expression and its deregulation should have similar effects to the deregulation of live music, ie. a greater sense of well being and better health in the population.

Exhibition of Film: Questions

Q32: Do you agree with the Government's position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?

Film exhibitions should have a reliable age classification system

whatever the circumstances.

Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?

Nothing To Add

Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children's DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?

Nothing To Add

Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?

Nothing To Add

Indoor Sport: Questions

Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.

Nothing To Add

Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?

Nothing To Add

Boxing and Wrestling, and Events of a Similar Nature: Questions

Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as “regulated entertainment”, requiring a licence from a local licensing authority, as now?

We agree that Boxing and Wrestling should continue to be regarded as regulated entertainment.

Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.

Nothing to add.

Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions

Nothing to add.

Recorded Music and Entertainment Facilities: Questions

Q41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than

5,000 people? If not, please state reasons and evidence of harm.

See previous answer re different limits for indoors/outdoors.

Q42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.

Nothing to add.

Q43: Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?

Nothing To Add

Q44: Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?

Nothing To Add

Q45: Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.

Firework displays and other pyrotechnics should continue to be regulated.

Unintended consequences: Questions

Q46: Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?

Nothing To Add

Q47: Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?

Nothing To Add

Adult Entertainment: Question

Q48: Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.

Nothing To Add

END

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