

Statement from The Live Music Forum.

The last Government utterly failed to deliver on its promise of an 'explosion' in live music. Instead, the Licensing Act created a bureaucratic minefield for live music events, and saw the licensing regime extended to schools, hospitals and even private premises, while abolishing the exemption allowing two musicians to perform without a licence.

Over-zealous enforcement by local authorities has led to cancellations of many harmless events with no regard for cultural, educational or economic considerations.

- Birmingham Council banned a clown at Zippo's Circus from playing one note on a comedy trumpet.
- Caradon District Council licensed the performance of non-religious carols, ruling that Silent Night was permitted, but Jingle Bells was potential criminal offence.
- Camden Council and St Albans Council have placed restrictions on the genres of music musicians are allowed to perform in pubs and restaurants.
- South Lakeland Council have issued a premises licence that regulates choir practice in a primary school.
- Bath and North East Somerset Council have licensed a hospital in order to provide a piano to entertain patients.
- Daventry Council threatened a headmaster with 6 months in prison or a £20,000 for failing to obtain permission to stage a school musical.

Inevitably, it is the licensing of grass-roots music in pubs and restaurants that attracted the detailed attentions of local government officials. The Licensed Multiple Retailers Association reported a 19% drop in the *proportion* of expenditure on live music in pubs since the Act came into force.

This did not stop the previous licensing minister Gerry Sutcliffe, from claiming that the Licensing Act had made it easier for premises to stage live music. DCMS even produced a widely criticised report entitled "Changes in Live Music" which claimed that the live music sector was thriving, and that there was NO evidence of negative impact of live music licensing.

The previous Government devolved responsibility for licensing enforcement to Local Authorities. This was not good news for live

music. The Local Government Association has clamped down hard on anything emanating from a musical instrument, while issuing misleading live music statistics of its own, falsely claiming last year that 80% of all licensed premises were authorised to stage live music. In reality about 73% of all premises are no longer authorised to stage live music.¹

The LGA produced a survey claiming that 90% of council leaders warned of a massive increase in noise complaints if the Govt went ahead with licensing exemptions for live music. It transpired that no proper survey was conducted, and that no council leader was actually contacted. In fact this was a 'blind' survey of a self-selecting sample of licensing officers, whose very livelihood depends on perpetuating the licensing regime.

In Jan 2010, the LGA produced a document opposing the Live Music Bill, claiming that the success of the minor variations process (a tortuous process supposed to encourage live music licensing) 'shows that the present system is working well and does not need to be amended'. It transpired that at the time of writing that the LGA knew of only THREE new live music permissions resulting from this process.

Through its legal arm LACORS, the LGA has remained trenchantly opposed to licensing reform, recently proposing more bizarre and hysterical licensing restrictions such as a recommendation for the provision of bagpipes to be licensed.

Live music can never thrive where its mere provision is a potential criminal offence unless licensed, but where all broadcast entertainment and most recorded music in bars is automatically allowed. And live music can never thrive under the strict control of licensing authorities that have been encouraged by the LGA to invite and then uphold complaints about live music events before they have even taken place.

We urge the Coalition to exempt grassroots live music from this draconian licensing regime, to introduce proper rules of evidence to licensing hearings, and to STOP Local Government from destroying our cultural heritage.

Note:

¹ Source: The DCMS Statistical Bulletin for Alcohol, Entertainment and Late Night Refreshment Licensing. Total number of premises licences at 31st Mar-2009 was 197,861. Of the total number of premises with live music provisions 83,600 only 52,200 of these have licensed facilities for making music (39,600 (see P17) uplifted at 31.8% modelling estimate to 52,200).

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