

**Correspondence Between UK Statistics Authority and DCMS Released Under  
Freedom of Information Act Request.**

**Annotations by members of the Welwyn Hatfield Live Music Forum**

**John King - June 2010**

**Annotations are in BOLD RED**

**EMAIL 1:**

From : Richard Laux/LMD/SESAG/LONDON/ONS  
To : VIVIENNE.AVERY@Culture.gsi.gov.uk  
CC :  
Date Sent : 17/11/2009 16:25:22  
Subject : Criticisms of DCMS live music licensing statistics

Dear Vivienne,

We have been approached twice in recent days with criticisms that DCMS has issued statements about licensing that are misleading because, for example, whilst the statistics refer to licenses for live music, they do not (in themselves) indicate the extent to which licensed venues actually offer live music.

At this stage I am inclined to regard this matter as arising from a lack of attention to the detailed wording of statements, leading to what I'm assuming is an inadvertent conflation of an increase in the number of licenses with an implied increase in the 'amount' of live music being offered. It might be that this is confounded by a lack of detailed understanding of the historical policy/legal context of live music licensing.

I wonder if you would be prepared to take the following steps so that I can be reassured, and reassure the correspondents, that the situation shouldn't arise again?

include in the next statistical release some text that explains how these statistics can be interpreted, and (crucially) how they should not be interpreted - in line with principle 8 of the Code of Practice for Official Statistics

advise DCMS ministers and press office that more live music licenses does not necessarily equate to there being more live music, and more generally suggest some caution in making statements about what the Licensing Act 2003 has actually achieved - in line with the guidelines issued by Sir Gus O'Donnell earlier this year

review the user need for more statistical/research information to help compare the live music situation before and after the 2003 Act came into force, including: the extent to which licensed premises are (a) still trading (b) permitted to stage live music; and (c) actually offering live music; and the effects of changes in the types of establishment required to licence live music following the 2003 Act - all in line with principle 1 of the Code.

Happy to discuss if any of this is unclear.

Regards,  
Richard.  
Richard Laux  
Director, Assessment Programme  
UK Statistics Authority

**EMAIL 2:**

From : VIVIENNE.AVERY@Culture.gsi.gov.uk  
To : Richard Laux/LMD/SESAG/LONDON/ONS  
CC :  
Date Sent : 30/11/2009 8:27:12  
Subject : RE: Criticisms of DCMS licensing statistics

Richard

I understand that No10 are planning an announcement about 24 hour alcohol licensing policy this week. Whatever the outcome about the statistics on live music entertainment, I am keen to make sure this issue doesn't discredit the wider statistics covered in the bulletin, particularly the alcohol licensing. We feel strongly that whatever the content of your response, this will be used to gain maximum negative publicity for the Department and reduce confidence in these statistics as a whole. Obviously we are all working to achieve the opposite.

**There is a major problem with DCMS alcohol statistics.**

**DCMS reported an increase in the number of premises licences of 12,000 between 2007 and 2009. These 12,000 new premises clearly cannot be pubs where there has been a proven decline. There is no evidence of any increase in the number of restaurants or hotels. Retail premises may account for 3,200 of this increase (although that figure may be overstated for the same reasons that the music figures were inflated).**

**Which leaves about 9,000 unaccounted premises licences.**

**DCMS 'Changes in Live Music' Report speculated as to whether these new premises licences were in fact 'schools, hospitals, community centres, village halls, museums, art galleries, and shops'. The report concluded**

***'It is sometimes suggested that premises such as schools and hospitals are obtaining licences for regulated entertainment in such great numbers that they are making up a significant proportion of the recent increases. There is no evidence that this is true.'***

**In defending the highly dubious conclusion that the live music sector is thriving, DCMS are failing to acknowledge that the increase in premises licences MUST be due to licences being issued to schools, hospitals, public spaces, community centres, village halls, museums, art galleries.**

**Therefore the increase in alcohol licences is also meaningless.**

This particular complaint to the UK Statistics Authority is part of a wider series including some about individual members of staff. **Vivienne Avery may be referring to DCMS Head of Research Adam Cooper. See: <http://www.thepublican.com/story.asp?sectioncode=7&storycode=64798>**

It is unlikely that any response will close down the debate.

**We aren't campaigning for the sake of it. And we are complaining about DCMS statistics because we consider them to be inaccurate and misleading.**

This particular complaint to the UK Statistics Authority is part of a wider series including some about individual members of staff. **Vivienne Avery may be referring to DCMS Head of Research Adam Cooper. See: <http://www.thepublican.com/story.asp?sectioncode=7&storycode=64798>**

It is unlikely that any response will close down the debate.

**We aren't campaigning for the sake of it. And we are complaining about DCMS statistics because we consider them to be inaccurate and misleading.**

I am happy for you to reply along the lines you suggest and for us to take the necessary action (some of which we have already done), but we would prefer it if certain points below were made clear.

1. We haven't breached the Code of Practice in the release of the statistics

**On 14 Dec, UK Statistics Authority judged that the Code of Practice had been breached. See below. DCMS kept this rather quiet, and there was no mention of this breach in Vivienne Avery's Increases in Live Music Report.**

2. To our knowledge, comments made by Ministers clearly referred to the increase in live music licenses and were misinterpreted/taken out of context

**On 14 Dec, UK Statistics Authority judged that the Ministerial comments had not been taken out of context. See below.**

3. However, we will try to avoid the risk of this being repeated in future by:

- Including extra text in future bulletins that explains how to interpret changes in entertainment licenses (with hindsight I'd rather not use the phrase 'proxy indicator' at this stage as it may prove to be another can of worms)
- Explaining in future bulletins/correspondence why it is not feasible to obtain all the information to provide a definitive answer to some of the points mentioned in the complaint and why (in some cases) we don't think this is necessary
- Alerting the Minister/Press Office to the issues with misinterpretation and the need to exercise caution when quoting the figures (this is a slight tweak of your wording).

We have already worked with the Press Office on some briefing covering exactly these points for use in discussions they are having with industry bodies and other interested parties.

**DCMS repeated the spurious link between licences and actual performances within the Licensing Act LRO Consultation document.**

Obviously it is up to you to decide on the exact content of your response in relation to my suggestions. We are grateful to have had the opportunity to feed in.

Happy to discuss.

Vivienne

-----Original Message-----

From: Richard Laux [mailto:richard.laux@statistics.gsi.gov.uk]

Sent: 23 November 2009 14:43

To: AVERY VIVIENNE

Cc: CHARLESWORTH ANITA; ANTONIADES PETER; Ross Young; Richard Alldritt

Subject: Re: Criticisms of DCMS licensing statistics

Vivienne:

Thank you for replying so promptly.

I am glad that you will be adding some text to any future editions. You say the evidence from official statistics is not conclusive, but that DCMS view the number of licences as an important proxy indicator of live music activity and a useful indication of the impact of the Act. This use seems to be contested by some people involved in the music industry, so it clearly needs to be explained and justified. The Code of Practice says: 'provide information on the quality and reliability of statistics in relation to the range of potential uses...' I think you therefore need to spell out the strengths and weaknesses of licence permissions as an indicator (similarly the findings from Taking Part, if you are using them in this context). Most of the criticisms we have seen in this respect are covered in an email dated 17 November from Charlotte Collingwood (copied to DCMS Ministers at their Parliament addresses).

According to the final link in the above email, a DCMS Minister has been quoted as referring to the 'myth' that live music is on the decline, when the figures 'prove' that it isn't. I do not know whether he is being quoted accurately, but your decision to ask him to exercise care is welcome. If it is not feasible or practicable to collect all the information that would be required to reach definitive conclusions about the effect of the Act, then I think it would be helpful to spell out why this is when you draft the new text. Principle 1 practice 3 (transparent priority setting) and principle 7 practice 5 (balancing quality against costs) seem relevant in this context.

To sum up, can I inform the complainants that you have agreed to:

1. Include extra text in future bulletins that explains the strengths and weaknesses of live music licences as a proxy indicator
2. Explain also why it is not feasible to obtain all the information that would be needed to provide a more definitive answer
3. Advise the relevant Minister and the press office about the need to exercise caution when quoting the figures?

Happy to discuss.

Richard.

Richard Laux

Director, Assessment Programme

UK Statistics Authority

VIVIENNE.AVERY@Culture  
.gsi.gov.uk To: Richard  
Laux/LMD/SESAG/LONDON/ONS@ONS  
cc:  
PETER.ANTONIADES@Culture.gsi.gov.uk,  
ANITA.CHARLESWORTH@Culture.gsi.gov.uk  
19/11/2009 22:05  
Subject: Criticisms of DCMS licensing statistics

Richard

Thanks for the opportunity to comment.

We agree that this issue relates primarily to interpretation of the statistics, rather than the statistics themselves. We don't think our Minister has been making unsubstantiated claims about live music. The Minister has referred publicly to our statistics, making it clear the data relate to take-up of licenses, and has quoted other independent data from the music industry.

Although an increase in the number of licenses with provision for live music does not provide conclusive evidence that such activity is increasing, it is possible for those who are not familiar with the debate to misunderstand this.

**Without a satisfactory answer to the question of how many new licences relate to the increased scope of the Licensing Act 2003, licensing data is a poor proxy indicator.**

Licensing data are an important proxy indicator and a useful indication of the impact of the Act on the entertainment industry, particularly during the challenging economic climate. It is often claimed that the Act has led to a drop in live music, but neither our survey nor licensing data suggest this is the case. It is legitimate in the context of these discussions to provide evidence from our official statistics, even if not these are not conclusive.

We do not rely on licensing statistics alone to assess the health of the live music sector. Our Taking Part survey can be used to estimate the proportion of the adult population who attend live music. Secondary analysis of these data indicate a small increase in the proportion attending live music between 2005/06 (when the survey began) and 2008/09, from 32.1% to 34.2%. Note this is statistically significant only at a 90% confidence level, not 95%.

Responding to your suggestions:

1. In order to reduce the potential for future misinterpretation, particularly among those who are not familiar with the long history of this debate, we will add text relating to the relevant sections any subsequent release (your text read as if we don't currently provide guidance on interpretation - this is not the case). You should note that we have not made any definite commitment to continue the data collection, which we originally agreed for a 3 year period. Due to sustained policy interest in the Act it is likely that we will do so, but we have not yet taken a final decision.

2. We disagree with claims that the Department is misquoting the data. However we are prepared to draw these allegations to the attention of the relevant Minister and ask him to take an even greater degree of care when discussing this issue publicly.

3. Having reviewed comments made by Hamish Birchall on the Live Music Forum, I can't see the case to review our evaluation of the impact of the Licensing Act on this particular entertainment sector. As I'm sure you are aware, we have already done this extensively by conducting three surveys looking at live music and licensing in 2004, 2006 and 2007, covering the periods before, during and after the implementation of the Act. Local Authorities are responsible for managing licensing. Much of the information that your complainant would like us to collect simply does not exist.

**That is precisely our point. DCMS has no data concerning the number of live music performance and should not be leaping to conclusions based solely on licensing data – particularly when there are other logical explanations as to why the number of live music authorizations has increased, most notably the increased scope of the LA2003 and that DCMS has recently encouraged Licensing Authorities to ensure that premises licences are issued for public spaces.**

**Does DCMS claim that the increase in alcohol licences is a proxy indicator that alcohol consumption has increased?**

Furthermore, we are looking to reduce the data collection burden on Local Authorities in line with Principle 6 of the Code of Practice and wider government initiatives in this area. Addressing some of the questions you suggest by requesting detail over several years on the licensing of individual venues would elicit an extremely low response rate and prevent us from drawing any robust conclusions. It would damage our excellent relationship with the authorities for future data collections which would reduce the quality of licensing data in other priority areas relating to the Act (e.g. 24 hour alcohol licensing). We currently get a 100% response rate from Local Authorities for this data collection.

I'm happy to discuss further.

Vivienne

**EMAIL 3:**

From : VIVIENNE.AVERY@Culture.gsi.gov.uk  
To : Richard Laux/LMD/SESAG/LONDON/ONS  
CC :  
Date Sent : 16/12/2009 16:23:25  
Subject : RE: Minister repeats misleading claims re DCMS licensing stats

Richard

Can I see a copy of the response asap please? The Press Office want to be briefed before it gets published on the Live Music Forum.

Vivienne

-----Original Message-----

From: Richard Laux [mailto:richard.laux@statistics.gsi.gov.uk]  
Sent: 14 December 2009 12:22  
To: AVERY VIVIENNE  
Cc: Ross Young  
Subject: Re: Minister repeats misleading claims re DCMS licensing stats

Vivienne:

To note that I have written to Hamish Birchall; I've written to Charlotte Collingwood in the same terms. Thanks for your email of 29/11, which gave me substantive material for these responses. We haven't, however, said anything about a few of your suggested points:

1. We have not said that there has been no breach of the Code of Practice, because we do not think the statistical release fully complies with Principle 8 Practice 1 of the Code

**Why did DCMS not mention this breach of Code of Practice within the Increases in Live Music Report?**

**More importantly, this breach was ignored in the Licensing Act consultation document which repeated the 'thriving' claim.**

2. We have not seen any evidence to suggest that the Minister's remarks were taken out of context.

Regards, and Happy Christmas,  
Richard.  
Richard Laux  
Director, Assessment Programme  
UK Statistics Authority

----- Forwarded by Richard Laux/LMD/SESAG/LONDON/ONS on 14/12/2009 12:15-----

Richard Laux  
To: hamishbirchall@yahoo.co.uk  
14/12/2009 12:12 cc: Ross  
Young/LONDON/ONS@ONS  
Subject: Re: Minister repeats misleading claims re DCMS licensing stats

Dear Hamish,

Thank you for your recent emails on this subject, and apologies for the delay. Richard Alldritt has asked me to reply to you.



We have been in contact with DCMS about the points you raise, and they have told us that they will take the following steps in order to avoid any risk of misunderstanding or misinterpretation in the future:

1. Future editions of the statistical bulletin will include extra text that explains how to interpret changes in the number of entertainment (including live music) licences. I would expect this to explore some of the issues raised by your emails - ie the extent to which the number of licences is (or is not) a measure of the state of the industry or the impact of the Licensing Act.
2. There will also be more explanation as to why DCMS do not collect some of the additional information you mention (eg on licence conditions).
3. The DCMS Minister and Press Office will be alerted to the possibility of misinterpretation and the need to exercise caution when quoting the figures.

I hope this meets your current concerns, but please feel free to contact me again if you have any further concerns in the future.

Regards,  
Richard.

Richard Laux  
Director, Assessment Programme  
UK Statistics Authority

hamishbirchall To: Richard Alldritt/LONDON/ONS@ONS  
cc: Ross  
Young/LONDON/ONS@ONS  
23/11/2009 17:55

Subject: Re: Minister repeats misleading claims re DCMS licensing stats

Dear Richard

Are you any nearer deciding whether or not to investigate the live music claims made by DCMS on the back of their latest alcohol and entertainment licensing statistics?

Many thanks.  
Hamish Birchall

----- Original Message -----

From: "Richard Alldritt" <richard.alldritt@statistics.gsi.gov.uk>  
To: hamishbirchall  
Cc: "Ross Young" <ross.young@statistics.gsi.gov.uk>  
Sent: Wednesday, November 11, 2009 4:30 PM  
Subject: Re: Minister repeats misleading claims re DCMS licensing stats

Dear Hamish

Sorry I haven't been able to take your calls today - I have an awkward confluence of a meetings, reports and am moving home at the same time. We have logged this as an issue and I have asked the team to consider whether this is something we should raise with DCMS.

regards

Richard  
Richard Alldritt

Head of Assessment  
UK Statistics Authority

hamishbirchall To: Richard  
Alldritt/LONDON/ONS@ONS  
cc: Ross  
Young/LONDON/ONS@ONS  
11/11/2009 09:43 Subject: Minister repeats  
misleading claims re DCMS licensing stats

Dear Richard

Yesterday on the BBC Politics Show licensing minister Gerry Sutcliffe repeated misleading claims about live music based on the latest DCMS licensing statistics:

[http://news.bbc.co.uk/1/hi/programmes/the\\_daily\\_politics/8352682.stm](http://news.bbc.co.uk/1/hi/programmes/the_daily_politics/8352682.stm)

But these statistics permit no reliable conclusion about a) the actual provision of live music since 2007 (DCMS has not measured live music provision since 2007), or b) even the potential for hosting live music.

The Licensing Act 2003 extended entertainment licensing to thousands of events and premises that had never previously needed such licences. Claiming an 11% rise in applications since 2007 means absolutely nothing.

We must try to do something about this.

All the best  
Hamish Birchall

**EMAIL 4:**

From : Richard Laux/LMD/SESAG/LONDON/ONS

To : VIVIENNE.AVERY@Culture.gsi.gov.uk

CC :

Date Sent : 17/12/2009 10:59:14

Subject : live music

Hi Vivienne,

As you'll have seen, I've now emailed Hamish and Charlotte.

It's your call of course, but there may be merit in engaging with them about your article - to the extent that they are interested users of these statistics. If nothing else, better to understand and perhaps address their likely objections beforehand rather than having to play catch up!

Regards,

Richard.

Richard Laux

Director, Assessment Programme

UK Statistics Authority

**EMAIL 5:**

From : VIVIENNE.AVERY@Culture.gsi.gov.uk  
To : Richard Laux/LMD/SESAG/LONDON/ONS  
CC :  
Date Sent : 28/01/2010 19:21:00  
Subject : FW: DCMS analysis of statistics on live music

Richard – the article is now published. I consulted Hamish and Charlotte (no response) and have sent them a link.

The process of producing the article has been more time consuming than we expected but pulling it all together did further convince us that Licensing Act has had nothing to do with any changes other than positively facilitating the growth of larger venues. It is the state of the economy and changing demand that affects small venues- even if the licensing act was repealed it would have minimal impact on the trends (although we haven't deliberately courted controversy by being quite that explicit).

I expect there will either be another round of complaints or more likely, the findings will be twisted as evidence that the Licensing Act is affecting small venues. But a key point to bear in mind should our impartiality be challenged is that we have deliberately gone to a lot of trouble to release the findings by venue size (which are based on secondary analysis of survey data that we haven't explored before) so that it can be used in the current consultation on changes to the regulations for small venues.

**The only finding by venue size come from the Taking Part Survey, which showed a drop in the proportion of adults attending a live music. Unfortunately, the consultation document ignored this finding and claimed that the increase in live music licences was an indicator that the live sector was 'thriving'.**

We could have chosen not to conduct or publish this analysis, but have followed the Code of Practice so that everyone has access to all the relevant data we hold on the topic.

Vivienne  
Vivienne Avery  
Chief Statistician  
Evidence & Analysis Unit  
Department for Culture, Media and Sport

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**From:** AVERY VIVIENNE  
**Sent:** 28 January 2010 19:09  
**To:** 'charlotte.collingwood@ntlworld.com'; 'hamishbirchall@yahoo.co.uk'  
**Subject:** DCMS analysis of statistics on live music

Dear Hamish and Charlotte

Following my earlier email, this is just to say that the article has now been released and can be found on our website at

[http://www.culture.gov.uk/reference\\_library/publications/6603.aspx](http://www.culture.gov.uk/reference_library/publications/6603.aspx)

This includes discussion of some of the measurement issues that have been raised (e.g. the extent to which changes in live music licensing have been a reflection of actual trends in the sector and some of the issues around schools, hospitals etc).

As of Monday, we should have a feedback form on the statistics page of our website which you can use if you want to raise issues about the article, or you can email me direct.

Vivienne  
Vivienne Avery  
Chief Statistician  
Evidence & Analysis Unit  
Department for Culture, Media and Sport

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**From:** AVERY VIVIENNE  
**Sent:** 07 January 2010 16:24  
**To:** 'charlotte.collingwood'; 'Hamish Birchall'  
**Cc:** 'Richard Laux'  
**Subject:** DCMS analysis of statistics on live music - opportunity to raise issues to be addressed

Dear Hamish and Charlotte

As Richard Laux mentioned in his recent email, DCMS plans to publish soon a short analytical article summarising DCMS statistics on live music collected since 2005 from the Alcohol and Entertainment Licensing Bulletin, the Taking Part survey and the Live Music surveys. The aim is to pull together statistics from these 3 data sources into one place so that a coherent picture can be provided. The article will include an annex covering some of the measurement issues relating to statistics on live music, including some that you have raised e.g. why we can't provide more data on licensing of individual venues or by individual Local Authorities. The article is not an evaluation of the impact of the Licensing Act although inevitably it will refer to this given the time period covered.

The outline will look at:

Live music licenses

Attendance at live music events

Proportion of adults performing Live music

Trends in live music by secondary music venue type

Decline in the numbers of pubs and bars (this will be external data)

We are also examining the scope to include external data on the impact of the Smoking Act **Here DCMS hit upon the bright idea of seeing if the smoking ban had caused a decline in live music.**

and recorded music sales

**Why did DCMS not attempt to analyse the live music manufacturing and publishing sectors?**

The timing coincides with the current consultation on the small gigs exemption proposal. As an analytical piece, it will not comment on the relative merits of this or other policy proposals. Following your correspondence with the UK Statistics Authority, I am writing to give you the opportunity to raise issues that you would like to see addressed, within the scope outlined above.

Vivienne

Vivienne Avery

Chief Statistician

Evidence & Analysis Unit

Department for Culture, Media and Sport

**EMAIL 6:**

From : [VIVIENNE.AVERY@Culture.gsi.gov.uk](mailto:VIVIENNE.AVERY@Culture.gsi.gov.uk)

To : Richard Laux/LMD/SESAG/LONDON/ONS

CC :

Date Sent : 04/03/2010 21:38:23

Subject : RE: DCMS live music

Richard

**Re: Ministers comments on exemptions for small gigs**

We agreed with your recommendation last autumn to exercise caution when making assumptions about live music from the licensing data alone, and briefed both our press office and ministers accordingly. At the time we were aware of the data from Taking Part but couldn't refer to this publicly as we were developing a new time series from the survey that was not published until December.

Now that we have published analysis both from Licensing and Taking Part and data from other sources, I don't think there can be any reasonable doubt that live music has increased. Licence numbers are up in the majority of authorities, there has been a steady increase in the proportion of people who attend live music, the value of the live music sector has increased by 13% (in 2008), and numbers of people employed in live music performance went up (at least until 2006 - we are awaiting revised figures from the CCSC as they correct their error). I'm not aware of any actual statistics that suggest live music isn't increasing but I'm happy to consider these if they exist.

**Evidence that live music has decreased was collected by DCMS Select Committee in 2008 and is available on DCMS Website. Select Committee Chairman John Whittingdale stated that there was evidence there has been a loss of venues and live music opportunities since the Act.**

Both Gerry Sutcliffe and Ben Bradshaw have been measured in their recent comments about live music. I attach

Ben's recent comments taken from Hansard

*Mr. Edward Vaizey (Wantage) (Con): The Government are fond of saying that there has been an increase in live music since the Licensing Act came in. One reason for that is that the number of events that need to be licensed has increased, and another is the coming on stream of the O2 arena and Wembley stadium. Is the Minister aware that the UK Statistics Authority has said: "The DCMS...and Press Office will be alerted to the possibility of misinterpretation and the need to exercise caution when quoting the figures"?*

*Can he confirm that the UK Statistics Authority has written to him in those terms and that he will exercise caution in using those figures in future?*

*Mr. Bradshaw: Unlike the Conservative party, we always take very seriously what the UK Statistics Authority says, and I shall do so. Certainly on the information we have, I do not think anyone challenges the fact that there has been significant growth in the amount of live music, but the hon. Gentleman is right to identify the fact that it has been concentrated in medium and larger-sized venues. Similar growth has not been seen in smaller venues, which is exactly why we are proposing to extend the exemption to them.*

**Wrong. There have been many challenges to the claim that there has been a significant growth in the amount live music. DCMS Spokesmen: Jeremy Hunt, Ed Vaizey, Don Foster, Lord Clement-Jones, Lord Colwyn, DCMS Select Committee Chairman John Whittingdale, UK Music CEO Feargal Sharkey etc.**

#### **Re: timing of assessment**

We would prefer to avoid the autumn of this year. In September/October we will be compiling the next licensing stats for release at end Oct. The Taking Part team will have releases in September, October and December as well this being the key time for retendering the contract. If you would like to bring this forward the best time for us would probably be July/August 2010 or early 2011. Ideally we'd prefer to separate them - Licensing stats in summer 2010 and Taking Part in early 2011, as some staff work on both outputs and may find it hard to manage two at the same time (we also couldn't learn the lessons of one for the other which would be disappointing given that these are currently our only national stats).

#### **Re Taking Part questionnaire**

Our decision is based solely on competing priorities. Demand for questionnaire space on Taking Part is huge. For instance, whereas there is little wider interest in venue size beyond those concerned about live music, I am regularly asked by a range of users if we have data on location of event attended, whether funded by private/public sector etc The forthcoming Libraries Review will contain recommendations on the need for further questions on Taking Part to understand the decline in adult usage. The recent NAO report on Heritage made some criticism of Taking Part we will have to look at. There is no national data on adult competence in swimming or cycling or cultural activities e.g. ability to play a musical instrument - something we need to address. We can't carry questions that aren't used constructively on an annual basis, although for our own purposes we may ask them less frequently so that we can monitor the long term trend.

Vivienne

Vivienne Avery

Head of Evidence & Analysis Unit

Department for Culture, Media and Sport

-----Original Message-----

From: Richard Laux [<mailto:richard.laux@statistics.gsi.gov.uk>]

Sent: 26 February 2010 16:18

To: AVERY VIVIENNE

Subject: RE: DCMS live music

Dear Vivienne

Thank you for the prompt reply.

I still think that taking a closer look at trends in frequency of attendance by size or type of venue (insofar as that is possible) would make it easier to see whether the overall growth you refer to could be masking a decline in attendance at small venues. It is worth being as clear and open about that as possible. I completely accept your point that there are a number of very plausible explanations. You say the data on small venues are not used constructively outside the department and that they generate only complaints. Obviously I am not in a position to comment about the other priorities that are also competing for space on the questionnaire, but there is clearly a degree of interest in this topic. The fact that it generates controversy would not in itself be a good reason for deciding not to reinstate the question.

Re pubs, I have no reason to doubt what you say about trends. It is just that you are in a situation where every word in the article is being scrutinised and challenged. Likewise with the CCSC data. Since I last emailed, we have been sent the following link to an interview given by the Licensing Minister:  
<http://www.thepublican.com/story.asp?sectioncode=7&storycode=66481>

The campaigners do not feel that his reply to the question about exemptions for small gigs shows the caution (when quoting figures) that was promised at the end of last year. I would be grateful for your views on that – on the face of it, I think they have a point. Finally, I take your point about the fact that 'live music' is only one element of Taking Part, and of Licensing Statistics, albeit an element that appears to be rather contentious. We'll have a look at possibilities for rescheduling the assessment - are there particular periods that you would prefer to avoid because of production cycles etc?

Regards,  
Richard.

VIVIENNE.AVERY@Culture

.gsi.gov.uk To: Richard

Laux/LMD/SESAG/LONDON/ONS@ONS

cc:

25/02/2010 20:13 Subject: RE: DCMS live music

Richard

Thank you for taking the time to explore these issues.

I had expected you to raise the timing of assessment at some point. We are confident in the quality of our statistics and would be happy for these to be brought forward as long as we had due warning - there may be advantages in doing so. Although as the data on live music (and its users) are only a tiny fraction of the overall uses and users of both data sources I'm not convinced they should drive this decision. Thanks for pointing out remaining issues with GB/England/UK - We worked hard to put out the article to coincide with the DCMS consultation on exemptions for small venues and it was a bit of a nightmare in this respect as not all the data sources are clear but we need to do better. Regarding the reliability of the data on pubs -we were trying to distinguish clearly between our official statistics which we have quality assured, and industry data which we can't due to lack of information. I don't think there is any doubt about the trend for pubs or I wouldn't have reported the data.

**There IS industry data on the performance of music in pubs. The Association of Licensed Multiple Retailers reported a 19% drop in expenditure on live music as a proportion of sales since the Act came into force. This evidence was given to DCMS Select Committee.**

Regarding, CCSC data, I would be tempted to remove it altogether from the article if there are further problems - CCSC should publish their findings with more clarity and we shouldn't have to quality assure them. The data are not central to the article they just added a different dimension.

**There is a further problem with the CSCC data: The definition of 'live music' in the ONS report is NOT the same as definition of 'live music' in the Licensing Act.**

**After the publication of Vivienne Avery's Report, Charlotte Collingwood spoke with the Creative and Cultural Skills Council. They confirmed in writing that DCMS did NOT contact them prior to publication of the Increases in Live Music Report.**

**It is clear that DCMS simply copied this data without checking it.**

**This is NOT high quality research.**

I'm afraid I disagree strongly with your points about small venues for a number of reasons:

1. The picture is far more complex than one figure from the 2007 survey.

**But that is no reason to ignore the 2007 survey altogether in favour of some pretty tenuous proxy indicators. Another example of cherry-picking.**

Although this found a 5% decrease between 2004 and 2007, licensing data show the number of venues licensed has increased between 2007 and 2009, and the proportion of people who attended at least once in the previous year increased in the 2 years between 2005/06 and 2007/08. The fallback in participation data for small venues in 2008/09 was found in almost every cultural sector and has nothing to do with music.

**What does 'nothing to do with music' mean? This is a very weak and contradictory argument. The Taking Part Survey showed a drop in attendance at small venues. DCMS cannot ignore this finding on the grounds that similar sized drops were recorded in other cultural sectors.**

It appears from the first 6 months that overall participation rates are recovering, but we won't have data this year on small venues as we are operating a small questionnaire in the mid year of our PSA measurement period. We haven't yet decided whether to restore it for 2010/11 because of competing priorities from other users. Given that these data aren't used constructively outside the department and generate only complaints, our users might well get better value from questions on other topics.

**A weak argument followed by a change of subject. Is this supposed to baffle UKSA?**

2. The point about Wembley and the O2 is pure smokescreen and I'm undecided on whether it is worthy of a response (but see below).

**It is difficult to see how the simultaneous opening of O2 and Wembley would NOT have affected live music attendance. What IS pure smokescreen is DCMS claim that '*There is very likely a 'substitution' effect – many of the gigs at these venues would have happened elsewhere.*'**

The article is quite clear that the increase in the proportion of people attending music is a long term phenomenon and Arts Council data suggest it may have started as far back as 2000. It cannot be explained by individual venues opening in recent years though the increase in the number of large arenas nationally over the last decade is undoubtedly part of the context. Second, in the entire history of Taking Part we have yet to see any local venue/event/festival impact on national participation rates for any cultural sector. Participation rates do not seem to have changed substantially and that is why we are so confident about the live music data increase - it stands out as something real when compared with our other sectors. We could do a more complex analysis of the Taking Part data looking at frequency of attendance as well as the rates, but my view based on other recent analysis of frequency data is that it will confirm the existing picture and is unlikely to add anything of value. We are putting together a dataset on visitor data across our sectors, but aren't close to releasing this, and there is little publicly available on live music.

**There are problems with the Taking Part Data that are not addressed in the Report.**

**Taking Part only covered England, and not Wales.**

**Taking Part only surveyed adults (over 16). The licensing of children's music is of particular concern to campaigners.**

**Taking Part has no definition of small and medium/large venue.**

**Taking Part's definition of live music was NOT changed in Nov 2005 to reflect the increased scope of the Licensing Act. Micro events, such as carol singers, buskers, school musicals are not mentioned in the Taking Part questionnaire. DCMS has presented NO evidence regarding the performances of these micro events.**

**The Taking Part data presented here appears to exclude theatre and opera, and may include DJ events.**

**Taking Part shows a small drop in the proportion of adults performing music in public. DCMS have not attempted to reconcile this with the alleged increase in the no of musicians reported by the CCSC. This looks like more cherry-picking.**

3. Even if it were the case that music had declined at small venues (and I don't think it is),

**Why does the author think that music has not declined at small venues? The Taking Part Survey – on which her report heavily relies – demonstrates that there HAS been a decline. So does the 2007 survey, and so did the DCMS Select Committee.**

there is no statistical evidence that this is due to licensing.

**DCMS trot out this 'there is no statistical evidence...' line from time to time. It is obfuscation.**

**It appears that DCMS began this survey with the objective of proving that there has been an increase in the amount of live music. Negative data from the Taking Part Survey, the CSCC Report – and other industry sources – has been conveniently ignored.**

Even when specifically asked, venue owners in 2007 felt it was neutral in terms of its impact, and that their decision to stage live music was affected by other business factors. It's not my job to advise Hamish, but from a personal perspective anyone with an interest in the welfare of small venues should look more closely at the Smoking Act,

**We looked at the only available evidence regarding the link between live music and smoking. The author stated in the 'Increases in Live Music' Report that there was 'no robust evidence on how this has affected live music, other than evidence of an increased concentration on food'**

tax on alcohol in pubs and bars, costs of performance (e.g. fees to PRS etc), consumer preferences for where they like to attend live music, and a range of other factors.

**Is it not DCMS's case that the 'overall the live music sector is thriving' and that live music in small venues was NOT in decline? Here DCMS are claiming that factors other than licensing are the reason for the fall.**

I'm not convinced that even if small venues were exempted from the Licensing Act (and note I'm not suggesting they should be) they would show a significant increase in live music in such a healthy and competitive market.



**If DCMS really think that an exemption for small venues would not deliver a significant increase, then why are they steadfastly opposed to these exemptions?**

If we wanted to be deliberately provocative, we could suggest that the Licensing Act appears to have facilitated the successful growth of this market, though we avoided going that far in the article.

**Provocative? Delusional perhaps...**

4. We should avoid pressure from Hamish to only accept as valid evidence data that directly measure the topics he is most interested in. We are fortunate that although a full evaluation of the Licensing Act was not done at the time, we have good official statistics on live music. Taken together they provide a coherent picture. In 2010, I have little interest in whether the venue owners in the 2007 survey were aware of the previous regime in 2004 (and some of the other points often made which would add little value). We need to know about the health of the sector and its component parts to see whether there is a market failure which requires government intervention. It is hard on the basis of this evidence to see the case for this even for small venues, given wider support for music licensing e.g. from local government.

**There is unequivocal evidence that Local Government has been misled by DCMS 'research'.**

As a statistician, I don't consider the anecdotes and scare stories in the media that are put forward by the Live Music Forum as valid evidence,

**Would DCMS care to produce a single example of a scare story on the Live Music Forum website?**

though my policy colleagues quite rightly monitor these I've been considering whether to respond directly to Hamish on some of his points, but am only prepared to do this if we can include the copyees of his emails, in particular the opposition spokesman. Due to the propriety issues around the forthcoming election, we need agreement on any correspondence with the opposition from within the department, and there are those who feel we shouldn't do this at this time. I also suspect from the various PQs we have received on this issue that Hamish may be preparing a more substantial critique of the article, and I would prefer to wait and address any major points in one response rather than enter prolonged debate.

Finally, given recent UKSA comments on use of official statistics by the opposition, you might be interested to note Ed Vaizey's comments that our live music data are 'Alice in Wonderland' stuff.

**Is this not a party political matter? UKSA have never commented on Ed Vaizey's use of official statistics.**

Apologies this became such a long email.  
Vivienne

-----Original Message-----

From: Richard Laux [<mailto:richard.laux@statistics.gsi.gov.uk>]  
Sent: 25 February 2010 15:32  
To: AVERY VIVIENNE  
Subject: DCMS live music

Dear Vivienne,

Thank you very much for sending me a link to the article. I think it is a very positive way of responding to criticism. The various emails from Hamish and Charlotte suggest that the crux of the issue is whether or not the number of gigs at small/secondary venues has declined, and if so, whether the Licensing Act is responsible. It seems to me that the closest to a direct answer to the first question is contained in the 2007 Live Music Survey, where the BMRB report reached the tentative conclusion that there had been a 'gradual decrease' in provision at secondary venues between 2004 and 2007. Your recent article also uses evidence

from Taking Part, quoting the proportion of people who had attended a live music event at least once in the 12 months prior to interview. Again, attendance at smaller venues seems to have declined (although this is a more recent phenomenon). The proportion of adults who attend a live music event at least once a year does not tell us anything about how often people attend. For example, some who used to go regularly might be attending less often, and one reason for that might be fewer venues or performances. You mention that you have had to do some secondary analysis in order to look at venue size. Would it be possible to take this a stage further and look at type of venue by frequency of attendance? This might provide further evidence as to whether the campaigners are right in thinking that the number of gigs at small venues may have declined and that growth in attendance is due to Wembley and O2. That would not prove the Licensing Act is responsible – the evidence seems rather inconclusive on that point - but it might provide a more nuanced picture of trends in the industry. We have just received a further email from Hamish Birchall, containing the text of a recent written Q&A in the House of Lords (23 Feb) and drawing our attention to the fact that you have made some clarifications to the article. One thing we have noticed is that although the relevant chart in the later of the two CCSC publications carries a bullet point about the increase in employment between 2006 and 2008, the 'disclaimer' at the back says the source for all aspects of employment is the Annual Population Survey 2006. So in spite of what it says on the chart, the real comparison may be between 2004 and 2006. Given this discrepancy, you may wish to do an independent check that the APS has been quoted correctly.

**We already did. CSCC were working without any definition of 'live music' or 'musician'. Their data may or may not include amateur performances. They simply do not know. We repeat: DCMS did not contact CSCC to check their data. CSCC confirmed this to Charlotte Collingwood in writing.**

In case you are planning any more amendments, you may also want to look at the following:

1. Table 1 is labelled 'Arts Council for England, TGI data' but I believe these are actually GB figures (the Arts Council website provides data for both England and GB, and also draws attention to the different wording of the question in TGI and Taking Part).

**There is another mistake in this section of the report. The commentary for Table 2 states: 'Taking Part survey data shows no statistically significant change in the proportion of amateur musicians performing music in public between 2005/06 to 2008/09 in England.'**

**The term 'amateur' musician is incorrect as it does not appear on the Taking Part questionnaire. This also includes professional or part-time musicians (and therefore contradicts the claim that employment in live music has increased).**

2. Perhaps explain the decrease in the unweighted Taking Part sample between 2005/06 and 2008/09?

3. Fall in number of pubs - this is described as a 'quantifiable reason' on page 6. Is this statement undermined at all by the Q&A in Annex C, which describes industry data as 'illustrative'? The text at the bottom of page 6 says the industry figures are for Britain, not the UK, but Table 4 is labelled 'public houses in the UK'. The BBPA website gives separate figures for each part of the UK, but perhaps MBD have used UK data for their further analysis?

Given the recurring interest in these statistics, I think we may look at the timing of our planned assessments for DCMS products and see if Taking Part and Licensing Statistics can be brought forward.

Regards,

Richard.

Richard Laux  
Director, Assessment Programme  
UK Statistics Authority

**EMAIL 7:**

From : [VIVIENNE.AVERY@Culture.gsi.gov.uk](mailto:VIVIENNE.AVERY@Culture.gsi.gov.uk)

To : Richard Laux/LMD/SESAG/LONDON/ONS  
CC : stuart.roberts@culture.gsi.gov.uk  
Date Sent : 24/03/2010 9:51:10  
Subject : RE: Live music statistics

Richard

Regarding the specifics of the Publican report.

A No, if you look at the facts we've actually increased the amount of live music that's taking place.

The facts referred to here are the conclusions of our live music research analysis which provided a range of evidence and indicators that live music is increasing – licensing data, participation/attendance data, employment data, financial data. The article is clear about the measurement issues. I can see no issue with this comment.

Q But not in pubs

A .... Well in venues. Applications for live music has gone up.

Our official statistics are clear that applications/live music licences have gone up. Again, I can see no issue with this comment. In addition, as we have explained, following these comments the interview was stopped and the article sent to ensure the journalist had the full evidence to use in the interview, including the data from Taking Part on attendance at pubs and bars (I can copy you the exact email from our Press Office if you would like).

Nowhere does this interview or our article claim the number of gigs has increased - the article is quite clear that actual data on gigs do not exist, but in the absence of this data a range of other indicators provide a clear picture of the live music sector. Even if gig data were available, as with licensing, this would only be one indicator which would need to be analysed in conjunction with others in order to draw firm conclusions about the whole live music sector.

We are not suggesting that the Minister was misquoted. The two comments he made are clearly evidence based and quote official statistics fairly. We have taken your early comments very seriously about the need for caution and the potential for licensing data to be used out of context on its own. We have published a range of other evidence supporting the trends from the licensing data and further information on how to interpret these. We have actively published secondary analysis of Taking Part data on venue size to support users during the recent consultation, although this was not part of our regular reporting schedule for the overall survey. Our Ministers are exercising caution to the point of actually stopping live interviews to check the evidence and provide further detail to journalists.

As a consequence we will be extremely disappointed if the UK Statistics Authority feel there is any just complaint about the official statistics in this interview.

Vivienne  
Vivienne Avery  
Head of Evidence & Analysis Unit  
Department for Culture, Media and Sport  
-----Original Message-----

From: Richard Laux  
Sent: 16 March 2010 17:24  
To: AVERY VIVIENNE  
Subject: Re: Live music statistics  
Thanks Vivienne

The complaint made to us was specifically about the interview in the Publican, so I would like to be as clear as possible before getting back to the campaigners. From what you say, the journalist was subsequently sent

figures from the DCMS article. However, the interview with the Minister is written up in a verbatim style. Are you saying he was misreported? For ease of reference, the key exchange is as follows:

Q Is the consultation for exemptions for small gigs an acknowledgement that the original legislation has hampered live music in pubs?

A No, if you look at the facts we've actually increased the amount of live music that's taking place.

Q But not in pubs

A .... Well in venues. Applications for live music has gone up.

Note that there are some dots in the transcript, which may indicate that something was left out - perhaps this is the point where your policy lead said he would send figures from the article. However, I don't think he would have been able to send figures on the number of gigs, so I am assuming this is licensing or Taking Part data. If the Minister was quoted accurately, we will probably reply saying we agree that the 'amount of live music' doesn't equate to the number of licences, so with hindsight the first answer could have been more precise. However, we doubt there was any intention to mislead. Turning to the timing of assessment, we would hope that the time burden on DCMS staff will be small. We will get back to you on the possibility of summer 2010, as we are waiting to confirm resources. We could split the assessment as you suggest, although it would be more cost-effective in the long run to take them together.

Richard.

VIVIENNE.AVERY To: Richard Laux

cc:

11/03/2010 11:38 Subject: Live music statistics

Richard

Following up on my email last week about the latest complaint from Hamish Birchall, I've been talking to our policy lead on this who sat in on the interview and clarified the data by sending the actual article to the journalist – see below. Given that this complaint relates to a non-DCMS output and that we have addressed the issues raised by the UK Statistics Authority last time, I can't see what more we could have done. We are not making comments about live music based on the licensing statistics alone, we have published data showing how the trends from licensing data are supported by a range of other indicators, and Ministers are using this when referring publicly to live music. We can't stop journalists misreporting Ministers if they choose to do so – we made every effort on this occasion to ensure that the interview and write-up was based on the correct statistics.

**Let's be absolutely clear here. Did The Publican misreport the minister or not?**

**When Richard asked DCMS this question directly – the subsequent answer was 'We are not suggesting that the Minister was misquoted.'**

Vivienne

Vivienne Avery

Evidence & Analysis Unit

Department for Culture, Media and Sport

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From: ROBERTS STUART

Sent: 10 March 2010 16:01

To: ROBERTS STUART; ANTONIADES PETER; NICOL PAUL (Sport & Leisure); AVERY VIVIENNE; LICENSING SECTOR; CUNNINGHAM ANDREW; OLIVER SIMON; COOPER ADAM C.

Cc: McCASKILL KIRSTY

Subject: RE: new ukstats authority complaint

I sat in on the interview and Gerry looked to me for confirmation and I said to the journalist that the figures were all in the report we put out recently and that I thought the figure showed that the number of gigs in pubs had stayed about the same, but that I would confirm to ensure we got these right – Kirsty subsequently sent him the figures from the report which went out the other week.

**It is clear that the DCMS Press Office were not properly briefed in accordance with UKSA recommendations. DCMS holds no data on the number of gigs in pubs.**

**The Taking Part data which DCMS have used to substantiate this claim was described as 'fairly contentious' by UKSA.**

**It appears that the previous administration was misled by DCMS.**

**What statistics did Kirsty McCaskill send to James Willmore? Were these the pub statistics from the Taking Part Survey? Did Kirsty McCaskill advise James that these stats are derived from the proportion of adults attending music in pubs and not the no of gigs. Or that the statistics are only for England?**

Happy to have a word

S

**EMAIL 8:**

From : VIVIENNE.AVERY

To : hamishbirchall

CC : charlotte.collingwood, don@donfoster.co.uk, jwhittingdale.mp@tory.org.uk, Richard Alldritt/LONDON/ONS,

vaizeye@parliament.uk, Tim.Clement-Jones@dlapiper.com, kiehl@parliament.uk, Richard Laux/LMD/SESAG/LONDON/ONS,

COLWYNA@parliament.uk

Date Sent : 01/04/2010 13:35:42

Subject : Live music data

Hamish

Thank you for your various emails relating to our article on live music.

We recognise the deeply felt concerns that some members of the live music community have about the impact of the Licensing Act. As such we have taken your input seriously and sought to understand whether there is wider evidence for the picture you and others paint of the sector being in decline. To this end, and to provide greater information on how to interpret licensing data, we pulled together a range of data to provide a factual analysis about the overall sector and demonstrate how a range of indicators can be used to understand recent trends. This raises the quality of understanding and discussion, too much of which appears to have focused previously around what can be concluded from individual statistics alone. Our analysis concluded that overall the live music sector is healthy, though some parts are healthier than others.

**Why has DCMS ignored the live music manufacturing and publishing sectors? Both are in well documented decline, and business leaders in these sectors have blamed the Licensing Act.**

Your individual experiences and concerns are not without merit and obviously stem from the parts of the sector that are not growing. However, it is misleading to suggest these represent the live music sector as a whole and it was important to clarify this. An additional aim of this research was to support users such as yourselves by putting relevant DCMS data into the public arena e.g. the data on venue size from our Taking Part survey. As just one of hundreds of data items from the survey, this would not have been routinely published at this time, but we became aware of the trend following analysis we were doing looking at the impact of the recession on different cultural activities. We realised the findings would be of benefit to users such as yourself during the consultation on live music exemptions.

**DCMS claims of a thriving live music sector – based on licensing data alone – have been used in the consultation document and have misled the consultation process. This is indefensible.**

We have considered your comments and those from Charlotte Collingwood and others. We have answered a number of Parliamentary Questions on a number of these topics,

## **"A lesson in obfuscation" according to Jeremy Hunt and Ed Vaizey's Culture Politick website.**

but I am responding to a number of these and other points in further detail so that you understand the wider context in which we understand and analyse these data. The assertion that Wembley and O2 arenas explain the growth in live music. We have considered this possibility but consider it highly unlikely for a range of reasons including the growth in attendance started before they opened (as measured by participation rates). Arts Council TGI data suggest this started as early as 2001/2 but certainly by 2004/5 the proportion attending rock and pop events was higher than it had been in the previous 10 years.

There is very likely a 'substitution' effect – many of the gigs at these venues would have happened elsewhere.

### **How likely? Any evidence?**

Part of the increase is likely to come from live music festivals – these appear to be a growing part of the live music sector and anecdotal evidence suggests this is behind increase in licenced venues in some areas. The TGI data suggest a large rise in the proportion of people who have been attending jazz. We are cautious about this finding as it isn't confirmed up by Taking Part in the years for which both data are available, but if it is real, it wouldn't be explained by venues of this size. We agree that large venues like Wembley and the O2 (and other large arenas that have opened across the country over the last decade) contribute to the growth in live music but we would not accept that they explain it.

2. It is unfortunate that the live music industry does not publish any data on live music attendance, gigs or events which would allow us to explore this further (e.g. we know more about sales for ticketed music events in the US than we do for the UK). This is in contrast to most other cultural sectors where we are able to compare participation rates and visitor data (e.g. heritage, theatre etc). We know from our analysis of these sectors that participation rates are extremely useful in understanding trends and tell us something different because they are not affected by foreign tourism and population growth. When visitor attendance data increase it could be because there are more foreign tourists attending events or because the population is growing (among other reasons). However when the participation rate increases we know that a wider and higher proportion of the population are doing a particular activity. Both of these are useful in understanding trends in cultural behaviour.

3. We are grateful to you for drawing our attention to the Creative and Cultural Skills Council data issues. We have clarified the definition and that the data relate to GB in the earlier revision we made to the article (we would expect England and Wales to account for at least 90% of the GB figures). We have also asked the CCSC to revise their data to clarify that the employment data relate to 2004 and 2006, rather than 2008/09 as the title suggests. To date they have changed the data but not the title of the report, which we consider to be very misleading, and are trying to persuade them to change (we have even raised this with the body responsible for the CCSC). We are amending our article to 2004 and 2006, and also anticipate the updated data due in October of this year.

4. We would strongly challenge the assertion that someone cannot be a professional musician if they are part-time. This is unrealistic in today's labour market where all industries and occupations are seeing increasing proportion of the workforce becoming part-time. Changes in those in paid employment in live music are a useful indicator of the health of the sector, as they are for all other industries. We use the CCSC data in preference to the Musicians Union or Equity for two reasons – the data are publicly available and reflect the occupation as a whole rather than those who choose to become union members.

**Actually, DCMS used the term 'professional live music musician'. Unfortunately for the credibility of DCMS's report, the 50,780 'professional live music musicians' are nothing of the sort, and include 41% part-time musicians and a further 30% employed in ancillary activities (e.g. sound engineers, roadies). But – fatally for the DCMS's argument that this is evidence of a 'thriving' live music sector - this 20% increase in professional employment (even if true) actually relates to the period 2004 to 2006.**

5. Regarding definitions of licenceable activity – the commentary on school concerts reflects the Departments' legal advice. We can't comment beyond this as it isn't a statistical issue.

**Wrong. This is a major statistical issue for DCMS. This increased scope has clearly contributed to the increases in premises licences with live music authorization.**

**If this were not true – then there MUST have been a decrease in the number of live music performances.**

**If this were true – then DCMS CANNOT claim that there is any demonstrable link between the increase in licences and an increase in the 'amount' of live music.**

**DCMS argument is untenable.**

6. Regarding the 'two in a bar' rule. The article clearly referred to this, and that some forms of live music that previously did not need a licence are now licenceable – see Appendix B which explained the Licensing Act. However, it is unlikely that this explains the increased number of venues licenced for live music between March 2007 and March 2009, as most of these would have obtained licences before then.

**Any evidence for that? No?**

7. We agreed with the UK Statistics Authority in the autumn that caution was needed in drawing conclusions about live music based on licencing data alone. We have addressed this by publishing a wider range of indicators which support the trend indicated by licencing statistics and also clarified how to interpret these data.

8. We stand by the conclusions of the article as a fair reflection of the sector overall and also by the quality of our statistics in this area – without them we would have no evidence at a national level due to the absence of industry data on live music. That is not to say that your experiences of the sector are not valid – it is clear that small venues have not shared in recent growth. It is unlikely we will agree on the reasons for this.

I am copying this letter to recipients of the original email correspondence.

Vivienne  
Vivienne Avery  
Chief Statistician  
Evidence & Analysis Unit  
Department for Culture, Media and Sport

**EMAIL 9:**

From : [VIVIENNE.AVERY@Culture.gsi.gov.uk](mailto:VIVIENNE.AVERY@Culture.gsi.gov.uk)

To : Richard Laux/LMD/SESAG/LONDON/ONS

CC :

Date Sent : 21/04/2010 17:32:55

Subject : RE: Live music

Richard

Thanks for this. Hamish himself has raised the issue of what measure is important in his last email but I can't respond to him now that we are in purdah.

As the DCMS, our performance management framework provides a very clear view on this (at least under the current government). One of our Departmental Strategic Objectives 'Opportunity' is to increase participation in culture and sport as measured by our participation rates. Therefore if this measure shows an increase in attendance at live music, it will be the one we use as a success measure. But as I explained in the article we focused on the 3 measures for which there are good quality data over time - participation in live music, number of licensed venues, employment in live music.

**This statement is untrue. CSCC employment statistics have been used yet again. The participation in live music figures from Taking Part showed a REDUCTION.**

The article was quite clear about this and the limitations of each measure and about the lack of industry data on gigs etc particularly when compared with other leisure attractions for which much more data are publicly available. Just because licensing data are indirect measures, does not mean they can't be used, but that they need to be set in context of other data. While some measures are about the economic health, others e.g. participation are not. But 'economic impact' is another of our strategic objectives and measures of economic health are important too.

**But that doesn't stop DCMS leaping to the conclusion that 'overall the live music sector is thriving'**

**We can however be confident that the live music licensing sector is thriving.**

We don't have any specific targets around licensing, but most of our current stakeholders would see the growth in licensed venues as a positive impact,

**There's not much evidence of the licenced trade and the music industry agreeing with this statement.**

particularly as our anecdotal evidence suggests this is real growth as more venues seek to host live music (obviously that's not something I put in our stats releases but it is part of our wider quality assurance and confidence in the data). With the election looming it is quite clear from manifestos that others think a growth in live music venues represents too much regulation, and the future of the current target regime will very much depend on who wins. So too could the issue of who is responsible for licensing policy. Obviously we don't have a comprehensive index of all the factors that could be looked at to define live music growth and it wouldn't be appropriate for us to do this unless we were set a specific target on live music which is unlikely. We've already devoted a disproportionate amount of analyst/data collection to the policy area of live music, I think it unlikely that we will be able or want to continue to do this in future (unless we have a liberal democrat government who wish to reintroduce the two in bar rule in which case we will do an impact assessment). Live music is not a sector that we subsidise,

**Yes you do. DCMS expertise in live music is somewhat lacking again. DCMS subsidise thousands of live music organizations and events including, the Association of British Orchestras, Birmingham Opera Company, Bournemouth Symphony Orchestra, British Federation of Brass Bands, British Youth Opera, English National Opera, Glyndebourne Touring Opera, Jazz Services, London Symphony Orchestra, London Philharmonic Orchestra and so on...**

**And it's all licenced. Did the DCMS Licensing Team not know that? Unbelievable.**

all the available statistical data suggest that overall it is doing very well, and other parties have given a clear steer that there are higher priorities for licensing policy e.g. sale of alcohol. If more and more people are attending live music each year, more venues are licensed and more people employed by the industry,

**DCMS CANNOT continue quoting the CCSC employment data**

then I would be interested in any actual evidence that live music isn't increasing,

**Try asking the DCMS Select Committee – evidence is on the DCMS Website**

unless you support Hamish's position that everyone is going to Wembley and the O2 arena,

**It is not our position that 'everyone is going to Wembley and the O2'.**

none of the additional venues are actually holding live music,



**No. We said that the increased scope of the LA2003 had (obviously) led to an increase in licensing. So did the DCMS Select Committee.**

**DCMS appear to have forgotten about their own report written in conjunction with the Live Music Forum, which concluded that by December 2006 only 27% of premises with live music authorisation had actually put on any live music at all.**

and the increase in employment is somehow spurious.

**The increase in employment is entirely spurious. It was taken from a dubious source and never checked. It is also contradicted by the Taking Part data. If it was genuine, why did DCMS have so much difficulty answering Lord Clement-Jones and Lord Colwyn's PQs.**

I have already gone into some detail of why this is not the case.

**Yes, but how many people agree with you?**

What we have done is to be clear that there are data limitations, stop people from taking individual statistics out of context, and show how the available data point to a consistent and positive trend. Hamish is never going to be happy as we are making it more difficult for him to make unsubstantiated claims based on anecdotal data and his own personal experience which while substantial is confined to one genre of live music. Depending on the election outcome he might be a whole lot happier. And if he gets the policy he wants, I suspect complaints about the statistics will stop too.

**No. Overall, complaints about DCMS statistical evidence will continue to thrive!**

Vivienne  
Vivienne Avery  
Head of Evidence & Analysis Unit  
Department for Culture, Media and Sport  
-----Original Message-----  
From: Richard Laux [mailto:richard.laux@statistics.gsi.gov.uk]  
Sent: 15 April 2010 16:40  
To: AVERY VIVIENNE  
Subject: Live music

Vivienne

Thank you for your email of 24 March about the interview in the Publican, and for copying us in on your latest correspondence with Hamish Birchall. He has also emailed us about the Secretary of State's comments during the Music Matters election phone-in on Radio 3 on Saturday. Regarding the Publican interview, how exactly does DCMS define 'amount of live music'? I think most people would expect the term to have something to do with the number of gigs. They might conceivably think it should also take into account factors such as the size of audience, number of musicians present, length of each performance, or even the decibel level(!). The data you actually have, such as licensing statistics, are much more indirect. Your article concludes that 'overall, the live music sector is thriving'.

**All DCMS have demonstrated beyond reasonable doubt is that live music LICENSING is thriving.**

To me, this raises a broader set of definitional and measurement issues, implying something about the economic health of the industry, as opposed to the amount of music. If DCMS does not have a definition, as such, it would be good to have an unambiguous set of indicators that, taken together, might be the basis of inference about the state of the live music sector.

This may all sound like semantics, but given the long history of complaints about the evidence base on this topic, I am sure you would agree that it is important to be as precise as possible, and not to overstate the case. Perhaps we could meet to talk this through and discuss a way forward. In the longer term, there may be more general lessons that the Authority can incorporate into its ongoing work.

Regards,

Richard.

Richard Laux  
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