



4<sup>th</sup> September 2015

## House of Commons Scottish Affairs Committee Inquiry into the Creative Industries in Scotland

### About UK Music

1. UK Music is the umbrella body representing the collective interests of the UK's commercial music industry, from songwriters and composers to artists and musicians, studio producers, music managers, music publishers, major and independent record labels, music licensing companies and the live music sector.
2. UK Music exists to represent the UK's commercial music sector, to drive economic growth and promote the benefits of music to British society. The members of UK Music are listed in an annex.

### General

3. UK Music welcomes the opportunity to provide evidence to the House of Commons Scottish Affairs Committee inquiry into the Creative Industries in Scotland.
4. Scotland has a considerable impact on a music industry which contributes £3.8 billion to the UK economy.<sup>1</sup> According to Creative and Cultural Skills Music Blueprint report from 2011, 8% of the UK music sector workforce is said to be in Scotland.<sup>2</sup> It is said in the same report that the sector has more of a presence in Scotland than other creative and cultural industries.
5. The Scottish music ecosystem continually produces artists and musicians that are enjoyed across the UK and exported internationally. Overall the UK music industry exports £2.2 billion.<sup>3</sup> Calvin Harris and Emeli Sande are currently two of the music industry's biggest names and are both products of Scotland. Emeli Sande's debut album, "Our Version of Events" was the biggest selling album of

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<sup>1</sup> <http://www.ukmusic.org/research/measuring-music/>

<sup>2</sup> [http://blueprintfiles.s3.amazonaws.com/1319716452-Music-Blueprint-Web\\_26\\_7\\_11.pdf](http://blueprintfiles.s3.amazonaws.com/1319716452-Music-Blueprint-Web_26_7_11.pdf)

<sup>3</sup> <http://www.ukmusic.org/research/measuring-music/>

UK Music  
4<sup>th</sup> floor  
49 Whitehall  
London, SW1A 2BX  
T. 020 3713 8454  
M: 07720 496 555  
E. info@ukmusic.org

[www.ukmusic.org](http://www.ukmusic.org)

2012<sup>4</sup> and for most of 2013.<sup>5</sup> Calvin Harris has collaborated with Rihanna and is the highest earning DJ in the world.<sup>6</sup>

6. In addition, Scotland continues to produce musical talent not just in pop and rock, for example Biffy Clyro and Paolo Nutini, but also in other genres like classical, such as violinist Nicola Benedetti. Edinburgh based Young Fathers won the 2014 Mercury Music Prize Album of the Year. Scottish music talent was celebrated most recently by Kathryn Joseph being awarded the Scottish Album of the Year Award in June 2015.
7. Scotland also has a healthy live and recorded music industry. Independent record companies Chemikal Underground, Soma and Rock Action play an important role in nurturing Scottish talent and ensuring creativity can be released commercially. The T in the Park festival is worth £40 million to the Scottish economy.<sup>7</sup> Glasgow has a number of leading venues in various sizes, from the SSE Hydro and O2 Academy to King Tut's Wah Wah Hut and Óran Mór. Glasgow was awarded the UNESCO City of Music status in 2008.
8. Scotland is also home to boutique festivals which are vital to their local economies. Belladrum Tartan Heart is a 17,000 capacity festival held near Inverness. In 2014, Belladrum generated £4.6m for the local economy and a total of £6.6m for the wider Scottish economy according to an independent economic impact survey conducted by Mackay consultants.<sup>8</sup>
9. To ensure that the UK maintains a music industry which can produce year on year growth of 9%<sup>9</sup> it is important to consider the challenges and barriers that exist in the nations and regions. This response outlines the key issues for music in relation to the need for:-
  - Greater granularity of data to understand the creative industries contribution to Scotland.
  - Closer working between administrations and bodies at a devolved and UK level to promote trade and skills in Scottish music.
  - Improvements to the way copyright related issues are dealt with in the Scottish Courts and support for measures that promote greater intellectual property enforcement as part of the Digital Single Market strategy.
  - Protection for music venues in Scotland faced with threats of closure.
  - Any efficiencies made to the BBC not having a negative impact on music services in Scotland and elsewhere.
  - The introduction of tax credits for the music industry to achieve parity across the creative industries and incentivise the creation of new content in Scotland.

<sup>4</sup> <http://www.officialcharts.com/chart-news/the-official-top-40-biggest-selling-albums-of-2012-revealed-2691/>

<sup>5</sup> [http://www.officialcharts.com/chart-news/the-official-top-40-biggest-selling-artist-albums-of-2013\\_3656/](http://www.officialcharts.com/chart-news/the-official-top-40-biggest-selling-artist-albums-of-2013_3656/)

<sup>6</sup> <http://www.forbes.com/pictures/eeel45eljk/m/the-worlds-12-highest-paid-djs-2/>

<sup>7</sup> <http://www.scotsman.com/what-s-on/music/t-in-the-park-worth-40m-to-scotland-s-economy-1-2187176>

<sup>8</sup> <http://www.strathspey-herald.co.uk/News/Belladrum-benefits-Highland-economy-by-46-million-08122014.htm>

<sup>9</sup> <http://www.ukmusic.org/research/measuring-music/>

## Specific Questions

### Question 1

What is the footprint and economic value of the creative industries in Scotland?

(a) How does this compare to the UK as a whole?

### SIC and SOC Codes and Creative Industries Estimates

10. It is difficult to assess the footprint and economic value for the creative industries in Scotland. These challenges are more pronounced in relation to the music industry than other parts of the creative industries. The Government's use of SIC and SOC codes does not adequately capture many creative industries when measuring the economic impact of such sectors. There is also a lack of national and regional disaggregation of the creative industries statistics that are reported. These shortcomings are problematic and make it hard to assess the full impact of any given policy. A close inspection would also indicate there is a lack of consistency between the SIC codes utilised by the UK Government and the Scottish Government in their own equivalent creative industries estimates.<sup>10</sup>
11. As part of its published creative industries estimates, the UK Government currently only provides a breakdown for Scotland on employment<sup>11</sup>. According to the Government there are 102,000 jobs in the creative industries in Scotland. Music's contribution to this figure forms part of an occupational code including performing and visual arts. Under this code 18,000 were employed, representing an increase of 10.6% between 2013 and 2014.<sup>12</sup> Via NOMIS<sup>13</sup> UK Music has been able to identify that there are currently 95 businesses in Scotland registered under the "sound recording and publishing" SIC code and possibly all employing under 10 people. However, we think it likely that some music industry businesses in Scotland have a larger employment footprint than this.
12. The problems for music of using the current SIC and SOC codes are acknowledged<sup>14</sup> by the DCMS when it reports its annual creative industries estimates.<sup>15</sup> Whilst we await a substantive revision of the international standards for SIC and SOC the Government should consider further ways to overcome the hurdles presented by the codes to their sectoral analysis, including greater granularity of what they report at a national and regional basis. This may, at the

<sup>10</sup> <https://www.gov.uk/government/statistics/creative-industries-economic-estimates-january-2015> and <http://www.gov.scot/Resource/0047/00476980.pdf>

<sup>11</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/439714/Annex\\_C\\_-\\_Creative\\_Industries\\_Focus\\_on\\_Employment\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439714/Annex_C_-_Creative_Industries_Focus_on_Employment_2015.pdf)

<sup>12</sup> <https://www.gov.uk/government/statistics/creative-industries-2015-focus-on> see "Focus on Employment detailed tables by Creative Industries group"

<sup>13</sup> <https://www.nomisweb.co.uk/> users are required to go through an application and clearance process

<sup>14</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/394668/Creative\\_Industries\\_Economic\\_Estimates\\_-\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/394668/Creative_Industries_Economic_Estimates_-_January_2015.pdf)

<sup>15</sup> Given that the Government's hands are in many ways tied by international standards, in order to overcome potential difficulties in understanding the music sector UK Music has used industry data to separately measure the sector in our annual Measuring Music report.

very least, assist with better understanding of the creative industries in Scotland than we have at present.

### **Music Tourism**

13. UK Music recently published *Wish You Were Here 2015*.<sup>16</sup> The purpose of this report is to ascertain the impact of live music on tourism (both domestic and foreign) on the UK and regional economies. Music tourism contributed to £280 million in spend to the Scottish economy in 2014. This is divided between £124 million for concerts and £155 million for festivals. 521,000 concert goers and 201,000 festival revellers in Scotland amounted to a total of 721,000 tourists visiting Scotland as a result of music. In total there are 2,081 jobs in Scotland sustained by music tourism. Music tourists make up around a third of people attending gigs and festivals in Scotland. In context, £3.1 billion in spend is generated by music tourism. There are 9.5 million music tourists and the sector supports 38,238 jobs.

#### ***Question 2***

**How do the creative industries in Scotland differ to the creative industries in the UK as a whole?**

### **Devolution**

14. The music sector in Scotland, and its interactions with the decisions of governments, is largely defined by the devolution settlement. The differences with the creative industries in the UK are understood as a result of the constitutional framework. Cultural policy and economic development in relation to the creative industries is devolved. Music is also impacted by other areas of policy where responsibility resides at Holyrood, such as education and entertainment licensing. Other matters, including broadcasting and taxation, currently reside at Whitehall. Copyright sits at a European level.
15. Cultural policy is delivered by Creative Scotland. The Scottish Creative Industries Partnership also exists to co-ordinate and develop policy regarding creative industries development. The Partnership has a music industry reference group which published a number of recommendations on how to grow and sustain the music industry in Scotland in 2011. Amongst these recommendations include improved industry skills, access to finance, international competitiveness and access to market. This chimes very much with UK Music's own manifesto for the 2015 General Election, demonstrating a degree of shared goals between the music industry at a Scottish and UK level. Further recommendations from the reference group such as increase scale, capacity and commercialisation may imply that there is more of an issue in Scotland about retention.
16. Enterprise networks, including Scottish Enterprise, Scottish Development International (SDI) and Highlands and Islands Enterprise, exist in Scotland and have a role in developing the creative industries, including music.

<sup>16</sup> [http://www.ukmusic.org/assets/general/WYWH\\_2015Report.pdf](http://www.ukmusic.org/assets/general/WYWH_2015Report.pdf)

17. The *Music Sector Review*, a report commissioned by Creative Scotland, called for a national music policy in Scotland. A policy would fill the gap in the absence of a framework for action and would enable the impacts on the music sector of other policy measures to be assessed.<sup>17</sup> The report also called for coordinated international export activity, greater international expertise, follow up support, overseas partnerships and networks.

**Question 3**

**How effectively do the UK, Scottish and local governments work together to promote the creative industries of Scotland at home and abroad?**

**Skills**

18. UK Music would like to further develop its work on future skills and talent by expanding its rehearsal space network into Scotland. Such an expansion would require close collaboration between the UK, Scottish and local governments.
19. The network originally consisted of 14 rehearsal spaces. These are now firmly embedded in their local communities and have been used to deliver meaningful projects for young people from poor socio-economic backgrounds, boosting skills, fostering creativity and driving down crime in local communities. The scheme was created as a pilot project in 2009 by the DCMS and has since transferred to UK Music to provide greater industry engagement and oversight. The schemes also provide an important focus for our Skills Academy work which is dedicated to delivering apprenticeships for the music industry. A 15<sup>th</sup> space in Tottenham was opened in 2014.<sup>18</sup> During the pilot phase of the original project there were over 30,000 visits to the spaces. Around 75% of visits were from young people aged 11 to 18 years old.<sup>19</sup>
20. The spaces are currently entirely based in England. We believe that expansion of the scheme to Scotland will provide an opportunity for greater coordination between the music industries of Scotland and the rest of the UK, and would also assist the UK Government in meeting its target to create 3 million new apprentices. Ultimately, such an initiative would provide a great platform for Scotland to promote their creative industries further at home, as well as provide outcomes to social challenges, unemployment and improving community cohesion.
21. We have been discussing such a proposal with the administrations in Scotland and the UK for almost two years and whilst departments and agencies are sympathetic to the principle, we still await any firm commitments. This experience would lead us to conclude that governments and administrations are

<sup>17</sup> [http://www.creativescotland.com/\\_data/assets/pdf\\_file/0014/21470/Creative-Scotland-Music-Sector-Review-v1-2.pdf](http://www.creativescotland.com/_data/assets/pdf_file/0014/21470/Creative-Scotland-Music-Sector-Review-v1-2.pdf)

<sup>18</sup> <http://www.haringey.gov.uk/news/emeli-sand%C3%A9-opens-new-project-inspire-young-people-tottenham>

<sup>19</sup> <http://www.sound-connections.org.uk/wp-content/uploads/2012-11-Pilot-Rehearsal-Spaces-report-November-2012.pdf>

not as effective as they potentially could be in promoting the creative industries of Scotland at home, particularly when it would appear mutually beneficial to do so and when relatively modest sums of money may be required.

### Trade

22. UK Music has called for greater promotion of music abroad via the development of an international growth strategy for music in the UK.
23. Scotland is engaged and has a presence at key international music industry trade events. Creative Scotland and UKTI organise the Scottish programme for SXSW in Texas. SDI has supported Scottish stands at MIDEM in Cannes. Creative Scotland facilitates the Scottish presence at WOMEX, the world music expo. Showcase Scotland is the largest international music industry event in Scotland and generates up to £2.2 million a year in bookings for the showcasing artists.<sup>20</sup> Scotland also participates in showcases in the rest of the UK, eg. The Great Escape.
24. It should be appreciated that the resources of SDI are predominantly focused on other economically significant parts of the Scottish economy like whisky and energy, as opposed to music and the creative industries. UKTI is the UK wide Government body that assists British businesses with international markets. Links exist between UKTI and SDI. The two bodies should give consideration to a Scottish music or creative industries trade mission to a significant market.

#### **Question 4**

**What are the barriers to the growth of the creative industries in Scotland, and how can these be overcome?**

**(a) What, if any, changes need to be made to enable the creative industries to capitalise on their Intellectual Property?**

### Copyright and Intellectual Property

25. As elsewhere, the business models of the music industry in Scotland have been seriously challenged by the difficulties in enforcing intellectual property rights in the digital world. Copyright provides a means by which creators can secure remuneration for their work and also acts as the main driver for investment into the sector.
26. In May 2015 the European Commission announced its Digital Single Market strategy. The strategy contained a commitment to assess the role of platforms and online intermediaries and how best to tackle illegal content on the internet.
27. We ask that the Government and devolved administrations, in order to secure a framework that will enable the music industry in Scotland and the UK to grow, support a clarification that only online services that are “technical, automatic and

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<http://www.celticconnections.com/Documents/Showcase%20Scotland%20at%20Celtic%20Connections%202015.pdf>

passive” can benefit from the hosting defences (also referred to as safe harbour provisions) contained within the E-Commerce Directive. Sites have been able to profit from giving access to content without taking responsibility for it. These services not only deprive creators and rightsholders of the opportunity to properly participate in the value created by their content but also compete unfairly with legal licensed services, driving down value across the market.

28. There are elements of the Scottish legal system that make it difficult for music rightsholders to capitalise on their intellectual property and enforce their rights effectively. There seems potential for the Sheriff Court to improve its understanding of copyright related issues and the court might benefit from specific guidance when dealing with infringement cases. In the case PPL vs. Skybright Limited (case A23/14) in Aberdeen Sheriff’s court there was a four month delay between the final hearing and the injunction being granted. Such a delay is unacceptable for those who relied on the income streams of creative works which remained accessible and infringing whilst the judgment was awaited. Within England the timeframe is more likely to be a few days. Similarly, where points of dispute are made in relation to Scottish IP cases, oral evidence is a requirement in every case. When dealing with issues to do with lengthy contract terms, which can be the focus of copyright cases, it would be more appropriate for this to be considered on the basis of written evidence unless there are good reasons for oral evidence. Finally, in situations where there are proceedings and a company becomes insolvent there is no official receiver in Scotland. Often those who copyright cases are brought against have limited assets and are susceptible to becoming insolvent. In such situations the claimant, which will be a music rightsholder, is then required to provide the costs of receivership. This puts financial burden on the music rightsholder and in the case of it being a collecting society, the money of their members.
29. There is currently a provision within the Scotland Bill before Parliament that legislative competence be transferred from central Government to the Scottish Government for tribunal matters. This is significant for intellectual property given the existence of the copyright tribunal for resolving commercial licensing disputes. The potential creation of a Scottish Copyright Tribunal could however bring unnecessary complications and costs. An online licence is likely to be UK wide yet should there be a dispute on the terms of its tariff then the existence of two Copyright tribunals would mean that both will give consideration and possibly make decisions at different rates. This could lead to administrative complexity and even certain online services being offered only within Scotland or England. Regarding offline licences, a business making use of copyright works and with premises in both countries which wished to contest a tariff operated by a collecting society would have to bring, and manage, two separate cases, increasing costs for both the users and rightholders. Considering the possible benefits of a separate tribunal, such as ease of access, at present the Copyright Tribunal can sit anywhere in the UK. Should there be a specific issue relating to a Scottish dispute then it is already possible to take place there. Other than the broader sentiment for further devolution following the Scottish independence referendum it does not appear that the advantages and disadvantages of a Scottish Copyright Tribunal has been fully considered. We would therefore

encourage the Government to provide a full impact assessment of such a change before any further legislative changes are brought which makes this a reality. Any impact assessment should have an overriding objective of powers residing where they can achieve the best outcomes for rightsholders, consumers and creators in terms of quality legal services and revenue generation.

### **Venues**

30. Potential growth in the Scottish music industry is threatened by any decline in music venues. Grassroots music venues act as important hubs for local music talent and offer a means by which musicians and performers can cultivate and nurture their creativity. The Music Venues Trust estimate that only 57% of venues that traded in London in 2007 remain open.
31. Whilst we do not possess data on venue closures in Scotland, notable venues in Glasgow and Edinburgh have either closed or been threatened with closure in recent years. Reasons for closure can be numerous, yet there is little doubt that recent relaxations in the UK's planning laws have left existing venue operators vulnerable. To mitigate such problems, the UK and Scottish governments, as well as Scottish local authorities, should consider the introduction of an agent of change principle and its application in local plans. This would provide venues already operating with an important "right of first occupancy" and mean those moving into an area take responsibility for any changes to existing businesses, shifting the burden away from established venues.
32. The Live Music Act 2012 and further recent entertainment deregulation changes only apply to England and Wales. Before the implementation of the Act, Scotland was seen to have a better local authority music licensing regime than the rest of the UK. This does not mean the record of all local authorities towards music is always friendly though. The City of Edinburgh Council introduced a "zero audibility" clause as part of its licensing plans. This condition stipulates that "all amplified music and vocals must be inaudible in neighbouring residential property". The provisions have been seen to be draconian and resulted in petitions attracting thousands of signatures. The Council has now formed a working group, "Music is Audible", involving the Musicians Union, to look at this condition.

#### ***Question 5***

**What can the UK Government do to create an environment which encourages growth in the creative industries in Scotland?**

### **BBC**

33. To encourage growth in the creative industries in Scotland the UK Government's priority should be to ensure that any efficiencies made to the BBC as a result of its recent Green Paper and forthcoming Charter Review do not have a negative impact on music services. Without these services there would be diminished

music output that have far reaching cultural and economic implications for the UK. This would disproportionately impact new artists, music and reduce our soft power globally. Given that broadcasting remains a reserved matter for the central UK Government, clearly any decisions made by the UK Government on the BBC that impact music services will have far reaching consequences on Scottish creative employment and culture

34. The BBC relies heavily across all its platforms (radio, television and online) on the music services created and supported by our members, yet it also provides an important platform for listeners to access our member's works. Radio is an essential part of the UK's media landscape with around 90%<sup>21</sup> of the population consuming over 1 billion hours of radio, with the BBC's share representing just over 50% of all listening.
35. The BBC not only provides a platform for culturally distinct Scottish music but is responsible for the BBC Scottish Symphony Orchestra. The orchestra works for 221 days a year and makes 75 programmes a year for Radio 3. The orchestra performs 40 concerts a year all over Scotland, from Inverness and Aberdeen to Edinburgh, Perth and Ayr. Last year the Orchestra played concerts in China and India, broadcasting to millions via the European Broadcasting Union. The cost of the five BBC orchestras is approximately 1% of the licence fee.
36. Collectively Radio 1, 1Xtra, Radio 2, Radio 3, 6 Music, Asian Network, Proms, BBC Introducing, Glastonbury and festival coverage, music broadcast programming and documentaries represent a diverse range of services which provide access to a wide variety of programming and music for licence fee payers. All these services are essential to the BBC delivering its public purposes objectives. It is crucial that the BBC is able to continue to realise this important role in the future.

#### **Question 6**

**How could the system of tax reliefs for the creative industries better encourage growth of these industries in Scotland?**

**(a) What, if any, tailored support is needed for the creative industries in Scotland?**

#### **Tax credits**

37. Creative Scotland's "Music Sector Review" suggests that there are over 10,000 people employed in music industry in Scotland, over 40% working as freelancers and approximately 400 small businesses.<sup>22</sup> The dominance of risk taking music industry SMEs in Scotland strengthens the argument for the introduction of tax incentives to the music industry.

<sup>21</sup> [http://www.rajar.co.uk/docs/news/RAJAR\\_DataRelease\\_InfographicQ32014.pdf](http://www.rajar.co.uk/docs/news/RAJAR_DataRelease_InfographicQ32014.pdf)

<sup>22</sup> [http://www.creativescotland.com/\\_data/assets/pdf\\_file/0014/21470/Creative-Scotland-Music-Sector-Review-v1-2.pdf](http://www.creativescotland.com/_data/assets/pdf_file/0014/21470/Creative-Scotland-Music-Sector-Review-v1-2.pdf)

38. The UK Government has developed fiscal incentives for the creative industries.<sup>23</sup> Tax credits have been established and extended for film, high-end television, animation and video games. New tax credits have been announced for orchestras, theatres and children's TV. The music industry does not benefit directly from targeted support.
39. The UK is out of step with the experience of many other nations when it comes to incentivising music via the tax system. In France funds have been extended for independent phonographic production for 2016 to 2018. Canadian indie labels can also receive public financial support from both federal and provincial governments so that they can continue to develop new Canadian artists. In the US, Georgia gives tax credits for up to 30% of the cost of making an album. Incentives to record are also offered in Tennessee, Louisiana and Texas and are being considered by the New York senate.
40. To maintain the UK music industry's competitive position and potential for growth in Scotland and elsewhere the Government should introduce tax credits for the music industry. Any tax credits should be designed to benefit the whole of the music sector and in particular look at how fundamental industry activities such as recording, touring and the production of music audio-visual content can be incentivised.
41. The application of tax credits for the music industry in Scotland may have an added benefit of enabling the retention in value of intellectual property created and exploited in Scotland. The music publishing industry in Scotland is small and so incentives could have significance in that regard.
42. Given the lack of largescale record label and music publisher presence in Scotland relative to London, tax incentives for the music industry are likely to encourage the nurturing of talent across the UK, which would be of benefit to Scotland. The development of more substantial label and music publisher presences in Scotland would have the potential to create more "national champions" for Scotland. It would be advisable to look again at tax policy in this context.

## Annex

UK Music's membership comprises of:-

- AIM – Association of Independent Music - representing over 850 small and medium sized independent music companies
- BASCA - British Academy of Songwriters, Composers and Authors – BASCA is the professional association for music writers and exists to support and protect the artistic, professional, commercial and copyright interests of songwriters, lyricists and composers of all genres of music and to celebrate and encourage excellence in British music writing

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<sup>23</sup> <https://www.gov.uk/corporation-tax-creative-industry-tax-reliefs>

- BPI - the trade body of the recorded music industry representing 3 major record labels and over 300 independent record labels.
- FAC – The Featured Artists Coalition – the voice of the featured artists.
- MMF - Music Managers Forum - representing 425 managers throughout the music Industry
- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including producers, engineers, mixers, re-mixers, programmers and mastering engineers
- MPA - Music Publishers Association - with 260 major and independent music publishers in membership, representing close to 4,000 catalogues across all genres of music
- Musicians' Union representing 30,000 musicians
- PPL is the music licensing company which works on behalf of over 90,000 record companies and performers to license recorded music played in public (at pubs, nightclubs, restaurants, shops, offices and many other business types) and broadcast (TV and radio) in the UK.
- *PRS for Music* is responsible for the collective licensing of rights in the musical works of 100,000 composers, songwriters and publishers and an international repertoire of 10 million songs
- UK Live Music Group, representing the main trade associations and representative bodies of the live music sector

For more information please contact Tom Kiehl, Director of Government and Public Affairs, UK Music on [tom.kiehl@ukmusic.org](mailto:tom.kiehl@ukmusic.org) or 020 3713 8454.