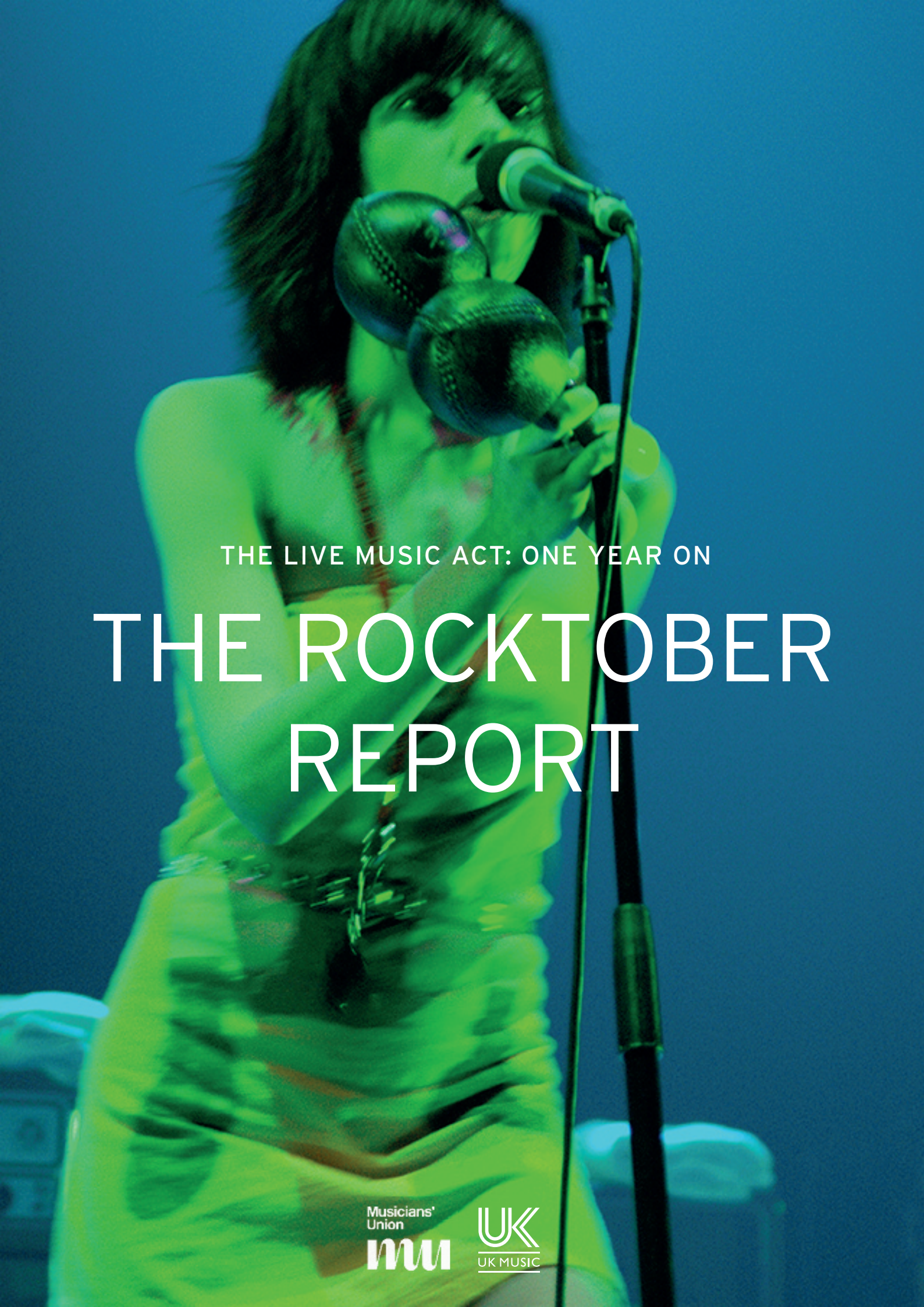


THE LIVE MUSIC ACT: ONE YEAR ON

# THE ROCKTOBER REPORT

Musicians' Union

UK MUSIC

# INTRODUCTION

UK Music surveyed 1,000 small venues last year and found that 78% of them did not know about the new Live Music Act.

Given that the main beneficiary of the Act is grassroots music, the lifeblood of our industry, UK Music decided to join forces with the Musicians' Union to address this knowledge gap. We conducted a series of roundtables meeting musicians, venue owners, venue managers, music producers, music managers and most importantly, the local MPs who made the Act a possibility.

From our survey last year, 17% of venues indicated that they would consider putting on live events for the first time. 24% said they would increase their current provision.

This *Rocktober Report* is timed to coincide with the anniversary of the Live Music Act coming into force, and is intended to gather together the feedback from people who know the live music business best. We spoke to people in Bristol, Birmingham, London, Liverpool and Cardiff.

This Report will help the music industry plan further activity around deregulation for live and grassroots music.

We must ensure that we realise the full potential of the Act and pave the way for future musicians to have the best environment to play and earn a living from their skill.

17% OF VENUES INDICATED THAT THEY WOULD CONSIDER PUTTING ON LIVE EVENTS FOR THE FIRST TIME. 24% SAID THEY WOULD INCREASE THEIR CURRENT PROVISION.

Front cover photography by James Lange / PYMCA

# FOREWORD

## FOREWORD BY JO DIPPLE, CEO OF UK MUSIC

To celebrate the first birthday of the Live Music Act, UK Music and the Musicians Union joined forces to find out how it was working in practice.

Between the late spring and early autumn 2013 we ran a whole series of Live Music Round Tables around the country which brought together artists, promoters, managers, venues – everybody connected with the live music industry – and got their feedback on the very early days of the new Act.

The Live Music Act is a truly grassroots beast. In an inherently top-down political system such as ours, it's pretty unusual for legislation to come 'up from the ground' in this way.

Yet this was a piece of legislation long-advocated by musicians, supported by UK Music and the Musicians Union, proposed by a musically enthusiastic backbencher in the House of Lords (Tim Clement-Jones) and piloted though the Commons by the then popular Lib Dem backbencher (he's still popular, he was then a backbencher), Don Foster.

Private members' bills which start in the Lords rarely become law, but this one did. It was not a piece of government legislation, but a piece of grassroots legislation, initiated by musicians themselves, which was then drafted and introduced to Parliament by backbenchers and ultimately enabled by the government.

So it was completely natural, as its anniversary approached, to get down into the grassroots of the industry itself, out in the regions where most British music is played and heard.

We have called this the '*Rocktober Report*' after claiming October 2012 as 'Rocktober' to celebrate the Act coming into force.

This booklet describes some of the roundtables' findings.

In summary: this is a great piece of legislation. The industry is glad of and grateful for it. Almost more than anything, people are delighted that it appears to demonstrate a will to support the music industry, making it easier, not harder to get live music performed.

# FOREWORD

FOREWORD BY HORACE TRUBRIDGE, ASSISTANT GENERAL SECRETARY OF THE MUSICIANS' UNION

The Live Music Act was a fantastic achievement and really opened up opportunities for small venues to put on live music. The work that we've been doing over the past year, going out and talking to promoters, musicians, venue owners and councillors, has been aimed at maximising the impact of the Act – and I think we've made great progress.

It's an exciting time for both venues and musicians, who can use the opportunity to work together to create a growing audience and profile, and long-term success. As the research undertaken by *PRS for Music* has shown, live music can be hugely beneficial for pubs -pubs without featured music being three times more likely to close than pubs with featured music.

The MU has a Live Music Kit available for download from the MU website (www.themu.org) which contains practical and creative advice for venues. It outlines the terms of the Act, and explains how a live music programme can enhance a business by creating a higher profile, a more vibrant atmosphere and, ultimately, an increase in clientele and revenue. It also advises on the legislative, practical and creative elements involved in hosting live music, and features a range of resources, including performance contracts, health and safety issues, promotional advice and useful contacts.

Small venues are, after all, the places where most musicians start their careers and so promoting opportunities for live performance in small venues protects the career progression of musicians in the UK.

## INFORMATION ABOUT THE ACT:

The Live Music Act 2012 de-regulates:

- amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;

- amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and

- unamplified live music between 8am and 11pm.

Premises that benefit from the exemption will still be subject to a review if neighbours or residents etc make complaints to the local authority. This may mean the exemption is suspended. And since the passing of the Act last year, there have been a small number of instances of this happening.

Photography by David Robertson / PYMCA

# A NOTE FROM THE CHAIR OF THE ROUNDTABLES, SIÔN SIMON:

I chaired roundtables in several venues across the country, and the themes which emerged were very consistent.

First, there's an almost universal feeling among the grassroots of relief and grudging gratitude that "for once" (a consistent phrase) the government is doing something positive, directly aimed at making it easier to make a living playing music in the UK.

The mood among those in the business might be summarised as "any change which is aimed at promoting and encouraging venues to put on live music has got to be a good thing, and we obviously welcome it".

In some cases only nine months after the introduction of what was always a relatively modest deregulatory measure, there were few sightings of a new dawn of revolutionary change. What came through overwhelmingly, though, was the sense of a base on which to build. Young artists want to play music to people who've come to listen, and they want to be paid for it. The Live Music Act helps with this. Now how about some more help - from central and local government?

In our Birmingham session, for instance, we talked a lot about improving the multi-modal availability of public transport. For many young consumers of live music, the difficulty of getting to and from gigs prevents them from accessing as much live music as they would like. And if that's true in Britain's second largest city, with its evolved bus and train network, how much more of a problem must it be in most of the rest of the country?

In Cardiff, we heard about a possible unintended consequence of the Live Music Act, which would be exacerbated if the exemption level were lifted above the 200 people in the Act. Removing the licensing requirement for smaller venues can militate in favour of "amateur" entrants to a "professional" market. Lower quality equipment and less professional personnel could result in a general lowering of standards in the market, commensurate downward pressure on prices, thus undermining the ability of long standing professional firms to continue making a living from putting on live music.

Everywhere we went, we heard the old lament of "pay to play". Artists, even young, unknown artists, must be paid for performing live. Venues must not abuse the Live Music Act to put on live music performances from which they make money but for which they don't pay the artist. There were frequent reports of national pub chains systematically putting on live music "charity nights" at which the band was expected to perform for free ('because it's for charity'), while the pub retains all, or the overwhelming bulk, of the profit it makes.

Musicians have always been easy to exploit, because they love what they do and so are more inclined than most to work for free, or for too little. That's not what the Live Music Act is for. It's intended to bring live music to new places. And that's got to be a good thing.

# SUMMARY OF ROUNDTABLES

## BIRMINGHAM

This was the first roundtable that UK Music and the MU held. At this meeting we were joined by music industry academics, bloggers and representatives from the local council. Birmingham has a rich music scene, built on a remarkable heritage, with a heavy offering of rock music. Participants commented that they believe the Act is a good thing, and a good sign that Government is listening to calls for deregulation. Voices round the table nevertheless stressed that there are other restrictions placed upon the live music scene. Birmingham has a strong student population that are keen live music goers, but transport links are not as good as they should be, which is a barrier for travelling to gigs across the city. Participants also noted that some venues are now managed by larger parent companies, and in terms of generating profits, management sometimes favour food over music.

## CARDIFF

At this roundtable the discussions focused on the need for assessments of the impact of the Act. At this roundtable we were joined by Welsh Assembly Members, MPs and a Government Minister, as well as licensing representatives from Cardiff City Council who expressed some concerns that the Act needs careful assessment to ensure its good intentions are carried out, and there are not negative repercussions with local communities.

Because the Act removes the need to go to the council for a licence for live music they voiced concerns that they will be cut out of conversations that allow them to impart advice about putting on events. They didn't imagine that this was a major problem, but licensing officers said they were keen to work with venues to guide them through the process to ensure public safety. Participants of this roundtable included, Kevin Brennan MP, Welsh Officer Minister Baroness Jenny Randerson, Kieron Jones from the Welsh Music Foundation and Welsh Assembly Member Mick Antoniw.

## LIVERPOOL

This roundtable was held as part of Liverpool Sound City 2013. At this meeting we were able to interact with musicians playing regularly in the local area to inform our research. At this roundtable we were joined by local MPs Steve Rotherham and Luciana Berger, who were able to see that the Act and its implantation was something that was directly affecting their constituents. They talked about how keen they both are to help working musicians and bands. Liverpool doesn't have much to learn in terms of its music scene, but what we did hear at this roundtable was that with so much music being put on across the city, it is important for the industry to ensure that musicians are getting paid fairly, and that tickets are sold fairly. Participants argued that the benefits of the legislation were still not widely known and suggested that the lack of money and resources available to young bands was still one of the biggest handicaps to them getting a foothold on the music career ladder.

## LONDON

This roundtable was held in the House of Lords to honour the work of Lord Tim Clement-Jones in getting this Private Members' Bill through Parliament. At this roundtable we were joined by Sean Adams from Drowned in Sound, Richard Allinson BBC Radio Presenter, Paul McManus from the Music Industries Association as well as John Penrose MP, (the minister in charge of licensing when the Act went through Parliament) and Luciana Berger MP. At this roundtable we were able to think strategically about the marketing of this Act looking ahead. It was suggested the industry combine databases that *PRS for Music* and the Musicians' Union have to ensure the widest audience is reached.

## BRISTOL

The meeting brought together promoters and managers from across the Bristol area. Participants included Andy Lenthall from the Production Services Association, Hannah Garner from the Stable and Ella Waving from Creative England. Bristol has a very advanced live music scene, however there were fears around the table that if more venues can put on live music the industry needs to make sure that venues are not taking advantage of working musicians. There was talk of some venues performing incredibly well and that these should be highlighted as examples for others. Participants suggested that a sticker marketing campaign could start, in which venues would display a sticker in their window to advertise their enjoyment of the Live Music Act and that they pay musicians fairly. This is something that the industry would like to discuss further and take forward in 2014.

THE LONDON ROUNDTABLE WAS HELD IN THE HOUSE OF LORDS TO HONOUR THE WORK OF LORD TIM CLEMENT-JONES

Photography by Andrew Smith

# QUOTES FROM PARTICIPANTS OF THE ROUNDTABLES

THE ACT IS A WIN FOR PERFORMERS WITH INCREASED OPPORTUNITIES TO PERFORM AND DEVELOP THEIR TALENT

PAUL CLEMENTS, DIRECTOR OF PUBLIC PERFORMANCE SALES, *PRS FOR MUSIC*

Following the passing of the Live Music Act 2012, *PRS for Music* contacted 41,000 pubs with a comprehensive guide to making live music work, including tips on genre choice, stage lighting, jukeboxes, gig promotion and ticketing. Over the past few years PRS for Music has also run a Music Makeover competition in partnership with the Musician's Union and the British Beer and Pub Association, which awards £5,000 to help pubs create the right space for music so they can remain competitive and crucially, a key destination for locals to enjoy.

During recent challenging economic times, our research confirms that live music is a vital life-line to many venues. Before the Act, the need to obtain local authority permission to host performances of live music was a barrier to business. The Live Music Act should be applauded, but there is still more work to do to ensure venues are aware of the great opportunities and profitability which live music provides.

We also know that some live music venues still don't have a *PRS for Music* licence. We are doing our best to ensure that these venues legitimise their live activities, so that any royalties owed to our members are recognised, collected and then distributed as efficiently as possible. We acknowledge that the process for taking out a music licence needs to be as simple and easy as possible for licensees and we are working hard towards this goal by liaising much more closely with PPL than we have ever done before. We believe that the UK has a great history in producing fantastic live music experiences which benefits musicians and venue owners alike – progress on legislation, licensing and the nurturing of vital talent can ensure a sustainable live music industry for all.

LORD TIM CLEMENT-JONES

I had the pleasure of chairing the two roundtables in London and Bristol. Its early days, but it is quite clear the Act's fundamental objective of decreasing complexity and regulatory burdens is having a very real impact on musical performances across the land. I am pleased that the music industry is continuing to monitor the impact of the Act and working with a number of partners to promote the benefits.

DON FOSTER MP

The Live Music Act started the process of reducing regulation around the performance of live music. Evidence over the past year shows it's working. It's easier for smaller venues to put on a diverse range of musical entertainment, the fears that there would be a big increase in complaints about noise and anti social behaviour have proved unfounded, and progress is being made on further de-regulation. In short, it's been a win for performers with increased opportunities to perform and develop their talents, a win for venues with increased commercial opportunities and a win for communities with more to see and hear.

## THE WELSH MUSIC FOUNDATION

Welsh Music Foundation (WMF) was pleased to be asked by UK Music to be part of the roundtable discussions in Cardiff and found the event to be a positive one. We appreciate the benefits to grassroots live music and the opportunities the Act offers artists here in Wales, but are also aware of the challenges it presents to established dedicated live venues and the continued issue of appropriate fees (not) being paid to musicians for their work.

WMF encouraged the formulation of a live music committee within Cardiff Council that regularly meets, which gives us the opportunity to voice concerns from any of our stakeholders. WMF has also been commissioned by Cardiff Council to create a live music strategy, which we're developing in consultation with members of the live music industry across the capital, with agents and promoters from outside Wales and also music fans in general.

We hope that such an initiative would encourage more local authorities across Wales to commission their own strategies to feature music centrally within their region.

## KEVIN BRENNAN MP

The Live Music Act was important to help live music to flourish. We now need to make sure it is working well for everyone including musicians, gig goers, venues and their neighbours.

## RICHARD ALLINSON, BBC RADIO 2 DJ

The UK seems uniquely gifted in creating some of the most-loved and joyous music on earth. Live music is the bedrock of this creative process and remains the ultimate venue for the talent - and the songs - of tomorrow.

## DAVID GRAHAM, FROM DG MUSIC

DG Music represents the interests of 1000's of working musicians performing live all over the UK. The Live Music Act 2012 is most definitely a positive step in the right direction to create more opportunities for this work. The previous situation was cumbersome and left a lot of venues with unnecessary red tape and licensing costs which restricted growth.

Unfortunately though, environmental departments of Local Authorities are still an obstruction to this right to perform music. The complaint of one person still seems to outweigh the right of the majority to enjoy it, and we are seeing an increase of event cancellations (!) and unworkable Noise Limiter enforcement at venues due to local authority intervention. So, whilst it's great on the one hand to have the right to allow live music performances, it still seems too easy on the other for someone to silence it.

Awareness of the new act is also a problem. We regularly have to inform people of the current law on Live Music and have even had to send links of the Government Act to licensing officials in local authorities to explain that venues do NOT need a Temporary Events Notice any more!

SMALLER VENUES ARE THE LIFE-BLOOD FOR SO MANY MUSICIANS AND BANDS GETTING THEIR FIRST GIGS AND CHANCE TO PERFORM

### ADAM BEHR, LIVE MUSIC EXCHANGE

The Roundtable event in London was of considerable interest to the Live Music Exchange team.

It was good to hear that cities like Canterbury are taking advantage of the Live Music Act and it's important to raise awareness of it in other regions.

Our own experience of co-organising a workshop in London earlier this year was that there is still scope educate people about the provisions of the act, and how much they increase the possibility of putting on live music. The publicans and others at the event were very pleased to find out more about the Act but didn't have a detailed knowledge of it To this end, it's heartening to hear at the roundtable that organisations like the PRS and Musicians' Union are interesting in helping to publicise the Act. With venues and pubs having suffered in the recent economic climate, legislation like the Live Music Act will be a helpful way of planting seeds for the UK's continued reputation as a leader in music (It's worth noting that the provisions of the Act don't apply in Scotland and, especially considering the problems and controversy relating to the licensing of free events at local level last year, it might be also be useful to examine the possibilities of moving towards freeing up the environment for live music in a similar way north of the border).

The move towards raising capacity to 500 is also welcome since this unlocks more financial potential for promoters, and artists, than 200.

It's not really possible to judge the impact of the act in one year. It is, rather, an investment in the long-term health of British music.

While the Live Music Act is and was a very welcome indicator that government is willing to better understand how the live music sector works and to reverse damaging legislation, there also has to be recognition that other regulation is equally as important (and potentially damaging) to the promotion of live music as licensing - namely planning, health & safety, smoking bans, noise regulations, etc. - and to protect the live music sector, particularly at the grassroots, from further damage.

It is useful to think of live music as existing within an ecology and is finely balanced - the loss of one venue can impact heavily on live music at a local, regional and even national level. Live Music Exchange would be happy to assist with providing evidence of both the cultural value of live music and live music venues, and of the impact of local and national regulation on the ecology of live music.

On the Act itself, it is probably too early to tell whether the Act has made a significant improvement to the promotion of live music at a grassroots level yet - such things take time to bed in and to reverse the damage caused by the Licensing Act 2003 in the first place. However, as stated above, the fact that the government directly engaged with the issue is a very welcome sign.

### MIKE TOBIN, MANAGER

I welcomed the Act when it was implemented as it was likely to encourage more pubs & bars to promote live music. This appears to be the case but as an artists

Manager I am a little concerned that so many premises are advertising "Free Music". This can only increase the public perception that you don't have to pay for Music and that Musicians work for nothing. Perhaps a "Kite Mark" , similar to the PRS sign should be introduced where venues that do pay the Musicians have a prominent sign displayed ?.... it could say We Pay Our Musicians.

PAUL MCMANUS, CHIEF EXECUTIVE, MUSIC INDUSTRIES ASSOCIATION

The Live Music Act has been of vital significance to musicians and the musical instrument industry that supports them. We were seeing so many great venues cease to put on live music and there are already positive signs that this trend is being reversed. Smaller venues are the life-blood for so many musicians and bands getting their first gigs and chance to perform. This is over and above the strategic role that live music venues play in the local community, both economically and socially. This Act is hugely welcomed and supported by the Music Industries Association and all of its members.

PHILIP PARKIN, COUNCILLOR, BIRMINGHAM CITY COUNCIL

The live music scene in Birmingham is in extremely good shape at the moment and I can only see that improving as more venues take advantage of the revised Live Music Act. It's so important that local bands get every opportunity to play in front of audiences, to hone their acts and to test out new songs. And taking away unnecessary bureaucracy from venue owners so that smaller gigs can be put on more easily will, I think, prove to be of lasting significance over the years to come. It was really helpful as well to have UK Music conduct a 'round table' in the city so that promoters, venues and musicians could get together to discuss the ramifications of the Act and to discuss other aspects of performing and presenting live music.

JEZ COLLINS, BIRMINGHAM CITY UNIVERSITY

The Live Music Act 2012 was an important legislative change for both the music industry and the audiences that help sustain the robust UK live music sector .

The opportunities for venue owners and managers, without the necessity of having to apply for a live music license, a time consuming and sometimes costly and off putting procedure, will enable more spaces and places to programme, and even experiment with, live music. These venues are the lifeblood for emerging musicians, places where they develop the confidence, stage presence and the skills of needed to perform live.

But it is not only the musicians who will benefit, nor just the venues themselves.

More people are attending live music in the UK than ever before. The change in law will increase the amount of live music spaces (and one of the great things of this increase is the proliferation of non traditional spaces now programming music) and this can only help in attracting more people to attend and experience live music from across the wide spectrum of musical styles. The knock on effect though will also be evident in the increase of new promoters, booking agents, press and pr who will also be cutting their teeth in the expanded local

UK MUSIC SHOULD BE APPLAUDED FOR THE WORK THEY HAVE UNDERTAKEN IN LOBBYING FOR THIS CHANGE

## MUSIC IS IN MY BLOOD AND IN MY CONSTITUENTS BLOOD

music ecology, who knows the next Harvey Goldsmith might just be promoting his or her gig right now.

UK Music should be applauded for the work they have undertaken in lobbying for this legislative change and for continually seeking to improve the music sector's voice in policy discussions. It was refreshing then, to be invited to a discussion with UK Music in Birmingham and for them to undertake a series of similar discussions around the country. While London is undoubtedly the centre of the music industry in this country, it is the cities, towns and villages that is the lifeblood of music activity, where hopes and dreams are first realised, where audiences support new and upcoming musicians, and where music is embedded in the cultural heritage of so many of us.

### ROBIN VALK, BLOGGER AND RADIO PRESENTER BASED IN BIRMINGHAM

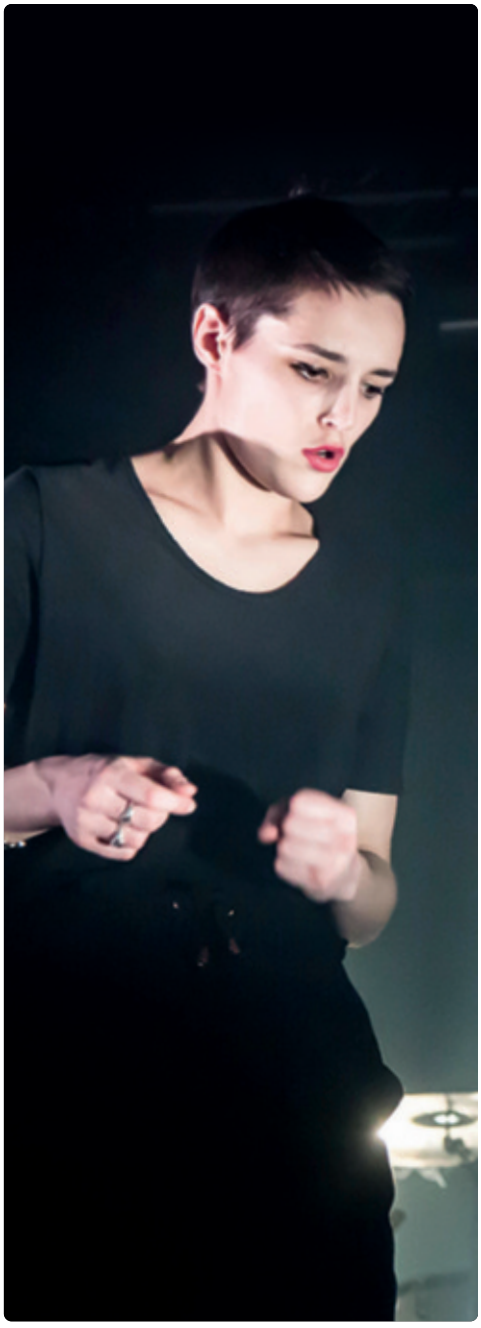
This was a very valuable discussion, if only to illustrate the range of obstacles and challenges that face musicians as they develop their live careers. Some very traditional problems live on: promoters who expect the acts to do all the work in promoting their gigs, pay for play and the lack of joined up collaborative local music scenes in many towns. And far too few musicians are not making anything like a decent living from live gigs.

Encouragingly, this has not stemmed the flow of creativity and the spirit of adventure and collaboration among West Midlands musicians, who have now created one of the best live scenes the region has ever experienced.

### LUCIANA BERGER MP

I am a huge supporter of British music. I am MP for Liverpool Wavertree and music is in my blood and in my constituents' blood. Anything that helps young artists learn their trade and make a living from what they do best can only be good for Liverpool and good for the country. So from the off, I have been in favour of addressing the challenges of licensing costs which small music venues have struggled to pay. UK Music has done a great job spreading the word. I look forward to the next generation of musical talent, from Liverpool and all round the country, with great excitement.

# FURTHER DEREGULATION



The previous regime having been a bit of a mess, the Live Music Act, which amended the Licensing Act last year, has been a significant step in the right direction. The new arrangements are easier and simpler – these roundtables have left no doubt about that.

The Live Music Act is not the end of the story though. The Government is committed to further deregulation, with plans to increase the live music audience threshold from 200 to 500 people. This will mean any existing ambiguity for licensed premises is removed for amplified music (unamplified music already benefits from an unlimited audience threshold under the Live Music Act). The Government is also committed to further deregulation to increase the threshold for the playing of recorded music to audiences of 500.

With limited reservations, we heard evidence at the Live Music Roundtables that this further deregulation will bring more clarity, in particular for live music events taking place outside licensed premises like pubs and restaurants. It would also mean that music is treated in the same way as plays and dance, which increased their audience thresholds to 500 earlier this year. Most performances of plays and dance incorporate either recorded or live music, so there's a good argument for music to be harmonised.

THE LIVE MUSIC ACT IS UNFINISHED BUSINESS

Photography by Richard Gray / The Hell Gate / Corbis

# CONCLUSION

MUSIC IS ONE OF BRITAIN'S MOST IMPORTANT INDUSTRIES

The message coming up from these grassroots roundtables was one of cautious optimism. Music industry professionals are genuinely heartened to see the government acting – explicitly and intentionally – in their interests. The industry often feels that government, particularly in some of its recent statements about copyright, is not attaching the value to the music industry that it should. Not nurturing and promoting us as it could.

Music is one of Britain's most important industries. One of the relatively few in which we unambiguously lead the world. We're one of only three countries in the world which is a net exporter of music. We're one sector of the economy that continued to grow despite the recession.

More than ever before, a key component of that global success – from Glastonbury to the Last Night Of The Proms – is the unique British live music industry.

But that success doesn't start with the Glastonbury that we see now; nearly 200,000 people and the world's biggest acts. It starts as Glastonbury started, a few hundred people in a field listening to little-known bands.

Britain's great global success stories – from the Beatles and the Rolling Stones to Elton John and Adele – all started in the pub down the road.

Looking ahead to 2014, UK Music and the MU commit to working with the whole music sector to promote the Act further and ensure that its full potential is realised.

Grassroots live music matters to musicians and to music fans; but it's also strategically important to the UK economy. The Live Music Act has been a really good start. We look forward to a future in which government support of our industry grows.

Photography by Gonzales / Helena Lundquist / PYMCA

Musicians' Union

UK MUSIC