Proposal for Mandatory COVID-19 Certification in a Plan B Scenario

1. UK Music is the collective voice of the UK’s world-leading music industry. UK Music represents all sectors of the music industry – bringing them together to collaborate, campaign and champion music. UK Music promotes the music industry as a key national asset to all levels of Government and publishes research on the economic and social value of music.

2. As we enter autumn 2021, our overriding concern is ensuring that live music events can continue in a way that is economic, protects the health of gig goers, music workers and staff, and is sustainable in the long term. The question is whether the Mandatory COVID-19 Certification proposal under the Plan B scenario meets those objectives.

3. Setting aside the moral considerations that are beyond the scope of our organisation our considered view is that these certificates should be avoided if at all possible, and if they are introduced the industry should receive additional support to compensate for the likely loss of revenue.

4. The question of Covid-19 status certification cannot be considered separately to the damage the COVID-19 crisis has inflicted on the music industry. We estimated last year that the sector as a whole could lose £3 billion GVA, in 2020 70% of musicians saw their work fall by at least 75% Grassroots Music Venues (GVAs) and arenas lost on average 75% of their income, and technical companies lost on average 95% of their income.¹

5. This cuts two ways, firstly it means we are eager to explore any and all ways to keep venues and events open on a profitable basis. Secondly, it is vital the UK Government considers the potential economic effects of taking forward COVID-19 certification for music events. Walk up sales and short notice tickets are often a key part of a live music event, particularly at the smaller end. Therefore, any additional bureaucracy risks this market and risks harming a live music recovery that is already deeply fragile with ticket sales and walk ups for grassroots music remain down on pre-pandemic

¹ [https://musiciansunion.org.uk/campaigns/invest-in-musicians](https://musiciansunion.org.uk/campaigns/invest-in-musicians)
levels for most venues. Furthermore, the plan specifically targets live music venues as places that need the passes, this risks creating an unfair impression that these events are not safe and discouraging customers.

6. Live music venues have been out of operation for the best part of two years, they are facing tax rises with the return of Business Rates and VAT on cultural tickets, many will face difficulties paying down the debt accrued during the crisis. This is another threat to sales that live music venues could very much do without – particularly at the smaller end.

7. If from a health and societal perspective the Government considers that the only alternative to COVID-19 passes is closing venues then this measure would be perhaps be acceptable. But, it must not be considered to be an economically cost free proposition for the live music sector, and if it goes down this path the UK Government should consider what support it can bring forward, in reducing VAT on cultural sales or waiving Business Rate to counterbalance the economic harm that it will do.

8. The Government has to keep in mind that restrictions can make a live music venue or event ruinously unprofitable even if they have not been asked to close, and particularly given the status of Reinsurance Scheme, that only pays out in the event of closures, there is a tipping point when it is better for venues to be ordered to close and compensated than forced to attempt to operate in conditions that render profitability a quixotic goal.

9. Another issue is that some have been unable to get the vaccine either due to age or medical exemption. These groups would therefore be barred from live events if proof of vaccination was a prerequisite of entry. This could constitute direct discrimination if the reason for them remaining unvaccinated relates to a protected characteristic. This is addressed in the Governments proposals for a COVID-19 Certification system that would provide those medically exempt with an indistinguishable pass and a blanket exemption for the under 18s, however we remain concerned over how this would work in practice and the expectation on venues to police these boundaries.

10. There are also questions over how information would be stored to ensure privacy. These questions would have to be addressed for us to unequivocally support a vaccine passport.

11. One method of addressing these concerns is by expanding the qualifying criteria from a vaccine to include a recent negative test, as the Welsh Government have done. Government would need to provide support for rapid testing costs but doing so would address access issues and link it into the wider government testing strategy more effectively than a standalone vaccine passport.

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2 https://musicvenuetrust.com/2021/08/the-state-of-the-live-nation/
12. We are aware that a range of events and venues are already exploring requiring either a negative LFT or a COVID-19 Certificate before events, legally requiring it might remove the flexibility for venues and events to apply a vaccination or testing policy that works for them and their community.

13. The extent to which introducing these passes for live music events would change the public health landscape is an open question at this point. It is worth noting that according to the Music Venue Trust 91.3% of those attending live music events are already taking some kind of mitigating action (double vaccination, pre-event test etc).  

14. Venues have also worked hard to be more COVID-19 secure, therefore we are slightly concerned at the imbalance between music venues with under 500 attendees being subject to mandatory passporting unlike other cultural events such as the theatre. Poor ventilation rather than the type of activity is often a key driver for COVID-19 spread.

15. That said, we are not oblivious to the role that these passes could play in the public health strategy. We have highlighted previously that requiring pre-event testing would encourage younger people who are more likely to be asymptomatic carriers to get tested and then isolate, thereby supporting the overall public health effort.

16. In a similar vein, COVID-19 passes could encourage people who would otherwise not get vaccines to be vaccinated. Getting a high proportion of the population vaccinated is critical for COVID-19 to be brought under control and for normal life to resume, and take up has been strong. Polling has found that 38% of vaccine hesitant young people would get the vaccine if needed for live events.

17. It is in the UK music industry’s interests for the vaccination programme to be as successful as possible and enable us to relax restrictions as soon as possible – so if these passes help encourage vaccine uptake, then that is a welcome benefit.

18. In conclusion, there are practical and ethical question around Covid-19 status certification that warrant serious consideration. In practical terms we welcome any measures that improves the chances of live music venues and events remaining open over the winter, and we can see that there may be some general health benefits. But we would urge the Government to not see this as a cost free option. If it does go ahead it must explore methods of providing further support to the sector. In its current form the proposals are likely to discourage attendance from live music events and hit an already fragile recovery in a sector that has suffered too much.

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7 https://blogs.bmj.com/bmj/2021/02/15/is-asymptomatic-transmission-in-young-people-driving-the-current-wave-of-the-sars-cov-2-pandemic/
9 https://whynow.co.uk/read/vaccine-passports-ticket-to-freedom/
Annex

UK Music’s membership comprises:


• BPI - the trade body of the recorded music industry representing 3 major record labels and over 400 independent record labels.

• FAC – The Featured Artists Coalition is the UK trade body representing the specific rights and interests of music artists. A not-for-profit organisation, they represent a diverse, global membership of creators at all stages of their careers and provide a strong, collective voice for artists.

• The Ivors Academy - The Ivors Academy is an independent association representing professional songwriters and composers. As champions of music creators for over 70 years, the organisation works to support, protect and celebrate music creators including its internationally respected Ivors Awards.

• MMF – Music Managers Forum - representing over 1000 UK managers of artists, songwriters and producers across the music industry with global businesses.

• MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including music studios, producers, engineers, mixers, remixers, 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 over 32,000 musicians from all genres, both featured and non-featured.

• PPL is the music licensing company which works on behalf of over 110,000 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. PPL also collects royalties for members when their recorded music is played around the world through a network of international
agreements with other collective management organisations (CMOs).

• PRS for Music is responsible for the collective licensing of rights in the musical works of 150,000 composers, songwriters and publishers and an international repertoire of 28 million songs.

• UK Music also has an informal association with LIVE (Live music Industry Venues & Entertainment), the voice of the UK’s live music and entertainment business. LIVE members are a federation of 13 live music industry associations representing 3,150 businesses, over 4,000 artists and 2,000 backstage workers.