

## Reform of Public Entertainment Licensing

Chris Hodgkins MBA. Dip M. MCIM.  
Jazz Services  
First Floor  
132 Southwark Street  
London SE1 0SW  
Tel: 020 7928 9089  
Fax: 020 7401 6870  
email: [admin@jazzservices.org.uk](mailto:admin@jazzservices.org.uk)  
internet: [www.jazzservices.org.uk](http://www.jazzservices.org.uk)  
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Background

## **1.1 Section 182**

Section 182 of the Licensing Act 1964 dictates that only up to two musicians can play on licensed premises which do not hold a Public Entertainment Licence for music and dancing (PEL) (Please see Appendix A).

## **1.2 Obtaining a Public Entertainment Licence**

In 1983 the jurisdiction of Justices to grant licences for music and dancing and similar entertainments in restaurants and hotels was abolished and replaced by a system under which the District Councils became the licensing authority. A direct result of this is there is no standardisation of music and dancing licensing fees and Local Authorities use them as a revenue earner.

## **1.3 Problems engendered by Section 182 and Local Authorities granting licences for music and dancing**

Without a PEL only up to two musicians can perform on licensed premises. Musicians are restricted in their right to seek employment and owners of licensed premises are restricted in their choice of public entertainment. (Please see Appendix A).

One of the criticisms of the present law is that it has failed to keep pace with such entertainment phenomena as big screen satellite television. These forms of entertainment attract large attendances which can cause a disturbance with risk to public safety. These entertainments are exempt from PELs and the safety inspections that are an intrinsic part of an entertainment licence application. Clearly section 182 discriminates against the performance of live music

“By shifting the emphasis on to recorded sound as entertainment in bars, clubs, restaurants and cafes, Section 182 of the 1964 Licensing Act has severely damaged music making as a community activity.” (1).

There is no set fee for a public entertainment licence and Local Authorities can charge what they can get, many local authorities exploit public entertainment licensing as a means to generate revenue.

There are risible anomalies in the granting of PELs. For example, the three main reasons why the law was introduced:

To provide a safe and healthy environment for the public and performers;

To ensure premises are properly managed;

To minimise noise and disturbance to local residents.

Yet firework displays do not require an entertainment licence.

## **2 Time for Reform: Proposals for the modernisation of our licensing laws.**

### **2.1 Government White Paper**

The Government White Paper “Time for Reform” sets out a new system for licensing and controlling the sale and supply of alcohol, the provisions of all forms of public entertainment and the provision of refreshment late at night where alcohol may not be involved (2).

### **2.2 Summary of Proposals**

A summary of the key changes being recommended in the White Paper are set out below:

A single integrated scheme for licensing premises that sell alcohol or provide public entertainment.

A new system of personal licences that allow holders to sell or serve alcohol for consumption on or off any premises possessing a premises licence.

New measures to back up restrictions on underage drinking.

Personal licences to be issued for ten years to those aged over 18 without a relevant criminal record following a test of knowledge on licensing laws and social responsibilities.

Premises licensed to incorporate operating conditions such as crime and disorder, public safety, nuisance factors. A basic licence will determine the conditions under which the sale of alcohol and music and dancing and other forms of public entertainment can take place. “The current exception from public entertainment licensing which allows two musicians to perform in unlicensed premises should end (because discos or one or two musicians with powerful amplifiers can make more noise and so generate more nuisance than three without), and be subsumed into the broad permission granted under the basic licence” (3)

The introduction of flexible opening hours to minimise public disorder.

Tough new powers for the police to close disorderly licensed premises.

Children to be allowed to any part of licensed premises at the personal

license-holder's discretion.

Personal and premises' licences to be issued by Local Authorities.

An avenue of appeal for people (including the Police and local residents) to the Crown Court.

Licences to be supported by a flexible range of sanctions.

New requirements for licensing the sale of alcohol on boats travelling within England and Wales.

New arrangements for non profit-making registered clubs supplying alcohol to their members that preserve their special status.

### **3 Responding to "Time for Reform"**

On the 13<sup>th</sup> June 2000 the author attended a meeting at the Department for Culture, Media & Sport (DCMS) which deliberated on the proposals for the modernisation of the existing licensing laws. Set out below is the author's response to the DCMS and the Home Office on the discussions on the White Paper. For ease of reading the points made have been set against the paragraph numbers of the White Paper and comments are aimed at upholding the interests of jazz and under-represented musics and the opportunity for publicans to employ musicians. Two years down the line the author is still awaiting a response.

"1) Section 46 – Applications for premises licences.

i) Levels of risk regarding public safety and unreasonable public nuisance.

It would be helpful if there were acknowledgement regarding public safety and nuisance and the differing levels of risk involved as applied to different forms of entertainment. For example, a jazz trio or folk music group would provide less of a risk in terms of public safety and unreasonable nuisance as a discotheque/ club/rave involving 300 to 500 people and the ensuing high volume of sound associated with these events. Similarly live TV coverage of sporting events will in many cases be more likely than a group of musicians to result in drunkenness and public disorder.

2) Section 53 – Music and dancing

In section 53 and section 83, second paragraph "music & dancing" is mentioned implying that licensed premises cannot have one without the other. As you can have music without dancing, it would be helpful if there was a clear definition of what constitutes "entertainment".

### 3) Sections 67, 68 and 122 – Licensing authorities

Assuming that local authorities are to be the licensing authority, it would be helpful if there was:

- i) An establishment of comparability and modus operandi between licensing authorities. Currently there is a marked difference in terms of service provided by each local authority.
- ii) A development of common levels of service amongst the licensing authorities with a flexible “user” friendly service. For example, one fervently hopes that licensing authorities will advise the premises licence applicant on the full range of entertainment options available to them at those premises. It would be against the interests of the public and the licensed retail trade for the licensing authorities to exploit their position by granting a premises licence for a limited range of entertainment and the licensee having to apply, at a cost to extend the variety of entertainment.

Section 68 indicates the expected role of the licensing authority in that the licensing process “need not be adversarial; it should normally be co-operative”. This is to be welcomed.

#### iii) Entrepreneurial Interest

In line with the comments above, it would be of immense benefit for the licensing authority to recognise the entrepreneurial nature of musicians seeking work and the ability of publicans to employ musicians.

The present government is committed to co-operation amongst government departments and publicly funded agencies enabling expedition of government policy in a concerted way.

Whilst cultural policy and social policy are not mutually exclusive it is important that their aims and the ways in which they relate to each other are clearly stated. There are a number of government initiatives that have both social and cultural implications. For example, the New Deal for Musicians aim is to “enable young people to move from welfare into work and to stay in work by helping them find jobs which suit them and for which they are suited and where needed by first enhancing their employability through high quality opportunities for education, training and work.” (4)

There will be, year on year for the duration of the scheme, increasing numbers of musicians seeking performance opportunities. Currently the infrastructure for jazz (and other under-represented musics) has not the sufficient size or capacity to cope with the existing supply of musicians or existing and potential demand.. There needs to be an increase in the number of venues that can accommodate increased performance for jazz and related musics. This was recognised in the Arts Council’s Policy for Jazz published

in November 1996. Jazz Services for some time has argued for lottery funding for the development of a live music venue chain (LMVC).

“To promote jazz in England a great deal of time is spent in finding suitable premises with sympathetic owners. The majority of these venues are subject to the vagaries of the owners e.g. brewers, hotels, night clubs, sports clubs etc., who can and do at a moment’s notice axe the access of promoters to these venues. This gives rise to the “Flying Dutchman” syndrome where the opportunity to build a distribution outlet for jazz that is branded, marketed, known in the local area for its music policy, helps create new audiences and builds existing audiences over time is constantly negated. New promoters are invariably discouraged by this hostile environment. The LMVC would provide venues where existing promoters will be able to build centres of excellence for jazz and related musics over time and new promoters can be encouraged,. The LMVC will also provide a breadth of opportunities for under-represented musics such as folk, roots and world musics, facing the same problems as jazz.” (5)

Furthermore, Adrian Kendon observes:

“The promoter base of the regional jazz economy is constantly changing as venues open and close, preventing long term patterns of work and audience development for musicians and others. It is likely that the personnel engaged in many of these relatively short-lived promotions changes equally fast. This would clearly affect promoter expertise and the public’s ability to identify venues. This in turn has implications for effective publicity, marketing and thus box office income generation.” (6)

The development of a live music venue chain will militate against the “Flying Dutchman” syndrome and through its operations provide the additional financial support for live music performance.

The need for a detailed approach to the “new deal” along the lines outlined above is reinforced by the DCMS’s Creating Industries Mapping Document which, for music, reported:

“The strength of the balance of trade means that rapid growth could be achieved in the industry with only moderate growth in UK demand, if this is coupled with stronger growth in exports.

The total size of the UK music industry could reach £6.7 bn by 2007.... UK consumer expenditure would grow to £3.7m and full-time equivalent employment to almost 160,000. Much of the new employment opportunities will be focussed on young people.” (7)

The report forecast that full-time equivalent employment would increase from 120,000 in 2000 to 140,000 by mid 2003. However, the expected



throughput of young people on the New Deal for Musicians Programme is 19000. If one assumes that the Programme will be a success at some stage there could be two people chasing every job in the music industry.

If cultural policy is to be in a position to assist the achievement of social policy, there clearly needs to be explicit strategies and schemes.

#### 4) Section 126 – Licensing Committee

It would be very useful to define the attributes of Councillors who are expected to form the licensing committee. It would be worth examining the feasibility of including a lay member with experience who could act as an advisor to the licensing committee.

#### 5) Appendix 4

##### i) Risks

The White Paper acknowledges that there may be reduced opportunities for musicians to work as a result of the abolition of the two musician exemption rule. It is of crucial importance that the licensing authority ensures that the applicant is aware of this and opts for provision for the performance of live music at whatever level satisfies public safety and prevent nuisance.

##### ii) Benefits to HMG

One of the perceived benefits is that the new law will provide a “less regulated and more competitive environment”. It is of interest to the DCMS and associated agencies and organisations that ways and means are examined that ensures that jazz and under-represented musics are able to exploit the new licensing regime.

#### 6) Moving Forward

It would be of benefit to the White Paper and interested parties if there were two further meetings.

i) A meeting to help define entertainment as it will apply to the act and the development of future guidelines for the licensing authority. This would appear to be a matter for the Home Office, DCMS, Local Government Association (LGA) and other interested parties.

ii) A second meeting to examine how the liberalisation of the entertainment licensing can be exploited. This would seem to be an area of

interest for the DCMS. Department of Trade & Industry, LGA, brewery and licensed trade industry bodies, entertainment industry sectors and arts funding agencies.” (8)

### **3.1 The Scottish Model**

Hamish Birchall, on behalf of the Musicians’ Union, has produced sterling work on the ramifications of the “two in a bar” rule and the proposed legislation "Time for Reform". The Musicians’ Union view is echoed in a letter from the Association of British Jazz Musicians (ABJM) to Kim Howells, Minister at the DCMS.

“The ABJM welcomes Government’s proposal to set premises licence fees centrally and that there will be no additional fee if live music is to be provided, although it should be emphasised that this proposal will only work if fees are set at nominal levels.

The ABJM is very concerned, however, about apparent inconsistencies in the Government’s approach to entertainment in premises where live jazz should thrive, such as bars, pubs and restaurants. We are told that licensing has three aims: to ensure public safety, minimise noise nuisance and prevent crime and disorder. It seems very strange, therefore, that under the Government’s reforms as they stand, it would become illegal for a pianist to perform in a bar unless licensed by the local authority, but live televised sport in the same premises would not need to be so licensed.

Liquor licensed premises in Scotland are regulated by UK-wide safety and noise legislation. Generally, these venues can host live bands during permitted hours without a public entertainment licence. The licensee is not usually required to set out details of the entertainment on his liquor licence application.

Our view, in common with the Musicians’ Union, is that live music should be automatically allowed in such premises, provided it is secondary to the main business and that fire and safety regulations are enforced. The Scottish Licensing model suggests that this is workable. In view of the shared safety and noise legislation, it would be helpful if the Government would explain why this regime cannot be adopted in England and Wales. “

## **4 Conclusion to Time for Reform**

In an ideal world it would be preferable if the Scottish model were chosen. However, as long as the “two in a bar” rule is laid to rest along with the stranglehold of local authorities on the promotion of live music on licensed

premises, deregulation can only be viewed as the bridgehead to the beach and the real battle is ensuring that live music finds a strong niche within the hinterland of the present market structure of the on-licensed trade.

## **5 The Licensing Bill – A disaster for live music in England and Wales**

### **5.1 The Licensing Bill**

The Licensing Bill was introduced to Parliament on the 14<sup>th</sup> November. At the time of writing, a second reading has taken place in the House of Lords. The Licensing Bill will move to the House of Commons in early spring 2003.

Peter McClelland of Hobgoblin music has painstakingly examined the new Licensing Bill and his findings and conclusions are set out below in 5.2 and 5.3.

### **5.2 Key Objections**

#### **5.2.1 *Making music should not be a licensable activity.***

Live music should not be licensed at all – it isn't in Scotland and most other countries. Existing and recently enhanced health and safety, fire and noise regulations are in place across the whole of the UK and provide adequate protection in themselves. The licensing procedure requires clearance from police, fire, health and safety, local authority and local residents and may come with expensive conditions attached. It will not be a simple matter at all.

#### **5.2.2 *The scope of locations covered is far too wide.***

The Bill makes music licensable not just in pubs and clubs and places where alcohol is sold, but also in private homes and gardens, in churches, fields and all other places. This is not a trivial license easily obtained, it is the same one as required to sell alcohol in pubs. There can be no justification for requiring a licence to make music in these secondary locations. Tens of thousands of weddings, private parties, village fetes, school concerts etc will be banned.

#### **5.2.3 *The punishment proposed is way too strong.***

It should not be a criminal offence punishable by 6 months in prison or a £20,000 fine to play music. The penalties are far too strong. This is a clear civil liberties issue. The musicians should not be liable to prosecution themselves if hired to play in unlicensed premises (Clause 134 of the

Licensing Bill makes them liable and Clause 188 makes any location at all count as premises). Musicians will always have to check first whether a licence is in place before performing and this may not be easy in practice.

#### **5.2.4 *The scope of activities covered is far too wide.***

A new activity “Provision of Entertainment Facilities” will become licensable (schedule 1, paragraph 3). This vague clause will catch music shops, music studios and music and dance teachers as it stands. All of these activities will require a licence. It will become illegal and punishable by prison to teach music, use a rehearsal room, try out an instrument in a music shop, and make a recording in a recording studio, unless a licence is first obtained.

#### **5.2.5 *Amplified broadcasts still legal.***

It cannot be right that amplified broadcast events should be legal while singing happy birthday by a single person will be illegal.

#### **5.2.6 *Folk Traditions under even greater threat.***

The folk traditions of England and Wales have been handed down in pubs for centuries, this new “none in a bar” law will severely harm a national treasure which was already under threat from the existing “two in a bar” law. It cannot be right that Scottish traditions can be continued, while English and Welsh ones are to be made illegal.”

### **5.3 Specific Issues and Amendments needed**

Schedule 1, paragraph 1 states that music will be a licensable activity if the entertainment meets these two criteria: If it is to any extent for the public or for members of a club and it is also for consideration and with a view to profit.

Sub-paragraph (6) states that raising money for charity counts as being for profit.

Sub-paragraph (4) states that if any charge is made by any person concerned in the organisation or management of the event (this might include a charge by the bandleader to the organiser) or if any charge is paid by those entertained, then the entertainment will count as being for consideration.

Schedule 1, paragraph 1 will catch any private party or wedding reception where an entertainer is paid. It will also catch buskers, school concerts, choral society events, school and village fetes and many other currently legal events. It will not be possible or practicable for the organiser of such a one-off event to obtain a full entertainment and drinks licence, nor will they know

how to go about it even if it is made relatively easy. The events will all have to be cancelled. Dr Howells (the Culture Minister) has stated that the Bill intends to make all music licensable where the artist is paid to perform.

Sub-paragraph (4) seems to be the key issue here, if it were amended to specifically not include payment to performers at an otherwise unlicensable event, things would be much better.

Schedule 1, paragraph 3 which refers to “Entertainment Facilities” is completely unacceptable. It includes the whole infrastructure of music making in this country. This whole concept needs removing from the Bill.

Examples.

As an example, if you put up a marquee in your garden for your daughter’s wedding and hire a band to play, you will be a criminal if you don’t have a licence. The band leader will be a criminal too. Both of you may go to jail and gain a criminal record.

Other soon to be illegal activities: busking, music teaching, selling musical instruments, rehearsing, hospital concerts, fundraiser in the village hall and much more.

Pete McClelland (Hobgoblin Music) “

## **5.4 Other objections**

Ivor Widdison, the Chair of Jazz Services, in a letter to Tessa Jowell, the Secretary of State for Culture, Media and Sport, (9.1.03) points out that the DCMS is flying in the face of its own brief which in the words of its website are to “bring pleasure and broaden our horizons” and thereby “improve the quality of life for all through access to and participation in all areas of responsibility” and that “culture and creativity are vital to our national life”. How is the DCMS able to reconcile the Department’s very real commitment to the performing arts with a measure which, not to put too fine a point on it, seems designed to inhibit if not actually stifle live music making in key locations. Voluntary, semi-professional and professional music-making whether as “high art”, community music, folk, jazz and world musics all find valuable expression in village halls, churches, leisure and arts centres, cafes, restaurants, pubs, schools, colleges and so on. In all other parts of Europe and indeed in Scotland, this freedom to perform live music is celebrated. Yet musicians in England and Wales are to be excluded from such freedom by an act of Philistinism.

The Better Regulation Unit based at 10 Downing Street, is committed to rolling back red tape yet the new Licensing Bill is a charter for the creation of more red tape. More red tape leads to more bureaucracy and the Bill will

become a busybodies' charter as local authorities enforce this disastrous Bill.

The Bill discriminates against the performance of live music. The Bill is a "killjoy's" charter against live music and the right of musicians to seek employment.

Properly trained magistrates formed into Licensing Committees have been fulfilling, effectively, efficiently and diligently, a responsibility for many years. This system is corruption proof and magistrates are to be replaced by licensing departments of local authorities.

The Bill is a drunkard's charter. In the 18<sup>th</sup> Century it was Gin Lane, in the First World War, licensing hours were introduced to ensure that munitions workers turned up at the factory gates sober. 1988 was the age of the lager lout and 2002 saw the advent of the "binge drinker".

The prevailing pub culture in the UK will not be changed by extending drinking hours. There is a strong case for staggered closing times of licensed premises so that pubs do not empty en-masse onto the streets at 11.25pm. Andrew McNeill of the Institute of Alcohol Studies, in a letter to the Guardian (8.01.03) neatly sums up the Licensing Bill.

"The Licensing Bill does not contain a balanced package of deregulation but an unbalanced one designed to favour the late night alcohol and entertainment industry at the expense of local communities. It will exacerbate rather than reduce the drunken mayhem that afflicts our town and city centre at night and inflict even greater problems of noise and other forms of nuisance on local residents."

The Bill is a charter for wide screen TV and recorded music at the expense of the performance of live music. TV and recorded music are exempt from the Bill yet live TV coverage of sporting events are more likely than a group of musicians to result in drunkenness and public disorder.

## **5.5 Regulatory impact assessment**

The DCMS prepared an assessment of the impact of the new regulation would have on the sale of alcohol and the provision of public entertainment and late night refreshment. One of the stated benefits was "increased opportunities for professional musicians by removing deterrents to obtain public entertainment licenses by making them easier and cheaper to obtain". (P.10) on page 13 stated benefits for performers:

"- end of the disincentive to seek music and dancing licences because of integration of the licence regimes and inconsistent and often excessive charges for those licences

- incentive for all licensed premises to add permissions in respect of music

and dancing to licences at no additional cost over and above other permissions sought

- therefore more opportunities to perform in licensed premises”

The risks that were highlighted for musicians’ performance (p.15) were:

- “venue operators fail to take advantage of increased opportunity to provide live music at no additional cost following abolition of the “two musicians” rule
- venue operators favour other licensable and non-licensable forms of entertainment”

However, in table 4 that details the estimated compliance costs for a typical business under the new regime there is no analysis of an approximate annual cost for licensing in the first year for an existing pub or restaurant with permission for public entertainment, whilst the impact assessment may purport to be in favour of musicians and performers in terms of cost, the reality is that no-one knows. In Section 54 of the Bill with regard to fees, states:

(1) Regulations may -

require applications under any provision of this Part (other than section 50) or notices under section 46 to be accompanied by a fee, and prescribe the amount of the fee.

Regulations may also require the holder of a premises licence to pay the relevant licensing authority an annual fee.

Regulations under subsection (2) may include provision prescribing – the amount of the fee, and the time at which any such fee is due.”

There is a clear need for an assessment of the projected costs of a premises licence with permission for public entertainment.

## **5.6 Framework for guidance to be issued under clause 177 of the Licensing Bill**

The framework for guidance recommends only that “proper account is taken of the need to promote live music, dancing and theatre for the wider cultural benefit of community generally”.

Unfortunately fine words will not butter the parsnips. If the DCMS was intent on taking proper account of music then the performance of music should have been exempt from the Bill along with TV and recorded sound.

## 5.7 Conclusions

Pete McClelland believes the Licensing Bill “is an assault on our civil liberties as it clearly restricts participation in the performing arts. If passed without amendment, it will be a disaster for musicians, event organisers, music teachers, studios and retailers and bring repression unseen for centuries for our whole musical culture in England and Wales. No other country in the world restricts the arts in such a way.

It is essential that maximum effort is put in by everyone affected to get the Bill amended as far as possible to deal with the main objections listed above.”

## 5.8 What you can do

- Lobby your MP and urge them to table amendments and sign Early Day Motions criticising the Licensing Bill.
- Write to your local Councillors.
- Write to Tessa Jowell, MP, Secretary of State for Culture, Media and Sport with copies of your letter to Kim Howells MP, Minister for Television, Film and Broadcasting and the Rt Hon Tony Blair MP.
- Sign the Petition at [www.petitiononline.com](http://www.petitiononline.com)

# 6 The Monopolies and Mergers

## **Commission’s 1989 Report and its effect on the structure of the brewing and pub retailing market.**

### 6.1 Monopolies and Mergers Commission – The supply of Beer:

In March 1989 the Monopolies and Mergers Commission (MMC) published a report on the supply of beer for retail sale in the United Kingdom. The Commission’s terms of reference were to investigate “whether a monopoly situation exists in relation to the supply of beer in the UK. (10) The Commission found a complex monopoly existed that favoured brewers with tied estates and that this monopoly:



“Enabled brewers with tied estates to frustrate the growth of brewers without tied estates to do the same to independent wholesalers and manufacturers of cider and soft drinks; to keep tenants in a poor bargaining position and to stop a strong independent sector emerging to challenge them at the retail level.... the monopoly has served to keep the bigger brewers big and the smaller brewers small.” (11)

The Commission made a number of recommendations concerning property, loan and product ties, terms and conditions of tenants and wholesale price lists. The overall effect of their recommendations they felt would:

“Increase competition in brewing, wholesaling and retailing, encourage new entry, reduce price and widen consumer choice.” (12)

The main elements in the MMC’s 1989 recommendations were that:

Brewers had to sell, or free from the tie, half of all the pubs they owned above a 2,000 limit, by November 1992; (See Appendix B for the organisation of the pub system)

Those retaining more than 2,000 pubs had to allow all their pubs to sell one ‘guest’ beer from another brewery.

These “Beer Orders” aimed to promote more competition, drive down beer prices and give the pub-goer a wider choice of beers. However, events fell short of the MMC’s expectations.

Whilst the introduction of Beer Orders was intended to increase choice for customers, this has had the reverse effect of weakening the link between brewing and pub ownership and thereby encouraging the large companies in both brewing and running pubs to concentrate their efforts in one or the other. “The number of pubs owned by brewers has reduced dramatically. In 1990 about 43% of all pubs were owned by brewers, whereby in 1995 the proportion stood at about 34%.” (13)

The reduction in tied houses by brewers forced by the Beer Orders, has led to the emergency of large retail pub chains. “Between 1991 and 1995 the total number of pubs owned by retail groups increased almost five fold. In 1990 such pubs represented only 6% of all pubs. In 1995 this proportion stood at about 26%.

Set out below is a table showing the shift between 1989 and 2000 in on-licence ownership from brewing concerns to managed pub chains.

**Table 1. UK On-Licence Ownership. 1989 to 2000 (approx)**

	1989	January 1999	September 2000
<b>Large brewers*</b>			
Tenanted	22,000	2,600	350 **
Managed	10,000	6,400	2,300**
Total	32,000	9,000	2,650**
<b>Other brewers</b>			
Tenanted	9,000	6,700	5,900
Managed	3,000	3,600	3,500

Total	12,000	10,400	9,400
Retail Chains			
Tenanted	n/a	19,500	23,000
Managed	n/a	4,000	9,000
Total	0	23,500	32,000
Independent pubs	16,000	15,700	16,000
Total Pubs	60,000	58,600	60,000
Clubs	32,800	29,500	n/a
Other full on- licensed	23,000	28,800	n/a
Total of above	115,80	116,900	n/a
Restricted on- licences	32,400	32,200	n/a
Total on- licensed	148,20	149,100	n/a

Source: CC based on information supplied by Interbrew (15)

\* S&N Bass Brewers, WBC, Carlsberg-Tetley and predecessors.

\*\* S&N

+ Mainly restaurants

The Table below depicts the breakdown of total pubs in the UK in 1998

**Table 2: Total Pubs in the UK (end of 1998)**

England and Wales	53,200
Scotland	5,200
Northern Ireland	1,600
Total	60,000

The trend towards retail chains has continued unabated with Interbrew SA taking over former brewers Bass and Whitbread which precipitated the sale of their large pub estates. Within the retail pub market there are acquisitions. For example, in May 2001 the Laurel Pub Company was created out of Whitbread's former pubs and bars division and bought by Morgan Grenfel Private Equity which has in turn sold 1860 inns to Enterprise Inns in March 2002. In April 2002 Enterprise Inns took part in a joint deal to buy the 4,189 strong pubs estate owned by the Japanese bank Nomura. Enterprise's estate went from 2,500 to about 5,500 and Morgan Grenfel Private Equity looks set to make huge returns on its original investment. (16)

## **7 Current trends and factors affecting the market for alcohol consumption.**

There are a number of other trends and factors that are affecting the market for the consumption of alcohol.

### **7.1 Lower beer consumption leading to a decline in free and tenanted public houses.**

A trend towards lower beer consumption in the UK allied to growing competition in the market is expected to create difficult conditions for owners of public houses giving rise to a decline of 6% in the numbers of free houses in operation in the four year period 2001 to 2005.

A similar decline of 6% in the number of tenanted houses is forecast with brewers and pub retail chains looking to increase their portfolio of managed outlets, rather than existing tenanted arrangements. Managed outlets provide greater control for public house owners and increases the viability of their

capital investment. The shift towards managed outlets will take place gradually as existing tenancies are completed. (17)

## **7.2 Changing demographics**

The traditional target market for alcoholic drink sales has concentrated on the younger age groups in the 18-24 age range. This segment of the market is expected to become increasingly difficult to reach due in part to reduced population levels. However, “In contrast, demographic trends suggest stronger growth in the older age profile, with public houses therefore required to alter their traditional product mix in order to attract this sector of the market.” (18)

## **7.3 The changing pub concept market**

The pub concept market is changing with consumers becoming tired of the “theme pubs” of the 1990s and are looking for a more sophisticated bar to drink in. With the total number of pubs in decline, it will become harder to distinguish the conventional pub from the “new types of hybrid outlet in the market – pub restaurants, café bars, coffee shops. Future changes to the licensing laws for selling alcohol could change the traditional pub market even more radically.” (19)

## **7.4 Why people go to pubs**

The Publican newspaper, in conjunction with Britvic, commissioned research into pub-goers’ attitudes towards pubs (November 2001). A pub’s location and a good level of food service ranked in the top five reasons why people choose a particular pub. The provision of entertainment whether it was a live band or sport on satellite TV was way down the list.

In March 1990 the author commissioned Research and Marketing Wales and the West Limited to conduct exit polls of Cardiff City Centre pubs in conjunction with an exact poll of the Four Bars Inn – a Cardiff live music venue. Set out below are the results.

Table 3: Comparison of why people went to town centre pubs and the Four Bars Inn.

<b>Base</b>	<b>149</b>	<b>94</b>
<b>Survey</b>	<b>Town Centre</b>	<b>Four Bars Inn</b>
	<b>Exit Poll</b>	<b>Exit Poll</b>
Entertainment	8%	52%
Drinks	28%	10%
Food	1%	1%
Like the décor	4%	2%
Good service	7%	1%
My friends go there	37%	18%
Convenient to get there	7%	5%
Other	8%	4%
Did not answer	0%	6%

52% went to the Four Bars Inn for entertainment compared to 65% who go to town centre pubs to meet friends and drink. However, 70% of the sample at the Four Bars Inn went for entertainment and to meet friends indicating that the Four Bars Inn is a social and cultural centre. The research also showed that the entertainment venue had a comparable spend to town centre pubs.

#### **7.4.1 Conclusions**

The exit polls' research is 12 years old. Nevertheless, it still demonstrates the need for market research of the entertainment needs of, not only pub-goers, but also to gauge the attitude of the general public towards live music on licensed premises. It would be of immeasurable help if this research was conducted by the Musicians' Union or other trade organisations such as the Performing Right Society in conjunction with the Publican or Brewer or Pub Co or a similar enterprise in the alcohol retail sector. The author is confident the research would demonstrate the need for live music venues in the context of the public house format.

### **7.5 The licensees' priorities**

The Publican newspaper conducted the Market Report (August 2001) of 1000 licensees and asked them what their priorities were for the year ahead. At the top of the list of priorities was improving margins, while lowering prices featured at the bottom of the list.

## 7.6 Conclusions

The conclusions are that a comprehensive research exercise is undertaken that would reveal:

- The entertainment needs of the pub-goer and non-drinker alike;
- The attitude of the general public towards live music on licensed premises;
- The attitude of the freehold licensee, alcohol retail companies, brewers towards live music on licensed premises;
- The amount of live music that currently takes place on licensed premises;
- The numbers of musicians currently employed on licensed premises;
- The average numbers of musicians employed on licensed premises;
- Musicians' remuneration on licensed premises;
- The genres of music played.

## 8 Pub Culture

### 8.1 The lager lout phenomenon in 1988

In June 1988 the Association of Chief Police Officers (ACPO) made public its report "Public Disorder Outside Metropolitan Areas". The report established that police were "experiencing problems in policing disorder in non-metropolitan areas, especially disorder relating to alcohol consumption." (22)

During the summer of 1988 the press and TV were full of reports on "rural violence" and "lager louts". The ACPO survey asked for a detailed study of this problem. The Home Secretary announced that it would be carried out.

The gist of this report is that:

"The British pattern of weekend entertainment drinking is not a new pattern; nor is it likely to change... The new salience of the problem of entertainment centre disorder is that it is not now a feature solely of industrial areas or large entertainment centres. Movements of work, of population, of prosperity mean that similar patterns of drinking and entertainment have spread to newly prosperous and populated areas... still thought of as the country." (23)

The Home Office report put forward a number of policies to solve the problems that depend on legislation or fiscal controls such as reducing alcohol consumption in the young, staggered closing hours and identity cards





- Unsafe sex possibly leading to unwanted pregnancies or sexually transmitted disease including HIV/AIDS. (26)

This anti-social behaviour is graphically illustrated by Simon Milton, the leader of Westminster City Council, who condemned the mega bars of central London which encourage ‘vertical’ drinking (standing up and knocking back pints). The Conservative Councillor complained that his borough descended into ‘near anarchy’ and he reserved particular venom for “late night revellers who leave the streets running with urine.” (27)

Professor Nick Heather of the Centre for Alcohol and Drugs Studies at Newcastle University believes the habits of our youth are influencing our society with excessive drinking viewed as the norm. “Ten years ago, we did not drink the way we drink today. People now drink in the same way as drugs are used – to get a hit and this is encouraged by the way alcohol is promoted by the drinks industry. Their advertising associates drinking with fun, excitement and sexual adventure which is disgraceful.” (28)

Eric Appleby, director of Alcohol Concern feels equally bleak. “The situation is getting worse and the Government has not delivered because it does not want to be seen as a nanny state. Overall we need a more imaginative and better-funded approach to changing the public’s perception of alcohol.” (29)

### **8.3 Solving the problems and changing the culture**

Lager louts in 1988 and binge drinkers in 2002 – the problem still remains.

In 1990 the Government sponsored Health Education Authority published a 5 year strategic plan with ambitious targets. The plan was aimed at seeing the proportion of men “drinking above sensible limits” reduced from 27 percent to 15 percent of the total male adult population; and women “drinking above sensible limits” reduced from 15 percent to 10 percent”. (30)

In 1998 in England 27% of men had usually drunk more than 21 units a week. This proportion has remained largely unchanged for men since 1988. For women it has increased from 9% to 12% during the same period although it has remained at 12% since 1996. (31)

Clearly the pub culture has not changed and there is a prima facie case for all parties; brewers, retail pub chains, freeholders, national and local government to change the culture by ensuring that the opportunity exists to reconfigure the current narrow definition of what constitutes a pub. For example, The Brewers and Licensed Retailers Association in their submission to the Department of Health on a strategy to combat alcohol

misuse set down new developments on licensed premises which “are now places of more general entertainment.”

“Retail premises already play an important part in discouraging alcohol misuse. Supermarkets and specialist off-licensed chains have invested heavily in training to avoid inadvertent sale to underage customers. The nature of on-licensed premises, including pubs, cafes, wine bars, clubs and restaurants, has changed over recent years by the creative use of design, as well as improved management and training. The industry has invested very heavily in refurbishing pubs and in new buildings to give public houses a more open and less intimidating atmosphere, which is attractive to women and to families. This discourages rowdy and inappropriate behaviour. The use of well designed premises, which can be managed more easily and the general adoption of large open frontages in many newly built or extensively refurbished pubs, have contributed to a more comfortable atmosphere. These pubs, as well as contemporary wine bars and licensed restaurants, are now places of more general entertainment. These have a greater emphasis on serving food and the more sociable aspects of enjoying both food and drink together. These developments have involved heavy investment (£1.25 bn spent by BLRA members in 1997 alone). Clearly, this investment has been commercially carried out with expectations of attractive returns on the capital invested but also in the belief that such outlets are a socially responsible investment, the product of enlightened self interest.” (32)

The basic function of the pub is still a place in which alcohol is consumed and the claim that public houses are now places of “more general entertainment” is disingenuous. There are, of course, companies such as J.D. Wetherspoon and Regent Inns who actively invest and manage forward looking pub concepts (33). But if the function of licensed premises are to change and truly reflect the notion of general entertainment, and dispel the prevalent drinking culture of binge drinking, “we need to consider both the physical environment of licensed premises and to remember that such venues are inherently social establishments”. (34)

## 8.4 Conclusions

Until the majority of pubs hold a Public Entertainment Licence enabling two or more musicians to perform then the idea of the pub becoming a genuine resource of general entertainment in its broadest social context will be hard put to become a reality. It would be of immense benefit if the DCMS, the Department for Trade and Industry, the Home Office, music industry representatives, the Association of Chief Police Officers and representatives of the alcohol industry could meet to examine the ways in which the prevailing pub culture could be changed and the role of live music and

entertainment can play in helping effect that change.

## 9 Entertainment licences

Set out below is a table showing the number of premises licensed for the retail sale of alcohol.

Table 4: Premises licensed for the retail sale of intoxicating liquor, registered clubs and theatres, 1997 – 2001 (35)

England and Wales				Number at 30 June each year				
Year	Public houses, hotels etc	Residential and restaurant	Licensed clubs	Total	Off-licensed premises	Total on and off licensed premises	Registered clubs	EE
1997	78,098	31,223	3,951	113,272	47,753	161,025	22,836	-
1998	77,934	29,779	3,847	111,560	45,425	156,985	22,614	270
2000	77,876	28,774	3,996	110,646	45,450	156,096	21,036	-
2001	78,540	27,968	3,748	110,256	44,696	154,952	22,037	218

The DCMS in its consultation paper on licensing hours for New Year’s Eve 2001 and Her Majesty’s Golden Jubilee states that “about 5%” of licensed premises in England and Wales hold an annual entertainment license. Licensed premises are comprised of public houses, hotels, residential and restaurants and licensed clubs. It is worth noting that registered clubs are licensed by the police, not by the local authorities and music events at registered clubs are deemed to be private if admission is restricted to members of a club and their bona fide guests.

Therefore, of the total number of 110,256 on-licensed premises at June 2001 (35) 5% had a music licence that is 5,512 licensed premises (36) with a Public Entertainment Licence in England and Wales.

The Performing Right Society (PRS) provided information for the UK for May 2002 on 11,804 premises licensed for music under their tariff P - pubs and 2,209 hotel premises licensed for live music under their tariff HR – hotels and restaurants.

The estimated breakdown into regions is set out below.

Table 5: Pubs and hotels with PRS live music licences

Regions	PRS Licensed Premises	
	Public Houses	Hotels / Restaurants
England (ex London)	9561	1590
London	354	66
Northern Ireland	590	88
Scotland	590	353
Wales	709	112
Total	11804	2209

Source: Performing Right Society Ltd. 2002

The total number of PRS licensed pubs in England and Wales is 10270 and the number of restaurants is 1702 yielding a grand total of 11972 licensed premises with a PRS licence for the performance of live music.

The figure of 11,972 expressed as a percentage of the total number of pubs, hotels, restaurants and licensed clubs at June 2001 of 110,256 premises in England and Wales is 10.8%. It could be argued that from this calculation that 50% of PRS licensed premises are without an entertainment licence or that 50% of PRS licensed venues only employ two musicians.

## 9.1 Conclusions

Suppositions to one side there is a clear and pressing need for research into the numbers and type of premises who hold an annual Public Entertainment Licence. It is crucial if these premises are to be exploited for the performance of live music they are grouped into the type of tenure, i.e. freehold, tenanted, managed, location, etc, current entertainment use. It would be advantageous if this research could be led by the DCMS with appropriate music organisations. The first step is to contact all the local authorities and obtain there lists of on-licensed premises that have secured a Public Entertainments Licence.

# **10 Economic and social reasons that militate for an increase in live music venues on licensed premises**

## **10.1 Introduction**

There are many musics currently in the 14K PRS licensed premises – jazz, folk, rhythm and blues, pop and rock – are just a few.

### **10.1.1 *The results of the live performance survey***

Set out below in tables 3 and 4 are the breakdown of genres of all live performances of copyright music reported in Millward Brown survey of RS licensed venues, April to July 1997.

This includes performances at venues licensed under the concert tariffs – the classical concert tariff and the ‘pop’ tariff (actually, any non-classical music), as well as ‘general’ live music in pubs, clubs, hotels, community halls etc.

The identity of the venues surveyed was kept confidential by Millward Brown, hence it is not possible to separate performances that would have been licensed under a concert tariff from (for example) performances in foyers or bars at the same venues.

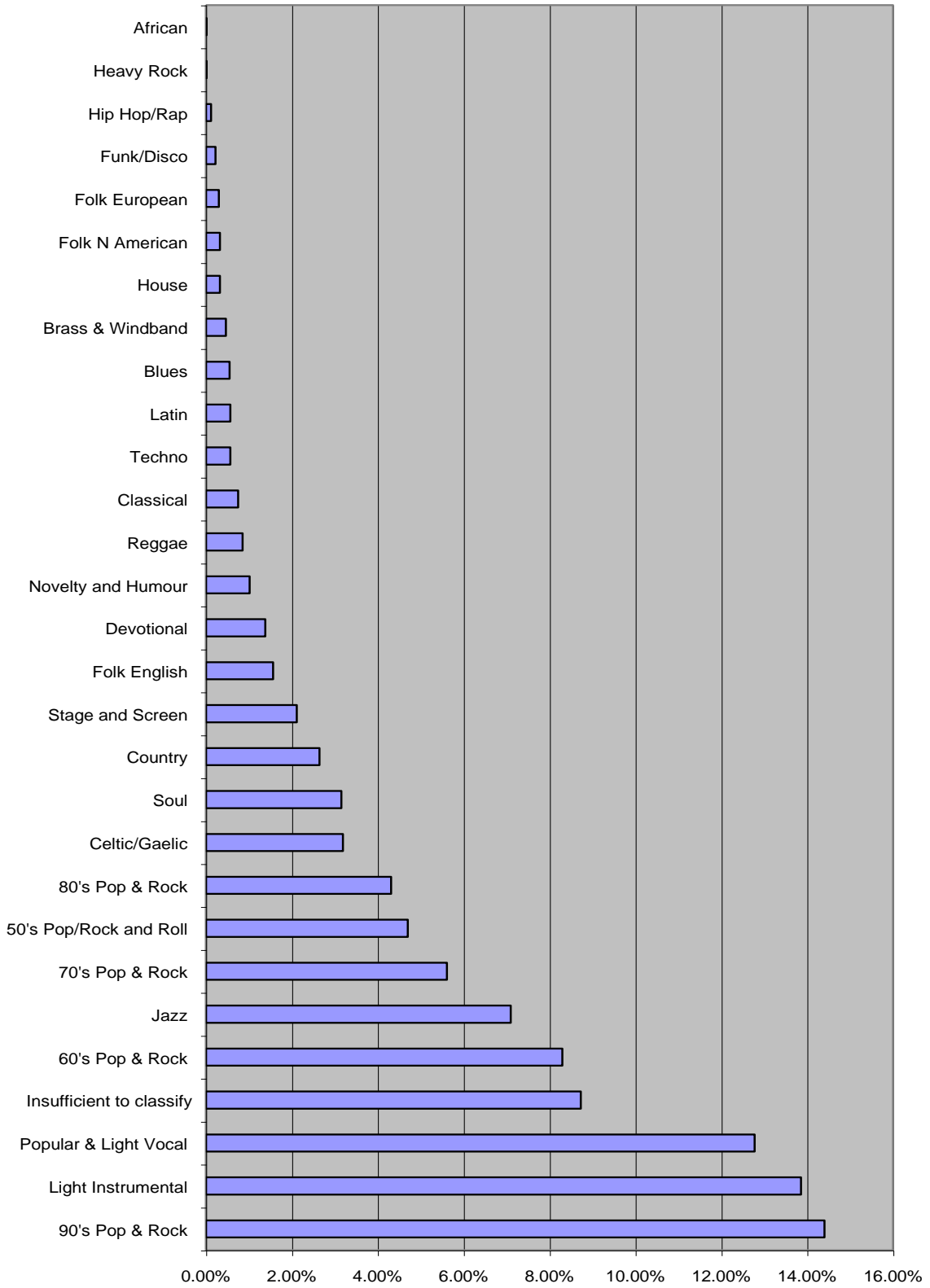
The live performance survey showed the considerable diversity of the performances. The other 50% was made up of a range of specialist performance styles and compositional genres including jazz, folk, soul, country, brass and windband, reggae, classical and Latin.

Table 6: Breakdown of Genres by performance

	No of Performances	No of Performances as a percentage
90's Pop & Rock	708	14.40%
Light Instrumental	681	13.86%
Popular & Light Vocal	628	12.78%
Insufficient to classify	429	8.73%
60's Pop & Rock	408	8.3%
Jazz	349	7.10%
70's Pop & Rock	276	5.62%
50's Pop & Rock	231	4.70%
80's Pop/Rock and Roll	212	4.31%
Celtic/Gaelic	157	3.19%
Soul	155	3.15%
Country	130	2.64%
Stage and Screen	104	2.12%
Folk English	77	1.57%
Devotional	68	1.38%
Novelty and Humour	50	1.02%
Reggae	42	0.85%
Classical	37	0.75%
Techno	28	0.57%
Latin	28	0.57%
Blues	27	0.55%
Brass and Windband	23	0.47%
House	16	0.33%
Folk N American	16	0.33%
Folk European	15	0.31%
Funk/Disco	11	0.22%
Hip Hop/Rap	6	0.12%
Heavy Rock	1	0.02%
African	1	0.02%
<b>Total Performances</b>	<b>4915</b>	<b>100.00%</b>

Source: Millward Brown Survey 1997

**Table 7: Breakdown of Genres**



Each music will have its “market” that will define the numbers of its audiences, demographics, propensity to attend etc. Set out below are the characteristics and market size for jazz which is 6% of the UK population. Table 8 also shows the number of people who attend rock and pop concerts – which is 22.2%.

## **10.2 Characteristics and Market Size for Jazz**

Set out below are the characteristics and market size for jazz.

### **10.2.1 Market Size**

TGI figures for the year 1999/2000 show the audience for jazz who attended live jazz events at least once a year of 6% of the sample, with 1.6% attending at least once every 3 months. (37)

The audience for jazz at live events in England, Wales & Scotland extrapolated from the 1999/2000 TGI figures is 2.8 million adults, of which 1.26 million were ABC1 social groupings. (38)

An earlier separate study into the leisure market (RSL leisure monitor Jan 1989-Dec 1990) confirmed that there were 4-5 times as many people again with a definable interest in jazz. (39)

The RSGB (1991) study indicated that as many people watched jazz on television or listened on the radio as actually attended. For example the figures for attendance at jazz events in the UK in the RSGB survey was 6%. However those people who did not attend events but who listened to jazz on the radio was 7%. (40) This indicates that 6 million adults have a definable interest in jazz.

This is supported by the earlier leisure market study (RSL Leisure Monitor 1989/90) that points to 8.6 million people having an interest in jazz but who have not attended; of this 8.6 million, 4.1 million watched on TV and didn't attend, and 4.5 million listened on radio and neither attended nor watched on television. (41)

TGI figures for 1996/97 show that of all adults who were receiving cable or satellite TV, 4.7%(0.5 million) also attended jazz events. Of all adults who listened to commercial radio at least once a week 6.5% (1.84 million) again attended jazz events. (42)



### 10.2.2 Market Share by Area (43)

Region	Population Age 15 – 65+ 000	% of People who currently attend and the numbers of people who currently attend					
		Jazz %	Pop in 000's	Classical %	Pop in 000's	Rock & Pop %	Pop in 000's
North	2499	4.1	102.4	7.1	177.4	18.9	472.3
North West	5177	5.7	295	10.9	564.2	20.2	1045.7
York & Humberside	3828	5.3	202.8	9.8	375.1	20	765.6
East Midlands	3617	5.7	206.1	12.1	437.6	23.9	864.4
West Midlands	4310	4.3	185.3	10.3	443.9	21	905.1
East Anglia	1751	6.2	108.5	9.2	161	18.7	327.4
South East	9016	6.5	586	13	1172	24.7	2226.9

Greater London	5768	9.7	559.4	16	922.8	25.2	1453.5
South West	3950	6	237	13.1	517.4	21	829.5
Wales	2370	3.9	92.4	9.8	232.2	19.8	469.2
Scotland	4149	5.1	211.5	9.5	394.1	23.4	970.8
<b>TOTAL</b>	<b>46440</b>	<b>6</b>	<b>2786.4</b>	<b>11.6</b>	<b>5387</b>	<b>22.2</b>	<b>10309.6</b>

Table 8: Source: Office for National Statistics and Target Group Index (1999-2000) Summary of Results. Arts Council of England

### 10.2.3 Evidence of Market Size for Wales

However, research undertaken by Beaufort Research in 1997/98 on behalf of the Arts Council of Wales shows that the percentage of adults attending a jazz event at least once a year is 8.7%. The audience for jazz in Wales extrapolated from these figures is 206,190 adults.

### 10.2.4 Market Share

The TGI figures for 1999/2000 show that 26.6 million people currently attend the live arts. Jazz, like opera, has a 10% market share or 1 in 10 arts attenders. (44)

### 10.2.5 C2DE's Show Strong Interest

From the Research Digest for the Arts (RDA) dealing with jazz it is seen that those interested non-attendeers are much more similar in profile to the population as a whole, whereas the current jazz attendees' profile is younger more up market and is more likely to be male. The table from the RDA reproduced below demonstrates this and it should be noted that CDEs are interested to a significant degree which is contrary to the widely accepted view that the arts are only for the ABC1s. (45)

<b>The Jazz Attender's Profile</b>			
	<b>Adult Population %</b>	<b>Total Jazz Attendance %</b>	<b>Interested but do not attend %</b>
Under 35	37	45	33
35-54	30	34	34
55+	33	21	33
Male	49	57	53
Female	51	43	47
ABC1	40	62	45
C2DE	60	38	55

10.2.6 Table 9: Jazz Attender's Profile

## 10.3 The End User

A typical audience

From JSL marketing research the prime features of the jazz audience at a small town centre jazz club. It should be noted that audience demographics will reflect musicians and bands in the programme:

A 3:2 ratio of males to females.

70% of the audience will be aged between 16 and 35.

30% of the audience will be full time students.

50% of the audience is ABC1 social groupings.

The audience is above average in educational attainment and 40% are professionally qualified.

Less than 20% belong to an established jazz society.

The End user in England

The prime features of the jazz audience from research commissioned by the Arts Council is: (46)

A.4.3 ratio of males to females

A 429% of the audience will be aged between 15 and 35

10% of the audience are still in full time education

69% of the audience is ABC1 social grouping

32% of the audience will have completed their education beyond the age of 19.

The End User in Wales

The prime features of the audience for jazz from research commissioned by the Arts Council of England is: (47)

A 4:3 ratio of males to females

28% of the audience will be aged between 15 and 35

18% of the audience are still studying

56% of the audience is ABC1 social groupings

22% of the audience will have completed their education beyond the age of 19.

The End User in Scotland

The salient features of the audience for jazz from research commissioned by the Arts Council of England is: (48)

A 5:4 ratio of males to females

26% of the audience will be aged between 15 and 35

12% of the audience are still studying

. 65% of the audience are ABC1 social groupings

30% of the audience will have completed their education beyond the age of 19

## 10.4 Tourism

The UK music business continues to be a significant net earner overseas. Gross overseas earnings were valued at £1,332 million compared with payments of £813 million. The net earnings of the UK music business in 1997 were estimated at £519 million. (50)

Andrew Bishop, the owner of Carlsbro sound equipment reported that “music was our biggest export. Recognition was given to Mick Jagger by the Queen. He joins Sir Elton John and Sir Paul McCartney. Clearly, the nation recognises what contribution these stars bring to the British Isles, but who is following these fantastic ambassadors for the UK? We must act quickly to encourage youngsters to follow these icons by giving them the opportunity to play in public.” (5)

With gross overseas earnings from music of £1.3 billion, it is not unreasonable to assume that the purchaser of UK music overseas would expect to be able to hear the same quality and amount of music when they visit the UK. Set out below is an example of the potential numbers of tourists to London in terms of jazz. With appropriate research the numbers of these audiences could be replicated for folk, rhythm and blues, pop and rock etc and regions across the UK.

### 10.4.1 *Tourism in London*

In 1998 London Tourist Board estimates that 13.5 million people from overseas visited London and 14.2 million people visited from the rest of the UK. Domestic visitors stayed an average of two nights and overseas visitors stayed an average of six nights. In total there were 27.7 million visits with a total expenditure of £7.8 billion. Tourism to London is set to grow at an average yearly growth rate of 3.4% for overseas visits and 1.7% average growth rate for domestic visits.

The London Tourist Board, Facts on Tourism, gives a breakdown by nationality of overseas visits staying in London.

Origin of Tourists 1997	
Country	% of Overseas Residents
USA	19
France	10
Germany	9
Scandinavia	8
Italy/Netherlands	Each 5
Australia/Japan	Each 4
Other countries	36
Total	100

Table 10: Overseas figures exclude residents of the Irish Republic

Overseas visitors to London in 1997 were 13.5 million. The size of audience for jazz in the USA was 10% in 1992. (51) Jazz also has a following in Europe, Australia and Japan. It is not unreasonable to assume that the percentage of the population who attend jazz events in Europe, Australia and Japan is similar to that for the UK in 1997/98, i.e. 6.2%. However, if one were to take a pessimistic view and assume that 5% of the population of Australia, USA Europe, Scandinavia and Japan attended jazz events, the potential audience for jazz from overseas visitors can be calculated as a potential 432,000 attenders. With carefully targeted marketing this potential audience can be exploited to further the cause and showcase the talents of UK jazz musicians to visitors from overseas. If this potential overseas audience is added to the 0.63 million current attenders within 30 minute drive time of Oxford Street the potential market is 1,070,600 end users. When the potential attenders from UK residents holidaying or staying in London on business (i.e. 6.2% of 4.81 million UK residents visiting London which is 298,220 persons) (52) then the potential total market for jazz in London is 1.37 million end users per annum.

## 10.5 Showcasing bands and marketing CDs

Paul Newton Skinner in “Small is Beautiful? – small independent jazz record companies – a contextual analysis” (June 1994) highlighted one of the major

weaknesses in the ability to sell CDs as the : “lack of exposure for jazz both in the concert all and on the radio and without the choice to hear the possibility of purchase is much reduced.”

Malcolm Creese in “Making CDs” (Jazz Services 1997) commented that the “gig is your best market place for selling CDs and that the CD will help secure gigs in the first place.” Live music on licensed premises will provide solid support in bringing jazz musicians and musicians from other under-represented musics and audiences together thereby enabling bands not only to showcase their music but, just as importantly sell CDs.

## **10.6 Education – “Sow and ye shall reap”**

Andrew Bishop of Carlsbro highlighted the fact that “as a nation we spend millions of pounds each year encouraging youngsters to play musical instruments and then prevent them expressing their skills by limiting the number of live music venues in which they can develop their craft... In Britain we spend £20 million each year funding youth projects for live music. Bands are formed and then swiftly break up due to the lack of venues to play in.” (53)

A sound performance: The Economic value of Music reported a number of facts and figures on music education in the UK.

In 1997/98 there were an estimated 7,553 music teachers in primary and secondary teaching in maintained and independent schools.

In 1998 the total value of instrumental teaching in schools was £127.9 million.

£150 million available from the Standards Fund for three years.

£30 million from National Foundation for Youth Music for three years.

Instrumental teaching outside of schools was worth £185.6 million in 1998.

The Music and Ballet Scheme. The cost of the scheme for music students only was approximately £6.4 million in 1998.

Higher Education and Music Conservatories. The total cost to the Funding Councils of maintaining the six conservatories and the Guildhall School of Music and Drama was £20.9 million in 1998. This figure excludes a substantial number of further education establishments such as Leeds College of Music.

Excluding the cost of primary and secondary school music teachers. The spend on music education in 1998 was circa £ 400 million – a conservative estimate.

## **10.7 Musicians Employment and Remuneration**

There are expectations that licence reform will like some panacea, transform the live music scene overnight. Andrew Cunningham Head of Alcohol & Entertainment licensing policy of the DCMS stated in Arts News;

"The hospitality industry should save up to £1.9 billion in reduced costs over the first ten years. Premises requiring an alcohol licence would be able to cover public entertainment at no additional cost. This will create increased opportunities for entertainers, particularly musicians, and the reduction in regulation with consequent savings to licences should also mean that there will be more money in the system for the payment of entertainers at a proper level" (54)

The optimism is admirable but as seen in 6.5 above the licensee's priorities is improving margins, there is therefore a high probability that the Publican will retain or opt for the most economic unit for music, which is the single musician with backing tapes or the duo.

However Andrew Cunningham states further that "the current system therefore deters many venues from seeking licences and, in consequence, performers find opportunities to earn a living unreasonably restricted. The reforms will create a new system that will sweep away considerable red tape at a stroke. The Government believes that the reforms could benefit everyone" (55)

Furthermore musicians need to be prepared so that they are in a position to exploit the hoped for increase in licensed premises with a PEL. A training manual needs to be designed and written that is geared to helping musicians market themselves to publicans and other on-licensed premises.

## **10.8 Conclusions**

A comprehensive case for live music on licensed premises needs to be prepared aimed at the alcohol retail industry that lists the characteristics and market size for all music genres suitable for performance on licensed premises. The number of audiences needs to be backed up with a qualitative and quantitative value of music in society with detailed case studies successful pub and live music operations. The Department for Culture, Media and Sport in conjunction with the Musicians' Union, Performing Right Society, other music industry representatives, National Music Council and Arts Councils should collectively produce a watertight case for the operation of live music on licensed premises and the time to do that is now.

The conclusions above will ensure that

The case for legislation and deregulation is strengthened.

Musicians will be in a position to exploit the new licensing regime.



