

Welcome to the

MUSICIANS' UNION

K **LIVE MUSIC** **T**





1

Introduction

Congratulations on ordering the Musicians' Union Live Music Kit – it's a sound move that is sure to bring benefits to your business and help entertain your ever-growing clientele.

This 'easy-to-use' pack details how featuring live music at your venue, no matter how big or small, can help your business thrive.

It will help you attract new customers, increase sales, generate a better atmosphere and develop a higher profile in your area while boosting job opportunities for musicians of all styles.

The way live music is licensed has been radically overhauled by the Licensing Act 2003, and in future, only a single authorisation will be needed when licensing premises which are used for the supply of alcohol, to provide regulated entertainment or to provide late night refreshment.

It means getting your customers in and entertaining them now should be as easy as... 1, 2, 3!

But the kit also provides you with vital information on a range of subjects including contracts, health and safety issues, promotional tips and useful contact details. So read on...

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Why bother?

Music used correctly can be a business tool.

It can:

- **Attract more customers**
- **Create atmosphere**
- **Increase profits**

Any positive influence on customer behaviour can have a significant impact on the success of your business, all it means is taking the time to decide what music best suits your premises and then playing it at the right levels.

And the style of music you choose will determine the type of customer at different times of the day.

DID YOU KNOW?

A study by psychologists from Leicester University alternated the types of music played in a wine bar between classical music, top 40 pop music and periods of silence.

During these periods with different music being played, customers were asked how much they would be prepared to pay for a range of drinks.

The answers given demonstrated that the prices people are prepared to pay are influenced by the music played.

For example, the maximum price customers were prepared to pay for a pint of lager during periods of silence averaged £2.02 but when classical music was playing the average was far higher at £3.27!

Worth thinking about? Clearly the use of the right music can give you the edge over your competitors and help establish you in the market place, keeping customers and finding new ones. Now that's worth thinking about!

So Get It On...

The music world is so much more than records and videos and live music is at its very heart. The most successful bands in the long term are still those who excel in a live situation and record companies are all too aware of this and your venue could be the start of something big for someone.

We at the Musicians' Union believe that without a healthy grass roots scene the music and record industries will stagnate and suffer in the long term. And the number of venues could dwindle accordingly.

The Licensing Act 2003 has swept away miles of red tape at a stroke because it establishes a single integrated scheme for licensing premises, which are used for the supply of alcohol, to provide regulated entertainment or to provide late night refreshment under a **premises licence** or **club premises certificate**.

As a licensee, the main benefits of the Act are:

- The new system will bring together six existing licensing regimes (alcohol, public entertainment, cinemas, theatres, late night refreshment house and night cafes) under one administrative system and should save

industry an estimated £1.97 billion in the first ten years of operation.

- Licensees will be able to apply for a single licence to supply alcohol, and to put on live music at no extra cost. The current cost of a public entertainment licence can be extremely high, and vary between local authorities by up to 600%. The centralised control of fees, coupled with the new streamlined system, should remove this disincentive to putting on live music.
- It provides much greater scope for the further development of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities. Local Authorities will be able to recognise and supplement their role in promoting these cultural benefits through their direct involvement in the new regime

- The hospitality and leisure industry is a major part of the tourism sector and the Act will contribute towards a significant boost for tourism. It represents a radical modernisation of an archaic licensing system which has made our cities and towns less attractive to visitors and hinders efforts to compete with European cities

The Act lists four licensable activities, which are to be regulated by the provisions of the Act. These, in brief, are:

- The sale by retail of alcohol;
- The supply of alcohol by clubs;
- The provision of regulated entertainment;
- The provision of late night refreshment.

Licensable activities may only be carried on under, and in accordance with, a premises licence, club premises certificate or temporary event notice. If you intend to carry on any of the licensable activities and unless your activity is covered by one of the exemptions in the Act, you will need one of these three authorisations.

But remember!

It is an offence to carry on any licensable activity without such an authorisation.

To apply for live music under the new licensing system all you need to do is make the relevant application to the licensing authority – usually the local authority within whose area the premises is situated.

To make an application you must submit:

- a completed application form;
- an operating schedule (hours, activities, etc.);
- a plan of the premises in the prescribed form;
- if the application requests the authorisation to supply alcohol, a form containing the consent of the proposed designated premises supervisor in the prescribed form; and
- the prescribed fee.

Premises serving alcohol and operating under a **premises licence** will need to identify a **designated premises supervisor (DPS)**, who is required to hold a new **personal licence**. The DPS is expected to be the person responsible, and the main point of contact for the premises, much in the same way as a landlord or bar manager currently is.

Applicants who are converting an 'existing licence' must apply between the 7th February 2005 and the 6th August 2005.

Applications for new licences and certificates can be made at any time.

Current advice indicates that the new system will come into effect in November 2005 when existing Justices' Licences and public entertainment licences will no longer be valid.

Delays or mistakes in applying to re-licence your premises could be costly to you and your business.

Section 177 of the Act and sections 5.4 – 5.7 of the Guidance outline the special treatment of small venues when putting on music entertainment & Schedule 1 to the Act lists the exemptions to the provision of regulated entertainment.

To download an application for a premises licence or for further information go to:
[www.culture.gov.uk/
alcohol_and_entertainment](http://www.culture.gov.uk/alcohol_and_entertainment)
and/or visit the licensing officer at your local council.

One-off gigs



Now you might not want to put on regular music nights, but might occasionally want to 'jazz' things up a little or be asked by your customers to put on music-based events, anything from charity gigs to booking for a wedding.

Well the Act also introduces a system of permitted temporary activities to replace the existing occasional licences and occasional permissions currently granted in connection with short-term alcohol and public entertainment licensing.

The system involves an event organiser (the 'premises user') giving a **Temporary Event Notice** (TEN) to the licensing authority and copying this to the police.

TENs can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time. The premises user must, no later than 10 working days before the day on which the event is to start, give duplicate copies of the notice to the relevant licensing authority, together with the fee of £21.

A copy of the notice must also be given to the relevant chief officer of police no later than 10 working days before the day on which the event is to start. Anyone aged 18 or over can give five TENs per year, however, personal licence holders can give up to fifty TENs per year.



special nights

Each event covered by a TEN can last up to 96 hours and no more than twelve TENs can be given in respect of any particular premises in any year, subject to a maximum aggregate duration of the periods covered by TENs at any individual premises of 15 days in any year. There must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises.

Provided that the criteria set out above are met, only the police may intervene to prevent an event covered by a TEN notice taking place or agree a modification of the arrangements for such an event and then only on crime prevention grounds.

To apply for a TEN you must give a notice which must contain a statement of:

- the licensable activities that will take place;

- the period during which it is proposed to use the premises for those activities;
- the times during the event period when licensable activities are to take place;
- the maximum number of persons to be allowed on the premises at any one time (not exceeding 499);
- if the supply of alcohol is involved, whether the supplies will be for consumption on or off the premises or both; and
- any other matters prescribed by the Secretary of State.

All this information will be contained in a prescribed form, which will be published later this year. The draft Regulations about permitted temporary activities will be published for public consultation in March 2005.

Further, if you wish to use your pub for an event involving the provision of regulated

entertainment, a wedding for example, where your premises licence does not authorise the provision of regulated entertainment, it could be authorised by giving a TEN. However do not forget that the limits in relation to permitted temporary activities will apply.

A TEN can also be given in respect of both indoor and outdoor events. 'Premises' for the purposes of the Act means any place, whether indoors or outdoors. For example, it could cover a town square, part of a park, or a street. But remember the limits in relation to permitted temporary activities (for example the number of people who can be on the premises at any one time) will apply.



HEAD Banging



HEAD Soothing



Having decided to put live music on it is now crucial to match your event with your venue:

Book the right act

Be sure of the quality of the act. Take as much care as you can that you have booked an act that will build the right reputation. Try to avoid first time performers, get a recommendation or better still, go and hear the act for yourself if they are performing somewhere locally. Booking an act through an entertainment agency is a good, safe option. Though perhaps a little more expensive it is often worth that little bit extra for the assurance of quality.

Make it clear what's on offer

Let people know what type of performer and style of music is going to be appearing. Simply

to advertise 'LIVE MUSIC' can put people off attending if they don't know what to expect. For example, if the Joe Bloggs Duo are playing on Friday night, then find out what type of music they play and advertise the evening as 'LIVE 70'S MUSIC NIGHT with the JOE BLOGGS DUO'.

Be aware of volume

Be sure that when using an act in your premises for the first time volume will not become an issue, particularly if a drum kit is to be used. Consider noise levels in the context of your venue's capacity. Nothing deadens noise like people so if you've got your advertising right this shouldn't be a problem.

Time sets well

Acts often play two or sometimes three sets, so it is important to keep a tight reign on

proceedings so that there isn't too much of a lull in the entertainment. During gaps you can play background music that fits with the theme of the night or the style of the live performer.

Choose the best position for performers

Positioning is crucial, not only from the point of view of visibility and sound but also safety. Bear in mind that the sound should be relayed evenly by any amplifiers or speakers so the sound quality does not suffer. Think about power points (you don't want lots of trailing cables) and more importantly fire exits and emergency access.

TOP TIP: If you can't take advantage of a raised area in your venue then invest in a small portable stage (you should be able to easily assemble yourself) which you can store elsewhere when not in use.

HOW TO BE TOP OF THE POPS

To make your music nights successful and to establish them in the minds of punters you need to do more than just chalk up the act on boards around the pub. It's about turning your night into an event.

Follow these tips and you will not go far wrong and remember word of mouth is the best, and worst, of recommendations.

Consult your customers

Putting on live entertainment for your customers rewards their loyalty and makes it more of a special night out. A live event will also bring in new customers - so make sure you consider what type of event they might want. Ask current customers what they would

like and consult them about any new ideas you have. It's good to attract new customers - but you want to keep your regulars.

Establish a regular frequency

Whether weekly, fortnightly or monthly, make a plan and stick with it. It is essential to have some kind of regular frequency to make live music work to its full potential. If it's not on a weekly or even fortnightly basis then at least ensure regularity, e.g. the first Saturday of every month. Sticking to this is important - customers will remember and expect it and will plan their social life and the social lives of their friends and family around you!

Theme the event

Theme evenings really do work and the list is almost endless. They help build a reputation and raise the profile of your pub or bar. It is well known that tribute acts are particularly popular but there are so many ideas to choose from, 60's, 70's, 80's nights, Rock 'n' Roll, Traditional folk nights, or Country and Western evenings. You can theme evenings around a special drinks promotion, a themed food evening, a fancy dress night or a holiday occasion such as Halloween, Fireworks night

or Christmas. Fit the music to the theme - including the background music.

Advertise

Use posters, local listings, local papers - advertise in a way you can and however your budget will allow. Do not expect people to come through your doors simply because you have booked an act. Finally get to know your local papers' deadlines so you can try and place feature pieces on music acts coming to your venue. Also find out when material for listings columns is needed each week. It is also worth encouraging the artists themselves to supply promotional materials and seek their advice on how best to promote them. Handouts available in your venue with a schedule of up-coming events are a cheap and effective advertising tool, as are flyers left in local shops and public buildings. Internet music listings are also becoming more widely used.





**Now all you have to do is
book your act and then
dance your way to the bank.**

**But where are these people
who can help your pockets
bulge? There are two very
easy ways of finding your
new star turn.**

**Firstly you could contact one
of our regional offices where
lists are kept of all our
members contact details.**

London

60-62 Clapham Road,
London SW9 0JJ

T: 020 7840 5534

F: 020 7840 5599

e: london@musiciansunion.org.uk

Midlands

Benson House, Lombard St,
Birmingham B12 0QN

T: 0121 622 3870

F: 0121 622 5361

e: birmingham@musiciansunion.org.uk

East & South East England

60-62 Clapham Road,
London SW9 0JJ

T: 020 7840 5537

F: 020 7582 9805

e: eastsoutheast@musiciansunion.org.uk

Wales & South West England

199 Newport Road,
Cardiff CF24 1AJ

T: 02920 456585

F: 02920 451980

e: southwest@musiciansunion.org.uk

North of England

40 Canal Street,
Manchester M1 3WD

T: 0161 236 1764

F: 0161 236 0159

e: manchester@musiciansunion.org.uk

Scotland & Northern Ireland

11 Sandyford Place,
Glasgow G3 7NB

T: 0141 248 3723

F: 0141 204 3510

e: glasgow@musiciansunion.org.uk

& The How

Or, if you have already decided on the type of act you wish to book, you could contact...

For Jazz contacts

Terry Childs

T: 0207 840 5530

For Folk and Traditional Music contacts

Ian Smith

T: 0141 248 3723

For Classical contacts

Bill Kerr

T: 0161 236 1764

Or, you could contact music agents and find out what artists are on their books. The following numbers are sure to help...

National Entertainment Agents Council

The General Secretary,
National Entertainment Agents Council,
PO Box 112, Seaford, East Sussex,
BN25 2DQ England

T: +44 (0) 870 755 7612

F: +44 (0) 870 755 7613

www.neac.org.uk

e:

General information: info@neac.org.uk

Membership enquiries: enquiries@neac.org.uk

Member support: support@neac.org.uk

Webmaster: webmaster@neac.org.uk

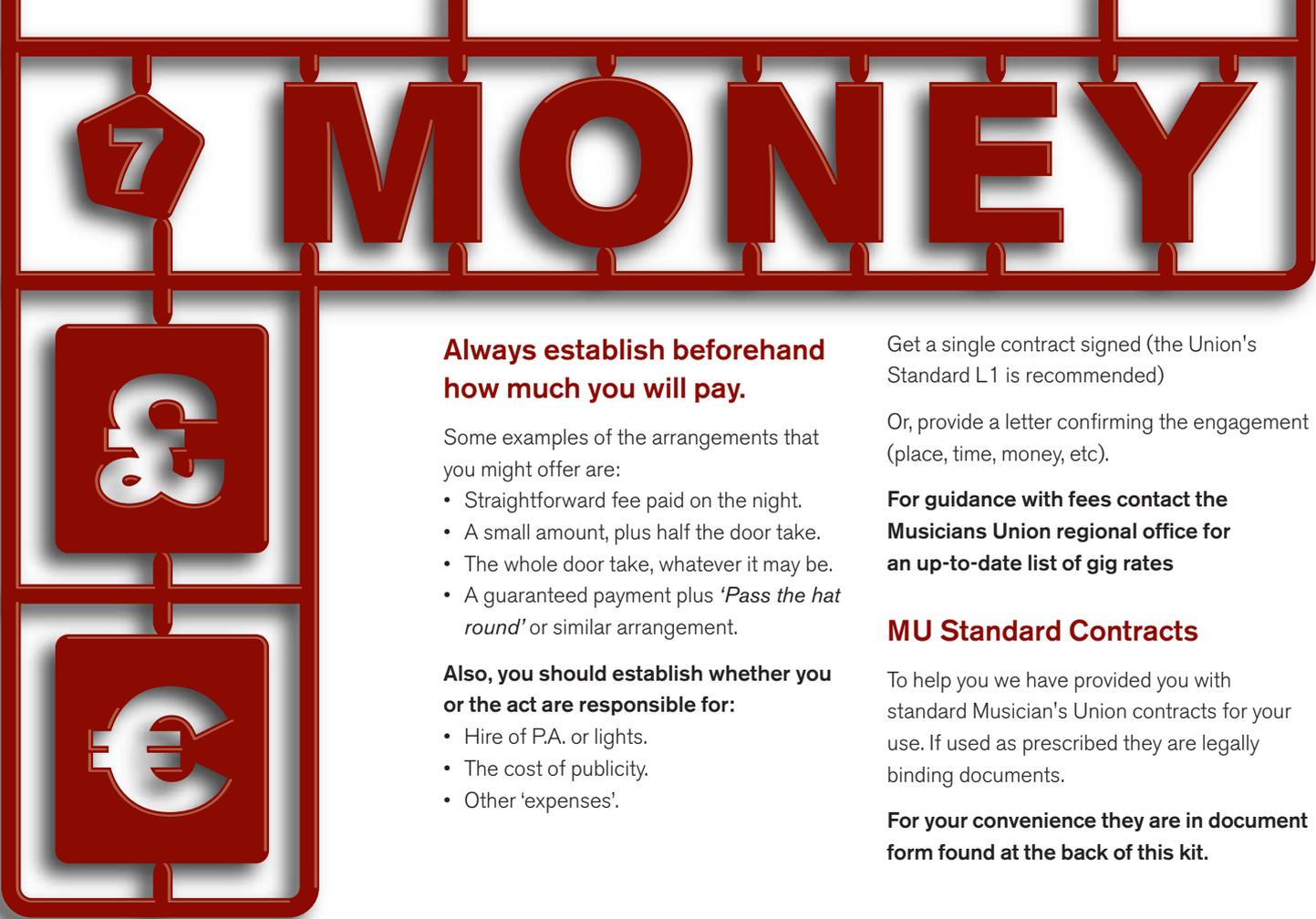
The Agents' Association Great Britain

54 Keyes House, Dolphin Square
LONDON SW1V 3NA

T: 020 7834 0515

F: 020 7821 0261

e: association@agents-uk.com



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MONEY

Always establish beforehand how much you will pay.

Some examples of the arrangements that you might offer are:

- Straightforward fee paid on the night.
- A small amount, plus half the door take.
- The whole door take, whatever it may be.
- A guaranteed payment plus '*Pass the hat round*' or similar arrangement.

Also, you should establish whether you or the act are responsible for:

- Hire of P.A. or lights.
- The cost of publicity.
- Other 'expenses'.

Get a single contract signed (the Union's Standard L1 is recommended)

Or, provide a letter confirming the engagement (place, time, money, etc).

For guidance with fees contact the Musicians Union regional office for an up-to-date list of gig rates

MU Standard Contracts

To help you we have provided you with standard Musician's Union contracts for your use. If used as prescribed they are legally binding documents.

For your convenience they are in document form found at the back of this kit.



Health and Safety Issues

The health, safety and welfare of musicians is one of our priorities and we expect you, the employer, to take health and safety just as seriously as we do. Good health and safety management is essential to a successful organisation.

The Musicians' Union is committed to ensure that the health and safety of its members is maintained. It strives to ensure that all its members benefit from safe and healthy working conditions.

Portable Appliance Testing

To comply with Health & Safety requirements you will need regular **Portable Appliance Testing** (PAT) carried out.

Health & Safety is all about preventing people from being harmed by work or becoming ill by taking the right precautions. Health & Safety is so important that laws are in place to protect the public and staff from workplace hazards. PAT plays an important part in Health & Safety, it is an electrical safety inspection and testing program for all of the electrical equipment in your workplace.

Regular inspection and testing helps you to meet your legal requirements under the **Health and Safety at Work etc Act 1974**, the **Electricity at Work Regulations 1989** and the **Provision and Use of Work Equipment Regulations 1992**.

Why PAT Test?

The **Electricity at Work Regulations 1989** require that 'any electrical system be constructed, maintained and used in such a way as to prevent danger.' In result, a system of inspection and testing is needed in order to determine the need for maintenance. **Portable Appliance Testing** forms part of the regular maintenance of your equipment. Consider it like the MOT of your car! PAT is preventative maintenance, it helps to reduce the risk of electric shock and burns, faults which could cause fire, and fire or explosion where electricity could cause ignition. A full report of the testing should be retained for your records



Other Music Licences

It's not enough just to have a premises licence to put on live music.

So you're keen on providing the right atmosphere or entertainment which will attract new customers, repay loyal regulars, make your business distinctive, build a great reputation, increase your sales.

But you will need what's known as a PRS licence and possibly PPL licence too.

The **Performing Right Society (PRS)** is a non-profit membership organisation which collects licence fees from music users and distributes the money to its members - the writers and publishers of music.

The **Copyright, Designs and Patents Act 1988** provides that if you use copyright music

in public, you must first obtain the permission of every writer or composer of the music you intend to play. PRS represents these copyright owners and so a PRS licence gives you the legal permission to play just about any copyright music.

A PRS licence is required regardless of the ownership of any other type of licence.

Phonographic Performance Ltd (PPL) is an entirely separate organisation and they are responsible for licensing the use of sound recordings whereas PRS allows any public performance of the original copyright musical work itself whether it is performed live, recorded or broadcast.

The licence is normally issued to the proprietor of the premises at which music takes place and occasionally to the promoter (usually to outdoor events). Licences are not issued to performers.

Also using a jukebox means there are two licences required - from both PPL and PRS. This is because two rights are involved when a sound recording is used in public - the first is the sound recording itself (owned by the record company) and the other is the performing right in the original musical work which is administered by PRS on behalf of the writers and music publishers. Some jukebox companies have an arrangement where the PPL licence on the jukebox is already included, but PRS does not currently license jukebox operators.

NB: You may think that your normal TV licence is enough for the use of PRS music by TV in a public place. But, you'd be wrong! A domestic TV Licence only allows you to receive the broadcast signal into your home. If you wish to use the TV in your premises you do need a PRS licence for the music played that way.

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And finally...

Public Liability Insurance and the Musicians' Union

Public liability insurance protects against claims made by members of the public for both bodily injury and damage to property.

Increasingly local authorities and others who contract musicians and bands require written evidence that musicians are insured against Public Liability before they are able to perform.

Therefore there are considerable benefits in hiring one of our members.

Public Liability Insurance is provided by the MU to a current level of indemnity of £10million per individual member. This benefit of membership protects members against liability for bodily injury and/or loss of or damage to a third person's property whilst performing either solo or as part of a group/ band/ orchestra and/or whilst teaching in a public or private place (including at home).



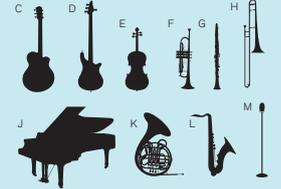


OTHER CONTACTS

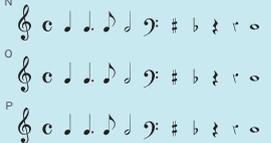


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B www.musiciansunion.org.uk
www.musiciansunion.org.uk



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This document and the necessary contracts can be downloaded from www.musiciansunion.org.uk

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1 **The Department for Culture, Media & Sport**
2-4 Cockspur Street
London SW1Y 5DH
T: 020 7211 6200
e: enquiries@culture.gov.uk
www.culture.gov.uk

2 **The Publican Newspaper**
Quantum Business Media
Quantum House, 19 Scarbrook Road
Croydon CR9 1LX
T: 020 8565 3094
e: producer@thepublican.com
www.thepublican.com

3 **The Performing Right Society**
Call free on: 08000 68 48 28
e: musiclicence@prs.co.uk
www.prs.co.uk/musiclicence

4 **Phonographic Performance Ltd**
T: 020 7534 1000
e: feedback.info@ppluk.com
www.ppluk.com

5  **The Musicians' Union**
60-62 Clapham Road, London SW9 0JJ
www.musiciansunion.org.uk

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