

From: Stephen Brown
Sent: 17 July 2018 15:39
To: WRS Enquiries
Subject: FW: Have your say on Bromsgrove District Council's Statement of Licensing Policy

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Dear Dave Etheridge,

Thank you very much for your contact regarding your licensing policy review (as attached).

I have the following comments:

6.14 In addition when planning and preparing operating schedules applicants are advised to take into account local planning and transport policies, tourism, cultural and crime and disorder reduction strategies as appropriate.

COMMENT:

This clause would surely be better worded as follows because it reads to me like you take into account 'cultural reduction' strategies??:

"In addition, when planning and preparing operating schedules applicants are advised to take into account local planning and transport policies, tourism and cultural policies, as well as crime and disorder reduction strategies as appropriate."

I'd be interested to see how your cultural policy given it is reflected in this document, is inter-related in terms of licence approval?

I attach a copy of the TUC Cultural manifesto the MU has helped draft. I'd be happy to discuss this cultural manifesto with you and how the council may incorporate any of its recommendations.

6.17 v) any other measure as may be appropriate (e.g. participation in local Pubwatch and/or Shopwatch schemes or 'Behave or be Banned' schemes (BOBS), restrictions on 'happy hours', music wind-down policies);

COMMENT:

What does "music wind-down polices" actually mean in reference to the Live Music Act as there is no such reference in the Act so far as I am aware? If this is specific to clubs playing recorded music after 11pm it should specify as such.

6.23 The licensing authority encourages applicants for premises licences that provide regulated entertainment (or any other premises providing a licensable activity where occupant capacity may be a public safety issue) to seek advice regarding

safe occupancy levels from the Fire Safety Section of Hereford and Worcester Fire and Rescue Service.

COMMENT:

The MU welcomes appropriate safe occupancy levels but there is a danger here that you could seem to favour only regulated entertainment versus the provisions of the Live Music Act 2012 and this could be seen to be culturally restrictive. Maybe there should be a link here to LMA 2012 or a qualification that you are not seeking to restrict activities only to regulated types?

6.28 In particular the licensing authority will consider the action that is appropriate for the premises that the applicant has taken or is proposing with regard to the following:

i) prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of

COMMENT:

I note 'music' comes top of your list here, it could be seen to impose potential unnecessary restrictions on provisions in the LMA 2012 based on the subjective opinions of those making a decision on licensed premises. What is the objective criteria and where is it referenced as I note clause 8.3 could be relevant too and how do you facilitate the upcoming "Agent Of Change" principles <https://services.parliament.uk/bills/2017-19/planningagentofchange.html>

**Are you aware of the "Music Venue Trust" that can offer advice to venues?
See: <http://musicvenue trust.com/>**

6.34 Question – as it references under-age persons in licensed premises. What provision does the Authority make for under-age performers in such premises and does it apply any performing restrictions notwithstanding clause 6.38 & 6.42 & 7.13? For example: Open mic-nights can be a popular route to a performing career for under-age performers especially 16 and above, sometimes younger. There is no age restriction on Musicians' Union membership and this performing question is often raised with us.

22 Live Music Act clauses et al

COMMENT:

This whole section with red amendments seems somewhat unwieldy and wordy and could be more precise. The MU suggests you stick to the main requirements of the Live Music Act 2012 (as amended) Eg see here:

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

Note 22.1 is now 500 people not 200.

In terms of 22.3 it would be helpful to know how you assess whether a performance is live or not, in the view of the MU this is NOT a subjective manner and we do not understand this reference. Further, the LMA 2012 makes no distinction on requirements between live and recorded music in terms of what a venue can do within the normal hours contained within the Act; and provided appropriate PPL & PRS licences are in place, we see no issue. If you are referring to activities not of music, please be specific about that and what you mean for the avoidance of doubt?

I'd be happy to meet and discuss any aspects of this response.

Kind Regards,
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