

LONDON'S GRASSROOTS MUSIC VENUES

RESCUE PLAN

A REPORT FOR
THE MAYOR
MUSIC INDUSTRY
LOCAL AUTHORITIES
GOVERNMENT
PLANNERS DEVELOPERS
LICENSERS POLICE ECONOMISTS
TOURISM AGENCIES MUSICIANS CULTURE FUNDERS

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Executive summary

The Music Venues Taskforce was set up by the Mayor of London to work out why so many music venues have closed and what impact this is having on London's culture and economy. The Taskforce has found that London's grassroots music venues are pivotal to the ongoing success of the UK music industry and contribute to London's desirability as a place to live, work and visit. These small and medium sized venues nurture talent, create communities and ferment innovation.

However, planning, licensing, policing and fiscal policy is struggling to balance the needs of grassroots music venues with those of residents and businesses. An increasing population means that residential development is taking place cheek-by-jowl with night-time activity. This pressure, coupled with rising property prices and increasing costs for grassroots music venues, is proving too much and venues are closing.

The Taskforce has also found signs of market failure within the music industry. The research and development function that

grassroots music venues undertake has not been properly supported. There is now a need to rebuild London's grassroots venues and invest in new talent so that all parts of the music industry ecosystem return to full health.

The Taskforce has proposed a rescue package for music venues that address these problems. This follows extensive consultation with government, local authorities and the music industry. The report also sets out an ambition to create new venues and harness the benefits of London's tourism boom through new promotional campaigns.

But most importantly the Taskforce calls for a change in the way we think about music venues. Grassroots music venues are cultural spaces, risk-takers, hubs of innovation and place-makers. They need to be recognised as such in policy documents. Music venues also need to enter the day-to-day conversations of economists, planners, licensors, police, tourism experts, culture professionals and music industry decision makers.

The Mayor of London's Music Venues Taskforce

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Music Venue Trust (Chair)

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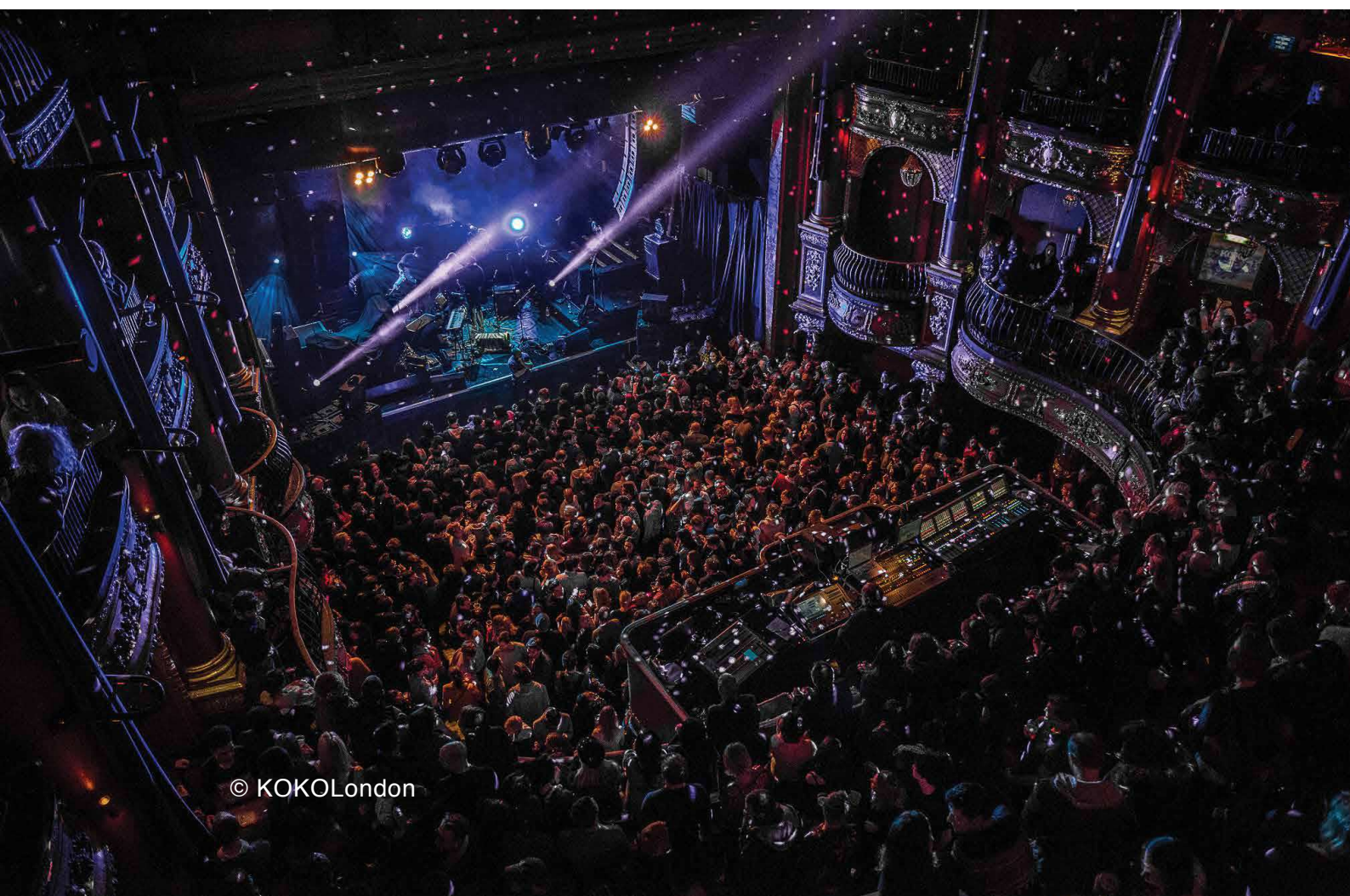
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Frank Turner © Nicole C. Kibert

WHY LONDON NEEDS GRASSROOTS MUSIC VENUES

“I moved to London at age 18 to make my way in music. Since then the city and its scene has changed a lot, and not always for the best. I’ve seen a lot of the venues that gave me the chance to experiment and grow as an artist disappear. Without the spaces for new talent to discover itself and its audience, music in London will die a slow death, and the UK will lose a huge part of its culture. Something needs to be done to protect these spaces.”

Frank Turner, musician

Between 2007 and 2015, London lost 35% of its grassroots music venues, a decline from 136 spaces programming new artists to just 88 remaining today. Iconic names like the Marquee Club, the Astoria, the 12 Bar Club and Madame Jojo’s disappeared from the map. Those venues were big players in the music history of London, they fed the UK’s £3.8 billion music industry with a stream of talented acts and they were part of the international story of “Brand Britain”.

Since the 1950’s London has played host to a thriving circuit of grassroots music venues: the 2 l’s Cafe in Soho was the birthplace of British Rock and Roll in the ‘50s; The Ealing Club was where the Rolling Stones

cut their teeth in 1963 whilst the Marquee Club launched The Who with their legendary residency in 1964; the 100 Club thrust the Sex Pistols and Punk upon the 70’s; the New Romantic movement coalesced at Billy’s in the early 80’s; and the Falcon, the Monarch, and numerous other Camden venues formed the breeding ground of 90’s Britpop.

London’s grassroots venues have shown that they’re prepared to take risks with their programming. In 2006 a raw new talent called Adele played her first show at the 12 Bar Club. Six years later her second album “21” was the biggest-selling global music release of the year. Stepping-stone venues like the 12 Bar Club enable artists like Adele to progress,

ultimately generating £2.2 billion in exports and sustaining 111,000 jobs in the UK.

Whilst sales of recorded music are in slight decline, demand for live performances is increasing, merchandising is thriving and music tourism is a burgeoning industry. London's live gigs and festivals attracted 6.6 million people last year, around half of which were tourists. However the demand by festivals and arenas for talented new acts is not being met.

Grassroots music venues are a major factor in regenerating urban areas. Their presence benefits town centres, high streets and local communities across London. The local night-time economy also benefits from audiences attending shows at music venues. Going to a gig is an enriching social activity and every gig brings hundreds of people into an area who also use local pubs, bars, taxis and restaurants.

The multiplier benefits of grassroots venues means that they generate jobs. As well as supporting the hundreds of micro-businesses that go on stage every night, venues incubate new talent in valuable 'back-of-house' jobs such as lighting, sound engineering,

marketing and promotion. Increasing numbers of venues are also working with schools and colleges to take on apprentices, many of whom will go on to work in London's creative industries.

The music scene has become the defining feature of some parts of London. Local economies spring up around music venues and clusters of associated industries emerge such as fashion, communications and PR, publishing and media. Camden Town is an internationally renowned example. People look to invest and live in such areas specifically because of the buzz

“There are not enough big acts to headline [festivals]. That is a big, big problem in our industry. We are not producing a new generation of these kind of acts – the likes of the Rolling Stones, Muse, even Arctic Monkeys – that can headline.”

Harvey Goldsmith, promoter

“It’s about where people want to live. A lot of business people don’t like Frankfurt. They much prefer London for its cultural offering. If you speak to any teenager in Europe and ask where they want to live they say London. It has this great energy. People from all over the world gravitate here like they do to New York”

Alex Werner, Museum of London

on offer, the breadth of job opportunities and the chance to connect with people of the same outlook.

London is a youthful city with more than half of the working population under 40 years old. Businesses rely on recruiting young people who want to move to the capital. A great music scene is one of the big attractions for those who are looking to re-locate. Without such a comprehensive music offer, and all of the associated industries, London’s international pulling power will diminish.

The old-fashioned view that grassroots music venues cause noise and nuisance doesn’t reflect the modern reality of these responsible small businesses. Grassroots venues shouldn’t be confused with pubs that put on occasional live acts. They are specialists in cutting-

“There was a website that listed every promoter that did acoustic nights and I emailed every single one. There was probably about 300 of those gigs and I got about 50 replies. I did all those gigs. And then I went back and did them again. And again”.

Ed Sheeran, musician

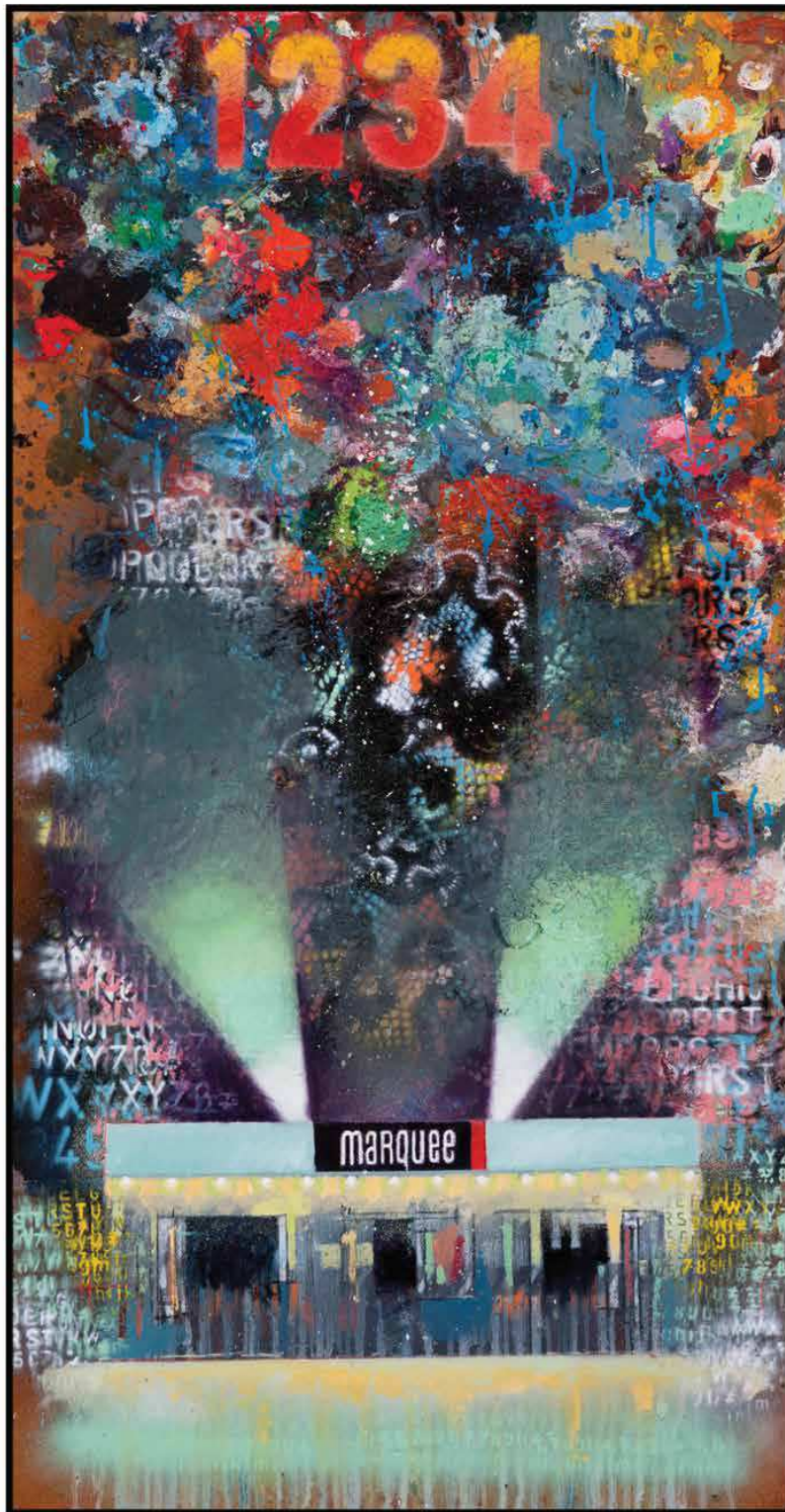
edge music and their audiences are surprisingly sober: at the Village Underground in Shoreditch the average spend on alcohol at a live event is just £6.27 per person.

Most grassroots music venues behave in a highly entrepreneurial manner. But the creation of profit is not their primary objective. In order to put on the latest in live performance, venues subsidise their music programmes by running corporate events, cafés and club nights. Grassroots venues help to create valuable products (best-selling artists) but the financial benefit is realised by other parts of the music industry when the artists they have nurtured hit the bigtime.

Grassroots venues are run by passionate people who are experts in their field and highly productive: research

shows that productivity in the creative sector is 25% higher than the UK average. They are also talent spotters and career nurturers, regularly programming new and unknown performers with no expectation of financial reward. They are the ground floor of the music industry, playing a similar role to small theatres where new shows are tested and new actors emerge.

When a 16 year-old Ed Sheeran wanted to kick start his career in 2007 he moved to London. This year, Sheeran performed three sold-out nights at Wembley Stadium. There is a clear and direct pipeline between the availability of grassroots venues to start careers and the creation of the world-class talent that boosts our economy. This incubator role has defined London as the most successful city in the world at developing new music.



THE MARQUEE CLUB
105-107 CHARING CROSS ROAD
1988-1995

Marquee Charing Cross Road, Oil, Aerosol, Chinagraph and Shellac on found panel.
2014. Danny Pockets. www.dannypockets.com

WHY ONE THIRD OF LONDON'S GRASSROOTS MUSIC VENUES HAVE CLOSED

Demand for live music is increasing and music tourism is thriving. Grassroots music venues play a vital talent development role that has not been replaced by television talent shows or social media. However 35% of London's grassroots venues have closed over the last eight years. The Taskforce identified a number of contributing factors to those closures:

SIGNS OF MARKET FAILURE WITHIN THE MUSIC INDUSTRY

We found signs of market failure within the music industry. The relationship between the recorded music business, large festivals and arenas and small grassroots music venues needs examining. As with all ecosystems, the success of the whole depends upon every part working well. Without a regular supply of new acts, all parts of the music industry will gradually wither.

The development of exceptional music offers at arenas such as The O2 has created a chasm of quality between the grassroots gig and the multi-media arena event. Entrance prices at grassroots level have stagnated for 25

years whilst concert halls have upgraded their lights, sound systems, access, sightlines, staging and overall customer experience. As a result they now sell top price tickets that reflect the quality on offer.

In researching this report we met with a large number of music and night-time industry organisations. They included the British Phonographic Industry (BPI), Performing Rights Society (PRS), Phonographic Performance Ltd. (PPL), UK Music, the Association of Independent Music (AIM), Featured Artists Coalition (FAC), Music Managers Forum (MMF), Live Nation, AEG Live and the Night Time Industries Association (NTIA). All were supportive of grassroots music venues and it was clear that all parties were concerned about the market failure within the music industry. We hope the music industry will now work with government in responding to this crisis at the grassroots level which could decimate its talent supply-chain.

EXTERNAL FORCES ARE CAUSING GRASSROOTS VENUES TO FAIL

External forces are putting unintended pressure on grassroots venues. These include: London's urgent need for housing; rising property values; the planning system; local authority licensing requirements; police priorities; plus competition from state subsidised venues in other European countries. The link between these external forces and the failure of grassroots music venues is not always clear, so we've provided a summary of the key issues:

A growing population and rising property prices

London's popularity as a place to live, work and study continues to increase. As a result of increased demand for accommodation, rents are increasing and some landlords are choosing to sell their properties to developers. Venues like the Flowerpot in Camden have been demolished and turned into flats, whilst others have had to close due to escalating rents. As London's population increases, so infrastructure such as transport must expand. The arrival

of Crossrail has led to the regeneration of nearby areas, resulting in an increase of rents. In one case, it led to the closure of the iconic music venue the Astoria, which is due to be replaced by a theatre.

Business rates

Broadly speaking, when the rental value of a property rises, the business rates also go up. A small central London venue may be paying tens of thousands of pounds per year in business rates. Our research shows that very few receive any business rates relief. Such high core costs mean that venues are economically unviable without financial support.

The 100 Club on Oxford Street now pays around £50,000 per year in business rates on top of £180,000 in rent and service charges. It is one of just six live music venues left in the West End and survived imminent closure in 2011 thanks to a partnership with Converse. Changes to business rates are made every few years by the Valuation Office Agency. In some areas of the capital, London is anticipating a further rise in business rates when new rateable value assessments come into place

in 2017. For the 100 Club this could result in their business rates almost doubling.

Planning and development

More can be done to recognise live music venues in planning policy and provide guidance for decision makers. When making a decision, planning officers and borough planning committees can only judge developments against statutory policies. These include the National Planning Policy Framework (NPPF), the London Plan, Local Plans and the new Neighbourhood Plans.

The London Plan is the overall guide to spatial development in London and is written by the GLA. London's 33 local authorities use it to write their own Local Plans and some communities across London are now creating Neighbourhood Plans. There is also Supplementary Planning Guidance (SPG) which applies in some circumstances. These guides cover specific themes or geographic areas such as the Central Activities Zone (CAZ) and Town Centres.

We reviewed the London Plan and the 33 Local Plans and could find only three direct references to music venues

(in the Boroughs of Brent, Bromley and Camden). There is some wording in the NPPF and the National Planning Practice Guidance (NPPG) that is helpful for music venues. The NPPF recognises that new developments shouldn't adversely affect existing businesses. The NPPG also makes specific reference to noise mitigation so that live music venues are not subject to enforcement actions due to new residents finding sound levels unacceptable.

However, the onus falls on planning officers and planning committee members to identify any potential impacts on live music venues and consider how they might be addressed. The volume of planning applications in London means that officers and committee members have to get through a huge, and increasing, amount of paperwork in a very short time. Without specific guidance on protecting music venues there is a possibility that the threat to music venues from new developments can be overlooked.

In addition, the Government introduced a temporary Permitted Development Right in 2013 allowing offices to be converted into homes

without the need to apply for full planning permission. As a consequence, venues that have happily existed alongside office space for years are now facing residents moving in who expect quiet enjoyment of their homes in the evening. There is widespread concern that with Permitted Development Rights allowing environmental noise assessments to be bypassed, more residents will find themselves living near sources of noise.

Planning officers and committee members urgently need guidance on music venues. In particular how to manage housing developments in close proximity to music venues. If this issue isn't considered at the planning application stage it often results in the slow death of that venue from a spiral of building site disruption, noise complaints from the new residents and costly additional licensing conditions imposed by the local authority.

The Ministry of Sound nightclub faced this problem when an apartment block was proposed immediately opposite the club. They spent over £1 million in legal, acoustic and planning consultancy costs in order to ensure the club was protected from any

future noise complaints by incoming residents.

The case was ultimately heard by the Mayor and resulted in a new approach to residential development in noisy locations. In addition to sound insulation and non-opening windows, a Deed of Easement of Noise was agreed between the Ministry of Sound and the developer. The Deed gives the Ministry of Sound the legal right to make noise at existing levels, meaning that new residents essentially 'buy into' the club's ongoing operations, rather than being able to object to it. This new approach is an example of what is commonly called the Agent of Change principle.

The UK does not currently recognise the Agent of Change principle

When residents buy or rent a property there is no obligation on estate agents or solicitors to tell them about nearby venues that could create sound at night. There are numerous examples of residents making noise complaints about long-standing music venues. In most cases the volume levels have remained the same for many years. However, the complaint has to be dealt with by the local

“Regeneration shouldn’t be a threat to our industry. We spent four years and well over a million pounds on one case fighting for our existence. A smaller business would not have survived. We were totally on our own. The dispute with the Eileen House development drained the business and took many of us away from our core passion of finding and developing creative talent.”

Lohan Presencer,
CEO, Ministry of Sound

authority and often results in additional licence restrictions. These restrictions can limit the venue’s ability to generate income and be costly to put in place (e.g. employing additional door staff to oversee customers as they leave).

The Agent of Change principle puts the responsibility for noise management measures on the “agent of change” i.e. the incoming individual or business. This could be a resident moving into a flat near an existing music venue, or a developer that is building a new music venue near an existing residential building. The principle has already been adopted in parts of Australia and the United States and is proving successful.

Licensing and policing

Licensing conditions and police requirements increase the cost of putting on live music. According to research carried out by the Music Venue Trust, there is a perception amongst venues that some licensing, environmental health and police teams assume music venues to be a cause of anti-social behaviour. In one case a venue reported over 70 separate conditions on its licence, the

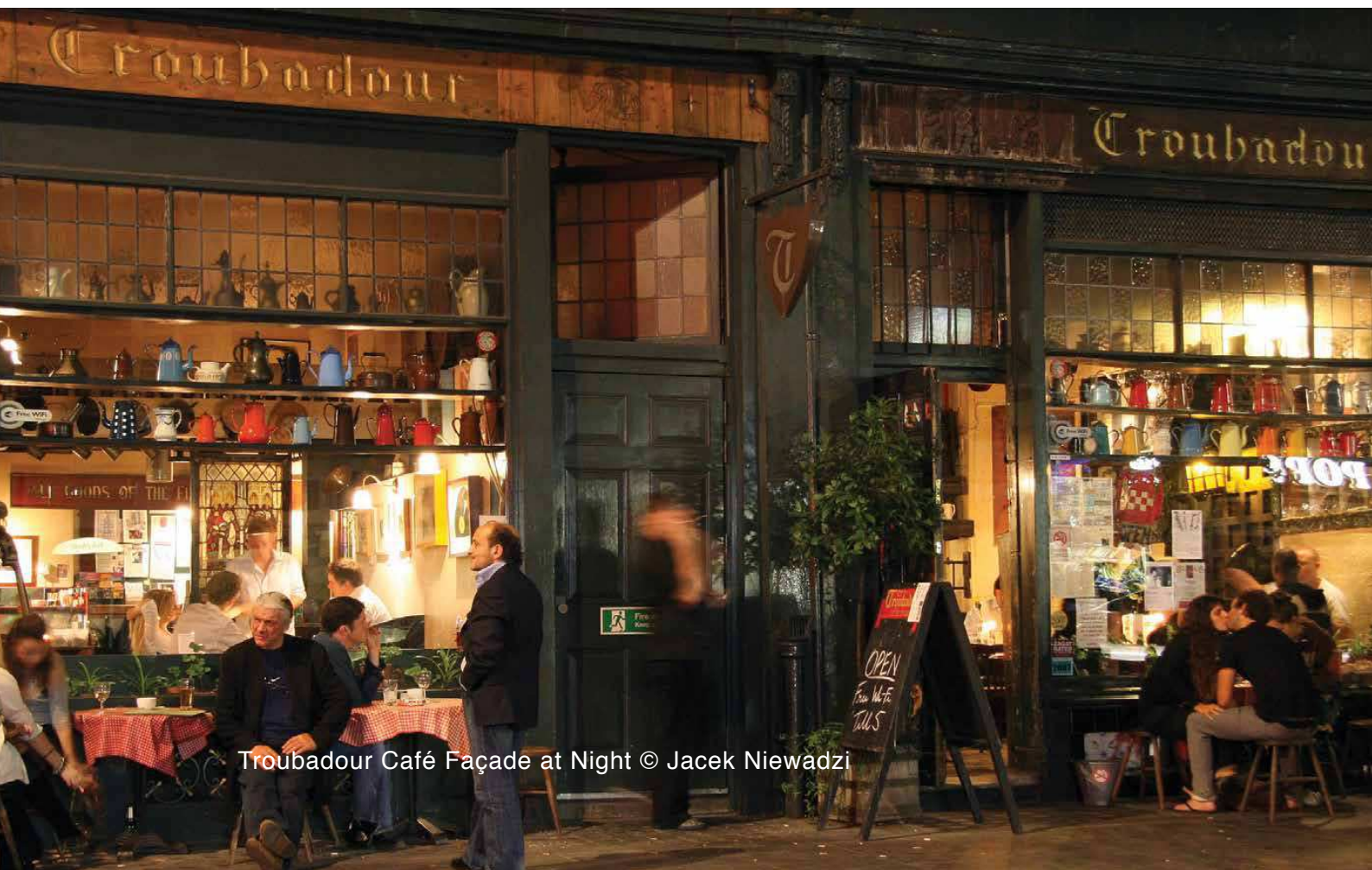
cost of which exceeded its annual budget for putting on new and developing artists.

In some venues audience capacity limits were set many years ago when there was a genuine fire hazard from patrons smoking. Unfortunately many of these limits remain in place today despite the smoking ban. The licensing system needs to be brought up to date to reflect the way that modern live music events are run and reduce the financial burden on grassroots venues.

International competition

The loss of these venues comes at a time when London faces stiff international competition from emerging 'music cities' such as Austin, Nashville and Berlin. Presenting grassroots live music isn't economically viable and yet London's venues don't receive support from industry or government. A lack of investment means many venues are struggling to improve their facilities and overcome the 'toilet circuit' name tag.

London is losing acts to parts of Europe where venues are of



Troubadour Café Façade at Night © Jacek Niewadzi

higher quality and customers have a better experience. These venues are great spaces with outstanding facilities and world-class sound and lighting. The door staff are welcoming and the bar is accessible and affordable. The average government support for music venues across Europe is 42% of venues' income, with the highest being France at 60%.

London's music offer is famous and admired worldwide, but unlike Austin, Nashville or Berlin, we are not making the most of it. There is an opportunity for tourism agencies to exploit London's music offer and heritage more. Likewise, the music industry can respond to competition from these emerging 'music cities' by investing in high quality grassroots venues that build audiences, nurture talent and promote a culture of gig going.

Fragmented approach to the night-time economy

The loss of one venue may seem inconsequential, however the combined loss across London has been catastrophic. Several agencies have a direct impact on grassroots venues and can ultimately cause their closure. Until the creation of

the Music Venue Trust and the formation of the Mayor's Music Venues Taskforce no single body had an overview of the music venues sector in London. This allowed the combined impact on grassroots music venues of planning, licensing, policing policy and music industry practice to go un-recognised.

In the Netherlands many cities have Night Mayors. These esteemed members of the arts and night-time entertainment community act as figureheads, building healthy relations between the various agencies involved in the night-time economy. Night Mayors, despite their title, also solve problems, nipping small issues in the bud before they escalate, thus saving local government and police officers valuable time and money.

Another forward-thinking model is that of Melbourne which adopted a live music strategy and a three-year music action strategy. The aim was to bring together music venues, suppliers, consumers and secondary businesses to tackle licensing complications, noise and anti-social behaviour. In Yarra – one of Melbourne's councils – the night-time economy assessment revealed that every dollar

invested generated three dollars in revenue.

The night-time economy in the UK generates £66 billion per year. This can grow further if London take's the positive approach seen in cities like Melbourne, San Fransisco and Chicago. As London welcomes the 24-hour tube, there is an opportunity for night-time activities, including live music, to thrive and at the same time ensure that nuisance and anti-social behaviour are addressed. The result will be increased revenues and a net return to the local economy.

Changing the way we talk about grassroots music venues

The GLA's positive intentions about music venues are not currently reflected through clear advice in planning, licensing and cultural policy. For example, the phrase "live music venues" does not appear in the London Plan at all. References to "cultural spaces" or "live entertainment venues", which do feature, are open to interpretation and challengeable by developers.

The way we talk about grassroots venues is out of

date and fails to explain the economic, social and cultural value they create. Live music venues are too often referred to as a potential nuisance. Whilst talk of noise and nuisance might have been accurate in the 70's and 80's, modern live music venues and their audiences behave in a very different way.

We want to create a new narrative for policy makers, licensing, environmental health and culture officers, the construction industry, the music industry and the tourism sector. This narrative should reflect the real role venues play in their communities. It should also describe and their function as talent developers for the music industry.

If London's 88 grassroots venues each host 10 unique acts per week, that is 1,000 businesses being incubated. If one band has a hit song, then another piece of lucrative British intellectual property is created, one that has been beta-tested in these spaces. In addition, some venues are testing new technologies from sound systems to lighting, entry and security systems to hospitality, thus incubating secondary businesses and encouraging innovation.



RECOMMENDATIONS OF THE MAYOR'S MUSIC VENUES TASKFORCE

Our recommendations form a rescue package to halt the decline in grassroots music venues in London. The aim is to stabilise the sector, stimulate investment and bring a change of attitude to music venues.

In the longer term these recommendations will underpin London's claim to be the Music Capital of the World. These recommendations are in six categories:

1. Planning
2. Developers
3. Business rates
4. Borough licensing, environmental health and police policy
5. Supporting music in London
6. Championing music in London

RECOMMENDATION 1: PLANNING

1a. Make specific reference to music venues in London's planning policies.

The Mayor should ensure that the next iteration of the London Plan contains specific references to music venues and their economic, cultural and social value. In the meantime, the Mayor should:

- ◆ include specific reference to music venues in future Supplementary Planning Guidance
- ◆ provide jargon-free advice that helps the music industry and cultural sector understand how policy can be used to protect music venues and create new ones.

Local authorities should also ensure that the next iteration of their Local Plans and any Supplementary Planning Guidance contains specific references to music venues and their economic, cultural and social value.

1b. Adopt the Agent of Change principle in London’s planning policies.

The Mayor should ensure that the next iteration of the London Plan contains policies that fully implement the Agent of Change principle. In the meantime the Mayor should advise local authorities via Supplementary Planning Guidance on how to apply Agent of Change principles within the scope of the existing London Plan.

Under Agent of Change principles, if a cultural venue is in place before a residential development, the residential development is responsible for militating against potential residents’ complaints. This could be by paying for soundproofing. Equally, if a cultural venue opens in a residential area, the venue is responsible for these works.

1c: Local authorities should consider the use of an Article 4 Direction to protect music venues.

Article 4 Directions can be considered by boroughs to protect pubs from changing usage through permitted development rights. This can support music venues which

are found within pubs or where a venue is an ancillary activity. Similarly, local authorities should consider use of an Article 4 Direction to remove permitted development rights that allow offices to change use to residential, where this would pose a problem for a music venue due to the potential for future noise complaints.

1d: Make more use of the Asset of Community Value process to protect music venues.

Local authorities should actively encourage Asset of Community Value applications that relate to grassroots music venues and local communities should be encouraged to use this process. Under the Localism Act, local groups can nominate buildings for listing in a register of assets of community value, held by the council. Buildings that are successfully listed cannot be sold without first giving community groups the right to bid for them, in order to use them for community benefit.

RECOMMENDATION 2: DEVELOPERS

2a. Developers should consider using the Deed of Easement of Noise when creating housing near existing music venues.

The Ministry of Sound's ground-breaking use of the Deed of Easement of Noise, to ensure that pre-existing noise levels will not be challenged by incoming residents, is something that developers can use with immediate effect to implement the Agent of Change principle (further information is provided on page 46).

2b. Developers should work with planning authorities to create high quality new grassroots venues and set-up 'Music Zones' for grassroots music activity.

London wishes to be the Music Capital of the World and requires an ecosystem of small, medium and large venues that nurture talent. Developers should be encouraged to create new, high quality music venues that play this role, these spaces being a significant planning gain for London and of public benefit.

There are forward-thinking developers who recognise that a grassroots music venue can add community value and improve a project's image. Cathedral Group's Old Vinyl Factory development at Hayes, the Battersea Power Station re-development, Benson Elliot's plans for Ealing Broadway and Consolidated Developments' plans for Denmark Street all include new or redeveloped live music venues. In each of these developments the music venue is treated as a community and cultural asset that adds to the place-making impact of the scheme.

RECOMMENDATION 3: BUSINESS RATES

3a. Local authorities should be encouraged to implement urgent relief on business rates for grassroots music venues.

Parts of London are becoming economically unviable for grassroots music venues. London Boroughs have limited scope in the current economic climate to financially support these venues. Supported by the Mayor and the GLA, business rates is an area in which London boroughs can take direct action. Business rates form a substantial part of the core costs that discourage venues from risk taking. Cutting business rates would help to level the playing field with other cultural organisations and with competitors in other European countries.

3b. The Government should investigate offering full relief from business rates for grassroots music venues. If action is taken quickly this could feed into the review of business rates that is now underway and is set to report back by Budget 2016.

We ask Government to collaborate with the music industry and commission research into the cost of business rates to grassroots music venues and the economic benefit that a full business rates relief would generate. A similar exercise – reviewing the potential for a business rates relief to be offered – has recently been undertaken for local newspapers. The review recognised the vital community role local newspapers play and the considerable financial pressures they are under.



Rumer at The Half Moon © The Half Moon

RECOMMENDATION 4: BOROUGH LICENSING, ENVIRONMENTAL HEALTH AND POLICING

4a. Local authorities and the police should endeavour to cut excessive licensing requirements, increase audience capacity and simplify their relationship with grassroots music venues.

Local authority and police licensing processes should be reviewed so that officers are empowered to reduce the number of license conditions on grassroots music venues, keep the cost of meeting license requirements to a minimum and increase audience capacity

wherever possible. To assist this process, venue assessments should always be carried out by properly trained staff.

4b. Local authorities should adopt the Agent of Change principle in the way they deal with noise complaints.

A more balanced process is needed for negotiating when conflicts arise over noise. Too often the complainant is prioritised over the venue and little thought is given to the impact that additional licensing requirements can have on the venue.

“Around the world cities are competing with each other for talented young people and to retain those already there. In achieving this, cultural policy is as important as housing policy. When we talk about regeneration in London, for example, the economics and business behind the culture is not as catered to as the culture itself. The fact that there is no music industry policy at a city level is a missed opportunity.”

Shain Shapiro, Sound Diplomacy, May 2015

RECOMMENDATION 5: SUPPORTING MUSIC IN LONDON

5a. Create a Music Development Board to implement these recommendations.

London needs a long-term action plan to ensure that it seizes the opportunity to be the Music Capital of the World. The London Music Development Board should take over from the Taskforce and be charged with developing the potential of grassroots music venues in London. The Board should consider what music industry schemes exist for business support for grassroots venues and whether these can be enhanced further.

Arts Council England (ACE) already supports live music through its funding programmes. The Music Development Board should explore whether ACE and other organisations, such as the PRS For Music Foundation, can provide specific support for grassroots venues.

5b. The creation of a “Night Mayor” for London.

A Night Mayor for London would champion the night-time

economy. They would bring together night-time businesses, local authorities and the emergency services to ensure that night-time activity can thrive. The Night Mayor would also review and implement strategies to minimise the risks of nuisance, anti-social behaviour or crime. This person would help to take forward the recommendations in this report and would chair the Music Development Board.

5c. The Music Development Board should set a target for the minimum number of grassroots venues across London and establish a number of ‘Music Zones’.

Through the Music Development Board a clear goal should be set for the number of music venues needed to sustain a healthy ecosystem of talent development. Research by Music Canada (Mastering a Music City, 2015) suggests that a city that does not have an active and thriving grassroots music venues circuit will have less overall music activity. The board should also establish a number of “Music Zones” to encourage clusters of grassroots activity.

RECOMMENDATION 6: PROMOTING MUSIC IN LONDON

6a. Tourism agencies, the music industry and London Government should invest in a campaign to promote London's grassroots music venues and their heritage.

On any night in London, audiences still have the opportunity to stumble across a festival-sized offering of new talent. Around the globe, music fans and the music industry view London as the music capital of the world and look to the city to bring forward new, cutting-edge performers. Building on this reputation, London can do more to promote its incredible live music offer as one of the main reasons to visit the city.

The opportunity to bring tourists to Ealing to explore west London's pivotal role in rock music and the origins of the Rolling Stones remains unexploited. Likewise, the Who's historic Maximum R & B at the Marquee poster has been bought by millions of music fans around the world. But the Marquee Club – one of the most important venues in modern music history – doesn't exist for fans to visit.

Liverpool has seen huge economic benefits from a concerted effort to promote itself as the birthplace of the Beatles. London has the potential to be a mecca for music tourists seeking out popular music heritage. It can also be the place where people flock to hear history being made. Building on 'Take A Closer Look', the GLA's recent cultural tourism vision, a coordinated campaign across the tourism sector, music industry and government can unlock year-round economic benefits for the capital.



The Horrors at the 100 Club © 100 Club



The Mayor's Busking Showcase at The Bedford © Martyn Rourke

THE TECHNICAL STUFF

DEFINING GRASSROOTS MUSIC VENUES – CULTURAL AND SOCIAL ROLE

The Music Venue Trust defines the cultural and social importance of a grassroots music venue by testing its reputation, role and activity against six criteria:

1. The elephant test

Musicians and audiences in the town/borough/city think that is the grassroots music venue.

2. Focus on cultural activity as its main purpose and its outcomes

The venue's raison d'être is the music it programmes.

3. It is a music business, run by music experts

An organisational focus on music. Other ancillary services (alcohol, food, merchandise) subsidiary or dependent upon music activity.

4. It takes risks with its cultural programme, and that risk taking is the ignition system of the engine that is the UK music industry

Programmes artists that deserve audiences with no expectation of direct financial reward; as a result of this loss-making activity,

significant economic returns become available to the UK music industry.

5. A beacon of music and key generator of night-time economic activity

The presence of a grassroots music venue (or venues) provides a central beacon of music activity that inspires towns/boroughs/cities to be musical: and the absence of one causes a dearth of music activity. By programming and reputation, grassroots venues attract audiences who add significant value to other aspects of the night-time economy (restaurants, pubs, bars, clubs, transport).

6. Plays nicely with others

Occupies an important role within its local community, provides education and training in 'back-of-house' trades and is open to further networking.

A grassroots music venue displays some or all of these characteristics, dependent upon factors such as location, economic climate, or seasonal variations.

DEFINING GRASSROOTS MUSIC VENUES – AMENITIES & INFRASTRUCTURE

1. Has a fixed or temporary stage, or as a minimum an area defined as a stage, and exhibits at least one other structural hallmark conducive to live music, such as:

Defined audience space, sound booth, ticket hatch, sound proofing, room adapted to enhance acoustics, stage facing or elevated seating, dressing room, photo pit, external poster frames for advertising gigs, overnight band accommodation.

2. Possess a mixing desk, PA system, and at least one other piece of equipment to facilitate live music, such as:

Stage monitors, lighting rig, drum kit, back line, stage microphones, stage box & snake, spare instruments, instrument consumables, signal processors, recording rig, smoke machine.

3. Employs or otherwise utilises at least two of the following (they may be the same person):

Sound engineer, booker, promoter, cashier, stage manager, security personnel.

4. Applies a cover charge to some live music performances and incorporates promotion within its activities, such as:

Publishes printed or electronic gig listings, issues printed tickets, utilises on-line ticketing, produces displays and distributes posters, advertises gigs involving original music via local media.

DEFINING GRASSROOTS MUSIC VENUES – ECONOMIC ACTIVITY

These bands and activities are flexible. The final definition of a grassroots music venue within these bands should include variable factors such as location, economic climate, competition, or programming. We use capacity, activity, employment and financial return to seek to categorise grassroots music venues in three bands:

SMALL

- ◆ Less than 350 capacity
- ◆ Over 144 live music events per year, providing opportunities for more than 180 micro-businesses (bands)
- ◆ Entry level musicians, some limited activity in established acts
- ◆ 3 to 10 direct FTE jobs (programming, lighting, sound, bar, security etc)
- ◆ Significant number of unpaid roles/volunteers
- ◆ High running cost to capacity ratio
- ◆ Little if any profit potential

MEDIUM

- ◆ 351 to 650 capacity
- ◆ Over 96 live music events per year, providing opportunities for more than 144 micro-businesses (bands)
- ◆ Mix of new and established acts
- ◆ 5 to 15 direct FTE jobs (programming, lighting, sound, bar, security etc)
- ◆ Some unpaid roles/volunteers
- ◆ Medium to high running cost to capacity ratio
- ◆ Propensity to programme non-live music (such as club nights) to support live music programme
- ◆ Limited potential for profit

LARGE

- ◆ 651 plus capacity
- ◆ Over 72 live music events per year, providing opportunities for more than 108 micro-businesses (bands)
- ◆ Programme of mainly established acts
- ◆ 10 to 20 direct FTE jobs (programming, lighting, sound, bar, security etc)
- ◆ Internships and apprenticeships
- ◆ May be profitable dependent upon external factors (location, additional uses, ownership)

AUDIT OF LONDON MUSIC VENUES

The Taskforce undertook an exercise to assess the perceived decline in music venues across London.

In order to achieve this, the Chair of the Taskforce identified a source of base evidence for 2007 which established there were 348 live music spaces operating in six areas of activity:

- ◆ 136 grassroots music venues – spaces meeting at least four of the grassroots venue criteria
- ◆ 103 pubs or bars with music – spaces offering music as an accompanying activity to the core business purpose
- ◆ 37 arenas and concert halls – spaces providing a programme of exclusively established acts
- ◆ 20 arts centres – spaces offering a mixed programme of cultural activity which includes some music
- ◆ 19 restaurants with music – spaces offering music as an accompanying activity to the core business purpose

- ◆ 33 others (churches etc) – spaces that offer some music alongside their main activity

Acting on behalf of the Taskforce, Music Venue Trust then used social media, print media, anecdotal evidence and sector knowledge to seek to identify all spaces in each category that had opened since 2007 and/or traded for any time during the period 2007 to 2015. A further 82 venues were thereby identified and categorised.

A map showing all the live music spaces that traded during the period 2007 to 2015 that were able to be identified is available at <http://tiny.cc/lonall>

On behalf of the Taskforce, the Music Venue Trust carried out phone, media and email information checks to establish which of those venues remained currently trading in April 2015. 245 live music spaces were identified and categorised.

A map of those live spaces is available at <http://tiny.cc/lonlive>

These maps show an assessable and significant decline in the total number of spaces offering live music in London between 2007 and 2015.

- ◆ 348 live music spaces were trading in 2007
- ◆ 82 additional live music spaces opened since 2007
- ◆ 430 live music spaces traded in total between 2007 and 2015
- ◆ Only 245 remain open in 2015, a decline in the number of trading live music spaces of 29.6%
- ◆ Only 57% of the live music spaces that traded between 2007 and 2015 remain open, 185 live music spaces closed

Additionally, the audit exposes that the impact of that decline was felt almost exclusively amongst grassroots music venues and pubs/bars with music with little impact on the major arenas/concert halls or other providers.

On the basis of this audit, the Taskforce considered that whilst the live music industry has proven exceptionally successful (28% year on year growth from 2012 to 2013 according to UK Music) the plight of the smaller spaces has, until now, been completely ignored within the context of this positive picture.

A map showing the decline in grassroots music venue spaces from 2007 to 2015 is available at <http://tiny.cc/longmvs>

- ◆ 136 grassroots music venues were operating in London in 2007
- ◆ 163 grassroots music venues traded in total between 2007 and 2015
- ◆ Only 88 remain open in 2015, a decline in the number of trading venues of 35.3%
- ◆ Only 54% of the grassroots music venues that traded between 2007 and 2015 remain open, 75 grassroots music venues closed
- ◆ Closures of grassroots music venues accounted for 40.5% of the total losses of live music spaces in the period, and 51.4% of the cumulative loss of trading spaces

In identifying grassroots music venues, the Taskforce applied the definition set out above.

The maps demonstrate that alongside the decline in actual numbers, grassroots music venues have been forced out from the centre of the city, a geographic challenge to a key element of the trading viability of these venues – directly challenging their purpose to enable audiences to stumble across new music.

In particular, the Taskforce notes that the central London area which has been historically synonymous with grassroots British music, particularly Soho and the Denmark Street area, shows an exponential decline in venues that is not mitigated by the emergence of an alternative ‘music zone’ to replace it.

As the first working group of its kind, the Taskforce’s base of historical information is unlikely to be definitive. No authoritative study of these music spaces in London has been carried out to date and part of the work of the Taskforce has been to seek out the best information it can and collate this into one comprehensive baseline study.

The year 2007 was chosen as a year in which information from a particular source (The Musicians’ Union) was most complete and to which other sources of information could be most easily added. Arising from its work, the Taskforce is publishing a database and maps of currently trading grassroots music venues. This will be a publicly available information resource acting as a baseline for any future assessment. We recommend that this work is carried out at frequent intervals.

CAUSES OF DECLINE

There are likely to be multiple causes for the closure of a venue. It can take a long time for their effect to be felt. It is a slow process of attrition, rather than a specific event, that leads to the eventual closure of most venues.

Contributing reasons for venue closure cited during our audit included:

- ◆ Noise complaints
- ◆ Cost of noise complaint procedure
- ◆ Development
- ◆ Cost of planning and development procedures
- ◆ Licensing
- ◆ Licensing conditions
- ◆ Cost of licensing conditions
- ◆ Health and safety costs
- ◆ Being forced to relocate
- ◆ Fall in student attendance
- ◆ Gentrification
- ◆ Competition from non-music sectors
- ◆ Lack of investment
- ◆ No succession planning
- ◆ Economically non-viable
- ◆ Change of use legislation
- ◆ Music industry market decline
- ◆ Cuts to touring budgets
- ◆ Rising service costs
- ◆ Business rate rises
- ◆ Police costs
- ◆ Professional fees
- ◆ Legal compliance costs
- ◆ Fire regulations
- ◆ Instant stardom culture

Across the sector, venues reported that they were impacted by a combination of some or all of these factors leaving them little room to invest in their venue or their music offer. Often the cause of venue closure appears to be financial but – at its root – results from a simple licensing condition. For example: additional security personnel at an additional cost to the venue, resulting in less profit per event, bands being less willing to play there, falling attendance, less events, less profit – a downward spiral resulting from a seemingly innocuous and benign licensing condition.

It must also be considered that the audit was conducted over a period of global economic turbulence and recession in the UK. During the surveyed period there were regular periods of negative growth for the economy as whole. However, the economy in 2015 is effectively at a similar level to where it was in 2007 and whilst many sectors and industries have benefited from central and local government interventions, grassroots music venues have been left unaided.



The stage at The Half Moon ready for Huey Morgan © The Half Moon

INFORMATION FOR PLANNERS AND DEVELOPERS

Support for music venues in the National Planning Policy Framework

Paragraph 123 (3rd bullet) of the NPPF notes that planning policies and decisions should “recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”. This is considered to be a useful policy in the context of supporting music venues – the onus thus falls on planning officers and members to identify any potential impacts on live music venues and consider how they might be addressed.

Support for music venues in the National Planning Policy Guidance

The NPPG expands on this: “The potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be

regarded as unacceptable for the new residents and subject to enforcement action. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development’s building envelope. In the case of an established business, the policy set out in the third bullet of paragraph 123 of the Framework should be followed.”

The NPPG also says that “planning decisions should take into account the economic and social benefits being derived from the cultural activity associated with any noise impacts and ensure appropriate mitigation is secured so that businesses can be continued. It should also be recognised that the Mayor’s Housing SPG requires the impact of noise to be considered in the layout and placement of dwellings, rooms and private open spaces within new development.”

Support for music venues in the Draft Central Activities Zone Supplementary Planning Guidance

Section 2 of the Draft CAZ SPG provides guidance to CAZ boroughs on managing potential pressures on noise generating

cultural venues, including live music venues. It states: “Sustaining and protecting noise generating cultural venues such as theatres, concert halls and, in particular, live music venues requires a sensitive approach to manage change in the surrounding area.

This should ensure adjacent development and land uses are brought forward and designed in ways which ensures that established cultural venues remain viable and can be continued in their present form, without the prospect of neighbour complaints, licensing restrictions or the threat of closure” (para 2.2.11).

It also states: “In justified circumstances, residential development proposed within the vicinity of an existing cultural venue should include necessary acoustic design measures to ensure residential units are provided with effective sound insulation in order to mitigate and minimise potential noise impacts or neighbour amenity issues. An important reason to incorporate mitigation measures within new residential development is to avoid established venues being subject to unreasonable restrictions, administrative burdens, costs or enforcement action as a result of changes in

nearby land uses since venues were established” (para 2.2.12).

Support for music venues in the Town Centres Supplementary Planning Guidance

Paragraph 1.2.22 states: “venues can be challenged by property values, land pressures and local opposition to noise and anti-social behaviour, to the point where many small and medium-sized music venues are facing closure.”

Paragraph 1.2.23 advises boroughs to “consider how new development (particularly those with residential elements) proposed near to existing live music venues should include measures to mitigate potential nuisance from venues.”

Culture on the High Street Guide

This guide has been created by the GLA to help local authorities, town centre managers and business improvement districts improve the quality and ambition of culture on their high streets.

The A-Z of Planning and Culture

This guide shows how the planning process can help to support and sustain culture. It gives real world examples of the many ways planning can support culture.

The Deed of Easement of Noise. A perspective from the Ministry of Sound's lawyer.

In certain circumstances, noise can amount to a nuisance in law. Sometimes, new residential development in London is located close to clubs and music venues that create noise, and the new residents might perceive that noise as a nuisance. This creates a tension between the new residents and the existing club or venue: the former want a quieter environment and the latter want to run their business as they have in the past.

As the law currently stands, the fact that the club or venue "was there first" does not give it a right to continue to make the same level of noise, if that noise amounts to a nuisance. This has been the law since 1875, when the Court decided that a confectioner could not continue to make his sweets in a noisy manner, as a doctor had moved in next door and needed quiet for his patients.

This creates an obvious problem for London's clubs and venues: how can their operations be protected and safeguarded in the face of the new residential development that London desperately needs?

This was the situation faced by Ministry of Sound when the developers of nearby Eileen House sought planning permission for the demolition of an existing office building and its replacement with a tall residential tower. Despite extensive acoustic treatments to the facades, Ministry had legitimate concerns that the sound from its club might nevertheless amount to a nuisance to the new residents, and be the subject of a claim in nuisance against them. If successful, there was a real risk that the Court would require the nuisance to stop, meaning that Ministry's operations would have to close.

The land use (planning) consequences of Ministry's closure would have been significant. Clubs and venues have been closing all over London and the loss of the iconic club would have been a further blow to the night-time economy and London's cultural heritage.

The solution that was found was elegant but required collaboration between several parties, including the developer, the club and the Local Planning Authorities. A deed of easement of noise was entered into between the owner of Eileen

House and Ministry. Its effect was to allow noise (at the nightclub's existing levels) from Ministry (known as the dominant tenement) to lawfully pass over the Eileen House development (known as the servient tenement). As Ministry now had a lawful right to make the noise at those levels, and for that noise to pass over the Eileen House site, its new residents couldn't then complain about the noise. In short, they would be buying their flats with that legal 'burden' already imposed.

The right was a proprietary right (i.e. a property right), and was no different in law to many other proprietary rights (e.g. rights of light, rights of support etc). However, no deed of easement of noise had ever been entered into before to the best of anyone's knowledge. In terms of its drafting, however, it was relatively straightforward, as the principles for the drafting of proprietary rights are well-established.

The outcome was an excellent example of "good planning". The club was protected and the development could go ahead. Equitable neighbourly relations were established at the outset. In a crowded city, that is a laudable and much-required objective.

One of the questions posed to the Mayor and the GLA in writing this report has been how can you encourage developers and venues to work together in other situations to achieve a similarly equitable outcome?

Looking further ahead, a specific policy in the next revision of the London Plan could require new residential development to have significant regard to the protection of nearby clubs and venues and their need to continue to operate in confidence once the new development has been occupied.

The example of Ministry and Eileen House has shown that the co-existence of two seemingly opposing uses can be secured in London.

Tim Taylor
Partner, Foot Anstey LLP



**“Without music,
life would be a mistake.”**

Friedrich Nietzsche