

CHRIS HODGKINS

16 January 2003

MP
House of Commons
Westminster
London SW1A 0AA

Dear Mr

Licensing Bill and Public Entertainment

Many thanks for signing the Early Day Motion number 1182. I have very serious concerns with the Licensing Bill and its probable effect on the performance of live jazz and many other musics on licensed premises.

As we understand it, the landlord of a pub will, when he files his operations plan for the premises licence, tick a box if he wants to include live music as part of his operations and the implication is that for a small extra charge he will be able to have musicians playing on the licensed premises. This optimistic view does not take into account health and safety.

At the present time a landlord can employ up to two musicians without an entertainment licence on his premises with his or her existing health and safety obligations and inspections. With the proposed legislation that right to employ two musicians is removed and there is no guarantee that under the new licensing regime licensing authorities and health and safety inspectors will allow a publican to employ two musicians with his or her existing health and safety measures on their licensed premises.

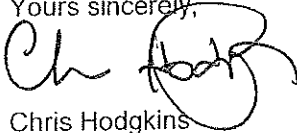
There is an overwhelming sense of unfairness in the bill in that live music is discriminated against whereas TV and recorded sound is exempt from the bill. I fervently hope you can get the DCMS to see some sense in this matter.

I also note that your re-selection meeting is on the 23rd January 2003. I shall do my utmost to attend.

Finally, I am taking the opportunity to enclose a copy of my paper on Entertainment Licensing covering the problems, proposals and suggested actions.

Best wishes.

Yours sincerely,


Chris Hodgkins

*I will send it under
separate cover*

London

22 January 2003

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House of Commons
Westminster
London SW1A 0AA

Dear

Licensing Bill and Public Entertainment

Further to my letter of 16th January, please find enclosed a copy of my paper on the Entertainment Licensing covering the problems, proposals and suggested actions.

Best wishes.

Yours sincerely

Chris Hodgkins

CHRIS HODGKINS

25/03/2003

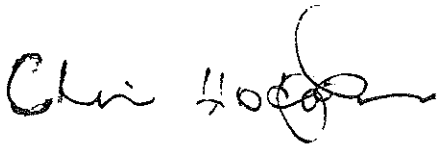
House of Commons
Westminster
LONDON
SW1A 0AA

Dear

I wrote to you on the 16th January 2003. I am enclosing a copy of my letter as I expect your reply has been mislaid in the post.

Best wishes.

Yours sincerely

A handwritten signature in black ink, appearing to read "Chris Hodgkins". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Chris Hodgkins

Director

London



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Chris Hodgkins

London

09 April 2003

Dear Mr Hodgkins

Thank you for your letter dated 25/03/03, regarding the Licensing Bill, and I apologise for the delay in responding.

I do not have a record of your initial letter, so have written to the Department for Culture, Media and Sport in light of the copy you sent me and will let you know of their response as soon as I receive it.

Yours faithfully



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Chris Hodgkins

London

28 April 2003

Dear Mr Hodgkins

I have received a letter from, regarding the Licensing Bill, a copy of which I have enclosed.

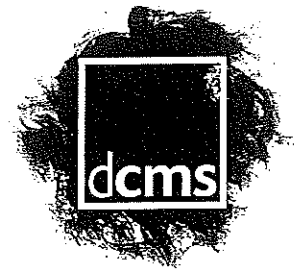
I hope that you find it useful.

Yours faithfully

Our ref:
Your ref:

House of Commons
London
SW1A 0AA

15 April 2003



Dear

Thank you for your letter of 9 April, enclosing one from your constituent, Chris Hodgkins of 41 Bedford Road, West Ealing, London W13 0JJ, about the Licensing Bill.

A great deal of misinformation has been circulating about our proposals for modernising the licensing laws and I am therefore not surprised that your constituent should be concerned. The Licensing Bill, along with explanatory notes, can now be read or downloaded from our web site (www.culture.gov.uk) under New Responsibilities; news; the parliament website.

... I enclose, for your information, an updated copy of our fact sheet that explains how the Licensing Bill would affect public entertainment. This incorporates the amendment to the Licensing Bill to exempt the provision of entertainment or entertainment facilities at places of public religious worship from the need for an authorisation under the Bill and our decision to exempt village, parish and community halls from the need to pay a licence fee in respect of the provision of regulated entertainment.

It also refers to our commitment to exempt schools and sixth form colleges where the entertainment or facilities are provided by the school from the fees associated with the provision of entertainment or entertainment facilities under the Bill.

We have amended the Bill so that the provision of any entertainment or entertainment facilities at a garden fete, or at a function or event of a similar character, will not be regarded as the provision of regulated entertainment where it is not promoted with a view to applying the whole or part of its proceeds for purposes of private gain. This too is in the fact sheet, as is the amendment to the Bill that clarifies that regulated entertainment would not be provided for consideration and with a view to profit in circumstances where a charity intended simply to cover the costs of a private event. Events that were not intended to make a profit but only to cover costs would not be licensable only because consideration was involved.



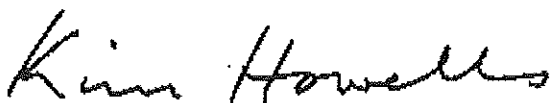
Furthermore, we have incorporated in the fact sheet the amendment to the Bill which makes it clear that entertainers who performed at unlicensed venues and did nothing else in relation to the provision of regulated entertainment would not be committing an offence.

There is also a reference to the amendment that was made to the Bill in the House of Lords but resisted by the Government, which provided an exemption for the provision of entertainment or entertainment facilities at events attended by no more than 250 people at one time and which finish before 11.30pm. The Government has overturned this amendment because, in addition to the small-scale events intended to be covered by the exemption, a great deal of potentially undesirable activity would be without any kind of regulatory control whatsoever. It would, for instance, completely undermine the film classification system. Film classifications are currently enforced through conditions on licences. This amendment would mean that any film showing attended by fewer than 250 people could not have a classification imposed, potentially allowing young children to watch violent or pornographic films with no restriction or control. It would also remove the right of the police to object on grounds of protection of children from harm if an unsuitable person - perhaps someone involved with drugs - tried to organise a musical event for up to local children.

We will be working with musicians' representatives, local authorities and industry, to inform the drawing up by us of statutory guidance for licensing authorities with the aim that venues can put on live music more easily, while protecting the rights of local residents. This follows concerns expressed by musicians that licensees will be discouraged from putting on entertainment by a fear that licensing authorities will impose unnecessary and costly conditions to their licences, such as requesting expensive alterations to venues. The guidance will recommend for licensing authorities what would be appropriate conditions.

The Government has also accepted the principle that the performance of live music which is incidental to activities which are not themselves entertainment or the provision of entertainment facilities should be exempt from the provisions of the Bill, along with the playing of recorded music which is incidental to activities which are not themselves entertainment or the provision of entertainment facilities.

We believe that the Bill will make it more affordable than now to stage live entertainment in the vast majority of cases and increase opportunities for musicians and other artists to perform. In short, entertainers have nothing to fear from this Bill, but much to gain from it. I hope this letter reassures your constituent.



DR KIM HOWELLS MP

CHRIS HODGKINS

8th May 2003

House of Commons
London SW1A 0AA

Dear

Thank you for your letter of 28th April enclosing the latest Government position concerning licensable entertainment and the Licensing Bill. They say that spontaneous performance is not licensable'. According to the Performing Right Society (PRS) they are licensable. Here is the relevant section from PRS Tariff 'P' which applies to pubs:

3.3	Sundry musical performances	Higher Royalty	Standard Royalty
3.3.1	For occasional and spontaneous (ie not pre-arranged or promoted) musical performances, whether instrumental or vocal, by customers or bar employees, the annual royalty is	£83.90 (£82.25)	£55.93 (£54.83)

PRS has confirmed that the song 'Happy Birthday' is still in copyright, so even spontaneous public renditions of Happy Birthday in a pub are therefore licensable. Unlicensed public performance of a copyright work is an offence, so it would be useful if they would explain why they say that spontaneous performance is not licensable? What action will the DCMS be taking to ensure that landlords pay for the right to host spontaneous performances of live music?

They confirm that a licence would be necessary for Morris dancing in a pub, but that the pub owner can 'simultaneously apply for permission to provide any amount of entertainment at no extra cost'. This is misleading. Unless the pub owner had made his or her application to host licensable entertainment at the same time as his application to sell alcohol, and this application was approved by all the necessary agencies and local residents, he/she will be restricted to a maximum of 5 licensable entertainment events a year (under the Temporary Event Notice scheme).

Furthermore, obtaining the necessary authorisation to host more frequent entertainment at a later date requires a formal application to 'vary' the licence, a process that is essentially a re-run of the full premises licence application: notification of and approval by the police, fire service, environmental health department of the local authority, planning authorities, local residents, and the licensing committee of the local authority. The DCMS has estimated that licence variation will cost between £100-500, not to mention possible compliance costs arising from licence conditions.

Culture Minister Kim Howells has explained during recent Commons Committee debates that the Bill's definition of the performance of dance excludes people dancing for their own amusement. Does that mean a pub landlord does not commit a criminal offence if people dance for their own amusement on his/her premises? Or would the landlord be guilty of providing an unlicensed dance floor ('entertainment facility') in those circumstances unless

he/she had already ensured that any or all of his floors were licensed as potential dance floors? These are important questions since many local authorities have prosecuted landlords under current legislation where a few people, or even just one, dance for their own amusement. Last October, two pubs in Soho were fined £5,000 for allowing 11 people to 'sway rhythmically'. I refer you to the report in the London Evening Standard reproduced on the Musicians' Union website:
http://www.musiciansunion.org.uk/articles/dancing_fines.shtml.

I would also be grateful if the DCMS would confirm that under the Licensing Bill a pub landlord would commit a criminal offence if he/she provided a piano for public use and this was not specifically licensed as an 'entertainment facility'. Perhaps you could also confirm that providing a jukebox will not be licensable under the Licensing Bill, no matter how powerfully amplified.

The DCMS talk about outdoor events and the 'more informal system of permitted temporary activities'. A present, no public entertainment licence is required for events in the open air on public land outside London. Can they explain why they consider it necessary to extend criminal law sanctions down to the smallest scale in such places, even to one musician performing acoustically, or one person performing a dance?

As mentioned earlier, under the new licensing regime, any place which does not hold a 'premises licence' specifically authorising licensable entertainments is restricted to a maximum of 5 temporary events per year (up to 499 people participating, max duration 72 hours). As they suggest, that means a village green would be restricted to hosting only five public performances of dance per year, unless it was permanently licensed for such activity by the local authority. Would the provision of a maypole on a village green become a criminal offence for the local authority, unless it is explicitly licensed as an 'entertainment facility'? If a local authority failed to licence its own entertainment facilities, would the local authority then be obliged to prosecute itself? Perhaps you can explain the benefit to the community of this additional regulation, bureaucracy and administrative cost.

The DCMS refer to the recent Lords' amendment that exempted entertainment events where no more than 250 people attend at any one time, and which cease by 11.30pm. Kim Howells says that the Government has overturned this amendment, mainly because it would allow children to be shown unsuitable films. This will happen in any case because of the Government's very broad exemption for broadcast entertainment (Schedule 1, paragraph 8). Films such as *The Texas Chainsaw Massacre* are already broadcast on national television, and since the government wants to increase children's access to bars, unaccompanied by adults, they will undoubtedly be exposed to such broadcasts and more besides. Indeed, the broadcast exemption allows big screens and a powerful sound system to be set up in any place without a licence under this Bill. An unsuitable person could therefore organise a musical event for local children simply by tuning in to MTV or any of the proliferating satellite music channels. Opposition Peers proposed amendments that would have made such events licensable. Can you explain why the Government resisted those amendments?

Kim Howells did not mention the recent reports of the Joint Committee on Human Rights (JCHR) which warn the Government that the Bill continues to carry a significant risk of violating people's right to freedom of expression (Article 10 of the European Convention). The JCHR's most recent report on the Licensing Bill (the 7th Report of the 2002-03 session) also warns that the exemption for places of religious worship, but not secular venues, gives rise to potential discrimination under Article 14 of the Convention, and a potential violation of Article 9. I would be grateful if you would explain what action the Government will be taking to address those warnings.

I am very grateful for all your efforts.

Thank you again for your help.

Yours sincerely

Chris Hodgkins



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Chris Hodgkins

London

Our Ref: 030189

13 May 2003

Dear Mr Hodgkins

Thank you for your letter dated 08/05/03, regarding the Licensing Bill, and I have noted the contents.

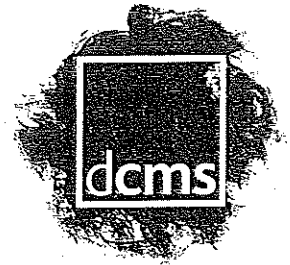
I have written to the Department for Culture, Media and Sport highlighting your further concerns and will let you know of their response when I receive it.

Yours faithfully

Our ref:
Your ref:

House of Commons
London
SW1A 0AA

20 May 2003



Thank you for your letter of 13 May, enclosing one from your constituent, Chris Hodgkins of London about the Licensing Bill. Mr Hodgkins is the Director of Jazz Services Ltd and has forwarded this letter to a number of Ministers.

I am familiar with the views of Jazz Services Ltd and am aware that it remains largely unconvinced that our policies will produce the outcomes we have indicated. Indeed, Mr Hodgkins has written to Ministers and officials here on many occasions and answers have been provided to his arguments in very great detail and at length. I am afraid that we must now agree to differ on the matters that have been raised.

For your information, current public entertainment licensing law and the Licensing Bill are entirely separate from legislation concerning the copyrighting of tunes.

A full public consultation was held when the White Paper on licensing reform was published in 2000, and of the 1,214 responses received, the majority accepted that the proposals would reap great benefits. We are confident that the Licensing Bill will create a licensing framework within which musical performance and other public entertainment can thrive and develop. It is now for Parliament to decide on the merits of the reforms we propose.

..... I enclose, for your information, another copy of our fact sheet that explains how the Bill would affect the provision of music and other entertainment in England and Wales.

A handwritten signature in black ink, appearing to read 'Kim Howells'. The signature is written in a cursive, flowing style.

DR KIM HOWELLS MP





HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Chris Hodgkins

London

Our Ref: 030189

30 May 2003

Dear Mr Hodgkins

I have received a letter from the Department for Culture, Media and Sport, regarding the Licensing Bill, a copy of which I have enclosed.

I hope that you find it useful.

Yours faithfully

CHRIS HODGKINS

London

10th June 2003

House of Commons
London SW1A 0AA

Dear

Thank you very much for writing to Kim Howells on my behalf as one of your constituents. I am enclosing a copy of the letter which will put my reply in context.

Kim Howells is as uninformed of my activities as he is on the probable effect the Licensing Bill will have on the performance of live music on licensed premises. My website contains a detailed CV but inter alia I also act as the Secretariat to the All Party Jazz Appreciation Group of which Kim Howells is a member. I also sit on a number of advisory panels for the Performing Right Society Ltd, Leeds College of Music, Executive Committee member of the National Music Council, Board Director of the Welsh Jazz society etc, etc. His spin, inferences and snide implications match his bombast and bullying rhetoric.

Kim Howells says "we must now agree to differ on the matters that have been raised".

The fact that I have made no agreement only serves to highlight the pernicious nature of his remarks.

Kim Howells might be aware of one organisation's viewpoint but he is not aware of my views as a paid up member of the Labour Party for over 20 years.

1. The Labour Party is suffering from "Poll Tax Syndrome" a malaise whereby the arrogance of ministers rides roughshod over reason and commonsense of people who are knowledgeable and well briefed on the subject matter; in this case, the Licensing Bill. It is perhaps worth noting that the Minister and the DCMS Official responsible, Andrew

Cunningham, have never organised a gig on licensed premises and they have never been in the position of seeking work on licensed premises.

This abysmal lack of knowledge of how musicians struggle to find work on licensed premises is reflected in the proposed Licensing Bill

2. Kim Howells blathers on about full public consultation yet I am still awaiting a response to my concerns of 13th June 2000. Furthermore, canvassing a wide range of views and engaging in constructive dialogue are two different things. The Home Office published a licensing White Paper in 2000 and they received over 1200 responses. But the regular face to face consultation and dialogue between the Home Office, alcohol and nightclub industries and local government, did not happen as far as performing arts organisations are concerned.
3. There are naive 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".

The lack of knowledge of the licensed trade serves to show the flawed nature of the Licensing Bill, for the licensee's priorities are improving margins and any savings will improve the publican's profits and will not be spent on hiring musicians.

4. It would be useful if Kim Howells could explain why the purported reduction in regulation actually creates more red tape. Currently two musicians can play in a bar without a music licence. Under the proposed licensing regime, no musicians will be able to play unless the landlord has submitted paperwork.
5. Why is it that noisy juke boxes and widescreen TV can be operated without a licence and one acoustic guitar player cannot? This legislation discriminates against live music in favour of juke boxes and television.
6. Can Kim Howells or his officials back up any of his assertions with research and, if so, perhaps he will produce it, for example, 3 above.

7. What effect will the Licensing Bill have on the 'new deal' for young musicians? Where is the research that young musician will benefit from increased performance opportunities under the proposed licensing regime?
8. Why is it that Kim Howells has paid more attention to the concerns of the alcohol drinks industry than reasonable concern from musicians, entertainers and members of the general public?

I am now vexed by the spin, cant and humbug that are thrown out by 'new labour' to explain their incompetent legislation of which the Licensing Bill is an egregious example.

I would be grateful if you could elicit answers to all these points from Kim Howells.

Thank you.

Yours sincerely,

Chris Hodgkins



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Chris Hodgkins

London

16 June 2003

Dear Mr Hodgkins

Thank you for your letter dated 10/06/03, regarding the Licensing Bill, and I have noted the contents.

However, having noted the most recent response from the Department of Culture, I do not feel that I can be of any further assistance on this matter and I do not consider it appropriate to simply act as a conduit for correspondence between you and the Department.

The Minister appears also appears to believe that the matter has been exhausted, but if you wish to continue your correspondence then I suggest you do so directly.

Yours faithfully

CHRIS HODGKINS

24/06/2003

Kim Howells MP
House of Commons
Westminster
LONDON
SW1A 0AA

Dear Mr Howells

Please find enclosed correspondence between myself and my constituency MP. His reply only serves to reinforce my view of the current state of the Labour Party as suffering from "Poll Tax Syndrome".

I note from *The Stage* that you admit to getting the Licensing Bill wrong. Many people and small organisations have expended considerable amounts of energy and resources trying to get you to see sense. The upshot of your remark is that next time that the Parliamentary Labour Party votes on the Licensing Bill when it returns to the House of Commons, they too will get it wrong unless they vote to retain the small venue amendments clause put in place by the House of Lords. Even at this late stage it is not too late to amend the Licensing Bill so that performance of live music on licensed premises is encouraged and not discriminated against.

I also hope that you take on board my comments with regard to the current state of the Labour Party. I will remain a member but there are many, many others who are heading for the exits at a rapid rate of knots.

Yours sincerely


Chris Hodgkins

CHRIS HODGKINS

24/06/2003

House of Commons
Westminster
LONDON
SW1A 0AA

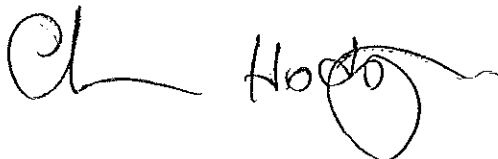
Dear I

Thank you for your letter of the 16th June 2003 – I enclose a copy. I would be grateful if you could forward me "the most recent response from the Department of Culture" as it will put your letter into context.

I would also be grateful if you could ensure that my questions, which I have asked you as my constituency MP, are relayed to the appropriate Ministers. I am sending you a copy of the letter.

Finally, your letter only serves to reinforce my view that the Labour Party is suffering from "Poll tax syndrome", a refusal to listen.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Hodgkins', with a large, stylized flourish at the end.

Chris Hodgkins

CHRIS HODGKINS

10th July 2003

House of Commons
London SW1A 0AA

Dear I...

I wrote to you on 24th June 2003 and received a copy of a letter dated 3rd May 2003 which I received from you on 30th May 2003.

I would be grateful if you could ensure that my questions, as set out in my letter of you of 10th June 2003, are answered. I enclose all the correspondence in this matter.

Yours sincerely

Chris Hodgkins



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Chris Hodgkins
41 Bedford Road
West Ealing
London
W13 0JJ

15 July 2003

Dear Mr Hodgkins

Thank you for your letter dated 10/07/03, regarding the Licensing Bill, and I have noted the contents.

I would like to reiterate that I feel that it is neither appropriate for me to simply act as a conduit for your correspondence with the Department for Culture, nor particularly helpful to you.

I have written to the Department twice on this issue to raise your concerns and the Minister has made completely clear that he feels the matter has been exhausted, which is why he suggests that you may *have to* agree to disagree.

Of course you are free to hold a different opinion or to continue to take up the matter with the Department, but I would say to you that simply because someone disagrees with you does *not* mean that they have not listened. I therefore do not wish to entertain any future correspondence on this subject on which you clearly have very strong views.

Yours faithfully

CHRIS HODGKINS

23/07/2003

House of Commons
Westminster
LONDON
SW1A 0AA

Dear I

I received your letter of the 15th July 03 which I found to be impertinent and unhelpful as it is patronising, rude and disengenuous. Furthermore your reply only serves to demonstrate that the Parliamentary Labour Party is suffering from "Poll Tax Syndrome". You state that it is inappropriate for you to act as a "conduit for (my) correspondence with the Department for Culture". The fact of the matter is that you have done precisely that on two occasions when you forwarded my concerns to the DCMS and then forwarded their standard statements back to me. I suspect that on this occasion that as my letter to you is critical of a Labour Minister and of the Labour Party, this is the reason you do not wish to forward it.

My views are not "strong", they are firm, trenchant, well founded, well informed and widely held by many members of the Labour Party and the general public at large.

Instead of heeding my views and those of many others – a 100,000 signature petition was handed in at 10 Downing Street – you and the rest of the Parliamentary Labour Party have voted in legislation that discriminates against live music in favour of television and juke boxes and is a drunkards charter to boot. The end result will be musicians out of work and musicians on the "New Deal" unable to find work.

FA Hayek in the *Road to Serfdom* wrote:

"it is at least conceivable that under the government of a very homogenous and doctrinaire majority, democratic government might be as oppressive as the worst dictatorship"

One understands that this Government and the last were not dictatorships but in the Poll Tax and the Licensing Bill "oppressiveness" has been amply demonstrated.

Page 2

It may be useful for the record if you could make explicit your views on the Licensing Bill.

In any event, as a member of the Labour Party I shall ensure that our correspondence on this matter is made known when you are next up for re-selection.

Finally your final sentence sadly only serves to diminish your grasp of public service and the notion of accountability to the tax payer.

Yours sincerely

Chris Hodgkins