



**LIVE**

**ENTERTAINMENT**

**WORKS!**

**A GUIDE FOR VENUES ON HOW LIVE  
ENTERTAINMENT CAN WORK FOR YOU**

**Equity**

# Introduction



This guide outlines the benefits of putting on live entertainment in venues such as pubs, clubs and community spaces.

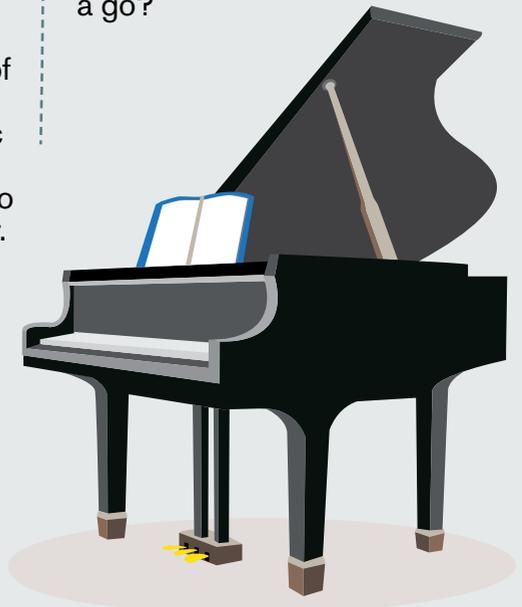
It sets out your legal position, covers the practical issues you need to know and provides tips to help your events run smoothly.

The Live Music Act 2012, which covers other types of live entertainment rather than solely music, came into force in October 2012. This was the first step in relaxing some of the restricting rules which came in under the Licensing Act 2003 and made licensing mandatory for almost any type of entertainment event. Equity, the Musicians' Union and UK Music lobbied hard for these changes and Equity is continuing to do so to widen the possibilities further.

Live Entertainment has an important place in society and provides a cultural focus for communities and can have the effect of:

- Increasing trade
- Creating a positive atmosphere
- Promoting the reputation of your venue above others in the area
- Improving social cohesion
- Providing a venue for professional entertainers to showcase their talent

This guide aims to show that live entertainment can provide a real benefit for your business and the local community. So why not give live entertainment a go?



## CHANGES FOR THE BETTER

### CHANGES TO THE LICENSING ACT

When the Licensing Act 2003 was implemented in 2005 it was with the promise that it would simplify the system, but it turned out to be complex, inflexible and a deterrent to venues wanting to giving entertainment a try.

After campaigning by Equity, the Musicians' Union and UK Music, the Live Music Act was implemented in October 2012.

This provided key changes for existing licensed premises such that:

- **Live music events for which there will be 200 or fewer in the audience do not need a licence providing the live music does not take place before 8am or after 11pm.**
- **If the music is unamplified then there is no audience size restriction.**
- **Performances of Plays or of Dance up to an audience of 500 are also permitted without licensing**

Please note the following:

- If the venue does not have an alcohol licence then some venues will still be able to have live music events under the same conditions.
- The Live Music Act only applies in England and Wales

- Other than live music, venues, whether alcohol licensed or not, can put on live entertainment such as comedy, children's entertainment (including Punch and Judy), performance poetry, magic and circus etc.
- 'Incidental Music' is excluded from licensing and the basic definition is where the music is not the main reason for people attending the premises, is not advertised as the main attraction and is at a volume that does not disrupt other activities. It could be described as 'background music'.
- If the size of your venue is such that your audience size for live music is likely to exceed 200 then you could vary your existing premises licence or a limited number of events could be held using Temporary Events Notices (TENs).

### FUTURE PLANS FOR DEREGULATION

There may be further changes to licensing in the near future to increase the audience size for amplified live music from 200 to 500 and to apply the same terms to recorded music. This is likely to be in the spring of 2015 but could be earlier. If you wish to be kept informed of this then please contact Equity.

# WHY LIVE ENTERTAINMENT?

Live entertainment really does work. It can:

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

Properly organised live entertainment can have a positive influence on customer behaviour. Done well it can have a significant impact on the success of your business and care should be taken to establish what types of entertainment to offer and on what days and times. A Musicians' Union survey revealed that:

- **24% of publicans reported an increase in takings of 25% - 50% on nights when they had music and 71% reported an increase of 10% - 25%**
- **On average, pubs without featured music were three times more likely to close than pubs with featured music**

## TYPES OF LIVE ENTERTAINMENT

Success will depend on finding entertainment which will suit your area and your customers. For example, entertainment which will go down well with a student crowd will probably not be suitable for those wanting a few drinks after work.

Types of entertainment to consider:

- **Dance: for example burlesque, belly dancing or flamenco**
- **Live Music: this could mean classical, jazz, rock/pop/folk bands, vocals with live backing or self-contained solo artist with backing tracks, tribute acts**

- **Comedy: stand-ups or sketches**
- **Drama: performing of plays which could be produced in-house or by an incoming theatre company**
- **Children's Entertainment: this could be a clown/magician or Punch and Judy or balloon modeller/face painter or circus skills teacher**
- **Circus: floor based or aerial acts**

## BOOK THE RIGHT ACT

Ideally you should be familiar with the act you intend to book because you've previously seen them perform. Failing that, personal recommendation is the next best thing, but it is important that the act will suit your venue, your customers and the atmosphere you're trying to create. You can book the act directly, which may be cheaper, but booking through an agent gives some security in terms of quality and they will probably be able to put in a replacement if something unexpected goes wrong.

**Comedy and Drama** performances may work well if your venue has a separate room from the main bar areas. The audience will need to be able to see and hear the performance without the distraction of noise from people talking who are not watching.

**Dance performances** can work well for dining areas, as can circus acts, where full concentration is not necessarily required and audiences can continue conversations while enjoying the spectacle.

**Children's Entertainment** can work well

during the daytime at weekends where there is an outside or separate indoor space and the aim is to attract families. Children need space to run around and can be noisy and will need to be fairly near their parents.

### POSITIONING THE PERFORMERS

As well as consideration to the audience for sightlines and sound there is also health and safety to think about. A portable stage set up can work well and the act should be near to power points to avoid trailing cables.

### VOLUME LEVELS

You will need to ensure that volume levels, particularly for live music, are suitable for your customers and do not disturb the neighbours. Bands with drum kits have a particularly powerful sound although this can be deadened if the venue is full of people. Having automatic power cut-offs which trip at set peak sound levels is not recommended as these can damage sound equipment. The sound should be comfortable for the audience: not send them running for the exits or straining to hear.

### CONSULT YOUR CUSTOMERS

Before putting on any live entertainment try to find out what customers want. Run some ideas by your regulars and other customers in your venue and have an idea about other things which might be popular in the area. Your event will hopefully bring in new customers but it is good to keep your regulars on side. After doing an event get

some feedback about how it went and what could have been better.

### CREATE A REGULAR NIGHT

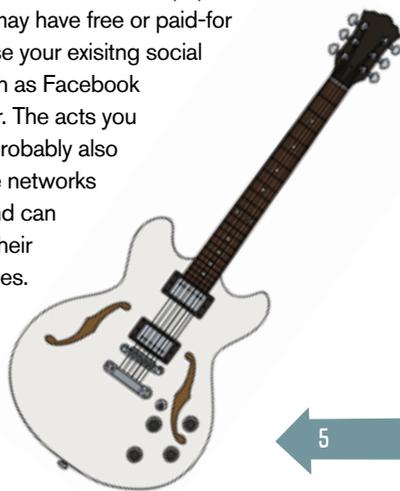
If you can establish a regular pattern of entertainment such as a comedy night on the last Friday of the month then there is a good chance that it will develop a reputation and become more popular. Having established a frequency it is important to maintain it. It is also worth researching what else is going on in the vicinity so you don't clash with other venues' programmes.

### THEMED EVENTS

These could be eras of music such as 1970s or 80s or based on a genre such as soul, folk or country music. These could involve tribute acts and audiences could be encouraged to dress up.

### ADVERTISING AND MARKETING

Posters and flyers can be used at your venue and elsewhere. Local papers/ websites may have free or paid-for listings. Use your existing social media such as Facebook and Twitter. The acts you book will probably also have these networks in place and can advertise their appearances.



# MONEY, CONTRACTS AND INSURANCE



## BOOKING AN ACT

Generally when you book an act, whether that is a solo performer, a duo a stand-up comedian or a circus act, what will be agreed is a fee for the performance. It could be agreed that this is payable on the night, or partly in advance via a deposit or after the event. Alternatively, if the event is ticketed in some way, then it could be agreed that the act takes the door money (or an agreed share of) and the venue benefits via increased bar takings. Another way is for the act to be paid a guaranteed fee but allowed to collect from customers by 'passing a hat round'.

The essence of an agreement would be that date, time and fee will be agreed, with the place being your venue, then this would be legally binding on both sides. It is also useful to agree what each parties might be supplying such as the sound, lights, publicity materials and the like. Fees for acts are purely negotiable and Equity does not lay down minimum rates for acts.

Equity has standard contracts available for its members to use for writing down agreements with individual venues. Although they do not state rates they protect both the venue (Hirer) and the act, so if the act is an Equity member then such a contract could be used. If you wish to see these contracts please contact Equity.

## PERFORMANCES OF PLAYS

For pub theatre it is more likely that an incoming producer will bring in their own already formed production, supply their own sets and costumes with the venue being a 'receiving house'. The most common arrangement would be for the producer to pay a hire cost to the venue, probably on a weekly basis, and to keep all ticket revenue. Other arrangements also work such as giving the incoming company a guarantee and then a box office split once a revenue level has been achieved.

The incoming production will probably need access to the venue for rehearsal and a get-in and get-out, dressing room facilities of some kind with secure lockers for valuables, stage, lighting, sound system, box office facilities etc and it is important to agree what is to be supplied by whom in advance.

The venue is unlikely to be directly contracting the individual performers but there are agreements which exist to protect those performers such as that with the Independent Theatre Council (ITC) or UK Theatre which lay down minimum rates.

## HEALTH AND SAFETY CONSIDERATIONS

Health and Safety of both the performers and the audience needs to be considered. Any public venue will have to pass relevant fire inspections with regard to fire escapes and extinguishers and it should be established that existing arrangements would

be adequate to cover any activities you plan.

### **Portable Appliance Testing (PAT)**

Microphones, amplifiers and sound systems and other electrical devices that your venue may own or may be brought along by performers will need to be safe to use. The Electricity at Work Regulations 1989 covers the maintenance of these appliances and requires that they are adequately inspected and tested by a competent person. There is no laid down time interval for inspections or tests although annually is often considered to be a good benchmark. It is good practice to keep accurate records of equipment and testing.

### **PUBLIC LIABILITY INSURANCE**

If open to the public, your venue will undoubtedly have public liability insurance covering its day-to-day activities. It is worth noting that Equity members have their own public liability insurance so that if their activities cause an injury to an audience member or cause damage to your venue then this should be covered by their policy. The standard policy covers up to £10m in a single claim but excludes fire performance and stage hypnotism. Should the particular act be undertaking either of these activities then top-up policies are available from Equity for them.

### **LICENCES TO USE MUSIC**

You may already be familiar with both PPL (Phonographic Performance Ltd) and PRS (Performing Rights Society) which are both payable for the use of recorded music. So if your venue already uses a sound system through which you play CD's or a radio, television or jukebox then you will probably have acquired these licences for that purpose. Live entertainment is covered in a similar way.

### **Live Music**

The performance of Live Music requires a licence from PRS. There are various options for obtaining this licence. There are tariffs specifically tailored for pubs, bars, clubs and hotels, for example, which regularly put on live music as well as others for less frequent or one-off events. Some musical acts will have their own portable licences so it's worth discussing this with them.

### **Live Performance using backing tracks**

If a live performance uses recorded backing tracks then in addition to PRS, PPL may apply. Often backing tracks are sold with licensing included in which case PPL won't be required: the act should be able to confirm this.

### **DJ's using Recorded Music**

Recorded music played by a DJ will require licensing from PRS and PPL. DJ's often have a portable licence or may be covered by the venue's existing licensing and may also require a 'Pro-Dub' licence if they have transferred music from one format to another.

### **Why are these licences needed?**

Original songs and written music plus the sound recordings themselves, are protected by copyright under the Copyright, Designs and Patents Act 1988 for a specific term either after publication or the author's death. Most music used in live entertainment, unless it is particularly old, is likely to still be in copyright. In order to use the music the users need to pay the copyright holders through their respective collecting societies.

### **Where does the money go?**

Royalties collected through PRS go to the writers and publishers of the original music. PPL collects on behalf of the record companies and the artists performing in those recordings.

## FURTHER INFORMATION AND HELP

For further advice contact your local Equity office. Equity also has branches made up of local entertainers that can be found at [www.equity.org.uk/branches](http://www.equity.org.uk/branches) The Agents' Association (below) produce a directory of their members who are all agents in the entertainment business and could help you find an act for an event.

### Equity offices

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### The Agents' Association

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### PRS for Music

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is the UK trade union for professional performers and creative practitioners