



AN OPEN LETTER TO LIZ TRUSS (DEFRA), SAJID JAVID (DCMS) and ERIC PICKLES (DCLG)

Many thanks for the DEFRA response to the Music Venue Trust petition calling for a Review of Noise Abatement Legislation (see: <http://qr.net/sign>).

Your reply is interesting, but it does not provide an adequate answer to the problems and challenges we have raised on behalf of live music venues and other community spaces in the UK. At the same time, it has helped to clarify the issues, and move our campaign on to address three specific things you need to do to protect live music in the UK:

1. Cut Red Tape.

Your reply highlights that the laws around noise nuisance are complex, overlapping, and arise from multiple laws, legislation and precedents dating back as far as the 1800s. You say you are opposed to red tape, so we invite you to cut it. Because it's quite clear that nobody involved understands it and law that is open to significant interpretation to meet one aim or another is not good law. People are writing to us saying all noise, however loud, is permitted until 11pm. Others say no noise is permissible at any time. **Work across your departments to create one, clear, unequivocal and easily understood document that relates to noise emanating from live performances, sports, and community activity.**

2. Establish national criteria, guidelines and advice for Environmental Health Officers.

A lot of the DEFRA response depends upon local interpretation of unclear national legislation, placing an unfair and unreasonable demand on local EHOs. We believe in local negotiations, and are delighted with the outcome of the recent challenges faced by The Fleece in Bristol, but your response creates "Schrödinger Venues" - great music venues who might or might not be making a noise, we won't find out until someone decides they don't like it. We need to stop considering the philosophical question "does a small venue make a noise if there is no-one around to hear it?" and answer the question "what is the appropriate level of noise in this zone?". The decision in Bristol is fantastic and shows how some venues can work with their local councils and EHOs to get good development, but it's not a legal precedent and we shouldn't be leaving these things to chance. You say you want to see well-managed, well-run, thriving live music spaces. How can any business make provision for, or try to act within, a completely unknown quantity? Is 35dB at 20 metres too much or isn't it? What about 40dB, or 60dB? And what about 2 metres, or 200 metres? Your response specifically conflates music with noise and noise with nuisance. We say live music and noise coming from other community activities is not a nuisance, it is the heart and soul of local communities. **Create a proper national framework for noise emanating from live performances, sports, and community activity that can be referenced by Environmental Health Officers and establish a good practice guide.**



3. Adopt the Agent of Change Principle.

The DEFRA response states, and it has been stated extensively elsewhere, that it is a long established principle of UK law that it does not matter if someone moves next to a noise, the noise maker still has the responsibility to adapt the noise to suit whatever new conditions the new occupier feels they want. We, and thousands of other people, say this is fundamentally against common sense. If I move to a fishing village, can I stop the fishing because I don't like the smell? If I move next to a football ground, can I stop the games because I don't like cheering or crowds? The DEFRA response references precedents in UK law dating back 200 years. We've come quite a long way in the last 200 years, and there's a few more of us living right next to each other. There is a principle you can adopt called Agent of Change; this states that responsibility to adapt the conditions of the noise falls on the person who changes the existing conditions. It's already been adopted in various guises in Australia, affecting planning, development and noise complaints positively across the board. The principle is simple: If a venue increases its noise, it should make changes to adapt it. If a developer wants to build next to a music venue, they must build to adapt to the noise. If a new occupier moves into a zone where there is an accepted level of noise, they should make changes to adapt it. If DEFRA don't adopt the Agent of Change principle, every venue, every sports ground, every cinema, restaurant, theatre, race track, church, and community space in the country faces bills running into thousands of pounds trying to fight developments or meet an ever evolving demand from new occupiers to modify and adapt their noise. Venues will close without an Agent of Change principle. **Adopt the Agent of Change principle**

Secretaries of State, you can act now to save live music venues in the UK.

Good noise management requires good legislation. Cut Red Tape.

**Good local councils and EHOs need national support to make good and balanced decisions.
Establish national criteria, guidelines and advice about noise.**

**Good town centre development means good facilities and good residential space for all, not a continual battle between local music communities and developers who want to make a fast buck.
Adopt the Agent of Change Principle.**

We intend to continue to fight for the right of local communities to be able to enjoy great live music venues. We urge you to take action to do the same. We call upon music fans across the UK to unite behind our existing petition - **please sign now and force MPs to debate this issue:**

<http://epetitions.direct.gov.uk/petitions/65582>

Sincerely

Mark Davyd, Sybil Bell, Chris Prosser, Jeremy Mills, Beverley Whitrick, Jason Dormon
Music Venue Trust

WHAT YOU CAN DO:

SIGN the petition at this link: <http://qr.net/sign>

TWEET, POST, PLUS and PIN the petition across your social media using **#SaveLiveVenuesUK** and the link <http://qr.net/sign>

ABOUT THE MUSIC VENUE TRUST

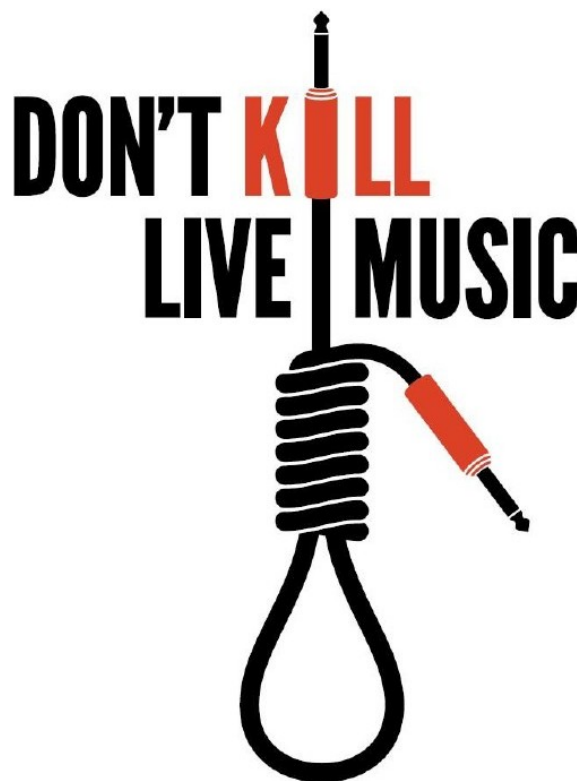
The Music Venue Trust was created in January 2014 to protect the UK live music network. Its immediate focus is on securing the long term future of the iconic venues which make up the "toilet circuit", venues which have played a crucial role in the development of British music over the last 40 years, nurturing local talent, providing a platform for artists to build their careers and develop their music and their performance skills. Patrons of the Trust include musicians from all sectors of the live music scene, including established stalwarts such as David Gedge of the Wedding Present, Jeremy Pritchard of Everything Everything (The Times Breakthrough Artist winners) and rising stars such as Moya. Musicians are joined by cross party parliamentary political support, MPs Mike Weatherley (Conservative, Hove) Kerry McCarthy (Labour, Bristol) and Lord Tim Clement Jones (Lib Dem). The Trustees and Patrons have created a national campaign that will work together with audiences to protect and preserve small venues.



Music Venue Trust CEO Mark Davyd is available for interview to discuss this petition. Please call 07778 668 225 or 0703 174 5994 to arrange.

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w: www.musicvenues.org.uk



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