

Creators, Makers & Innovators

LIVE EVENTS

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FESTIVALS: OVERVIEW

- You need to look after the people who are coming on to your site whether they are festival goers, guests or workers.
- Event organisers should ensure that they are doing everything possible to protect the public and ensure their safety.
- A duty to take such care in all circumstances as is reasonable to see that those on site will be reasonably safe.
- Under the Occupiers Liability Act 1957 an occupier of premises owes a 'common duty of care'.





OVERVIEW OF LIVE PERFORMANCE

Performers Rights

What is a performance?

A live dramatic or musical performance or reading or recitation of a literary work or performance of a variety act

A. Rights in the **Musical and Literary Work** (song)

➤ **Who owns the copyright?**
The author i.e. creator

B. Rights in the **Sound Recording**

➤ **Who owns the copyright?**
The author i.e. producer

Joint Authorship?

Each owner will have rights

How long does copyright last?

Songs: 70 years from death of author

Recordings: 70 years from date of issue/release



OVERVIEW OF LIVE PERFORMANCE

Rights in **Performance**

➤ What are the rights? CDPA 1988

Property Rights

Reproduction
Distribution
Rental

Non Property Rights

Recording
Broadcasting

Equitable Remuneration

1. If a ***commercially published sound recording*** is played in public
2. They have transferred their ***rental right*** to the sound recording

Recording Rights – usually owned by the record company



SITE & PRODUCTION

- The safe, regulated set up, delivery and take down of the entire event is critical.
- Responsibility for the management of risks will usually fall to the event organiser, the owner of the venue, licensee and/or promoter depending upon the contractual arrangements under which the event is to be run.
- The control may be shared between a number of different parties so there needs to be close liaison and communication to ensure that responsibilities are clearly identified and assigned





SITE & PRODUCTION

- Under the Health and Safety at Work Act 1974 all entertainment events are classed as work activities and are subject to the Act and various regulations and Codes of Practice
- Event organisers, concert promoters, licensees, specialist contractors and venue owners all have a statutory duty to protect the health and safety of their workers and others who may be affected by their work activity.
- This general duty covers training, safe work systems and the preparation of safety policies.
- There is also a duty on employers and self-employed people to safeguard those not in their employment ie the public.
- The Act is relevant for suppliers of equipment or substances for use at work and also applies to designers and suppliers of equipment for use by performers and to contractors who erect or install stages and sound systems.



SITE & PRODUCTION

- Certain work-related accidents and dangerous occurrences are reportable to the health and safety enforcing authority (either the local authority or HSE depending on the event) under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.





SITE & PRODUCTION

- An employer must report work-related accidents if:
 - their employee or a self-employed person working on premises under their control is killed or injured;
 - a member of the public on premises under their control is killed or injured;
 - one of the dangerous occurrences listed in the Regulations takes place. These include such incidents as stage/scaffold collapses, failure of lifting equipment, electrical short circuits.
- There will be multiple supplier contracts. Governing laws other than English law may also apply.
- Seek to minimise disputes and conflicts by standardising paperwork and imposing and enforcing your own standard T&Cs. This will reduce any 'battle of the forms' and make the operation easier to run.

CONCESSIONS/SALES : FOOD

All food concessions to comply with all relevant Health & Safety regulations and maintain the highest standards of hygiene.





CONCESSIONS/SALES : ALCOHOL

- Check there are no religious or cultural objections to the sale and consumption of alcohol.
- Get the necessary alcohol licences from the local Council and make sure it covers spirits (as well as beer and wine) and extends up to the end of the event.
- Under the Licensing Act 2003, local councils regulate 'licensable activities' such as:
 - the sale of alcohol
 - the provision of regulated entertainment
 - the provision of late night refreshment



CONCESSIONS/SALES : ALCOHOL

Additional alcohol licensing conditions have been imposed under the **Licensing Act 2003 (mandatory licensing conditions) order 2010**. These include:

- a ban on dispensing alcohol directly into customers' mouths
- mandatory provision of free tap water



CONCESSIONS/SALES : ALCOHOL

- It is illegal to sell or attempt to sell alcohol to a person who is already drunk or allow this to happen. Violating laws relating to the sale and purchase of alcohol could result in arrest, prosecution and fine.
- Breaking the law could result in a fine of up to £1,000. If the convicted person is a personal licence holder, they could lose their licence.
- It is also against the law to allow **disorderly conduct** on licensed premises and to refuse to leave a licensed site when ordered to do so by staff or police.
- Selling alcohol to anyone under age 18 is also illegal in England and Wales in all circumstances and licences can be suspended or forfeited at first offence.

DRUGS/GUNS/FIREWORKS/BONFIRES

- Emergency services
- NAST – drug testing





POLICE AND EMERGENCY SERVICES

Keep the local Police and all the other emergency services updated and on side throughout the event.



SECURITY

- Make sure all Security staff are properly vetted and licensed
- Consider security scanners
- Terrorism threat – surveillance
- Data/disclosure – GDPR compliance





TEMPORARY WORKERS AND VOLUNTEERS

- Contracts?
- Payment? Expenses?
- Employment Rights?
- Nature of the relationship?
 - **Volunteer agreement** not **contract**
 - **Volunteer** role description not **job description**
 - **Reimbursement** not **payment**
 - Minimum wage
 - **Arrangements if there are problems** not **disciplinary procedures**
 - **Arrangements if you have a complaint** not **grievance procedure**





LOCAL RESIDENTS/TRAFFIC/NOISE

- Make friends with the locals
- Noise levels? Noise is a major environmental impact of music festivals. Environmental Health Officers will monitor sound levels and Noise Abatement Orders can be imposed if agreed levels are exceeded
- Giving free tickets to locals helps maintain relations all round





INSURANCE

- Obtain insurance ie public liability and cancellation insurance. It is increasingly complex and expensive to secure the right cover.
- However, it is possible to get an 'exclusion' (even for firearms...if they happen to own the site and traditional and cultural factors are taken into account – Escape To New York)





SPONSORSHIP

What does a sponsorship agreement look like?

- Sponsorship Rights
 - Use of trade marks and branding
 - Filming/promotional videos
 - Advertising and Marketing - will there be an 'event campaign'?
 - Free/discounted tickets for promotions and prizes
 - Hospitality and access to VIP backstage area, etc.
 - Product placement
- Sponsorship Fee
- Cancellation Rights
- Obligations – who is responsible for what
- Liability
- Insurance



RECORDING AND BROADCAST

Public release notices - if you are intending to record and film/photograph the event for broadcast

Terms and conditions – waiver - inclusion in materials used to promote event.





RECENT ISSUES & DEVELOPMENTS

- Fyre Festival
- Hope & Glory
- Wheels & Fins
- Vestiville

- Impact of VR/AR/holograms in the live sector?
 - Amy Winehouse tour
 - ABBA - more than 35 years since ABBA last performed live, they are planning a comeback with a World Tour in 2019 / 2020.



SUMMARY

- It's a people business so never underestimate the role people play in delivering the event and the power they may have.
- Build a hardworking committed and professional team.
- Festivals are a clash between genius, creativity and the ranks of regulatory forces so it's an example of the balance between flexibility and common sense that's needed to pull off a successful festival.
- It's important to manage the event so be wary of advertising a new event on social media sites.
- Good management and clear communication is key.