



ticketing mailbox <ticketing@culture.gov.uk>

Secondary Ticketing review

2 messages

23 October 2015 at 06:29

To: ticketing@culture.gov.uk

Dear Sir

As part of the review into Secondary Ticketing, I am sure you will refer to the speeches made in the last parliament, but thought I would set out below my main one in Feb / March this year.

I have also attached one further speech (delivered after the Consumer Bill Amendment) and an article I did for Conservative Home

I would be happy to provide more submissions if you so require

Kind regards

Mike Weatherley

Former MP for Hove (2010 – 2015)

Chamber Speech:

While the speech by my hon. Friend Philip Davies was thoroughly entertaining, the “facts” in it were totally wrong. I hope that both he and my hon. Friend Mr Nuttall will listen to my speech, because it will address many of the points that they made.

I thank Mrs Hodgson for her contributions, which were very good. I shall try not to duplicate the points that she made, and to make additional points. I also thank the Minister for telephoning me earlier today to talk about the issue. I appreciate that. It was the right approach to the debate, unlike some of the references to trilby hats and so forth that we have heard from other speakers. Let us debate this in a serious manner, because it is a serious matter.

Live events, whether they consist of sport, music or theatre, are essential not only to the British economy, but to British society. Each year our creative industries generate more than £36 billion, and employ 1.5 million people. If they are to continue to be so successful, we need to ensure that performers and fans are given a fair

deal through a transparent ticket market. Otherwise, inflated prices will mean that fans continue to pay more for tickets, and performers will lose revenue.

- [Link to this speech](#)[In context](#) [Individually](#)
- Hansard source (Citation: HC Deb, 12 January 2015, c638)



Philip Davies Conservative, Shipley

How?

- [Link to this speech](#)[In context](#) [Individually](#)
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Mike Weatherley Conservative, Hove

I will explain that to my hon. Friend in a moment, and I shall be happy to take interventions later.

Society has moved on from the time when there were a few cheeky-chappie touts outside venues selling tickets at marked-up prices. There are some who would reasonably argue that the small scale “street” touts provided a reasonable free-market service. The new issue with which the ticketing industry is dealing is the use of computer programmes, known as botnets, which buy up tens of thousands of tickets only seconds after they have gone on sale, so genuine fans are unable to purchase them at source. That is happening on an industrial scale, and the tickets are then sold on the secondary market. Some botnets in themselves are illegal because they have been used through hacked computers. They are immensely useful to touts, who are able to conceal their identity while purchasing large volumes of tickets with minimal questions asked. Botnets allow touts to seize control of the market, thereby increasing ticket prices.

Part of the reluctance of some to consider allowing the proposed measures to be implemented is based on the mistaken premise that those who are buying and reselling are in some way “classic entrepreneurs”. If that were the case, I would be on their side. I am a Conservative because of Sir Keith Joseph and his principles of the free market. In this instance, however, the free-market scenario has been broken owing to severe supply shortage and unequal purchasing ability. *[Interruption.]* If my hon. Friend the Member for Shipley wishes to intervene to tell me the five principles of the free market and explain why they apply to secondary ticketing, I shall be glad to debate the point. However, the free market has clearly collapsed because the principles of the free market do not apply in this instance.

There is another important dimension, which was raised by my hon. Friend the Member for Shipley. A ticket is not a commodity like a car; it is a licence to view, owned by the artist. The performances are not a commodity, but a licence to experience. There is the principle of allowing artists to remain in control of their performances. Let me give an example. A football club could sell all its family and juvenile ticket allocations for much more, but it recognises the importance of building a fan base. If all under-16 tickets were bought by “classic

entrepreneurs” and sold to adults, tourists or the highest bidder, football clubs would not be developing their long-term fan base. The football clubs know that making a short-term price profit is not in their long-term interests, and it is surely right for the provider of the entertainment to be able to make a commercial decision not to sell at top dollar but to invest in the future fan base. It is the same for live bands and many other events. What the free market does do, which I support, is allow football clubs, bands and theatres to choose how much to charge for their event.

Let me expand on why inflated ticket prices are bad for all of us. Some say the artists have got what they wanted for a show, so they should not be concerned as they have got their full profit from the ticket sales.

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Philip Davies Conservative, Shipley 6:00 pm, 12th January 2015

indicated assent.

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- [Hansard source](#) (Citation: HC Deb, 12 January 2015, c639)



David Nuttall Conservative, Bury North

indicated assent.

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Mike Weatherley Conservative, Hove

My hon. Friends are nodding away, which is great, but that is a mistaken point of view. On taking money away from the artists and putting it in the pockets of these “classic entrepreneurs” and others in the entertainment industry, let us just say—*[Interruption.]* Let me explain to my hon. Friend the Member for Bury North, who is shouting from a sedentary position—

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David Nuttall Conservative, Bury North

May I ask a question on an intervention? My hon. Friend has said they are taking money away, but how can that be as the vendor has received full price for the ticket? They have not lost a penny.

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Mike Weatherley Conservative, Hove

That is a very good intervention as I have the answer in the very next sentence of my speech.

Let us say that my hon. Friend has decided that he has £200 to spend on his entertainment budget for the year and he would like to go to four concerts at £50 a

throw. If he has to pay his entire annual budget on buying just one ticket, he is going to go to only one concert, not four concerts. My hon. Friend the Member for Shipley mentioned the cricket. If someone has paid £500 to go to the cricket game, he will not be buying the T-shirts, the food and all the other things the promoters and artists rely on. Almost more money is paid for merchandise than for tickets. Promoters and artists want people to buy things at the concerts, not for that to be taken away.

[Interruption.]

If my hon. Friend will not listen, there is no point in his coming to the debate.

The bands will make it clear that it is not just the ticket price for the gig that gets them the money that allows them to tour; it is also merchandising and other things. If my hon. Friend the Member for Bury North has spent his whole annual budget getting to one gig, he is not going to buy the T-shirt and the other things. That is how bands lose out. It is not possible to argue with the economics of that; it is entirely right.

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Nigel Adams Conservative, Selby and Ainsty

I want to reiterate that point. Most bands nowadays have to sell merchandise to survive because very few people are paying full price, as they once used to, for the music itself. They therefore rely on selling merchandise on the evening; otherwise, they are not able to survive and produce the fantastic music that British bands do.

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Mike Weatherley Conservative, Hove

Absolutely, and there is no doubt that merchandising plays a significant part in allowing bands to continue touring.

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Pete Wishart Shadow SNP Spokesperson (Culture and Sport), Shadow SNP

Spokesperson (Constitution)

The hon. Gentleman is making a very powerful point, which I recognise from my experience of touring with a band. It is uneconomic to go out with two trucks and all the equipment to play in front of fans. Bands rely on their merchandise and on being able to sell other products to enable them to continue to work and make the fantastic records they do, and ensure that people of any age group can watch them play live. Distortion caused by these appalling ticket prices threatens the industry.

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Mike Weatherley Conservative, Hove

I thank the hon. Gentleman, and I would like to thank him for his contributions over the years; we have had good debates in this Chamber.

It is probably true that my hon. Friends the Members for Bury North and for Shipley have unlimited budgets, but most people have a finite budget and they have to make decisions on how to spend their money. If they spend it all on ticketing, they will not spend it on other things.

As has been mentioned, different methods have been tried to control secondary ticketing and to protect purchasers, such as named ticketing. It has been proved, however, that this will not work for every event. It works in some situations, but not others. The industry would like to take other steps to control these abuses but it cannot do so. It has been argued by the ticketing organisations that the measures already in place are enough. If that was the case, why are we still seeing cases where fans or performers are not protected from exploitation and revenue loss?

These amendments do not restrict the buying and resale of tickets. All they ask is that the process is transparent so that buyers have information such as

where the seat is, who the seller is, and what the original price of the ticket was, and whether the resale of the ticket is against the terms and conditions of the original purchase. It does not expose the seller to data protection problems. Only those sellers whose job is related to the live entertainment sector will need to provide employment details. This means that an informed decision can be made whether or not to buy a ticket. Similarly, it would mean that in cases where tickets were resold by industry insiders for a profit, it was out in the open.

Creating such transparency means that it will be easier to prevent and detect ticket fraud, expose and reduce insider dealing of tickets, and assist event-holders in protecting their customers from the worst excesses of ticket touting. It will also assist the artists in ensuring that they are able to deliver tickets to the intended market at the intended price. In my view, these amendments provide the right balance to avoid full legislation criminalising the activity by implementing sensible, reasonable information requests. To quote Steve Parker, managing editor of *Audience* and *Live UK*:

“The proposed amendment to the Consumer Rights Bill simply requires transparency and the restoration of fairness to the market. It is not a threat, restriction or burden to anyone operating honestly in this sector—it is a threat to those that seek to secretly manipulate the market for their own greedy ends.”

Only the operators who want to hide this information could possibly object to a request for the system to be transparent. The proposed measures have been formally supported by a wide range of stakeholders from the live event sector, promoters including Harvey Goldsmith, the Lawn Tennis Association, the National Theatre, the Musicians Union, the England and Wales Cricket Board, UK Music, the premier music booking agencies, managers of major British bands like One Direction, Iron Maiden, Arctic Monkeys, Muse, Radiohead and Mumford and Sons, and over 50 more in a letter issued over the weekend. These amendments are only opposed by those profiteering from the confusion and technological shortcomings of event ticketing.

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Philip Davies Conservative, Shipley

The list of those that support this which my hon. Friend rattled off were, from what I could tell, all big businesses in the entertainment world, but has he looked at opinion polls which show that when people are asked, “If you have a ticket, should you be able to sell it on to somebody else at a price you determine yourself?”, an overwhelming majority say yes? The idea that only a few people are against this flies in the face of all the opinion poll evidence.

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Mike Weatherley Conservative, Hove

I am so glad my hon. Friend intervened because I would like to quote back to him some things he said in the previous debate we had on the Consumer Rights Bill, on Report on 13 May 2014:

“I think that one of the fundamental rights of the consumer is to know what they are purchasing.”

That is what this measure proposes. *[Interruption.]* If I may continue, he went on to say that

“legislation requiring labelling is essential for consumers to exercise their right to make an informed decision.”—*[Hansard, 13 May 2014; Vol. 580, c. 672-73.]*

My goodness, he could be giving this speech for me, Mr Deputy Speaker!

On mobile phone internet usage coverage, which is important, my hon. Friend said on 16 June 2014:

“The lack of transparency and clarity that has persisted in the market has allowed consumers to be deceived.”

That is amazing; it could apply to the area under discussion now. He went on to say:

“It seems like the voluntary ways of ensuring greater transparency...have failed.”—*[Hansard, 16 June 2014; Vol. 582, c. 896.]*

He said that about mobile phones, but why should it not apply to this debate?

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Will my hon. Friend give way?

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I have one more quote, but I will give way.

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Philip Davies Conservative, Shipley

I am sorry to urinate on my hon. Friend's bonfire, but the point is that if I buy a ticket for the Lords test match, I know what I have got. There is no transparency issue; it is a ticket for the test match at Lords. The quotes he is giving on halal meat and all the rest of it are completely different from a ticket to a Lords test match, where it is perfectly clear what I have bought.

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Lindsay Hoyle Chair, Panel of Chairs, Chairman of Ways and Means

Order. We should be more gracious to each other. I am frightened that we might undermine that, and that this whole debate is going to descend, which I do not want.

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Mike Weatherley Conservative, Hove

Thank you, Mr Deputy Speaker. I was just trying to point out that we ask for transparency in almost every other aspect of our society, and we should be asking for it on tickets. We are only asking for the name, the seat location and so on to be given. I think I have made that point crystal clear.

It should also be noted that the police are generally supportive of the suggested changes to the secondary ticketing markets. Ticketing legislation was recommended in the final report from Operation Podium, the Metropolitan police unit set up to monitor crime around the Olympic games. The police said the Government should intervene in the ticketing market because, among other things, certain aspects of it are funding criminal activity. We cannot argue against that; the police are saying it.

There is one more thing: many ticketing companies argue that should a ticket be invalid, counterfeit or fraudulent, a full refund will be given. We heard that earlier. That is very laudable, but it does not address the full problem. Refunding the price of a ticket will not make up for the travel expenses and accommodation costs of going to the concert, show or event; nor will it make up for the time spent acquiring the ticket.

Refunds look like a fair deal on paper, but even though the buyer will get their money back, the process actually sets up losses across the board. The seller of the ticket does not make any money, the company loses money by having to pay a refund and the buyer does not get the satisfaction of going to the event. The buyer is deprived of the experience that he or she worked hard for and spent money to secure. With the proposed transparent system, that would not be the case.

There is another quirk to the existing system that affects not only the artists but the taxpayer. Some venues, such as the National Theatre and the Donmar Warehouse, are subsidised by the state in order to ensure that opportunities to see productions are available to the widest possible audience. When ticket prices are vastly inflated—as in one case, from £20 to more than £2,000 for a Shakespeare production at the Donmar Warehouse—not only are potential purchasers priced out of the market but the Government's programme of subsidising the arts is undermined and money that could be ploughed back into new productions is lost. Why would we, as taxpayers, want to subsidise theatre to make it more available to people while at the same time allowing others to make £2,000 on a ticket? That is absolutely bonkers.

The Secretary of State for Culture, Media and Sport has told me that he supports the right of ticket providers to have terms and conditions and for those terms and conditions to be respected, and that any buyer should be aware of and adhere to them. Others who have spoken today have said that there should be terms and conditions, and that they should be respected, just as any other contractual arrangement is respected. That is how purchasing works. If I go on a train, I buy a ticket that is not transferrable. That applies in many other areas of society, too, so it seems bizarre that it does not apply to ticketing. These measures would enable those terms and conditions to be respected, and the Secretary of State should therefore fully support the amendment. I find it bizarre that he does not.

What we are asking for would give artists and venues the opportunity to regain control of ticket pricing and of the terms and conditions that they put on tickets. This would ensure that genuine fans had access to the events they wanted to attend. It would also hinder the ability of those using new methods of mass ticket-buying to artificially inflate the market in such a way as to create negative impacts on the UK's creative and sporting industries. If a band, artist or promoter wants to sell tickets at an inflated price, they are absolutely at liberty to use the secondary market to do so, but our proposals would mean that they would need to print on the ticket the fact that they had done so. I see nothing wrong with that. If we can make a small step in supporting the artists and fans, as we can with these amendments, we will have taken a very large step forward.

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John Robertson Labour, Glasgow North West

It is a pleasure to follow my fellow co-chair of the all-party parliamentary group on music, Mike Weatherley, and it will be difficult to follow such an excellent speech. I agree with every point he made. I shall make my contribution a little more personal.

I got involved in ticket touting—in the sense of complaining about it, not actually doing it—many

5 attachments

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Piece for Conservative Home on Secondary Ticketing March 15 - v5.docx
17K



Ticketing Speech 4.docx
17K

ticketina mailbox <ticketing@culture.gov.uk>

26 October 2015 at 08:52

Cc:

A Mike Weatherley reply.....

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17K



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17K

At last – progress!

As I have maintained many times previously in this Chamber, live music and other live events are vital contributors to the economy and the cultural well-being of society. We ignore the problems and challenges that come with ticketing in the digital age at our peril. And apart from the potential erosion of our cultural top standing in the world that we all should be proud of, there is the principle that those putting on an event should have their wishes respected on pricing. This includes the Government when it subsidises entry fees – and yes there are incredible examples where the Government (facilitated by taxpayers) subsidises a performance only to see the ticket touts make over 2000% profit from the same tickets! Our tax £ helped a company based in Switzerland make profit, thwarting the intended outcome of subsidised philanthropy completely.

What is undeniable is that the free market system has broken down due to the introduction of 'bots' – that is the computer generated automated process of buying in bulk, which, alongside other factors, has enabled obscene profiteering for intermediaries against the interests of fans and the wishes of those putting on the event. Genuine fans do not buy hundreds or thousands of tickets and resell them only a few minutes later. Nor do the artists want anyone to do this. After intense pressure from the APPG on Ticketing Abuse (of which I am co-chair with Sharon Hodgson MP), and Lord Colin Moynihan (and others) in the Lords, the Government has recognised the need for some regulation. I thank the Government for this common sense progress – however, this is not standing ovation praise, but at least polite clapping as a very good step in the right direction.

Today, Mr Speaker, many countries and other parliaments have also debated this issue and perhaps we should be listening to them as well. One of the arguments against any regulation is that it is unworkable, or some other convenient argument without fact. But we do have precedents elsewhere. And if Parliaments representing hundreds of millions of people have determined that action is needed, perhaps we should look at what they are doing. They are after all, mostly, territories that have less of a creative and live event output than we do.

As I say, problems arising from ticket touting and the secondary ticketing market are not confined to the United Kingdom. This is a worldwide problem, and a number of different countries have enacted laws in an effort to protect consumers from the worst excesses of these practices.

Some solutions I would say are better than others, but all are worth looking at.

These laws range from fines for selling tickets at a certain percentage above face value to total bans on all reselling above face value. For example, in the state of Queensland in Australia, it is illegal to sell tickets for more than 110 per cent of face value. On the other hand, in Denmark and Norway it has been illegal to sell tickets at above face value since 2007.

Many of these laws also specify that it is possible to resell tickets only with the express permission of the event organiser. Such a law was passed in France in 2012, and therefore passes back control of the tickets to the providers. Also stated in this law is that reselling tickets on a regular basis with the intention of making a profit incurs a fine of EUR 15,000, and doubled for repeat offenders. This is made very clear on official ticket websites, such as

that of the French Open tennis, suggesting that at least the event organisers are taking it seriously and are willing to pass any important information they get onto law enforcement.

The United States provides an interesting example. Like Canada and Australia, such laws are made on a state or province basis, and are not national. Only five states currently have laws on secondary ticketing, and like the differences that exist between countries, these laws vary in their scope and specifications. One interesting point to make here is that in America the trend is a little confusing by adopting this State by State approach – some States have repealed anti-touting laws, both for reasons of effectiveness – which comes down to better, practical drafting of laws, and because, as in this House, there are still some legislators that mistakenly see touting as a free market activity.

Even in those countries for which a specific law does not exist, some action is still being taken. In Germany, some groups are trying to give artists and promoters the contractual option to rule out secondary ticketing. However, it is being found difficult to implement, and event providers are still facing a number of key issues. Tickets are still being sold on Ebay, where it is difficult to identify the seller, and they cannot get court injunctions against Viagogo because the organisation is based in Switzerland.

These examples show the range of actions taken against ticket touting in an effort to control the secondary ticketing market. They may range in their specifications and effectiveness, but what they do show is a global concern over the exploitation of fans. Just the fact that laws have been enacted means that the issue is one that needs to be taken seriously.

What we can learn from these examples is that in the last 10 years there has been a significant shift worldwide in how tickets are perceived, whether as commodities or licenses, and an understanding of the need to protect consumers and create a fairer market. More and more

countries have made the decision to move in this direction. It is imperative for our cultural well being that we do not get left behind.

What is different about this amendment is that it will work through the providers of ticket resale platforms. Common sense will tell you that without draconian policing measures, clamping down on all reselling of tickets is impossible, especially if it is going on face to face. What I hope happens with these new laws is that industrial scale resale through internet based platforms is curtailed. Also, instead of completely banning ticket resale, these amendments are placing the power back into the hands of fans and event organisers and allowing them to make informed choices. Time will tell if this is more successful than the other laws I have mentioned.

Once enacted, the amendment will provide greater transparency for fans, including seat number or standing information, the face value of the ticket, and if any restrictions apply. And crucially, it also compels the Secretary of State to review all measures relating to Secondary Ticketing within 12 months and report to Parliament.

At first glance, the 'review' may seem like kicking the whole issue into the long grass, but in reality it is an essential part of the reforms. The critics of the reforms are screaming about potential problems, and those wanting more action are screaming that more should be done. That's a lot of shouting. The reality is that time will tell, and the review – which will report in a relatively short period of time in parliamentary terms – will look closely at both claims and, at last, come up with a proper analysis with recommendations.

And one more thing. The legislation specifically states that terms and conditions need to be fair, and making sure this is the case must also be a part of the review process. The terms and conditions that event organisers attach to tickets are there to protect fans, not take advantage of them. For those fans who have bought tickets for genuine use and have a genuine reason for resale (i.e. that they didn't just buy tickets to make a profit) then I am fully behind their ability to resell on. I will be making sure that this is a fundamental principle in the review. And equally making sure that the insertion of 'fair terms' into the amendment is not the Secondary Ticketing industry's way to undermine all law changes.

I am pleased that groups such as the Sport and Recreation Alliance, the ECB and the RFU are fully behind these amendments. Like all compromises, neither side is fully happy with the solution, but on balance, this is a good step in the right direction and the review will be key. The UK with its rich cultural heritage and world leading position will, with this review, will once again be the focus of world attention – I suspect it will act as a blue print for many other countries around the world.

So to summarise Mr Speaker, and to misquote E M Forster on Democracy, two cheers for this amendment, but not quite three. However, I am really pleased we will have enacted this law before the end of this parliament and this is a good step forward.

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