



ticketing mailbox <ticketing@culture.gov.uk>

RE: Review of Online Secondary Ticketing Platforms1 message

19 November 2015 at 13:17

To: "ticketing@culture.gov.uk" <ticketing@culture.gov.uk>

Hi

From Nottingham Playhouse

We don't have a tremendous problem with the secondary market and only really get tickets being resold for sold out comedy events from time to time.

The biggest problem we'll get (and it hasn't happened yet) is when someone has sold tickets on the secondary market and the part of house they are in, isn't suitable (circle for vertigo sufferers, wheelchair user etc) which is my biggest concern.

We didn't get any on the market recently for Daniel Kitson who was here with us recently, though we did for his previous visit. Daniel himself has great issues with resale for profit on the secondary market.

When we do find tickets we don't act heavy handed and wouldn't cancel tickets just because they are listed. In that respect we are happy with the proposal of not just being able to cancel tickets for selling them on the secondary market. We do ask nicely however and ask people to remove the listing for the access reason above – which some people do, some people don't.

One problem that does affect us, and will surely affect larger venues more is customers listing tickets bought through a ticket agency. Ticket agents won't contact customers on our behalf, so I am looking forward to the new data protection legislation next year when all parties involved are allowed access to their data – i.e. as well as visiting companies having data protection opt in, we will be able to get the information from ticket agents too.

As a subsidised venue we do try to keep tickets as affordable as possible, so it is disappointing when we see profit being made, but also from a customer service point of view, we do not believe this reflects well on us either when customers see our tickets at inflated prices.

I hope this is useful

Best wishes

Customer Relations Manager

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ticketing mailbox <ticketing@culture.gov.uk>

SOLT & UK Theatre response to secondary ticketing review call for evidence1 message

20 November 2015 at 13:12

To: "ticketing@culture.gov.uk" <ticketing@culture.gov.uk>

Dear Sir,

Please find attached the submission made on behalf of Society of London Theatre and UK Theatre Association.

Please confirm receipt.

Kind regards

Society of London Theatre | UK Theatre

T 020 7557 6705

Society of London Theatre (Company No 527227), UK Theatre Association (Company No 323204), Theatre Development Trust (Registered Charity No 292559 and Company No 1928541) and Theatre Investment Fund Limited (Registered Charity No 271349 and Company No 1252595) are companies limited by guarantee registered in England and Wales and their registered office is at: 32 Rose Street, London, WC2E 9ET. "UK Theatre" is the operating name of UK Theatre Association. "Stage One" is the operating name of Theatre Investment Fund Limited.

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London WC2E 9ET
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enquiries@soltukt.co.uk

20 November 2015

By email: ticketing@culture.gov.uk

For the attention of [redacted] Call for Evidence Co-ordinator, DCMS

Dear [redacted]

Review of consumer protection measures relating to online secondary ticketing platforms: call for evidence

1. I write on behalf of Society of London Theatre ("SOLT") and UK Theatre Association ("UK Theatre").
2. SOLT and UK Theatre are the trade associations representing the interests of those engaged in the production and presentation of medium to large-scale dramatic and lyric theatre in the UK. SOLT represents approximately 200 London-based producers, theatre owners and managers. UK Theatre represents approximately 220 theatres, concert halls, dance companies, producers and arts centres throughout the UK. UK Theatre also operates as a professional association, supporting over 1,000 individuals working professionally in theatre and the performing arts in the UK. Both memberships are drawn from subsidised and commercial theatre.
3. Combined annual attendance at our member venues exceeded 33 million people in 2013. This is more than the entire cumulative attendance at all English Premier League (13.6 million), English Football League (15.6 million) and Scottish Premiership (1.9 million) matches for the 2012/13 season.

Impact of online secondary ticketing platforms on theatre

4. There is a marked difference between the secondary market for theatre compared with other sectors, such as music and sport. This is largely due to the fact that in such other sectors, the "event" usually occurs only once, whereas the opportunity to see a theatre production exists for a period of time.
5. For theatre, the use of online secondary ticketing platforms to exploit consumers is generally confined to resellers taking advantage of sold-out or high profile shows, usually being presented in the West End. For those shows, the reselling of tickets is a major issue.

Society of London Theatre is a company limited by guarantee registered in England and Wales, whose registered office is at the above address.

Company No 527227
VAT Registration No 242 2802 92

"UK Theatre" is the operating name of UK Theatre Association, which was founded by Sir Henry Irving in 1894 and is a company limited by guarantee registered in England and Wales, whose registered office is at the above address.

Company No 323204
VAT Registration No 242 2801 94

6. The secondary market has little bearing on primary market prices, but it does have an adverse impact on the availability of tickets in the primary market, by reducing the number of tickets available to bona fide customers at the box office price. The combination of this reduced availability (or non-availability) of tickets and the high prices stated on the secondary platforms (even though this is not necessarily the price at which tickets are ultimately resold) generates a negative perception of the theatre industry in the eyes of the public.
7. Further, although some secondary ticketing platforms give certain guarantees to buyers (eg replacement tickets or a refund if tickets are invalid or not delivered), if there is an issue with a ticket bought on such a platform, it will still be the theatre which has to resolve it, dealing with the customer and potentially having to turn them away. Not only does this require resources, but puts the theatre in an unfavourable light.
8. We are therefore strongly in favour of legislation imposing greater restrictions on secondary ticketing platforms and offering greater transparency and protection for consumers.
9. We are not aware of theatre producers supplying ticket allocations directly to secondary ticketing platforms to sell on at above face value (which, according to Channel 4's Dispatches programme, "The Great Ticket Scandal" of several years ago, occurs in other sectors). If a ticket is resold on a secondary platform, the producer does not benefit.
10. We are not aware of botnets being used to purchase theatre tickets.

Compliance with the Consumer Rights Act 2015 ("CRA")

11. We have observed that secondary ticketing platforms are generally not complying with the information requirements in section 90 of the CRA. For example:
 - in many cases, the seat number is not provided;
 - in some cases, the row number or letter is not provided either;
 - in some cases, a range, eg "original face value £10 - £50", instead of the actual face value of the ticket is given.
12. Also, it is apparent in some cases that the reseller does not actually own the tickets being offered for sale, but is "selling" speculatively.
13. Notwithstanding the introduction of the new rules under the CRA, unscrupulous practices continue on secondary ticketing platforms. The issue of enforcement of these rules seems to us to be a fundamental one and we therefore urge the Review to examine it closely and consider whether those bodies with the power to enforce have sufficient resources to do so.

Measures taken by producers and theatres

14. Few producers and theatres, if any, have the resources to police regularly the secondary ticketing platforms.
15. In any event, if the seat number is not stated (see paragraph 11 above), there is little a primary seller can do as, without the seat number, they will not be able to identify the original purchaser.
16. Theatres and producers use various measures to seek to retain control of tickets in order to protect bona fide customers. For example, they might limit the number of tickets per customer, delay sending out tickets until 2 or 3 weeks before the performance and/or hold

back a number of tickets to make available on the day of the performance (often at a low price). However, even using a combination of such measures does not prevent tickets appearing on secondary platforms. Theatres and producers are also concerned not to introduce so many measures that bona fide customers are deterred from buying tickets.

17. We are not against allowing customers with a genuine reason for selling on a ticket they are no longer able to use at a fair price. In an attempt to combat exploitative resellers, some theatres/producers include a prohibition on resale in their terms and conditions and state that a breach of the term will result in the ticket being void. Enforcing such a term on a consistent basis, however, requires significant resources.
18. We would greatly welcome practical guidance on how to ensure that a term voiding the ticket is fair (in order to comply with section 91 of the CRA). Although we are familiar with the CMA's unfair contract terms guidance, we feel that given its general nature it is not sufficiently helpful.

Suggested additional requirements

19. We have two suggestions for additional requirements which might be applied to the resale of tickets through secondary ticketing platforms:
 - a requirement that resellers register a user name, so their sales' history and reputation can be tracked and made available to purchasers (in a similar way to eBay and Amazon Marketplace);
 - a requirement that a copy of the tickets be uploaded to the secondary platform. This could either be actually displayed on the platform or enable the operator of the platform to indicate that it has verified that the reseller has the tickets and that the information provided about them is correct. (This would stop speculative listing and ensure that the requisite information about the tickets (ie seat number and face value) was provided and accurate.)

Conclusion

20. We are keen for theatre-goers to have the best experience possible at a fair price and for theatres and producers to have the means to exercise greater control over the resale of tickets for their shows. Secondary ticketing platforms undermine this and we therefore believe that stronger measures need to be put in place.

Thank you for giving us the opportunity to comment. If you require any further information, please do not hesitate to contact _____, our Head of Legal Affairs,

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Yours sincerely

Julian Bird
Chief Executive



ticketing mailbox <ticketing@culture.gov.uk>

Review of consumer protection measures applying to ticket resale

1 message

19 November 2015 at 16:08

To: "ticketing@culture.gov.uk" <ticketing@culture.gov.uk>

Please find attached our response to the call for evidence.

With best wishes,

Direct line: (



Royal Opera House Evidence.docx

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REVIEW OF CONSUMER PROTECTION MEASURES APPLYING TO TICKET RESALE

Evidence from the Royal Opera House

1. The Royal Opera House aims to enrich people's lives through opera and ballet. Home to two of the world's great artistic companies – The Royal Opera and The Royal Ballet, performing with the Orchestra of the Royal Opera House – we seek to be always accessible and engaging, to develop audiences across the UK and to break new ground in the presentation of lyric theatre. We are one of the busiest theatres in the world, delivering more than 500 performances and 1,000 learning and participation events each year.
2. Last year we sold 740,000 tickets to performances at our home theatre in Covent Garden, mainly through our Box Office but also through a small number of authorized ticket agencies (Albemarle, Abbey Box Office, Theatre People, Discount Theatre, Lashmars, Love Theatre, See Tickets and Ticketmaster). We also make our work available in cinemas, online and through television and radio.
3. We are committed to ensuring that anyone can access a performance, regardless of their income. Ticket prices for performances in our larger auditorium start at £2 and 45% of tickets are priced at £50 or less, including 17,500 low-cost tickets provided each year through targeted schemes for families, schools and students. The provision of low-cost tickets is underpinned by the £23m annual grant we receive from Arts Council England (which accounts for 20% of annual income) and through contributions from philanthropists, members, grant-giving foundations and corporate sponsors. Reflecting the high costs involved in making opera and ballet, we also sell tickets in some parts of the theatre at much higher prices; this Season our top ticket price for opera will be £250 and for ballet £127.
4. To serve people booking tickets at short notice, we sell 67 day tickets at our Box Office from 10am for almost all performances in our larger auditorium. All of these tickets are £55 or less.
5. Our terms and conditions prohibit ticket resales, specifying the routes through which purchasers can return unwanted tickets. We ask that customers always return unused tickets via our Box Office to ensure that everyone gets a fair chance to buy tickets at reasonable prices.
6. We consistently experience problems with customers arriving for popular performances with tickets that they have been resold at grossly inflated prices. Ticket sellers frequently contravene section 90(3) of the Consumer Rights Act by failing to provide information necessary to identify the seats, information about the restrictions on reselling and the face value of the seats. Tickets currently available on Viagogo's website include:
 - Front amphitheatre tickets for *Romeo and Juliet*, priced £165, no face value provided but actual value £69
 - Back Amphitheatre tickets for *Cavalleria Rusticana/Pagliacci*, priced £50, no face value provided but actual value £16
 - Amphitheatre tickets for *The Nutcracker*, location unspecified, priced £97.98, actual value £5-£69 depending on the extent of restricted view, bench seating etc
7. Unauthorized secondary ticketing exploits the funding of affordable tickets through taxpayer and charitable contributions and reduces the availability of low-priced tickets, compromising the ability of people on low incomes to experience performances.

8. Customers are extremely disappointed when they arrive for a performance to discover that they cannot be admitted or that they have paid a very high price for a ticket that is far from the stage, has a restricted view or involves bench seating.
9. We have written to ticket reselling sites such as Viagogo, Seatwave, Get Me In and eBay, pointing out that reselling our tickets is in breach of our terms and conditions and that they will have to reimburse anybody who is turned away by us. We have also recently written to the Department for Business, Innovation and Skills and Westminster trading standards requesting that an Enforcement Action under section 93(1) of the Act is brought for a breach by Viagogo of s90(3) of the Act. However, as Viagogo's operations are now in Switzerland, litigation is prohibitively expensive.
10. We call for legislation, similar to that introduced for football and for the 2012 Olympics, to make ticket touting illegal for cultural events that are presented by registered charities and/or funded through public money.

19 November 2015