

# Digital, Culture, Media and Sport Committee

## Oral evidence: EU visa arrangements for creative workers, HC 1176

Tuesday 16 February 2021

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Members present: Julian Knight (Chair); Kevin Brennan; Steve Brine; Alex Davies-Jones; Clive Efford; Damian Green; Damian Hinds; John Nicolson; Giles Watling; Mrs Heather Wheeler.

Catherine McKinnell, Chair, Petitions Committee, also attended.

Questions 1-160

### Witnesses

[I](#): Deborah Annetts, Chief Executive, Incorporated Society of Musicians, Paule Constable, Lighting Designer, Freelancers Make Theatre Work, and Lyndsay Duthie, Chief Executive, The Production Guild of Great Britain.

[II](#): Caroline Dinenage MP, Minister for Digital and Culture, Department for Digital, Culture, Media and Sport, and Alastair Jones, Deputy Director, Creative and Cultural Touring Project, Department for Digital, Culture, Media and Sport.



## Examination of witnesses

Witnesses: Deborah Annetts, Paule Constable, and Lyndsay Duthie.

**Chair:** This is a special hearing of the Digital, Culture, Media and Sport Committee. Our first panel is Deborah Annetts, chief executive of the Incorporated Society of Musicians; Paule Constable, lighting designer, Freelancers Make Theatre Work; and Lyndsay Duthie, chief executive of the Production Guild of Great Britain. Good morning, and thank you for joining us. We are also joined by Catherine McKinnell MP, Chair of the Petitions Committee.

Before we begin, I will go round the Committee to see whether there are any interests to declare. Kevin Brennan?

**Kevin Brennan:** I am a member of the Musicians' Union and received support from it at the last election.

**Chair:** Thank you. Giles Watling?

**Giles Watling:** I have none to declare.

**Chair:** Are you not a member of Equity?

**Giles Watling:** Not any more.

Q1 **Damian Hinds:** Good morning, and thanks for being with us today. Immediately after we talk to our witnesses, we will be questioning the Minister. To get us going, could you each, in one or two sentences, summarise the position as you see it, what you are worried about and what your principal request would be of the Minister?

**Deborah Annetts:** Thank you very much for that question. Since we moved post Brexit—post the transition period—the adverse impact of Brexit on the creative industries, in particular the freelance community, has become even more stark. I have been inundated with personal testimony from musicians as to the work that they have lost or are going to lose in Europe as a result of the new visa and work permit arrangements. Some of them are really quite heart-rending, with musicians saying that they are thinking of giving up being a musician altogether. The costs are absolutely huge—£600 just to do a one-night gig in Spain and £500 for Italy. I would ask the Minister to please, please, please show leadership and put in place a visa waiver agreement. That is really straightforward. Loads of countries have one with the EU, and it would deal with one of the very serious problems around visas immediately, so that is what I would ask the Minister to do.

**Lyndsay Duthie:** I would echo some of that. Obviously, film and television—the area that I am representing—is slightly different from our colleagues in music; we are probably not touring around country to country in quite the same way. The film and television industry has



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prepared extensively for Brexit and for every single outcome there could be. We put the work in, and the British Film Institute has been incredibly supportive. At the moment, we are finding that covid-19 restrictions on travel are more challenging, and we are feeling that more acutely, but as we move past that, we are going to need a solution for temporary travel, as the trade and co-operation agreement carves out for business trips, meetings and conferences.

I would say that asking for a visa waiver is probably a little more complex than just that, as I believe it would have to be reciprocal. Is that saying that no certificate of sponsorship would be required to work in the UK? If that happened, we would have to be careful of the effect on the UK labour market and not be at odds with our own practice codes, because ultimately, we need to protect the jobs of the UK base crew. However, if it is based on the one-month paid engagement waiver that is possible in the UK, that would not be at odds with our tier 5 code of practice. So, there are lots of nuances to this, and I think we need to explore that much more carefully and get more advice from our immigration experts as well, to see how it would work in practice.

We would of course welcome the opportunity to simplify the immigration requirements for filming in Europe, because we are all agreed they are too complex at the moment.

**Paule Constable:** Yes, “nuance” is the critical word in terms of the ask. In terms of the performing arts—I am talking about opera, musical theatre, dance and drama—on every level the effect this is having is shocking. From the experienced to the inexperienced, from small companies to large, and from touring to individuals working in Europe and career development for young musicians, it is truly shocking, and the effect is being felt immediately—at the moment. Covid is obviously blanketing a lot of what is happening, because our movement is restricted, but as we say, anecdotal evidence coming in from people working, for instance, in Spain at the moment is that the number of hoops that one has to jump through to get anywhere is absolutely prohibitive. We are also rapidly hearing of our European colleagues not looking to the UK to employ any more, because of the complexities around our employment situation.

My ask would be to prioritise this. We are sitting as part of one of the huge success industries of the UK. I cannot see the model for how it can continue to be successful in the current situation. We need help for it to continue to be the world-beating economic driver that it is. So that’s our request.

Q2 **Damian Hinds:** Two of you have mentioned the fact that of course covid is restricting travel—probably more than anything else at the moment. To what extent is there evidence of this practical effect being felt now from what has come out of the deal, or how soon would you expect those effects to be seen? I don’t mind who comes in on this—perhaps Deborah.



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**Deborah Annetts:** To pick up that point, music tours are programmed some time in advance, usually six months, a year etc., so we are seeing the impact now in cancelled engagements and people losing work. It's happening now, even though covid means that people cannot travel. That is because we are losing engagements from the summer on. So, musicians are already thinking, in quite desperate terms, about whether they have a career left or whether they are going to have to retrain in some other capacity.

**Lyndsay Duthie:** I would echo that. Obviously, film and television productions have quite a long pre-production period, and we are aware of the due diligence and extra timeframes involved, so we are very much going through the practicalities of this now. We have talked about Spain as an example. To get a visa organised for there has taken two to three months, so for us to be filming, even in the spring—we wouldn't have time for that. So, the effect is being felt now.

We are, of course, trying to mitigate and find ways around it and are looking for that, but there are huge delays. HMRC is guiding us, saying that it's at least 10 weeks to get social security forms processed, and then there's the whole chain of events to get through that. So, there's a whole backlog of work happening.

Q3 **Damian Hinds:** You have both mentioned Spain. Which countries are most important in this? The situation is not going to be equal between the 27, is it? Which ones are you most concerned about, in terms of the importance for your sector and the difficulties that your members are encountering? Lyndsay.

**Lyndsay Duthie:** Yes, Spain is a big one. France is another. We have a bilateral agreement in place there, and I suppose the other step that we can take is to have bilateral agreements in place as well. We film across a range of countries, so this has a big impact for us.

**Deborah Annetts:** In addition to Spain, it's Italy, the Netherlands, Germany, Austria and Portugal. Those are all key places for us. The work permit situation is incredibly complicated. The ISM has put together a 30-page document that sets out all the work permit arrangements, which differ from country to country. We are not suggesting that the Government enter into bilateral agreements with all 27, but what we are urging them to do, in addition to the visa waiver agreement, is pick out the top five or six EU countries and negotiate bilateral agreements with those key partners.

Q4 **Damian Hinds:** Can we check that we agree on those? When you say "the top five", do you mean the top five by size, so in other words Germany, France—let me see whether I can get this right—Italy, Spain and then the Netherlands or Belgium?

**Deborah Annetts:** Well, it's about economic activity and level of difficulty with work permits, so there are two different things at play. I would say that it's Germany, Italy, the Netherlands, Portugal and Spain.



Q5 **Damian Hinds:** Would that list match yours, Paule and Lyndsay?

**Paule Constable:** It is really hard to narrow it down, particularly when you think about people such as opera singers who jump in and out of roles all over Europe at all times. I don't think that in the performing arts you could prioritise. Germany, in terms of opera and dance, tends to be less international. Spain is a big one. France is a big one for jumping in, and Holland. We work Europe-wide.

Q6 **Damian Hinds:** But if you are pursuing bilateral agreements on anything, you have to prioritise, Paule, otherwise you would not make enough progress. Lyndsay, what would be your list?

**Lyndsay Duthie:** I would have to take that back to our members because trends change all the time, depending on where the tax reliefs are. Those are a huge incentive for different countries to film in as well. As we have said, Spain, Italy and France come high up the list for sure, but some of the eastern European countries have become big destinations as well. We would probably look and match against tax reliefs as well, so I would like to come back to you on what our top five would be.

Q7 **Damian Hinds:** Thank you. That would be helpful. Do we know of any good reasons why any of these countries would resist extending more favourable arrangements to facilitate cultural exchange and performing arts?

**Deborah Annetts:** Sometimes they want to protect their own markets. We have heard that Poland, for instance, is looking forward to not having English musicians so that they can focus on Polish musicians instead. There is also something linked to cabotage. The big issue is around hauliers. I think some EU states are seeing this as an opportunity for EU hauliers to specialise in touring across the EU. This is partly an economic opportunity for the EU, but you can flip that around and say that definitely the UK musicians add hugely to the European festival scene. So, we have to make that economic argument to our European partners.

**Paule Constable:** It is interesting that the unseen part of the creative workforce is more vulnerable there. On picking up crews in the UK who then might tour around Europe, promoters will be looking to pick up crews elsewhere in Europe. We have a reputation for excellence in technical theatre. The problem of our not being able to tour will prohibit that, so it will be a huge loss of work.

**Lyndsay Duthie:** From our perspective, our European production partners are keen to find ways around this. They want to work with the UK. We have world-class talent, so there is an interest for us to make that work on both sides.

Q8 **Damian Hinds:** I wanted to ask about European partners. How much is going on in the creative industry sector to work across borders to propose ways to deal with some of these things, given that, ultimately, it is a very international sector that celebrates the exchange of culture?



**Deborah Annetts:** Prior to covid, there was a huge amount of exchange. You particularly see that in music. As Paule said, musicians tend to go backwards and forwards across borders. They can visit six or seven countries in four or five weeks. Opera singers tend to drop in at the last moment—into Vienna in particular—to pick up a role that they might not otherwise have got, so mobility is absolutely core. It is not about immigration; it is very much about mobility supporting culture.

At the moment, we have a window, bizarrely enough because of covid, to try and sort this out, so we need to really pick this up and move it forward. I keep coming back to the fact that there are two different aspects of this. The visa issue needs to be dealt with through the EU Commission. Work permits are very much a nationally devolved issue. If we had a Government lead here, we really could move forward on this with bilaterals. I really do believe that.

Q9 **Damian Hinds:** Finally from me, Lyndsay and Deborah, what can we learn from other countries and their interactions with European countries? For example, when American bands—or Canadians, Australians or whoever else—are touring Europe, what can we learn from their approach and their Government's approach in interacting with European countries?

**Deborah Annetts:** It rather depends on what stage they are at in their development. If they are very early on, they will find problems. If you are talking about—

**Damian Hinds:** Let's call America not early on in its development.

**Deborah Annetts:** What I mean is that if you are early stage in your career, you will find it much more problematic, whereas if you are the Foo Fighters you will not have a problem.

Q10 **Damian Hinds:** There are also up-and-coming American bands that tour Europe the whole time. My question is whether there is something to learn from the arrangements that other countries have struck with the European Union or with individual member states, or other things they and their trade associations do. What can we learn? The whole world is not either in the EU or has just left it; there are a lot of other countries besides.

**Deborah Annetts:** An export office located in the DIT, working to support UK talent going into the EU, would be incredibly helpful, which is something we have mentioned to DCMS. There is also a role for our consulates, again supporting applications and making good relationships with festivals, promoters, venues and so on, as well as the trade associations doing all that hard work. It is about everybody coming together to do the very best we can to support the UK sector.

Q11 **Damian Hinds:** Thank you. Lyndsay, anything to add?

**Lyndsay Duthie:** From our point of view, we are used to dealing with the US all the time, so carnets and visas in that respect are things we are practised at, but the paperwork for those has been simplified, and it is much clearer. At the moment, we are getting conflicting advice and



information from border agencies on the EU and UK sides. The messaging has not got through, so there are things being held up at borders—film stock, for example—that should not be. That clarity is needed, and we are aware that the British Film Institute and British Film Commission are commissioning a piece of research to give country-by-country guides, to simplify what the visa and carnet requirements are, the tax incentives and so forth. That would really help us navigate through this period as we all learn and understand the process.

**Paule Constable:** The only way I can tip this on its head, as well, is discussing my experience of working in the US. I have extensive experience of working there, and I consistently have to establish myself as an artist of international renown to qualify to work there. One of the major issues that we need to think about is that it is impossible for younger and emerging creatives to jump through the hoops I have to jump through. I have to have a certain level of income and a certain level of international reputation to be qualified to work there.

Q12 **Chair:** Deborah, you mentioned that you want to see Government lead, and potentially bilateral arrangements. I wonder whether you or any other panellist had any indication whatsoever that there were negotiations, or any form of dialogue, going on between our Government and those in the EU.

**Deborah Annetts:** This is clouded in mystery, really. It's a bit difficult to tell exactly what was going on. From the music sector's perspective, we had repeatedly asked Government to put in place some kind of arrangement that would support the music sector in relation to frictionless work post Brexit, and we were assured that this was all in hand. That is what we were told.

We were then told that the mode of operation for this was going to be something called mode 4. We took advice on this from the Institute for Government because we had not heard of mode 4 before and wanted to explore whether or not that was something that was going to work. We were told by the Institute for Government that they were doubtful that it was going to work, because it was a mechanism for short-term business visitors, and they could not see how it was going to extend to musicians. Under mode 4, in particular, you are not allowed to do paid work for services to the public, so we were doubtful that mode 4 was going to work.

We then heard—later on, obviously; at the end of last year—that the EU had made some kind of proposal, which we think was some kind of visa waiver agreement, which was probably too broad to meet the objectives of the UK Government. I think there was almost a breakdown in communication going on between the UK Government seeking something that was never going to work, and then the EU coming up with something that was never going to meet the manifesto commitments of the UK Government. My feeling is that we need to start again with a clean sheet and see what we can find that would at least work to clear up the visa problem, and then work through the work permit problem.



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- Q13 **Chair:** I have a twofold question to you, Deborah, and I will obviously ask for comment from Lyndsay and Paule as well. You mentioned the objectives of the UK Government, and what you heard was the offer from the EU. Would that offer have worked for you and for your industry in any sort of form?

**Deborah Annetts:** Absolutely, the visa waiver agreement would have worked for our sector. I do understand the UK Government's concern that it was going to be too broad, but you can do a whole redraft and just bring it down so that it specifically covers the creative industries. That is basically what we are calling for. It would certainly wipe out about 50% of the problems in one stroke.

**Chair:** Okay. Lyndsay and Paule, do you have any insight into this?

**Lyndsay Duthie:** It would be useful to know exactly where we are—I agree with Deborah about that clarity of negotiations and so forth. In terms of the visa waiver, we just need to be careful and clarify exactly what we mean by that. We do not want an overhaul of the whole creative visa process in the UK, because that would be a serious piece of work and the code of sponsorship for tier 5 is working well. We need to be really careful and clear on that.

**Paule Constable:** I have nothing to add, apart from that it would be a really good start.

- Q14 **Damian Green:** Morning all. Deborah made the point that because of covid there is now a window in which a new arrangement could be negotiated calmly, as it were. How long is that window? At what point do we start getting permanent damage to the various sectors you represent?

**Deborah Annetts:** I think we are already seeing damage to the individuals. We are also hearing that some of the touring hauliers based in the UK are facing imminent insolvency, so we are already starting to see the impact. That is why I would urge the Government to take action now. We have about four months until the festival season is really going for it through the summer months, so I would say we have got four months to really try and tackle this issue at both the visa level and the work permit level.

**Paule Constable:** It is also worth remembering that we are talking about a sector that is already hugely vulnerable. We are already in big trouble because of the nature of our industry relative to the pandemic. We are talking about a hugely decimated workforce already in the live performing arts sector. We are hearing anecdotal evidence from people saying things like, "I feel like I am having to make a choice about whether I'm British or a musician." It is very much now. I have got a contract—I am supposed to be in Austria at the moment. Covid stopped me going, but the final nail in the coffin was the immigration situation with the amount of time it was going to take to do the work. It is happening as we speak, and as Europe opens up more and more the damage will become deeper.



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**Lyndsay Duthie:** I would echo the three-month window. Obviously, we are planning productions at the moment. We totally recognise that film and television has not been hit as hard as our colleagues in music and theatre, but many of our deals and our companies are pan-European and we really do not want to get to the stage where they are relocating to European Union headquarters away from Britain, so it is really important that we are able to navigate through this clearly and effectively. We have got that small window of time now because we have got travel restrictions and so forth in play anyway, but the urgency is there.

**Paule Constable:** Could I add one other thing? People are already advertising for English-speaking performers with EU passports to work for them, so that change is already happening.

**Lyndsay Duthie:** Can I add one more point on the covid situation? It is worth knowing that the covid measures are adding 8% to 30% to film and TV production costs. That is an added burden that we are carrying at the moment, but obviously we have kept going with production and had a very strong year, as the figures that came out last week from BFI represented.

Q15 **Damian Green:** Paule, you have already talked about how in America you needed to show you had an international reputation or international renown to get jobs. Is that an established measure in every big European country? Does international renown mean the same thing in Italy as it does in Spain, or is that complicated?

**Paule Constable:** It is certainly being spoken about. Colleagues who have recently been working in Spain were required to do things like provide three years' worth of accounts, plus show a certain level of income, plus define their ability as an artist of international renown. It is a recognised metric, albeit a slightly abstract one.

Q16 **Damian Green:** Sorry, I am asking a different question. Is it the same metric in each European country?

**Paule Constable:** I have only experienced Spain recently, because that is one of the only countries where we are still able to work at the moment. We will learn more as more countries open up.

Q17 **Damian Green:** Either way, if it is done at least partly on earnings and so on, presumably—this gives rise to a thought that has come up already—it is younger, up-and-coming, less well-paid, less well-known people who will find it more difficult to be able to work on the continent in the future. Is that the truth?

**Paule Constable:** Absolutely. Think about opera. We have only three grand opera houses in the UK, so if you are a young up-and-coming opera singer, you have to work outside the UK in order to develop your career.

Q18 **Damian Green:** Is that true more widely for musicians, and indeed in other creative industries?

**Lyndsay Duthie:** Yes, it is a problem. We would probably look at some amendments to the code of practice to allow for essential crew, to review



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some of that, particularly in junior technical roles. Particularly in visual effects, we are looking at EU coming over to the UK. They support a lot of those roles in the talent pipeline, so there is some worry about that, because they are not necessarily meeting the threshold in terms of salary or the skills base. There is work to be done looking at that.

**Deborah Annetts:** For musicians, there is absolutely no doubt that the sector that is going to be hit hardest is the emerging talent—youngsters in a band and those just coming out of music college. There is simply not enough work in the UK to sustain a music career, and that has been the case for the last 20-odd years.

It is for that reason that musicians have been touring Europe extensively, and we have seen musicians earning about 50% of their earnings from working in Europe. That is a significant amount of money, given that many musicians earn very little—between £20,000 and £30,000 per annum—so if you lose 50% of your earnings, you are going to ask yourself whether that is a career that you can continue. It is not just about earnings; it is also about building a reputation and building your PR and profile so that you can perhaps get a recording contract and play bigger gigs in the US. All this is about building your reputation and profile so that you can pursue your career.

The length of requirements in relation to some of these work permits is absolutely extraordinary. It is not just about showing that you are an established performer or creative. It is everything from police certificates through to requirements around higher education qualifications, the translation of documents, and criminal record checks. It is absolutely enormous. What I am hearing from musicians is that the administrative burden, in terms of sorting out all the paperwork in order to get hold of a work permit that could cost hundreds and hundreds of pounds, plus of course the cost of the carnets, is going to make it uneconomical to tour in Europe. That is why it is such an extraordinary crisis that we are facing.

Q19 **Damian Green:** Presumably, all this is more difficult because everyone is freelance and therefore do not have the infrastructure around them to cope with the expense of carnets and things and the sheer organisation involved.

**Deborah Annetts:** Absolutely. Most musicians are freelance. Even the musicians working for the LSO are freelance. That is what the community is. They have no employment status to fall back on. My organisation really exists to support freelancers. Over the last three weeks, we have put in place a visa service, which is free to members, to support them if they are trying to work in Europe. We have just put in place a carnet system, which again is going to cost them a lot of money—carnets do not come cheap—if they are trying to take an instrument across the channel to perform on it in Europe. We are doing absolutely everything we can to support them.

Q20 **Steve Brine:** Deborah, to follow up, I was interested in the comments of Tim Brennan, who started the petition and whom Catherine's Committee heard from. He said in written evidence: "It is not just about the EU



tours. A lot of the time a US band will come into the UK and pick up someone like myself, and the kit and countless other technicians. They will take them on tour around Europe, and then at the end of it they will say, 'Do you want to come to Australia? Do you want to go to South America? Do you want to move around?'"

It sounds like I have missed my vocation. However, a traveling band collects as it goes, does it not? I just wonder how wide an issue that is—that sort of informal pick-up of the wider band family when you are on tour heading into Europe, using the UK as a bridge?

**Deborah Annetts:** It is incredibly common. Musicians tend to know other musicians—they marry other musicians; that is what the community is like—and they will certainly be looking out for talented musicians to take with them to perform, to collaborate with, to create with, because you never know if they are going to create the next huge album together. You are also looking for crew, because musicians do not just travel alone. Bands often take their own technical support staff with them, to make sure that the set-up is absolutely right. Musicians tour—that is what they do. They go across borders all the time. That is not about immigration. It is about creativity. It is just how they work, so we absolutely need to find some solutions to where we are now.

**Lyndsay Duthie:** Obviously the shape of film and television is slightly different from music, and our freelance figures are more like 50%, rather than 100%, but there is obviously still that impact. For us, if we are on a production in another country and need to fly somebody out because we need to replace a crew member or we need additional help, that is now no longer really possible, because we would have that two or three-month tail to work through. That immediately has gone. That is the way creatives have worked for a long time. Things evolve and you need more things—productions are incredibly nuanced—but some of that freedom has left.

Q21 **Steve Brine:** Lyndsay, can you think of any other industry that has been more failed by "take back control" than this?

**Lyndsay Duthie:** I can't, really. It is difficult for creatives at the moment. As I said, film and television have been less hit than music and theatre, and by the covid restrictions as well. I think it is that immediacy and the nuancing of our productions and the fact that we are so practised to working across countries.

Q22 **Steve Brine:** I was just struck by something you said earlier, in response to Mr Hinds's questions, about there being lots of other countries that are not in the EU and have not just left the EU, which is a great point. Are these issues teething problems—that this is still to be worked out—or is it more structural than that?

**Lyndsay Duthie:** We keep coming back to clarity. There is so much confusion—you speak to different people and you get different interpretations of the paperwork that you need. We are practised at visas and carnets, having worked with the US, so it is not a new thing for us, but the levels of red tape in the way at the moment is just taking—



Q23 **Steve Brine:** But confusion can be clarified. At the end of the day, you cannot leave the club and then have everything exactly the same as when you were in the club, but confusion can be clarified.

**Lyndsay Duthie:** Sure. We absolutely agree with that.

**Paule Constable:** Can I jump in there for a minute? I think there is confusion, but there is also impossibility. I was talking to the producers of the National Theatre production of "War Horse". They cannot tour in Europe anymore because of the amount of time that they need the cast and crew out of the country in order to achieve that work. They just cannot do it. It is a global phenomenon, but we cannot deliver it anymore. That is not a teething problem; that is something that we are now living with. I think there is complication and there is impossibility.

**Deborah Annetts:** The creative industry, as a whole, is worth about £111 billion and is as big as construction or the finance sector. It is a huge industry. It is the fastest-growing industry that we have in the UK. It is made up of everything, from "War Horse", to your individual performer, through to your record companies, through to your large film entities. All these have been adversely affected by leaving the EU in one way or another. I do not think that these are just teething problems, because the costs are going to be there no matter what, in relation to work permits, unless we get bilaterals. The visa issues are still going to be there unless we get a visa waiver agreement.

There are some things that are about clarity, such as carnets, which has been an ongoing issue for about two years. Clarity is a bit of it, but there is quite a lot that actually needs Government intervention to sort out; otherwise, we are going to lose this incredibly valuable part of our economy, which also delivers massive levels of soft power.

**Lyndsay Duthie:** The industry's continued success is about the personnel to fuel it, and we know that in certain areas, particularly visual effects, it is about 40% non-UK workers fuelling that. We need to protect that talent pipeline both ways. That is an important factor.

Q24 **Chair:** Deborah, following up on that, we recognise the £111 billion, and it is a telling fact the UK economy would have been in recession for each of the last three years if it had not been for the creative sectors. Do you feel to a certain degree that you are in the crosshairs of what could be termed an undeclared trade war between the UK and the EU?

**Deborah Annetts:** Oh, that's such a good question. I really hope not. I hope that we can have an adult conversation with the European Commission to try to sort out the visa issue. I think the only way to find out whether it is a trade war or not is to make the first step forward and open discussions. With the bilaterals, it will be interesting to see how protectionist different states are, which is why we are going to need to be able to make that economic argument really strongly. But as Lyndsay has said, it is not just about our talent going across to the EU; we also need talent coming in from the EU, so actually it is a question of everybody winning if we all sit down and try to sort out some kind of agreement



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around visas, and try to get in place the bilaterals. There is no route to clarity at the moment around work permits; it is absolutely impossible. There needs to be a Government intervention at visa level and at work permit level.

**Q25 Kevin Brennan:** On this business of the USA and the comparison there, I have helped constituents and musicians before who were applying for artist of renown status in the USA, but also artists starting up who were going to showcases in the USA, which is a different thing from working, who were still rejected at the border and sent back to the UK even though they had all the right paperwork. It is incredibly complicated, and if that is multiplied 27 times, we will have a lot of casework for members of the Committee; that is all I can say, because I have dealt with enough of it with the USA.

Deborah, do you think it is fair to say that this situation has come about because of a toxic blend of Home Office ideology, BEIS incompetence and DCMS irrelevance?

**Deborah Annetts:** Wow—what a question. My observation is as follows. The DCMS civil servants have tried their best. They have really tried their best, and we have been working—

**Q26 Kevin Brennan:** So they are irrelevant to this, then.

**Deborah Annetts:** We have been working with them since 2016, and I think they do lack bite across Government.

My observation of BEIS is that they are incompetent. I know that is a terrible thing to say, but from what I have seen of some of the work coming out of BEIS, it has not been of a high enough standard when people's livelihoods are dependent on their work. I am concerned about the role of BEIS when it comes to the creative industries, because I just do not think they understand our sector.

The Home Office are obviously very keen to deliver on the manifesto commitments. I am not sure, again, that they necessarily understand the creative industries. That may be slightly down to the creative industries not getting across that we are a freelance community that works on very short-term contracts across the globe—that is who we are—but we certainly need the Home Office and BEIS to get a better grasp of what we need as an economic sector so that we can get the right steps in place.

**Q27 Kevin Brennan:** Without putting words in your mouth, that sounded like a yes to my question.

**Deborah Annetts:** I am going to nuance it a bit.

**Q28 Kevin Brennan:** Okay. I will not press it any further, but I just wanted to make the point that I think there is a cultural difference between those Departments. I certainly saw it when I was a Minister.

**Deborah Annetts:** Yes, I would agree with that.

**Kevin Brennan:** My view is that it seems to be playing out big time in this



particular—

**Deborah Annetts:** Yes, and I would definitely agree that the DCMS civil servants, from my observation, are deeply frustrated with some of their civil servant colleagues.

Q29 **Kevin Brennan:** We covered this a little in what the Chair said earlier, but do you think that the Government were ill-advised to pursue the exemption for artists under the category of short-term business visits—a mode 4 approach—rather than visa waivers?

**Deborah Annetts:** Yes. We do not really understand why they did that. We certainly had understood that DCMS was trying to get over some kind of concept of frictionless travel, so we are very surprised that what eventually happened was a mode 4 proposal. Certainly, if Government had come to us and asked whether that would work, we would have said, “Absolutely not.” What you need is something reciprocal—taking on board Lyndsay’s point—so it is protecting UK workers, but it also needs to work for UK workers going across into the EU.

Q30 **Kevin Brennan:** You suggest that they did not ask you. Did you tell them that you thought it was the wrong approach?

**Deborah Annetts:** Yes, we did.

Q31 **Kevin Brennan:** Why do you think the Government continued to pursue that if you had told them that that approach would not work? Why did you think it would not work, and why did the Government not listen to what you had to say?

**Deborah Annetts:** We took advice on this from the Institute for Government, which said, “It is not going to work because it is just for short-term business visitors. It is not going to work for musicians if they are seeking paid work on a freelance basis. It just will not work; it is the wrong mechanism.” The IFG was very clear about, and we fed that back.

The problem, again, is that it seems as if BEIS and the Home Office were leading on this, rather than DCMS. If we had been more involved in the sector—we did not feel involved, it has to be said—we would have come up with a much more workable and practical solution than something that was always going to fail.

Q32 **Kevin Brennan:** It sounds almost like the sort of thing I was talking about earlier, where you can sometimes visit the United States as a developing artist to showcase your work, but it is not a paid engagement—you are not paid for it. Is that the sort of thing that this exemption would be more likely to apply to, rather than going and actually working as a paid musician?

**Deborah Annetts:** We have not seen the mode 4 proposal. I would very much like to see it. Mode 4 is principally about business visitors—accountants or lawyers—going off to do some kind of presentation in an EU country. It is for business visitors; it is not for creatives, freelancers, musicians and so on. I do not believe that it could ever have been



extended. It is really interesting that none of us, as far as I am concerned, has ever seen that proposal.

- Q33 **Kevin Brennan:** I am not into conspiracy theories, but isn't it odd that the Government were pursuing something that was, in your view, unachievable, which would perhaps give them cover for not achieving it?

**Deborah Annetts:** I try to be optimistic, but I do wonder whether there was a level of incompetence, or whether we were just so low down in the priorities that the Government did not take on board our know-how as a sector. We were just not in people's thinking.

- Q34 **Kevin Brennan:** What I do not understand about the Government's story on this is that they seem to be suggesting that they were making a big generous offer that would have allowed reciprocal freedom of movement for touring musicians and creatives between Europe and the UK, yet a proposal to achieve the same thing through a different route—the visa waiver route—would have breached their Brexit manifesto obligations. If they had achieved what they said they were trying to achieve through the mode 4 approach, would that not have equally breached their Brexit manifesto obligations?

**Deborah Annetts:** Absolutely—it makes no sense whatsoever. We do not understand why there was no adult conversation around the visa waiver agreement. That document is just a precedent that can be drafted and made more restrictive if that was what the Government wanted, if that was the aspiration of the Home Office. We believe that there was a bit of a dropping of the ball here, and an agreement could have been worked out if there had been sufficient focus and involvement of the music sector.

- Q35 **Kevin Brennan:** Lyndsay, earlier you expressed a reticence about the visa waiver scheme because TFI worked so well. Am I right in saying that, prior to Brexit, TFI would not have been applicable within the European Union? A visa waiver scheme that carved out the creative industries would actually just re-establish the situation that was there before and would not cause any issues for your members.

**Lyndsay Duthie:** It was just making sure that everything was reciprocal and that, in the proposals for a visa waiver, we were not looking to overhaul the whole creative visa system. It was just making sure that that was very clear, because we still feel that the certificate of sponsorship is a route and helps our UK force as well.

- Q36 **Kevin Brennan:** Okay, but it seems that part of the ideology—I referred to it in my opening question—in the Home Office was that, post Brexit, people coming to the UK from the European Union should be treated no differently from people coming to the UK from any other part of the world. My suspicion is that the ideological root cause of this issue is the Home Office view that European Union citizens should not be treated any differently. In other words, they are confusing an issue of touring, working, making productions, gigging and so on between the EU and the UK, and special arrangements for that, with immigration. It is nothing to do with immigration. Lyndsay, would you agree with that assertion?



**Lyndsay Duthie:** I think that is a fair point. We are talking about the temporary travel arrangements, aren't we? We are not talking about settled status and so forth, which is the immigration side of it. It is the movement for temporary work, in a sense. For us, it would be shooting on locations and so forth. That needs to be eased, and we welcome the conversations on what we could do for that. I don't know whether there is a proposal that we could put to the EU whereby we could clarify one set of standards for all creative visas in that respect, so that we are not dealing with 27 separate countries with slightly different deals.

Q37 **Kevin Brennan:** Okay; I think you have assented to that. I will give Paule and Deborah a chance to respond before I hand back to the Chair.

**Paule Constable:** I have nothing to add to that.

**Kevin Brennan:** Does that indicate your assent?

**Paule Constable:** Absolutely.

**Deborah Annetts:** Picking up on Lyndsay's point, my view of the visa waiver agreement is that it would sit alongside permitted paid engagements. It has nothing to do with tier 5; it actually sits alongside PPE, which we know the Government are looking at anyway. The Government are already engaged in this piece of work looking at PPE, because they know it is not fit for purpose, so we might as well use this opportunity to sort out all the touring arrangements to support the creative industries going into the UK but also out.

**Kevin Brennan:** Thanks, Deborah. I would just observe that there are far too many uses of "PPE" as a phrase. You are going to confuse us even further—I say that as a PPE graduate.

**Chair:** Thank you, Kevin, for that revelation.

Q38 **Catherine McKinnell:** I just wanted to follow up on something that Kevin said. We heard some very clear evidence from the Minister in the Petitions Committee debate last week, and we have heard from you this morning that the Government's proposed solution under the short-term businesses rules was always a non-starter due to the definition that the EU works to under other agreements. However, the Government said that it was devised very carefully with experts from the UK's creative sector, so I would be interested to know what you understand about who they consulted. They are saying it was suggested by the creative industries and rejected by the EU—therefore, it is down to the creative sectors and the EU that we are in this current situation. What would be your response to that?

**Deborah Annetts:** I have spoken extensively to music organisations about that statement. Nobody in the music sector put forward mode 4, because we were all seeking some kind of two-year, visa-free arrangement. That is what we were all seeking, and that was well known across the whole of the music sector. In particular, the Government said that it was the MU that had suggested that. I have spoken to the general



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secretary of the Musicians' Union, who categorically denies that they suggested mode 4 as a proposal. I honestly do not know who the Government have been talking to.

- Q39 **Catherine McKinnell:** Okay, but in terms of where you feel the responsibility should lie for how we get out of this situation—because pointing the finger of blame is not going to solve this for musicians and creative artists—the Government seem to suggest that an EU-wide solution is no longer possible for them to pursue. Do you feel that additional effort should be made in that regard on the Government's part?

**Deborah Annetts:** Absolutely. We have a sector in crisis, and that is going to be bad for the economy, bad for jobs and bad for soft power, so we would urge the Government to pick up on the visa waiver agreement and have a conversation with the Commission. We believe that it is at least possible to start having that discussion, and of course it would be reciprocal. There is also scope, as I have said, for bilateral conversations. In addition, there is lots of other stuff that needs to happen, which we have touched on—things like carnets—but we honestly believe that Government have an opportunity here to play a leadership role, which would certainly go down incredibly well across the whole of the creative industries.

- Q40 **Mrs Wheeler:** I have a couple of quick questions for Deborah, using the idea of this window of covid, and then a question to Paule and Lyndsay. I am interested that we have got this performance with Eurostar, where they have a real problem with processing the musical instrument certificates. I am wondering whether the Government could clarify the carnet requirements for instruments carried as hand luggage. Would that be a quick win for you if that could get sorted out?

**Deborah Annetts:** It would absolutely be a quick win. I do not want to sound too critical, but we have been trying to get clarity on carnets and musical instruments for about two years now, and HMRC is still unclear about the status of carnets and portable instruments. It is something of immense importance to musicians, because if they need a carnet, it could cost them up to £800 or £1,000 to take a valuable violin with them. We really need clarity from HMRC.

The musical instrument certificates are slightly different. They are to do with the CITES regulations, which are unbelievably complicated. We have been working with DEFRA now for two years in relation to CITES and musical instrument certificates. The civil servants have been absolutely brilliant at listening to the sector and all the various issues in relation to CITES and prohibited bits of violin bows and so on, and we are doing everything we can to find solutions. The one thing I would say is to ask the Government not to put a charge on musical instrument certificates. The Government are suggesting that they start charging for these certificates from 2022. We just need the Government not to do that. Again, that would show real goodwill towards the sector.



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Q41 **Mrs Wheeler:** Deborah, that is really interesting; thank you very much for that. I will move on now, because we are a bit short of time. I apologise if I am not pronouncing your name correctly—is it Paule?

**Paule Constable:** Yes.

Q42 **Mrs Wheeler:** Marvellous. Paule and Lyndsay, there is a suggestion that bands should book the travelling part of it—the trucks and everything else—from Europe, so the bands just travel over on their own, but all the trucks and what have you will basically be Europe-based. I know from haulage companies around here that that would be a huge loss of their business if they were not involved in that side of things anymore. Particularly when you are talking also about theatrical stuff as well, and all the bespoke sets and what have you, that is just not realistic, is it?

**Paule Constable:** Not in the slightest, no. We have scenery that is worked on for months—developed, built and painted in the UK. It needs taking over. It is not something you can pick up anywhere. Likewise with the equipment we use—everything is built and prepped. It is not just a kit of parts; it is not just Meccano. It is incredibly specialised, bespoke, beautiful pieces of artisan-created work that we take with us.

Q43 **Mrs Wheeler:** Lyndsay, do you have anything to add?

**Lyndsay Duthie:** Obviously, we are concerned about the cabotage rules. We have not seen that impact in quite the same way, because we are not touring country to country in quite the same way as our music colleagues and theatre. I would like to note, though, that our shipping partners have stressed to us that, yes, the carnets are timely, but we are practised in doing those. The main problem at the moment for us is the export of consumable goods. It is now a requirement—I will just read this to make sure I get it right—that additional customs paperwork has to be completed for all consumables. The proof of origin has to have been given on the export shipping invoices, together with statutory customs commodity codes, and we are not greatly educated in the technicalities of that.

It is worth noting that documentary requirements for shipping to countries outside of the EU is nowhere near as complicated, so there is a piece of work to be done there, because that is another set of barriers. As I said, for us it would be film stock waiting at borders, and it is important that we get those over the line to ensure that we are still using UK-based companies and not, as you were talking about, relocating to European hauliers, centres and so forth. That, we have noticed, has been an issue for us.

**Mrs Wheeler:** Those were really clear answers, which is much appreciated.

Q44 **Giles Watling:** I have to thank the Chair for reminding me that I have interests to declare, in as much as I am still in receipt of royalties from around the world—sometimes not enough to buy a cup of BBC tea, but there it is.

Deborah, is it not the case that bands tend to be at one with their back-



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up guys—the freelancers? If you have a show—and I have great experience in theatre—you turn up with your assistant stage managers and so on, and all the crew, and they kind of know what happens. They know what goes where and whatever, but we are now looking at a case, are we not, where you might have to pick up freelancers from whichever European country you visit. Is that what we are facing now?

**Deborah Annetts:** Yes, we are. We have hugely talented technical crew in this country, so it would be a huge shame to see all that talent go to waste.

Q45 **Giles Watling:** Yes, and it is of course not just the talent; it would mean that the shows would be compromised, I imagine.

**Deborah Annetts:** Yes. My husband is actually an ex-roadie, and he used to tour with AC/DC. He was responsible for the follow spot, and he just lived with AC/DC for years and years on end and was part of the band. That is what they do. That is what crew do with musicians, and we need to make sure that we hold on to the ecosystem here.

Q46 **Giles Watling:** Exactly. A great friend of mine was a roadie with Uriah Heep for many years, going around the world. I absolutely understand that situation. What we want now—I put this to all of you—is for the Government to act now on the visa waiver agreement and get it sorted. We need to apply that pressure. Would you say that is true?

**Deborah Annetts:** Absolutely—100%.

**Paule Constable:** Yes. We are in an absolute crisis.

Q47 **Giles Watling:** Rome is burning; let's get on with it. Thank you.

I would like to go back to Deborah because I am aware of time. The ISM has created a page outlining work permit requirements for each EU country. We tend to regard the EU as one bloc that we are dealing with, but we know that it is not, and we have to deal with individual countries. Why did you think it was necessary to do the page outlining work permit requirements?

**Deborah Annetts:** Because nothing had been forthcoming from the Government. What we were hearing from the Government was that they were worried about putting together something and it being wrong. They would then acquire liability for putting wrong advice on their Government website. This is the responsibility of BEIS, and it is why we are so frustrated with that Government Department. They have known about this for months and the work is still not done, which is why we have put together those 30 pages, which are now on our website, accessible to anybody who wants to see them.

**Giles Watling:** Brilliant. Great advertisement there. You felt it incumbent on you to take the bull by the horns and do that.

**Deborah Annetts:** Yes.

Q48 **Giles Watling:** Do you think that the problem with the rules is not so



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much the rules themselves—I suppose this one really goes to Paule—but confusion around them? Is that an issue?

**Paule Constable:** I think the confusion is a huge problem, and there is an issue with the fact that it is your individual responsibility. For example, when travelling to Spain, people can give you bits of advice, but it is luck of the draw. I know of someone travelling out there recently with a colleague. One of them got stopped and sent back, and one of them was allowed through, both with the same paperwork. It is absolute chaos. The other thing to note is that the impossibility of being able to move between countries for a long period of time is a huge issue—also, being able to go to countries at short notice, which is a big problem for our sector.

Q49 **Giles Watling:** So we go back to the question of mobility and being able to move instantly. I absolutely get that. Thank you.

Again, Paule, there does not seem to be enough guidance. The average profile, particularly of a young creative artist, is not one of organisation, paperwork and all that—I was one myself. What can the Government do to make sure that those creatives are not left in the dark?

**Paule Constable:** For instance, from what Deborah was saying, take responsibility for the lack of clarity and deliver that clarity, so that there is somewhere that people can go in order to get the exact information—even down to how you travel through borders at the moment, because local border guards are incredibly confused, and you are at the whim of the staff in whichever country you happen to be entering at the time.

Q50 **Giles Watling:** I see; we have identified the problems.

Finally, just to play devil's advocate for a moment, we talk about being able to access the European market, but we have to remember that in 1960, the Beatles went as Tony Sheridan's back-up to Hamburg and became one of the greatest bands the world has ever seen. That can still happen, can't it?

**Paule Constable:** No.

**Deborah Annetts:** No.

Q51 **Giles Watling:** You don't think so?

**Paule Constable:** No.

**Deborah Annetts:** No.

Q52 **Giles Watling:** Why not?

**Paule Constable:** I will speak personally. My career would not be my career if I had not been able to work in Europe. I was working on a small scale in the UK as a young creative. All the steps that I have made, I have made by being able to work in the wider market of the EU. We are a net exporter in the creative industries. It is where we learn. It is where we grow. It makes the world bigger, and we bring that expertise back to the UK.



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**Giles Watling:** We are a gold standard, and it is massive soft power. I get that.

**Deborah Annetts:** The 1960s were very different. We did not have streaming. The complexity of the music sector was entirely different. I think the Beatles would make it big now in any event, but there are lots of other bands out there that need a little bit more support, and they need things to be as free of bureaucracy and red tape as possible. That is what we need to achieve.

**Lyndsay Duthie:** Could a body be created that supported creatives in obtaining the right advice regarding working overseas and maybe provided bursaries for visa applications for financially challenged creatives? I am trying to think of solutions to move us forward and what we can practically do, but I know we have run out of time.

**Giles Watling:** Thank you. I am sorry, but yes, we have run out of time. I would like to talk about getting film stock out of Egypt and so many other issues I have been involved with, but let us move on.

**Chair:** That is probably a tale for a late-night drink somewhere when we are allowed to do so.

Q53 **Clive Efford:** I will try to be brief. It occurred to me, Lyndsay, as I was listening to the answers, that this is an industry where people see the artists—the musicians and the performers—but behind that, there is a highly qualified technical community of people who support it all and bring it to perfection. It also struck me that we have recently seen international co-operation on shows like “Game of Thrones”, which was filmed in Northern Ireland, Spain and Croatia. It took huge international co-operation to deliver that extraordinarily popular series. How will that be affected, if at all?

**Lyndsay Duthie:** In terms of co-productions, we are still able to access many of those same funds because we are still part of the Creative Europe desk in that respect. In terms of visas, we would have to go through exactly the same process as we do now. Again, it is the timescales involved to make that happen, and as we are learning, it is three months, not a day, to turn those visas around.

Q54 **Clive Efford:** I think what I am driving at is, does it mean that in future, if you were setting up a huge series like “Game of Thrones”, you would just cut the UK bit out?

**Lyndsay Duthie:** It is possible. We would hope not, because we have so much of our talent here, but it is possible that companies would base themselves in a European centre to avoid some of that red tape. We do not want that to happen. The UK has world-class talent, and we know that our partners want to work with us.

If I may just correct myself, it is the Council of Europe, not the Creative Europe desk, as I said in the answer I just gave.



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**Q55 Clive Efford:** Thanks for that. Do you have any estimate of what will be the impact on the demand for skilled technicians if we do not resolve this situation? Are there any stats or figures? Has anyone done an estimate of what the potential impact could be? The Government wants to “build back better”, and these highly technical, skilled jobs must be part of that, but we seem to have taken a blunderbuss and shot ourselves in both feet. Is there anything that could illustrate what the dangers are if we do not resolve this quickly?

**Lyndsay Duthie:** I used the example of visual effects. We think it is about 40% of non-UK workers working in our sector, particularly in technical grades and lower technical grades, where they wouldn’t qualify for visa sponsorship in the same way. It is about the talent pipeline. We have the demand for UK content, as world-class producers, and we need the personnel and highly skilled crews to fuel that. If we are not able to work in the same way, there is a big skilling issue that we need to address. We are keen to make it work both ways and ensure that talent pipeline.

**Q56 Clive Efford:** Thank you. Deborah, is there a will to resolve this in Government?

**Deborah Annetts:** That is a very good question. I asked it yesterday at a meeting with DCMS officials, because I was very concerned, following a presentation from the BEIS civil servants. I asked: is there a will in Government to sort out the visa issue and the work permit issue? I was told that the Government absolutely had our backs and were committed to sorting this out. I hope that is true, because otherwise we are going to see a really important industry founder.

**Q57 Clive Efford:** They would say that, wouldn’t they? Have you seen any evidence that there is that will and determination to sort this out? Obviously, because we are having this inquiry, we are aware that there is a problem here, but from having sat here this morning listening to your evidence, it is clear that there is a real crisis that needs to be resolved quickly. Is there the will and the understanding to do that?

**Deborah Annetts:** They know what the issues are. They know the issues around mobility and carnets, which are the two things that are uppermost in the minds of the music sector at the moment. They should be sorting this out. So far, they have not. I think it is going to require pressure on the Government to take steps in relation to having those conversations with the European Commission and the various EU states that we have been talking about, in terms of bilaterals and working permits. Frankly, I just do not understand why HMRC cannot give us definitive advice on carnets. This is an issue that has been going on since 2018. Surely it cannot be beyond their capability to read the documents and give us cast-iron advice.

**Clive Efford:** Thank you.

**Q58 John Nicolson:** Thank you all for your evidence. It has been really heartfelt and devastating in parts. Deborah, I have written down some of



your quotes.

**Deborah Annetts:** Oh dear!

**John Nicolson:** I'm a journalist; it is second nature. "EU talks with the UK were clouded in mystery." "We were assured that all is in hand." "We didn't feel involved." "The UK Government is and was seeking something that was never going to work." "If only they had asked us, we would have told them that the EU proposal would have worked." "Not sure whether it was incompetence or whether we were just so low in the priority list that we were just not part of their thinking." Then, of course, your colleague said, "I've got to make a choice about whether I'm British or a musician." That is all very far from the trumpeted "taking back control", global Britain and new opportunities, isn't it?

**Deborah Annetts:** Absolutely. From a personal perspective, the real crisis in the musician community at the moment is heart-rending. I have had lots and lots of personal stories sent to me because musicians knew that I would be talking to you today. Many of them talk about how they have had to make a choice between being a musician and nationality. They talk about how their entire cultural identity has been lost because they have now been sacked by the various EU orchestras they have worked for, sometimes for 20-odd years. They have been sacked because they do not hold an EU passport, so it is not just about money; it is about the huge psychological impact that this is having on musicians.

Q59 **John Nicolson:** We are about to hear from a Minister immediately after this session, and we keep hearing the same stories from Ministers. I have asked questions about this on the Floor of the House of Commons, and of course, the great advantage of these Select Committee sessions is that you sometimes get to have an exchange with a Minister that is almost like a conversation you would have with a rational person, whereas on the Floor of the House of Commons they can give a single line and then turn away from you.

When the Minister says that the deal offered by the EU would not have worked for musicians, she says that with absolute certainty. You are the expert, aren't you, so what do you want me to say to her later on when she keeps asserting that she, effectively, knows more than you, and she is telling you and other musicians that you do not get it—that the deal offered would not have worked? What is the answer?

**Deborah Annetts:** I can only go on the basis of the advice we have taken. We have been speaking to the Institute for Government, who are very well respected in this field, who worked with us on an initial draft of the visa waiver agreement. We then took it to a leading lawyer in trade deals called George Peretz QC, who worked with us on drafting a short-form visa waiver agreement. We have now submitted that to DCMS, and we sent that across last Friday, so we think there is a workable agreement there. We are very happy to sit down and go through it line by line to try and make sure it is as good as possible, to then open discussions with the



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EU. The work has been done; it is just a question of Government commitment.

Q60 **John Nicolson:** But of course, they are all experts, and you know we think experts are out of fashion these days. When was the last time you sat down with Government Ministers and talked to them about this?

**Deborah Annetts:** We had a meeting of the touring group with the Minister about two weeks ago, but it is mainly being led by civil servants who are trying to sort out all the mess, in terms of the lack of clarity, the confusion and so on. We have not as yet had a one on one with the Government Minister, just trying to understand how we can problem-solve this and get to the very best solutions.

Q61 **John Nicolson:** Sorry, you have never had a meeting with the Government Minister?

**Deborah Annetts:** Not one on one, no.

Q62 **John Nicolson:** Ever?

**Deborah Annetts:** No. Always as part of the roundtable—the touring group.

Q63 **John Nicolson:** Right, so the Minister is shielded by civil servants. Do you get the impression that the civil servants understand the problem?

**Deborah Annetts:** Some of them do; some of them don't.

Q64 **John Nicolson:** And the ones who don't, why don't they understand the problem? We are not experts here—some of us have more involvement in the arts than others—but what you are telling us is blindingly clear, so why are some of the civil servants failing to grasp it?

**Deborah Annetts:** I don't know. Ideally, we would like to sit down with the BEIS civil servants and go through with them why they thought mode 4 was going to work. I would really appreciate that opportunity. I am actually a solicitor by training, so I would like to understand the legal constructs that they were using. This is not about ideology: it is just about finding a solution, and I am happy to work with whoever it is to try and get the situation into a better shape for musicians.

Q65 **John Nicolson:** Are you sure it is not about ideology? What you are telling us is so blindingly clear and obvious, and what I hear Ministers say is that if free movement were offered to musicians, it would result in reciprocity, and the reciprocity would undermine a lot of the dreams of Brexit. What you are telling us is, you know, #brexitreality.

**Deborah Annetts:** When I said, "It's not about ideology", I meant from the music sector's perspective. We are just interested in a workable solution. I think what you do is take the permitted paid engagement route and make that into a reciprocal agreement, which is what the visa waiver agreement is basically trying to do. I think we already have a bit of the building block within the Home Office's regulations; we just need to make



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that reciprocal, and make it clear that it is just about the creative industries. I honestly do not think it is that difficult.

**John Nicolson:** Let's hope so.

- Q66 **Catherine McKinnell:** The Minister has said repeatedly, particularly in the debate we had last week, that "the door is open" should the EU wish to reconsider. You have been very clear this morning, and given everything we have heard, to follow what John was saying, what do you think the Government's door remains open to? What do you think the Minister is referring to, and more importantly, what would you like the Government's door to remain open to in terms of reaching an agreement with the European Union?

**Deborah Annetts:** What we have been told is that we can have a renegotiation in five years' time, when people will, I think, all reconvene to have a look at the trade agreement and see how it is going. Frankly, our sector cannot wait five years; it is a crisis now. We think that we need that urgent conversation between the Government and the EU Commission. I do not know what that door being open means, but it must mean something more than just additional wording on a Government website. There needs to be action, and that, for me, means the visa waiver agreement—that is the first step—followed by bilaterals with key countries on working permits. That is what it must mean.

**Catherine McKinnell:** Thank you. We will seek clarity from the Minister in the next session.

- Q67 **Chair:** I am struck by that phrase, Deborah—"the door is open" should the EU reconsider. We have a £111 billion industry and massive trade surplus in this area. Should we not be banging their door down in this situation?

**Deborah Annetts:** I totally agree.

**Paule Constable:** We are a net exporter—it's crazy.

- Q68 **Chair:** Paule, in February 2018, I had the pleasure of going for the first time ever to the Vienna opera house, where I saw "Ariodante", with Sarah Connolly. I do not profess to be anything other than absolutely amateurish when it comes to opera, but it was an amazing evening. You did the lighting rig on that, and Sarah was the lead role in the opera. Just out of interest, would either of you be employed by the Vienna opera house right now, under these arrangements?

**Paule Constable:** That is difficult to guess, Julian. Sarah and I both have an international reputation. It may be that Vienna are willing to help out, to encourage us to go there, but that is easy for us to say when we have travelled the world and people know who we are in our specific field. That will not be the case for younger artists. I was working in Vienna when I was 27 or 28.

**Chair:** It is quite striking that you are unsure about whether you and Dame Sarah Connolly, an internationally renowned artist, would get the



gig. That is quite astounding. Thank you very much to Lyndsay, Deborah and Paule for joining us. It is much appreciated—you have been a really fantastic panel of witnesses. Thank you.

## Examination of witnesses

Witnesses: Caroline Dinenage and Alastair Jones.

**Chair:** This is our second panel in today's hearing on the EU visa arrangements for the creative sector. We are joined by Caroline Dinenage MP, the Minister for Digital and Culture, and by Alastair Jones, deputy director of the Creative and Cultural Touring Project at the Department for Digital, Culture, Media and Sport. Caroline and Alastair, thank you very much for joining us. Our first questions will come from Damian Green.

Q69 **Damian Green:** Good morning, both. Hi, Caroline. I suspect this session will be more useful if we spend most of our time looking ahead rather than backwards, but I want to open on what happened last year and try and explore how the creative industries effectively ended up with a no-deal Brexit, unlike most of the rest of the country. You made an offer; the EU rejected it. The EU made an offer; we rejected it. What happened in the last few weeks? Did everyone just say, "This is too difficult. We will put this to one side and talk about fish"? How did we end up without a deal for the creative industries?

**Caroline Dinenage:** Good morning, Damian. Lovely to see you. Thank you for inviting me to give evidence on this subject, which is vital to the sectors that I represent.

We know that our creative industries are the finest in the world, and my Department—DCMS—and the Government are determined to support them. You know the background. We fought for a really good deal for our world-leading creative industries, and I deeply regret that the EU rejected our proposals. We developed those proposals in consultation with our creative sectors. DCMS spoke frequently to representatives from across the creative sectors, and they told us what they needed. They needed something that would have enabled performers, artists and their support staff to tour and perform in the EU, predominantly without work permits. That was the big one. A visa allows you to go somewhere; the work permit allows you to work there.

The EU rejected our proposals. The proposals that they put on the table, as I have said before, would not have addressed the sectors' concerns. There was a number of reasons why they were not binding. They did not include touring—only ad hoc performances. They did not include the key technical staff, who, as you have already heard from your witnesses, are absolutely vital, and they did not address the key issue of work permits. There were some real issues with that. As I have said, I am really, really keen to look at this again if the EU are willing to reconsider. I am very happy to kick the ball off with this conversation. It is within individual



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member states' gift to make touring easier. We have a great system for artists and professionals who want to come to our country. All we want is for them to replicate that.

With regard to the choreography of the negotiations, it was not, as you say, that they put forward a suggestion and we rejected it, and we put forward a suggestion and they rejected it, and then everybody sat on their hands. It was BEIS that did the negotiations. They were negotiating right the way through to the autumn. You will recall that there was quite a lot of flux around those negotiations for a very long time. We did not know until towards the end whether there was going to be a deal at all, and it only became clear in the last few days that there was not going to be a deal on this.

- Q70 **Damian Green:** This will be my last one before I move on to what is going to happen now, which is more important. Trying to be as unemotional about this as possible, it does feel as though everyone decided that the creative industries were less important than, say, the fishing industry.

**Caroline Dinéage:** No, I would not accept that. Certainly from our side, we did not decide that. This is something that is huge for our economy and an international calling card for us. At no stage did the UK Government decide that this was not an important sector, but at the end of the day BEIS was not able to negotiate the deal that would have worked for the creative industries to be able to do what they need to do, and the deal that the EU were offering in exchange would not have worked.

- Q71 **Damian Green:** Okay. Let's look at what is happening now. Government sources tell me—sorry, I'm going into full Laura Kuenssberg mode here—that the deal is the deal, and those who thought it was going to lead to another set of sector-by-sector deals are wrong because there are no further negotiations to be had. So are negotiations going on, or are you actively preparing for negotiations on the various asks of the creative industries?

**Caroline Dinéage:** The trade and co-operation agreement has concluded. That is the deal, and the Prime Minister said there is no option to reopen that deal, but there was no deal for the creative industries in there, so that is a conversation that can be ongoing. We are not going to be able to revisit the parts of the negotiation that did not work out first time round, but that is not to say that there is not an enormous amount of bilateral conversations that we can have on a number of fronts.

First, we want to ensure that any restrictions in place are applied as effectively, efficiently and smoothly as possible. As you have heard in your evidence, that has not been the case in some member states. It is very, very early days, and I would like to think that those are teething problems, but we need to ensure that that does not perpetuate, and that where these systems are in place, they are as streamlined, efficient and effective as possible.



We need to ensure that the sector has as much guidance on how to navigate its way through this as possible, and we need to ensure that the relevant support is in place for it to do that. Of course, against that backdrop, we have to work with partners in the Department for International Trade and the FCDO on this, but we really want to use all the diplomatic tools at our disposal to try to improve the situation because we know that this sector is vital for our economy—but, more than that, it is part of what makes us British. It is fundamentally one of the biggest calling cards for our country.

Of course, as I say, the creative and cultural sectors are still able to tour and perform in the EU and vice versa, but we understand that there are huge concerns about doing this. We are absolutely committed to supporting them to get to grips with the changes to the systems and processes, to facilitate those systems and processes to put in place the guidance and support they need to move forward, and to continue to perpetuate that engagement with EU counterparts.

**Q72** **Damian Green:** Absolutely, the whole Committee would support the importance of the sector culturally and economically. From what you are saying it sounds like there is no point in talking to the EU any more but there is a point in talking to individual Governments about visas, work permits, carnets and all the other things we have been hearing about. Are those talks going on? Is the British Government talking to any other Government in the EU about these matters at the moment?

**Caroline Dinéage:** In answer to the first bit of that question, I am not saying that it is not possible to continue talking to the EU. As I have said, my door remains open and if they want to come and reopen that conversation on another level—not the whole Brexit agreement, but this particular aspect, which did not make it into the final agreement—absolutely I am very happy to do that, and I am sure Members across Government would be as well. But parts of this are down to individual member states. Some individual member states do not impose visas or work permits; some apply both. Some have very straightforward rules and guidance; with some, it seems very, very complicated and quite difficult to get to grips with what they actually are. We are very keen to keep communicating with member states to sort through all that, to try to facilitate—and if there were the opportunity for bilateral agreements on this, we would be very, very happy to discuss that, but clearly, bilateral agreements are very difficult, because of international law and guidance that they on the whole have to make agreements that work equally for every other country around the world.

**Alastair Jones:** We have been talking regularly to the Foreign Office—we have had three or four conversations in the last three or four days, I think. Considerations of how to take this forward are happening at pace, so hopefully we can reassure you on that matter.

**Q73** **Damian Green:** So there are internal talks, inside the British Government—



**Alastair Jones:** That's right, yes, in terms of which member states and how we prioritise them. We heard Deborah, in the previous panel session, talking about which countries she thought were perhaps the top five. We are talking to the sector, as we did yesterday in the working group, about those countries and how best to approach them.

Q74 **Damian Green:** I am pursuing this because we have just heard from the sector that there is a window now. Covid, weirdly, provides a window where no extra damage can be done, but that window is going to close in three or four months' time; that is what they told us. As I understand it, we have not yet started even the negotiations with the single countries. Is that correct?

**Alastair Jones:** That is correct, but as I said, we are talking to the Foreign Office; we are talking across Government and to the UK Mission in Brussels. There are a lot of conversations, so the conversations that we want to have with member states will be happening very shortly, I am sure.

Q75 **Damian Green:** Within two weeks? A month?

**Alastair Jones:** Potentially as soon as that, yes. As the Minister has said, there are a number of different aspects we need to cover when talking to member states. We have heard a lot about the confusion—the challenges in understanding what the rules are in different member states. The ISM and Deborah have done a lot of work looking at this. We want to make sure that member states' requirements are, first, clear and understood; and I think, with those conversations, we will also be exploring where improvements to arrangements can be made. Yes, those conversations are happening within Government now, and they will be happening with member states very shortly.

Q76 **Chair:** I just want to clarify something, please, Minister Dinenage. I am presuming, from the exchange we just heard between Damian and Alastair, there have been absolutely no discussions with member states in terms of sorting out the problem when it comes to access for creatives into Europe—no discussions at all since the Brexit negotiations were concluded. Is that correct?

**Caroline Dinenage:** I cannot 100% answer that, Chair. Certainly not between myself and any member states, and between DCMS officials—but this has been raised at XO meetings of other Ministers. This is a really good opportunity to flag the difficulties of this, in that DCMS is obviously the Department that represents creative professionals—we are absolutely passionate about that and you have heard that; I think Deborah said that DCMS is working really, really hard in this field—but the problem that we have experienced is that we were not the ones doing the negotiations. That was obviously done by Taskforce Europe, and it was BEIS that was negotiating, largely, on the visa/work permit aspect of it and the Department for Transport that was negotiating on the cabotage issues. More broadly, the Home Office had guidelines around free movement and so on. But of course, the international engagement and, to some extent, some of the financial support is in the hands of DIT and the FCDO—



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**Q77 Chair:** Sorry to cut across you, Minister. You are basically saying that it is up to other Departments to lead on certain things and therefore you need co-ordination across Government to try to achieve these objectives. I get that, but isn't this yet another example of the relative lightweight power of DCMS within Government? We noted in our covid-19 report on the DCMS sectors that, despite representing nearly a quarter of the UK economy—and, in this sector, £111 billion—as a Department you are almost an afterthought. Frankly, it is quite unbelievable; fishing, however important it is to those particular communities, is a tiny part of the UK economy, while this world-leading part of the UK economy has basically been left to endure a no-deal Brexit. Is that not an indication, Minister, that DCMS is effectively a Cinderella Department and that other Departments need to take this matter much more seriously? Will you take this opportunity today to call on BEIS and other Departments to place a much greater focus on this so that it can be sorted?

**Caroline Dinéage:** I do not entirely accept the thrust of your argument, Chair, for the simple reason that I think that DCMS has a really key role—a pivotal role, really—in bringing all the other Departments together. It is one of the by-products of the system of government that we have. Coming from a nice, normal business background for 20 years, one of the huge frustrations of being a Government Minister is that there are all these different Departments that have powers and abilities, but not everybody works super-collaboratively together all the time. Our role, really, is to bring forward that collaboration, which is why we now have a working group. We set it up literally in January, as soon as we began to understand the full impact of the changes, and—

**Q78 Chair:** Sorry, Minister—you started it in January? Were you not aware that this was coming down the track earlier than that? This is obviously something that has been around for two years; we heard that from our first panel. DCMS started a working panel in January—is that correct?

**Caroline Dinéage:** The working group was started in January, yes, for the simple reason that the deal was not concluded until the end of December. As soon as we got the details of that deal and started working through them and realised what the various implications were on a whole range of issues, from carnets to cabotage to freedom of movement to tax—

**Q79 Chair:** With respect, though, Minister, doesn't that sort of prove my point? It is only after the event that you are able to digest and you are allowed the bandwidth within Government to ascertain these details and to see exactly how it affects you, when you represent a quarter of the UK economy. Why is it that a quarter of the UK economy has had to endure a no-deal Brexit?

**Caroline Dinéage:** Up until the end of December, we did not know what the deal was going to look like, and in fact for a long time it looked like there might not be one at all. It was very difficult to have those conversations across Government until we had those parameters.

**Q80 Chair:** Okay. Isn't it a bit odd, though? When the referendum result



came in, I had a drink with a friend of mine who works at the *FT*, and they said that the French had asked in the negotiations that effectively what would happen was that the EU would secure a deal for visibles—goods—and that there would be, effectively, no deal for invisibles, because they have a massive trade surplus in visibles, while we have a massive trade surplus in invisibles. That has happened, hasn't it? The French have got their way, and the deal that has been concluded means that we have effectively allowed ourselves to be in a position where, on the thing we have a competitive advantage in, we have lost out.

**Caroline Dinéage:** Certainly I would say that we are a net exporter of service industries, and I do not think the Brexit result is as favourable for service industries as it is for other business engagements. That is true and on the record, isn't it?

**Chair:** Thank you very much.

**Catherine McKinnell:** I want to go back quickly to something that Damian asked. I agree that we need to be forward-looking, but we need to be clear about what has happened in order to be able to move forward. The Government say that their preferred solution was devised very carefully in consultation with experts from the UK's creative sector, but when I just asked the chief executive of the Incorporated Society of Musicians, she said, "Well, I've spoken extensively to music organisations about that statement and nobody—nobody in the music sector—put forward mode 4 as a solution." Who exactly have the Government been speaking to? Will the Minister publish that information, so that there can be clarity on how this solution, which the EU rejected and which most people state they would not have proposed in the first place because they knew it would be rejected by the European Union, is not actually a viable solution?

**Caroline Dinéage:** I think there is a bit of confusion here. I do not think we in DCMS have said that the music industry specifically suggested that mode 4 was or was not the vehicle by which to tackle this. We said that, in our regular conversations with the industry, what they said was vital was work permits, for the reasons I have articulated—a visa purely allows you to go to a country and a work permit allows you to work there. So, it was work permits that we were told were key. There were other issues as well. Work permits are usually addressed in the mode 4 chapter of trade agreements, which is why we proposed to do it via that method.

**Alastair Jones:** I might add that it is not a case of either permits or visas. The UK's offer sought to remove the issue of permits, and it is likely that member states would therefore have removed visas as well. In fact, that is why the EU rejected the offer. They said that services such as this, in their view, warrant visas and permits. The UK made an ambitious offer that would have addressed the sector's concerns, which we understood through discussions with them, but unfortunately it was rejected.

Q81 **Catherine McKinnell:** Okay. The Minister says that her door remains open for the EU to reconsider. Is that a responsible approach in the



circumstances, in terms of a multi-billion-pound British industry? Should we be waiting for the EU to come up with a solution for our industry, or should the Government not be putting in the effort to go with a solution that the EU can consider?

**Caroline Dinéage:** It is both, isn't it? It is not a zero-sum game here. There will be economic disadvantages for the EU if our amazing, world-class performing artists decide not to tour. Losing out on some of the specialities of our creative professionals would have a massive economic impact for them as well.

Q82 **Catherine McKinnell:** What are the Government doing?

**Caroline Dinéage:** As I said, we have a working group, which has representatives from 15 different, largely membership organisations, of whom Deborah from the ISM, who you just spoke to, is one. UK Music is another, for example. It also covers all the devolved nations and devolved arts councils, and crucially all the different Government Departments that have a hand in this. That collaboration with the sector and across Government means that we are able to pinpoint exactly what the issues are and decide the best Government vehicle through which to address them. Of course, that will mean international engagement, and we will be very much on the front foot of that.

**Alastair Jones:** On the Chair's previous question about a lack of impact across Government, I have not seen that at all. The Chancellor of the Duchy of Lancaster had a roundtable with the creative sectors just last week. This roundtable has been meeting regularly. We have had attendance from everyone at senior levels across Government, and they have been really engaged with these issues. As the Minister says, it is not just a case of talking about these issues. We want to make sure that the rules are really well understood and that we can explore possible solutions and improvements as well.

Q83 **Catherine McKinnell:** On an EU-wide basis?

**Alastair Jones:** We need to see what is possible. The issue that we had during negotiations was a lack of appetite on the EU side. The EU rejected our proposal, which would have worked and would have met the sector's concerns. From what I hear from the negotiators, during that process there was just a lack of appetite on the EU side to really engage and make a workable solution.

Q84 **Giles Watling:** On the back of what the Chairman was saying and recent questions, I am unashamedly going to use a personal example. I worked at the English-speaking theatre in Vienna for Franz and Julia Schafranek, where I played Henry Higgins in "Pygmalion". I have to tell you that that was an incredible demonstration of soft power. We had the ambassadors and embassies come, we talked to people, they loved classic English theatre, as indeed Shaw's "Pygmalion" is, and we met with heads of industry and so on. That is something that is so important to us, and we are in danger of losing it. The question I have to ask goes on the back of the Chair's comments. Do we have the right structure in place now? I



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accept that you had the working group set up in January. I accept the argument that we didn't know what was going to happen and now you have the working group. Is it powerful enough? Is it strong enough? Could we have another, more powerful group? I also get from Alastair the argument that the Duchy of Lancaster has been involved—we have Michael Gove in there. Is there further we can go? We really need to bang this drum hard.

**Caroline Dinéage:** Thank you for that question. I totally agree with you. Obviously, I don't have anything like your pedigree in the performing arts. The panel will probably be very grateful for that—I am not a singer or a dancer. You are absolutely right about the soft power of these industries. Leaving aside the huge economic impact that this has, the soft power of our creative and cultural industries is just phenomenal—not to mention the health benefits and all the other impacts that we know these industries have. That's a given.

The DCMS-led working group is really key, because we represent these sectors and are very proud to do it. We are absolutely determined to fight for everything that they need to be able to continue to operate across the EU, but it is really important that that includes input from other Government Departments, because everybody has abilities and powers here. It is very important that it involves the devolved Administrations and representatives from across the creative and cultural industries because we have to understand exactly what is going on at the sharp end and exactly what information and support people need.

Q85 **Giles Watling:** I apologise for interrupting, but my question is whether the DCMS-led working group has the clout. Is there something more we can do?

**Caroline Dinéage:** Yes, of course there is more that we can do, but it is key at the moment. As much as I understand everybody's frustrations here, we are in quite early days. We are only six weeks into the year, so we have to build the evidence on the impact that leaving the EU has had on touring. We have to absolutely clarify the steps that creative and cultural organisations need to take and where they are finding the barriers, and then we have to identify the ways that we can support them. That is a whole range of different things that we can do. At some levels, that is quite straightforward. It is about overcoming some of the low-level confusions—like we have over carnets, which I expect we will talk about in a minute—and the signposting to information. But there are much bigger issues here, which will take stronger buy-in from across Government. Of course, we will need the full support of our Foreign, Commonwealth and Development Office and ministerial colleagues for that diplomatic engagement. We will use every power in our arsenal to engage with bilateral partners to find ways to make life easier for those in the creative industries to be able to continue to work and tour in countries across the EU.

Q86 **Giles Watling:** Alastair, do you want to add that?



**Alastair Jones:** Yes, just to say that we don't have a working group and at the end of it say, "Well, that was a good conversation," and then sit on our hands. The leading group is leading and stimulating conversations across Government at all levels, right up to the very top. I can give you reassurance on that point. Perhaps I would say this, but I have seen no lack of interest, lack of impetus or lack of clout across Government. Everything the Minister said about the need to work across Government is well understood by all the relevant Departments.

**Giles Watling:** Well, let's see where you get with it.

Q87 **Chair:** To pick up on that point, Alastair, I know that you have been slightly chided by the fact that we describe a lack of clarity in DCMS, but our covid-19 report clearly showed the way in which, unfortunately, DCMS is sometimes treated within Government. You say you are not sat on your hands, but precisely what has been happening over the last six weeks, apart from "conversations within Government"? Minister Dinenage, you stated that you are looking to measure the impact of the fact that we did not have the right of working in the EU, as we have had in the past, and the visa access. We had a series of emails and evidence from people within the sector. One of them struck me, from a Juliet Chappell, who is an actor who graduated in 2012. She writes: "I have a CV full of credits and good working relationships with numerous (EEA based English Language) companies, but I have still been excluded by two of my regular employers for the foreseeable future because I do not have an EU passport and they must now seek to hire those who do. Those performers graduating from UK drama schools now, in the wake of this loss of visa free movement for work, will not be able to get those entry level jobs in Europe that I did." How long does it take to measure the impact of people's lives being blighted in this way, Minister Dinenage?

**Caroline Dinenage:** That is a really important question, and of course it is not helped by the impact of coronavirus because particularly those young professionals who are graduating from drama or music colleges will not have had any of the opportunities that their predecessors had, or all the showcases and end-of-term performances that they needed. Covid has had a massive impact as well. That is why we are seeking to really gather the information on that impact and be able to measure it.

Without even taking those steps, we know that of course the major impact here is going to be felt by the young professionals, the starting-up bands, and those who are trying to build their name in the performing industries. As Elton John said, in all the work that he has done on this, it is no problem for an artist of his reputation and scale to be able to go off touring; it is for those who are really trying to establish themselves for whom touring is a really important part of what they do.

Q88 **Steve Brine:** Hello Minister and Mr Jones. Thanks for your time. I think we have covered a lot of the ground. Looking at the vast number of emails that I have had from constituents on this subject and the common themes that they are all asking about, we have covered a lot and you have done your best to answer them. Obviously, we rejected the EU's



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proposed visa waiver because it covered only ad hoc performances, not technical staff. I am just getting that from the letter that you sent to the Committee. How was ad hoc defined when you made that point, and is the ISM, which, as you know, we heard evidence from just before, correct that it could have been interpreted to cover the tours that we are so worried about, not just permanent engagements?

**Caroline Dinéage:** Thank you, Steve, for that question. We have to rely on the assessment of the BEIS and EU taskforce negotiators at the time. Their assessment is that ad hoc meant one-off performances, not touring. It is really important to say that the EU does not choose language like that by accident. If you look at everything else that they have said across these negotiations, it is very precise. If they had meant touring, they would have said so.

I think the ISM's comments are interesting in this matter. They are based on conversations that they have had with the Institute for Government. I am told that that is since the deal was concluded. It is largely based on guesswork. The Institute for Government, to my knowledge, were not in the room either, and neither was I. Our very clear assessment of what went on is that the suggestions that the EU were putting forward did not adequately cover touring musicians.

That was not the only issue; there was the issue of their wider technical staff, and the massive issue of the EU work permits, which is the big thing here. When you look at what we would have had to have done in exchange, the wider package would have required a permanent short-stay visa waiver for all current and future EU citizens, and that is something that no other G7 country has ever signed off on. We would have needed to have a great deal of certainty about that wording, and the package would have had to have been significantly better, to have taken those steps.

Q89 **Steve Brine:** I appreciate that they were BEIS discussions. Based on what you have understood from talking to them since, what attempts did we make to negotiate the extension to cover technical and support staff? I am concerned about them, because they are not your highly paid artists, and many artists are not highly paid either. What attempts did we make to get the extension to cover them?

**Caroline Dinéage:** That question I would not really be able to answer, because I was not in the negotiations. The other really important thing to point out is that these joint declarations in free trade agreements are usually clarifications; they do not have any legally binding effect on the parties. If this package had fully delivered, that might have been worth looking at, but we put forward a really strong suite of measures that would have been comprehensive, would have been binding and would have delivered exactly what the industry said they wanted. The key issue here is that the EU's proposals were less comprehensive, did not solve the question of touring and came attached with conditions on visa waivers that were unacceptable to the Home Office. The whole thing was really, really problematic from the outset. I do not know if Alastair has anything to add to that.



Q90 **Steve Brine:** It's okay—I'll ask Alastair to come in when I want him.

During the Brexit negotiations, it was very clear that there would be no side deals; it would all be done directly through Brussels and the EU's chief negotiator. From what you were saying earlier to Damian Green, that seems to have shifted on this, in that there is a national competency here that nations can take up. Would you say that there are things that the EU and EU states want from us now—for example, to try to get them out of the vaccine hole that they have dug for themselves—that were not the case before the turn of the year? Might we not be in a stronger position now to go back with the offer that we wanted, because there are things on the table that they want?

**Caroline Dinéage:** That is a very tempting line of conversation. The issue is that we were not able to explore bilateral deals during the negotiations because that was not permitted, but we are now looking very closely at how we can work with our partners in the EU member states to find ways to make life easier for those who work in our cultural and creative industries in the EU. That obviously involves working very closely with other Government Departments.

Q91 **Steve Brine:** As one constituent put it to me, will the terms of any revised offer that we talk to member states about highlight the mutual benefits for both the EU and the UK of getting this right? Surely that is the point, is it not?

**Caroline Dinéage:** I agree with that, but at the end of the day, our offer to the EU nations on this is already really, really strong. Effectively, people can come and work in the UK with no visas—no work permits—for a month, and even for longer stays than that it is all very flexible and straightforward.

Q92 **Steve Brine:** Finally, somebody made this comment to me: "Like hundreds of other actors, I have done many filming jobs in EU countries. We often fly back and forth to the country of filming and travel to and from locations, sometimes across borders. It's too expensive to keep us over there long term in hotels when we're not filming. Does the Minister accept that, given the nature of filming and the very difficult scheduling that takes place, the increase in red tape and the costs could mean that actors with UK passports will be sidelined in favour of those with EU passports?" As a basic point of principle, this has not been good for brand "take back control", has it? The vaccine has; this has not. It is sort of 1-1, is it not?

**Caroline Dinéage:** There are certainly a lot of obstacles to overcome—I will give you that—and quite a lot of sleepless nights for those across my Department at the moment. The UK film and telly industry have a lot of experience, and you heard it from Lyndsay's evidence. They seem quite up for this challenge, despite the obvious restrictions, and they have been working very closely with the BFI. We have also put in place the screen alternative to the former Creative Europe fund, so there is £7 million-worth of funding to support film and TV to export and people to move



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around. That is slightly less of a challenge, but it is still a very key part of the working group.

**Steve Brine:** I want to see you guys take a stronger lead

**Steve Brine:** I want to see you guys take a stronger lead on the working group, because very clearly, listening to the evidence from the Incorporated Society of Musicians this morning, the record will show that they were not exactly complimentary about the BEIS Department. They did not seem to show a great deal of confidence in them, and that worries me, considering that they were the lead on this. We want to see you assert yourself on this, Minister; we know that you can do that. Thank you very much.

Q93 **Kevin Brennan:** My brother, who is an actor, has an Irish passport. I am beginning to think I should perhaps advise him to advertise that on his profile. Have you seen the musical "Hamilton", Minister?

**Caroline Dinenage:** I have not, and it is one of my greatest regrets. I did have tickets to go and see it, but obviously, it got cancelled because of covid.

Q94 **Kevin Brennan:** When it comes back, can I advise you to go and see it? It is a great show, and there is a song in it called "The Room Where It Happens". It is possibly the greatest song ever written about politics, because it says that you need to be in the room where it happens, and the truth on this is that Ministers from DCMS have not been in the room where it happens, have they?

**Caroline Dinenage:** We were not in the negotiations over visas and work permits, no.

Q95 **Kevin Brennan:** What is becoming clear, I think, from this session is that the essential reason why touring for musicians and others has not been sorted, and is not getting sorted, is that within Government, Home Office Ministers do not care and Culture Ministers do not count. That is true, isn't it?

**Caroline Dinenage:** No, I disagree with that. As much as I wildly respect you as a politician and a musician, and your views on this, I think you are barking up the wrong tree if you think this is some kind of ideological issue on behalf of the Home Office. I think the Home Office would have been very interested in the visa proposals that the EU was putting forward if they were firm guarantees; if they were actually binding, which they were not; if they delivered what we needed, which they did not; and if they did not ask in exchange for us to sign up to something that no other G7 nation or big nation has ever signed up to with the EU. It is not an ideological thing: it is a common-sense position.

Q96 **Kevin Brennan:** You did say that it is early days now, but the truth is that out there, Minister, the woods are burning for some people at the moment. There are British businesses employing a large number of people—particularly businesses involved in touring and in the side of it that involves providing tour trucks, tour buses, the technical side of it,



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the support, the engineers and so on—that are effectively in a position where they are only clinging on at the moment because of covid. They would not be able to work at all under these rules as they stand now, yet from what we have heard this morning, it seems as if it might be five years before this thing is revisited. I have an idea that many of those businesses will be out of business within five months. Are you sufficiently exercised by that fact, and are BEIS, the Home Office and the Treasury sufficiently exercised by that fact, to actually get cracking on this?

**Caroline Dinenage:** We are painfully aware of some of the challenges, particularly for the haulage industry that you have mentioned, given that they have been really severely impacted by the covid pandemic and that it has been the Government financial support—all the furloughing schemes and business support—that has enabled most of them to keep afloat, because of their complete lack of ability to tour at all. We know this is an additional huge challenge for the haulage industry, and that our national share of that industry is massive.

All I can do is assure you, Kevin, and the entire panel, of our absolute determination in DCMS to work closely with other Government Departments to try to find routes to sort this out. Obviously, the cabotage issue comes under the Department for Transport. They attended our working group yesterday and have gone away with a whole range of instructions about things that they need to do. We are painfully aware of the implications, and we are very determined to work them through as best we can.

Q97 **Kevin Brennan:** Steve Brine referred to the letter that you sent to the Committee. What I don't quite understand about what the Government's offer was—we explored the whole mode 4 issue earlier, and clearly people in the industry do not believe that it is going to work as a tactic to get a solution—is that the solution you suggested would have allowed touring, it would appear, with support staff and so on. As far as the Government is concerned, it would have been perfectly fine, in terms of your Brexit manifesto commitments, to allow freedom of movement within the creative industry sector, including with tour support and so on. Is that correct?

**Caroline Dinenage:** If you look at what we offer at the moment, we are really expecting and hoping that the EU would effectively match that.

Q98 **Kevin Brennan:** If the same principles could be achieved through a visa waiver deal, which is what Deborah Annetts from the ISM was talking about, would there be any objection to that from the UK Government?

**Caroline Dinenage:** I haven't spoken to colleagues across other Government Departments about that. The big ifs here are, first, that the EU were not in a position to do visa deals, other than the one that they were suggesting—

Q99 **Kevin Brennan:** Sure, but if it were achievable? It is an "in principle" question, really. If you can't answer it, would you ask your Government colleagues, if the same objectives were achievable through that route,



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whether that would be acceptable to them in principle? Is that something you can do and perhaps write to the Committee later?

**Caroline Dinéage:** The only thing I would say about this is that it is really important to remember, as I have said already in this session, that visas are typically permissions to enter, whereas work permits are explicit permissions to take up employment. That is why we went through the work permit route—the tier 4 route. If you can solve the work permit issue, the visa one is out of the way.

Q100 **Kevin Brennan:** I understand that it might not cover the work permit issue, and there would have to be further work done on that, but I don't understand why in principle there is an objection to a visa waiver route on this unless it is an ideological objection of some kind to negotiating visa waivers with the EU. I just wonder whether you can ask your colleagues that question and write to the Committee subsequently.

**Caroline Dinéage:** I am very happy to do that, but my understanding is that there is no in-principle issue with the visa waiver route if it actually delivered what we were seeking in the first place.

Q101 **Kevin Brennan:** Okay, well, that is useful to know, because it is something that might be pursued. In your letter, you refused to publish the correspondence on all this between the UK and the EU. If it were available, it would make a difference. From your point of view, if the EU were to agree to make public their side of the discussions on this, would the UK be willing to match them?

**Caroline Dinéage:** That doesn't fall under my realm of influence or decision making. My understanding is that both sides published their draft proposals, but neither side published any of their draft schedules, and that included the negotiations that we took part in over the permitted activities, where we made our proposals to expand.

Q102 **Kevin Brennan:** I can see you, Alastair, and I will come to you in a minute. Does the UK Government have anything to hide in relation to what its proposals were?

**Caroline Dinéage:** Those kinds of correspondence and details, which were exchanged between both parties in confidence during negotiations, are things that happened behind closed doors to develop the trade agreement. It would not normally be appropriate to share them. I don't think that the EU publish them either.

Q103 **Kevin Brennan:** That has been done now. What I am saying is that if both sides were to agree to put it in the public domain so we can see where the point of difference arises, it might be helpful to crowdsource a solution, including from this Committee, if we could just have clear sight on this.

**Caroline Dinéage:** Again, you would have to take that up with somebody else across Government. From what I have been told, this is very much the usual position taken during negotiations, and as far as my



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Department is concerned, we are now focused on working with the sector to help to get new arrangements and improve on them where we can.

Q104 **Kevin Brennan:** Alastair, were you in the room where it happens?

**Alastair Jones:** I was not. I will just add that the EU has acknowledged as accurate and correct the position that we said we took in negotiations. We have been clear about what that was.

Q105 **Kevin Brennan:** So what would be the harm in publishing the full details of those negotiations?

**Alastair Jones:** I am afraid I will just have to repeat what the Minister said: these are decisions taken elsewhere in Government, and our understanding is that this is the normal position on publishing documents shared during negotiations.

Q106 **Kevin Brennan:** Minister, are you disappointed that somehow or other this has been allowed to become an issue of immigration, when it is really nothing to do with that?

**Caroline Dinéage:** I am not entirely sure it has become an issue of immigration. It is an issue of trying to get the best opportunities for our creative workers to be able to tour overseas. It was never an issue of immigration, other than the fact that the EU deal, which would not have delivered the things we were asking for, was asking, in exchange, for us to sign up to something that no other G7 country would sign up to. It is too simplistic to say that it is an immigration issue. That massively undermines the thrust of the discussion.

Q107 **Kevin Brennan:** Why do you say G7 countries? There are countries that have agreements involving visa waivers, aren't there?

**Caroline Dinéage:** Yes. Not countries such as Canada or Japan, which have big trade agreements, but there are countries, such as St Lucia and others.

Q108 **Kevin Brennan:** Isn't one of the problems with Canada and Japan and the mode 4 approach is that there is basically a very specific definition in their agreements with the EU, which makes it very difficult for the EU to change the mode 4 definition just for the UK without changing it for Japan and Canada?

**Caroline Dinéage:** The whole issue around that is that there is no precedent for what the UK was trying to do. There are 11 activities that do not need a work permit in the FTCs with Japan and Canada. Then again, those FTCs with Japan and Canada did not exist until about seven or eight years ago, so it is not set in stone. There is no reason not to have added to them, not least because, as we probably pointed out in our negotiations, there are other types of short-term business visitors who provide direct services, such as after-sales technicians, who are already included in the 11 activities, so there was a precedent for being more flexible here.

**Kevin Brennan:** Okay. Perhaps we should invite some witnesses from the



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European Commission.

Q109 **John Nicolson:** Good afternoon, Minister. I have been writing down some of the quotes you have given the Committee so far. Here is one of them: "We developed our proposals in conjunction with our creative sector." Well, that sounds great, but we have just heard from the Incorporated Society of Musicians that you did not talk to them.

**Caroline Dinéage:** I do not know about the ISM, but I know that DCMS held regular roundtables on Brexit and the implications—

Q110 **John Nicolson:** Why didn't you talk to the ISM?

**Caroline Dinéage:** I do not know that we didn't. I am not sure whether they were at any of the roundtables—

Q111 **John Nicolson:** They said you had not.

**Caroline Dinéage:** I think the confusion is that the ISM said that they were not asked whether mode 4 was the appropriate vehicle—

Q112 **John Nicolson:** They said they had never talked to you at all.

**Caroline Dinéage:** I do not know about that. I would have to ask officials whether ISM was ever in any of the roundtables.

Q113 **John Nicolson:** I believe them when they say that. Why would they not tell the truth? It just seems that they are a very important group to completely ignore. You also said that the deal the EU was offering would not have worked. Here is what a witness in the previous panel said: "If the Government had asked us, we would have said that the visa waiver would have worked."

**Caroline Dinéage:** There are two things here. First, I do not understand what they mean by this, because—

**John Nicolson:** If you had talked to them, you might.

**Caroline Dinéage:** The fact is that the visa waiver does not cover the issue of work permits, which was the thing that the sector was telling us was the biggest issue. In fact, had we have sorted the work permit issue, the whole visa issue would have melted away anyway. Also, the other issues around the specific deal that the EU was offering us around visas were just not compatible. I wrote down what Deborah said as well, and she said that her version of the visa waiver, which is their suggestion that they have now put together since the EU deal was concluded, would have worked, but that would be a whole redraft of what the EU was offering.

Q114 **John Nicolson:** Minister, you also said, "We will use every power in our arsenal to resolve these issues", yet you told the Chair earlier that you did not know whether any visa negotiations were taking place with any of the EU member countries. That does not sound like straining every sinew.

**Caroline Dinéage:** I did not say that I did not know whether any visa negotiations were taking place with any EU countries.



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Q115 **John Nicolson:** Really? Are they taking place?

**Caroline Dinéage:** [*Inaudible.*]*—*there are no visa negotiations taking place with any EU countries.

Q116 **John Nicolson:** Sorry, you were muted for a moment there. Could you just confirm whether negotiations are taking place to resolve these issues with individual EU countries?

**Caroline Dinéage:** Not currently. Not through DCMS—there may be some conversations happening through our colleagues in the FCDO, but nothing formal or official. Alastair has got his hand in the air—he may know more.

Q117 **John Nicolson:** Minister, I will stick with you, if I may. Just to confirm, you say that there may be negotiations taking place. Are there or are there not?

**Caroline Dinéage:** To my knowledge, no, there are no current negotiations taking place. There may be informal conversations happening.

Q118 **John Nicolson:** But you are not entirely sure. This does not suggest urgency. This is a vital, important issue. Why on earth are negotiations not taking place, given the evidence? I am sure you followed closely the evidence given to the Committee. This is urgent. People are losing their jobs. Why on earth are you not negotiating with these individual countries?

**Caroline Dinéage:** Of course it is urgent, John, but the fact is that we are only six weeks after this deal was concluded. We set up this working group very quickly. It met for the first time in January. We met again yesterday. We need to get to the bottom of what all the issues are. We need to get that clearly, and we need to get entirely understood by all the different parties in the working group. At that stage, we can go forward with what it is that we would need to negotiate on a bilateral level. There is no point having those conversations with our colleagues in FCDO and DIT until we know exactly what it is that we are asking for.

Q119 **John Nicolson:** But that sounds as if you only started thinking about this in January. This stuff should have been resolved surely before the Brexit negotiations were concluded. It was not a standing start in January; we were promised an oven-ready deal, weren't we? What we have actually discovered, as the Chair himself pointed out to you, is that this very important sector is being subjected to a hard Brexit and no negotiations of any kind are going on with any of the EU countries. Brexit costs and bureaucracy could put touring out of reach for all but the wealthiest artists. Do you know how much a visa costs for a single gig for a single night in Spain?

**Caroline Dinéage:** I don't.

Q120 **John Nicolson:** It is £600. And for Italy—I won't ask you a series of these questions—it is £500. You clearly were not listening to the evidence



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we got earlier on, because that is what the witnesses told us: £600 for Spain and £500 for Italy. Imagine if you are a young band starting out, for example, and you have to pay that level of visa costs for each gig that you do in every country. You just cannot work.

**Caroline Dinéage:** In terms of the negotiations before the deal was concluded, we were not allowed to do them. Bilateral negotiations were specifically precluded. I had my first meeting on this with my officials in the first week of the year. The working group was set up in January and has been meeting ever since. I would not say that we have been slow to work on this. I completely understand the challenges for travelling artists, particularly in Spain, which seems to be a particularly difficult country. In France there are no visa or work permit requirements. That is exactly why we are straining every sinew to take this very seriously to try to work through it, John.

Q121 **John Nicolson:** I am sorry, Minister, but you are not straining every sinew if you are not having talks with Spain. You are saying things that are not supported by the evidence. If you were straining every sinew, you would be in Madrid trying to deal with it, because it is going to make artists go bust. An earlier witness mentioned "having to make a choice about whether I'm British or a musician." This also goes for hauliers. Concert hauliers will have to relocate because operators must now return to the UK after making two cross-border movements. You know that would not have happened before Brexit.

**Caroline Dinéage:** There is definitely an issue with cabotage. They can do two cabotage movements over a seven-day period.

Q122 **John Nicolson:** Which is obviously devastating for them financially.

**Caroline Dinéage:** Yes, it is a very difficult situation for the haulage companies, which have already been struggling significantly over the whole coronavirus pandemic. I am not disagreeing with you about any of this. It is a really difficult situation for UK hauliers.

Q123 **John Nicolson:** You will understand why a lot of them are talking now about relocating because of this.

**Caroline Dinéage:** We need to work with them very carefully on this. It was the Department for Transport that negotiated this aspect of the deal. The problem with relocating is that the changes to the EU's mobility package, which will come in next February, will apply to EU drivers and will restrict cabotage movements for EU hauliers operating in the EU. If a UK company wanted to consider the option of establishing an EU base, they would need to take that into consideration. Cabotage rules apply to EU nations as well.

Q124 **John Nicolson:** Minister, I have asked every single witness who has appeared before this Committee whether they think Brexit is good or bad for their sector, and every single one has said that they think it is a disaster, as the evidence, including the evidence that you and I have just discussed, shows. Culture, of course, is devolved to Scotland, but signing international treaties is a reserved matter and Scotland wants to remain



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in Creative Europe and the Erasmus programme. There is wide support within Europe for Scotland's remaining in those programmes, and the Scottish Government are talking to the EU about it. As you know, the UK Government often talks about respecting the devolved Governments, so will the UK Government commit to doing its utmost to ensure that young Scots can remain in the Erasmus programme and Scotland can remain in Creative Europe?

**Caroline Dinenage:** I have met my counterparts from the devolved nations about the Creative Europe scheme, and we have been working collaboratively to work out what we feel is needed as a UK replacement for that. Obviously, the global screen fund has already been put in place as the screen equivalent of that—

Q125 **John Nicolson:** With a lot less money.

**Caroline Dinenage:** With £7 million. We think that the cultural aspect of the fund was net receiving about £4 million a year, so we think the screen fund is significant. I am very happy to work with my counterparts across the devolved nations. They are part of the working group. The arts councils from the devolved nations are part of the working group. With regard to Erasmus, that does not fall under my ministerial portfolio, so I cannot comment on that.

Q126 **John Nicolson:** But you have no objection in principle to young Scots remaining in the Erasmus programme.

**Caroline Dinenage:** I'm afraid I really cannot comment on the Erasmus programme.

**John Nicolson:** Okay. It is very important. Still, if you can't, you can't.

Q127 **Clive Efford:** Minister, can you give us a flavour of how these negotiations work? You are speaking up in Government on behalf of an industry worth £111 billion to the UK economy that risks being seriously hit by Brexit. How much engagement do you have with the people conducting the negotiations on behalf of the Government? Do you get feedback on progress? Do you get asked, "If we do this, how will this affect your area of responsibility?" How does it work?

**Caroline Dinenage:** There are different aspects to the outcome of leaving the EU. Obviously, the visas and work permits came under BEIS, which was negotiating on our behalf. The Department for Transport was negotiating with regard to haulage. We took part in the negotiations when it came to data adequacy. John Whittingdale in my Department was the reference point for that because he is the Minister for Media and Data, and it was the data adequacy that we were negotiating on ourselves.

We set out very clearly at the beginning with the other Government Departments negotiating on our behalf—they were negotiating not just for our industries but across a suite of different ministerial portfolios, sectors and industries—what it was that our industry wanted. So, in the sense of free movement, it was the work permits—basically, something to replicate what we have on offer in the UK. With regard to haulage, clearly we



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wanted to retain the cabotage arrangements that we had previously. BEIS and the EU taskforce went off and did those negotiations. We did not really get any feedback while the negotiations were ongoing.

**Q128 Clive Efford:** You are saying that you were aware of the issue of cabotage. How early in the process did you feel that in as being a potential problem for the UK creative industries? Was it in January? Was it in December? Was it at the start of the Brexit negotiations? When did DCMS make it clear to the negotiators that there were issues for the Department's areas of responsibility?

**Caroline Dinenage:** I do not know 100%, in answer to that question, Clive. I became a Minister in the Department in February and those conversations had already taken place. I might have to pass to Alastair to give you the choreography of that a bit more clearly.

**Alastair Jones:** I cannot provide exact dates, but throughout negotiations in this area, where Transport was leading, it pushed for a special derogation for cabotage restrictions for concert hauliers. So it was understood that DCMS had made the point and Transport recognised it. Unfortunately, we were not able to secure it through the deal.

**Q129 Clive Efford:** How early in the process did you make that point to the negotiators?

**Alastair Jones:** I am afraid we would have to take that away and check with Transport, but it was made repeatedly throughout the negotiations. We can get back to you on that.

**Q130 Clive Efford:** So we can conclude from that that DCMS was really having no impact on the negotiations on behalf of what is an £111 billion industry.

**Alastair Jones:** I do not think it is about DCMS not being able to make an impact. I think, unfortunately, the EU was not receptive to the UK Government's position.

**Q131 Clive Efford:** All right. Alastair, earlier on you indicated to Damian Green that you expected negotiations on work permits with individual member states quite soon, and I think a period of two weeks was referred to. Does that mean you have made your mind up about what you are asking for?

**Alastair Jones:** I did not say negotiations on work permits. I said discussions with member states would be happening very shortly. As I said to Damian Green, we have been talking to the Foreign Office and other relevant Departments regularly, particularly over the last week or two.

**Q132 Clive Efford:** That suggests that the Government have a position to start the negotiations. What is that position?

**Alastair Jones:** There are a few things that we need to do with member states. First, we need to make sure that their rules are clear and accessible for people trying to travel. We have heard a lot from trade bodies and individuals about the challenges and the opacity of rules and

regulations, for example in Spain. As well as that, we need to explore what more we can achieve through those discussions about making arrangements easier and helping the creative professions to tour in Europe.

**Q133 Clive Efford:** If you are going to make it easier for them, I am assuming that there is some sort of proposal on the table from the UK. What I am trying to get out of you is what your thinking is. For instance, we have had the proposal for a permit for moving across EU states. The ISM has called for a bespoke waiver agreement. Which of these proposals have you alighted on as the solution to this problem if you are prepared to start negotiations?

**Alastair Jones:** I do not think we have a definitive position on that now. The ISM submitted its idea just at the back end of last week. The relevant starting point to recognise is the arrangements that we have in the UK: visa-free travel under the permitted paid engagement route for a month; three months if you are sponsored under tier 5 creative visas; six months, again visa-free, if you are performing at a particular festival; and 12 months with a tier 5 visa. Those are very generous arrangements, and certainly we will be exploring whether other member states will be prepared to consider something similar.

**Q134 Clive Efford:** So do you say that the permitted paid engagement route is a possibility for a reciprocal arrangement?

**Alastair Jones:** Clearly we will need to talk about this with colleagues across Government. That is what we are doing through the working group and the conversations that that is leading to.

**Q135 Clive Efford:** In answers, Minister, we have had reference to BEIS and we have had reference to the Home Office, talking about visas. Who is it that holds the ring on this? Who is it that is responsible for leading these negotiations and taking them forward?

**Caroline Dinénage:** It would depend on what part of the negotiations you are talking about. If it is to do with the cabotage rules, it is the Department for Transport; if it is to do with visas and work permits and free movement, I think we would start at diplomatic level, and that would go through the FCDO.

**Q136 Clive Efford:** Given that these things are so intertwined and that they each have impacts—cabotage, carnets, visas and work permits all overlap—doesn't it sound like a recipe for chaos that the Department for Transport, in its silo, is talking about haulage and the Home Office, in its silo, is talking about work permits and visas? Who has overall responsibility here? Who should we have sitting here answering questions on this mess?

**Caroline Dinénage:** In terms of overall responsibility for the mechanics of government, you would want to have the Cabinet Office.

**Clive Efford:** We certainly would.



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**Caroline Dinénage:** In terms of the individual negotiations on parts of this, wouldn't it be lovely if there were such a thing that we could negotiate that tied everything—the cabotage and the free movement—into one package? But I have learned over the years that government does not always work the way that we would wish it to, so we have to work through the lines of communication that are already in existence.

Q137 **Clive Efford:** Can I move on to the proposal from Ian Smith? Did you follow what went on at the Petitions Committee?

**Caroline Dinénage:** Do you mean the petition debate that happened on Monday?

Q138 **Clive Efford:** Yes, the roundtable evidence session that the Petitions Committee held, where there was a proposal from Ian Smith for an ETIAS-style system, which would give free travel for exempted professions on a tick-box basis, a bit like ESTA for going to the USA. What is the Government's view on that proposal?

**Caroline Dinénage:** Officials have been looking at this. I am going to have to pass to Alastair.

**Alastair Jones:** We obviously followed that evidence session closely. It was an interesting proposal. There were some aspects that we did not quite follow, but in discussions we are having with the Home Office, BEIS and others, it is something that we are looking to get to the bottom of, as with other proposals that have been made.

Q139 **Clive Efford:** Can I move on to the issue of haulage and cabotage? First, the restriction on two movements is going to have a huge impact on the haulage industry, unless it is resolved fairly quickly. What is the potential for securing, in these negotiations that are about to start, a quick resolution to this problem?

**Caroline Dinénage:** If I am honest with you, Clive, this is a conversation that you would have to have with colleagues in the Department for Transport. We spoke to them yesterday—they attended the working group yesterday. We have always had cabotage restrictions. Previously, there were up to three cabotage movements within seven days, but there was unrestricted movement between member states. Now it is two additional movements within the EU and a maximum of one cabotage. We spoke to the Department for Transport officials about this yesterday. They completely understand the impact that these arrangements will have on concert hauliers. On the whole, they were very happy with the outcome of the negotiations, because it delivered largely what they wanted, but this was the one area where it is very complicated.

As I say, we are looking at this as part of the working group, and the Department for Transport have taken it away to have conversations with their own contacts across the Commission. What they did say was that they feel that the solution to this lies at a number of different levels. There is clearly a diplomatic solution to be pushed for here, but it very much lies with engagement with member states—the change lies with them. They



were very much encouraging the creative and cultural organisations that were on the call to use their reach at industry level to lobby for member state Governments to push on this, because there is no exemption for other sectors. There are ongoing conversations with the Commission to work through some of the outstanding issues here, so they will keep making the case. But this is one of those things that we have to fight on a number of fronts.

**Q140 Clive Efford:** Can I ask you about musicians carrying their instruments as hand luggage? Can you clarify the position for us today on the carnets? Will people be exempt if they are able to carry their instruments on board as part of their hand luggage?

**Caroline Dinéage:** Yes, Clive. We had a meeting yesterday—again, as part of the working group—with HMRC, and they clarified that portable musical instruments do not require a formal declaration or carnet when they move from the UK to the EU and vice versa. That means that they can be transported with what they call an oral or conduct declaration, which comes under the temporary admission rules. The carnet is required only for non-portable musical instruments—those that might be carried by freight, for example.

**Alastair Jones:** To add to that, we recognise the frustration of the sector and the complaint about a lack of clarity. Again, through the working group, we will make sure that the right guidance is available from Government and that the Association of British Orchestras and other organisations are able to give that clarity to their members as soon as possible.

**Q141 Clive Efford:** I have one final question, which is really about an answer that we got earlier on the creative industries, particularly the film and CGI industry. It has a very high proportion of overseas workers, so clearly the UK has become a centre of excellence where people come to be part of that industry, but it is a huge export industry for this country, worth £111 billion, as we have said. If they can come and travel to the UK, they can relocate to the EU just as easily. Is the case really being made urgently that we need to resolve this issue, otherwise we could seriously miss out on one of the big expanding industries, which has a global impact and creates a global footprint for the UK? Do you feel, coming from DCMS, that the Government actually get it? If they did, we would not be in this position now.

**Caroline Dinéage:** If you are talking about the screen industry, Clive, I think the Government more than get it. Over the last 12 months, we have worked really hard to address some of the issues that the sector was facing. We put in place the film and TV restart scheme. You will have noticed that the BFI statistics show that in the final quarter of last year—a quarter when most of the world was in lockdown—there was a £1.2 billion spend in film and high-end telly in this country. That is the second highest ever quarter that the sector has had. That is very largely down to the incredible pragmatism and hard work of the sector, and the Government intervention with the film and TV restart scheme. We have also managed



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to negotiate the global screen fund as the replacement for Creative Europe. That is all about supporting—outward-looking—the EU interface between the screen and high-end TV industry and travelling around the EU.

Q142 **Clive Efford:** That all begs the question: why did we let ourselves get into this position, then? Last question. Does the industry deserve an apology for this mess from the Government?

**Caroline Dinénage:** Let's see how we manage to work through it, Clive. We have this working group. Everyone is engaged with it. We are trying to work through the issues as quickly as we can to provide solutions for the sector that we are so desperate to see continuing to flourish and thrive. Let's just see how we manage to work through those issues first.

Q143 **Chair:** Minister, to revisit, Clive asked what the potential is for the UK to secure a cultural exemption to the carnet requirements and the cabotage rules for haulage. You cited the Department for Transport and the need for you to engage with them, and them to engage with you, in order to bring this about and to get a negotiating position together in that respect. Could you write to us to let us know precisely what the position is with yourselves and the Department for Transport? There was a lack of clarity in the answer to Clive's question. Would you do that, please?

**Caroline Dinénage:** I apologise if there was a lack of clarity, Chair. I will definitely make sure that we put that in writing for you.

**Chair:** Thank you. One other matter that I would like to have put in writing is whether or not you would be kind enough to put together a timeline, please, of when you expect that we will finally enter bilateral discussions, in terms of getting visa-free movement for musicians and other creative people between the UK and the EU, outlining to us how you are going to use this window of opportunity, as it has been called, for the next few months. I would welcome that as well, in terms of how you take the work of the working party forwards.

Q144 **Alex Davies-Jones:** Before I start, may I please declare that I am a member of the Musicians' Union? Minister, we have heard a lot today about this creative and cultural touring group that you have put together with all the different organisations and representatives. Can you please write to us with a full list of who exactly is represented in this group? I think that would be important for the Committee to understand.

Also, can I ask whether HMRC is represented in the group? We have had evidence to the Committee on the difficulties with new musicians and creative artists. HMRC are struggling to process the requests for the A1 forms that are needed for social security. These are really essential when, for example, you need to travel to Spain. It would be good to know whether HMRC is represented in this group in order to iron out some of these issues.

**Caroline Dinénage:** Hi, Alex. We will write to you with the membership. In a nutshell, it is DCMS, all the other Government Departments that have



any kind of input here, the devolved Administrations and then over 15 creative and cultural representative bodies. We will send you the list.

In answer to the other question, yes, HMRC are represented. Actually, they presented to the working group yesterday on two fronts. One was about the issues of carnets, where we were able to get to the bottom of quite a lot of the confusion around portable musical instruments and other items. They also presented on the issues of the A1 documents that you talked about, which, as you know, are not new. They did not come as a result of leaving the EU; that has always been the case.

Q145 **Alex Davies-Jones:** Will you publish the minutes of these meetings you are having? It is really important for people to see that you are being open and transparent about the issues that are being discussed.

**Caroline Dinéage:** We can certainly look at that. I do not know whether there are any restrictions to that, but if it is at all possible, of course we will.

Q146 **Alex Davies-Jones:** I think DEFRA is doing something similar, publishing the attendees of its meetings on sorting out the problems with the fishing industry post Brexit, so it would be good if DCMS could do the same.

One of the things that we have heard about as parliamentarians and representatives is the issues with added bureaucracy that this is causing. Will DCMS publish a comprehensive guide to exactly what individual EU countries' visa requirements mean and what the different regulations are across the different member states? That would really help musicians who are struggling at the moment

**Caroline Dinéage:** That is quite complicated. I will start this answer and then pass on to Alastair, who has looked into all the implications here. The answer to the bureaucracy question and getting information out as widely and comprehensively as possible is yes, 100%, we want to do that. That is one of the key urgent requirements of the working group. Alastair, can you talk Alex through the complexities of that?

**Alastair Jones:** Sure. One of the challenges is that we are talking about different member states' immigration rules and so on, and that is not what Government lawyers were originally employed to do, but we are working through that. BEIS has commissioned some third-party business traveller guides for each member state. That will be due in the spring, and we have had some of the cultural organisations on the working group feed into that and share thoughts about what is needed. I think that those in the sector will also want something a bit more sector-specific. You have seen the work that the ISM have done, looking at different countries. We want to work with them to help them and make sure that their guidance is accurate and up to date.

The other aspect, of course, is engaging with member states. It is in nobody's interests if you look on the Spanish Government's website and you cannot understand the rules. That is certainly something we will be prioritising in our engagement with them, to make sure that every



member state's guidance is clear and accessible for British touring professionals.

Q147 **Alex Davies-Jones:** This sounds like quite a large piece of work and a big undertaking. How many officials at DCMS are currently directly supporting artists and organisations to deal with the new systems, bureaucracy and paperwork?

**Alastair Jones:** Through the working group, we are working with a wide spread of trade bodies, from the Creative Industries Federation to the British Fashion Council, UK Music and so on. That is the route through which we are working to engage. Through the working group, we are bringing in all those other Departments. We have heard from the sector. It is not just guidance on mobility; they want guidance on carnets and haulage. We absolutely recognise that, and we are working with other Departments to make sure that that happens.

Q148 **Alex Davies-Jones:** But how many officials do you have working on this directly?

**Alastair Jones:** We could always do with more, but I would say that—in different aspects, depending on the sectors and so on—there are well over a dozen working on this on a daily basis.

Q149 **Alex Davies-Jones:** Minister, the House of Commons Library states that fishing contributed £466 million to GVA in the UK economy in 2019. The music industry alone has contributed £5.8 billion. Why, then, have the Government committed £23 million to helping the seafood exporters but not the creative industries? Is there a case for sector-specific support for the creative industries, either now or if and when touring can resume post pandemic, to help them with their lost revenue?

**Caroline Dinéage:** Obviously we want to put in place the support that the sector needs, and one of the thrusts of the new working group is working out what support is needed and making sure we can drive access to the right support at the right time. That works on a number of levels. There are some funds available at the moment. I had a meeting with the Department for International Trade last week. At present, we have the £800,000 MEG scheme—the music export growth scheme—which is administered via BPI, which is one of DCMS's arm's-length bodies, and then DIT has its internationalisation fund, which is £38 million. Several stakeholders have been pushing for the creation of a UK export office, and that came up today in your evidence session, so we are looking at that.

More broadly, the DIT has a creative industries trade board to help with its exports. They do things like virtual showcases: they have taken 40 UK bands to the South by Southwest event, for example. However, we know that in addition to the Government sector-wide support, support will be required for our industries, so that is what we will be talking to the Treasury about.

**Alex Davies-Jones:** Alastair, did you want to come in there?



**Alastair Jones:** I was just going to mention that HMRC has launched a Brexit support fund for SMEs, which I think is about £23 million. It will provide grants of up to £2,000 to help them get advice and training to deal with new customs, rules of origin, and those kinds of issues that some of these organisations are perhaps facing for the first time. That is in addition to everything the Minister has just outlined.

Q150 **Alex Davies-Jones:** But that is £23 million for all businesses. Seafood exporters have had £23 million that is sector specific, so I think there is absolutely a way here to argue for a sector-specific support package for the creative industries as a result of Brexit.

**Alastair Jones:** As the Minister said, we are absolutely looking at our options there, including through the working group.

Q151 **Catherine McKinnell:** Thank you for allowing me to guest with you today, Chair. I just wanted to put directly to the Minister the request from over 280,000 petitioners who I am representing here today. Given that the EU is our nearest and largest trading partner, are the Government still working to secure an EU-wide solution for those touring artists, or have they given up? Are they prioritising bilateral agreements now, or are they still aiming for an EU-wide agreement that will help prevent the damage to this industry?

**Caroline Dinéage:** I think an EU-wide solution is going to be very complicated, because we have just spent many years negotiating the trade and co-operation agreement, and there is not any appetite to reopen that. Having said that, I am sure those negotiations will continue: the Chancellor of the Duchy of Lancaster met last week with his EU counterpart, and those conversations will always be ongoing.

The more likely success route is through negotiations with individual member states, not least because the biggest issue here is the work permit issue. That is very much within the gift of the individual member states, which is why we would be targeting our work there, and specifically at those that seem to have some of the most problematic systems in place, as you have heard. France seems to be very straightforward, but Spain is very much less so.

Q152 **Catherine McKinnell:** Have the Government undertaken an assessment of how much of this industry—which is worth £111 billion, as the Chair mentioned previously—will effectively be outsourced to the EU as a result of the failure to reach an EU-wide agreement? Has that assessment been undertaken?

**Caroline Dinéage:** That assessment has not yet been undertaken, because we are still at such an early stage. As I say, this is what the working group is looking through: the things that we can change and clarify, and the negotiations that we can take part in. As I say, we managed yesterday to finally get the proper clarification we needed from HMRC about carnets, which will reduce a lot of stress and financial worry for some travelling musicians and other people who need to carry other small equipment.



Q153 **Catherine McKinnell:** How did the Government go into the negotiations on the EU-wide solution for touring artists without knowing what the implications of not arriving at that arrangement would be? How come there is no assessment of the impact of that?

**Caroline Dinéage:** The difficulty is getting to the fine detail of some of the parts of the negotiation. The carnet issue is not new; it has not just come about as part of the EU negotiations, but legislation that exists in up to 80 countries around the world. It is just about getting our heads around exactly how that would work.

Q154 **Catherine McKinnell:** So the Government do not know the impact of the failure to arrive at an EU-wide agreement. I was going to ask what requests the Department is putting in to the Government ahead of the upcoming Budget for support for this industry, in order to support those artists impacted by this, as my colleague Alex mentioned. However, given that the Department does not even seem to know the impact, I imagine that it is not able to put in a request for the support required.

**Caroline Dinéage:** As I say, the working group needs to make a bit more progress, to work out all the things that we can solve. In the meantime, we are having negotiations with the Treasury about what support we think is required. I obviously cannot discuss those with you now.

**Catherine McKinnell:** Okay, but on behalf of artists, I think they will be very concerned that the Government do not have more vision on the impact on this huge industry and the artists impacted by the failure to arrive at an agreement. On behalf of the petitioners, I urge the Government to reconsider their position and to look at an EU-wide solution that would avoid many of the difficulties that many artists will now face.

Q155 **Chair:** Thank you, Catherine. Finally, Minister, while we have you, it was effectively said—you said it yourself from the Dispatch Box—that insurance for live events should be the last piece of the jigsaw. Is that no longer an objective? Do the Department and the Treasury understand that it needs to be put in place in double-quick time?

**Caroline Dinéage:** I am very happy to talk about this. We are very aware of the calls for securing insurance, particularly for live events such as festivals, but also for theatre and things like business events and what have you, which are outside my portfolio but still within DCMS. As I think I probably said in the Chamber, the bar for Government intervention in these matters is really high. The Treasury asks for evidence almost of market failure before it will consider giving support on these issues.

We have made a lot of progress, though, working very closely with the Treasury on this. They have said that they need to be sure that this is the last obstacle—as you say, the last piece of the jigsaw. At the moment, of course insurance is not the last piece of the jigsaw. Progress on vaccination and beating the virus and being aware of the implications of any variants of the virus are obstacles that need to be overcome first. Reopening will then happen when we are confident that it is safe to do so.



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That will be the only way to reduce the chance of cancellations and interruptions due to covid-19.

The starting point has to be to create a much more predictable and secure operating context for those sort of events to take place. That will hopefully, in turn, de-risk the sectors. That is why my Department is in regular dialogue with the sectors, and also with public health, to try to work towards a realistic return date for things like festivals and other large events, within the parameters of protecting public health. All the time we are negotiating with our colleagues in the Treasury on this, because it will be their intervention that will deliver the scheme—it will not be an insurance scheme but an indemnity scheme. Given the very high costs of setting up a scheme like that, they need to be sure that we have a fairly reliable reopening date on the cards, and then they will be prepared to make an announcement on it.

The other thing I would say that is important for your Committee to take into consideration and think about is that, given the very high costs involved in setting up such a scheme—we have done one for the film and high-end TV industry, but they are very different in that they do not have an audience; they do not have 200,000 people in a field, for example—we need to make sure that this cost is the most effective and appropriate use of money at a time when we are looking at how we can best support the sector in the challenges around recovery and renewal. That is a parallel piece of work that is going on at the moment. We understand that the sector is very keen on an indemnity offer.

Q156 **Chair:** Does the Treasury recognise market failure—yes or no?

**Caroline Dinéage:** The Treasury clearly recognises that it is going to be very difficult for some sectors to reopen without de-risking these events. I spoke to Minister John Glen on this—he is formerly of the DCMS Department, so he really understands the challenges facing our sectors—and he is having a number of conversations with the insurance sector at the same time, so there is good understanding across Government.

Q157 **Chair:** Why are other major European countries, which have been much slower in distributing their vaccines, much further along in bringing live events back on stream and in terms of these indemnity insurance schemes?

**Caroline Dinéage:** I don't know whether you have, Chair, but I have not seen the indemnity schemes. I have heard that they have been announced, but as yet the details and how to apply for them have been very—

Q158 **Chair:** That is interesting. The total indemnity in Germany is €2.5 billion, isn't it? They are probably sweating a bit because the vaccine roll-out has been so slow. In that respect, surely just giving the date brings confidence back. I was dealing with the Great North Run, which takes place on 12 September, and you could say, for example, 1 September or 1 August, which will at least have some certainty. With so many people vaccinated now, and given the developments in quick testing and the



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infrastructure that is potentially there within these industries, surely there is an argument to suggest that we should be going ahead and giving them a date, maybe with a limit on numbers, on which they can actually start. They could potentially have their costs covered—not their profits—by an indemnity scheme.

**Caroline Dinéage:** I agree very largely with a lot of what you said. Having a “not before” date for the sector would be really helpful. That very much depends on the road map that the Prime Minister is going to set out next week. It also depends on some of the really big public health issues that we are looking at, including the new variants, the extent to which the vaccine covers them, how the vaccine roll-out goes, and so on. I agree with you. Nobody wants to see our sectors up and running more than I do. We are doing literally everything we can in DCMS, working with Public Health England and others, to try to push—

Q159 **Chair:** With respect, we all know how personally you are invested in all this as a Minister. We understand that, but it strikes me, frankly, that the Treasury almost wants an undertaking that it will be completely safe. Well, if it were completely safe, there would not be a need for insurance, would there? It is a bit of a chicken and egg situation. Do you think that No. 10 is aware of the fact that if they don’t get the live events sector up and running, it is quite likely that COP26 won’t take place either, because a lot of the infrastructure that is required for such an enormous event won’t be in place? There won’t be any of the testing—the test events that need to happen before we take on such a global event as COP26. Do you think that, by delaying and waiting, we are effectively cancelling 2021?

**Caroline Dinéage:** We acutely understand the need to try to get our sectors back up and running as quickly as possible. Within DCMS, we want to try everything to prove in the public health context that that can be done safely. We know that so many of our sectors have taken really extreme steps to de-risk what they do, and have put huge investments in place. We want to start pilots on things like asymptomatic testing, which can really help in areas like this. We want to do everything we can. I am not speaking on behalf of the Treasury, but we have to bear in mind that it is not their money that they would be investing here.

Q160 **Chair:** With respect, the film scheme showed that there was huge benefit in that regard. These industries are long-term taxpayers. I do get that a lot of people are involved and so on. I do understand that, but surely it is worth at least doing this to a limited extent and giving a date in the future when these events can go ahead, because if we do that, people can plan, and if we don’t do that, they won’t plan, they won’t have the events and people will lose their jobs.

**Caroline Dinéage:** I 100% agree with you; I agree that certainty has become almost like a luxury item during this pandemic. It is the one thing that our sectors and many, many others crave more than anything else and one that, for the Government, it has been very, very frustrating not to be able to deliver to them, because we are dealing with a global pandemic that we cannot predict.



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That is why, right from last summer, when we started doing pilots about the infection rate caused by musical instruments and by people singing—if you remember, we had to do all this scientific evidence gathering and piloting in order to prove, from a public health perspective, that there wasn't any more danger from musical instruments or singing than there was from speaking or anything else. At every stage, we have tried to do everything we can, as a Department, to achieve that certainty and to remove obstacles so that when we do have a much more tangible date to hand, we can move forward much quicker. But I agree with everything you have said and I am as frustrated as you and your Committee.

**Chair:** Thank you very much for your evidence today, Caroline Dinenage MP and Alastair Jones of the DCMS. I thank Catherine McKinnell for guesting as well. That concludes our session.