

Briefing for the Public Petitions Committee

Petition Number: [PE1831](#)

Main Petitioner: Michael Grieve

Subject: End the ban on background music

Calls on the Parliament to urge the Scottish Government to end the ban on background music in hospitality venues.

Introduction

The petition is concerned with the Scottish Government guidance that background music should not be played in hospitality venues to prevent the spread of Covid-19. Indoor hospitality was able to re-open in Scotland on 15 July 2020. Additional mitigating measures were introduced from 14 August which included a direction that background music not be played in cafes and bars. Guidance in other nations of the UK differed from this approach.

Guidance and regulations in Scotland

Regulations and guidance in relation to Covid-19 are subject to change, and this petition briefing is based on that in place at the time of publication. The most up to date Scottish Government guidance can be found at <https://www.gov.scot/collections/coronavirus-covid-19-guidance/>.

The [Scottish Government published statutory guidance](#) under section 4a of the repealed Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020. This guidance applied from 14 August and has since been updated, although not in respect of background music. On that topic, the guidance states—

“Noise control - no background music and televisions on mute and sub-titled

“While previously low level music/volume was permitted it is now necessary to ensure every effort is made to reduce noise levels to a minimum in hospitality premises so people do not need to raise voices to be heard or get closer to others – this presents an increased risk of transmission that must be mitigated. As noise control is a complex area with many variables, further work is required to understand how it can be managed safely and consistently across the sector so that it does not pose a risk. The Scottish Government will work with industry on this issue and it will be kept under review but a cautious approach is required at this time in the interest of public health.”

The current regulations, the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, require business owners to “have regard to guidance issued by the Scottish Ministers”¹.

The rationale for the Scottish Government’s position on background music has been set out in a number of written answers. In answer to a question ([S5W-31763](#)) from Annie Wells MSP on whether the Scottish Government would publish scientific evidence on this policy, the Cabinet Secretary for Rural Economy and Tourism, Fergus Ewing, MSP said—

“Factors such as background sound that may lead to raised voices or cause people to lean-in close to others to be heard are a risk factor in the transmission of coronavirus. This is recognised by a wide body of scientific evidence in relation to the role of aerosols in the transmission of viruses. The current position of no background sound, including low level music and audio from television, is a measured and cautious approach to reduce risk. It is being kept under review and government continues to work with industry experts to consider how guidance can be developed to allow low level background sound to be managed safely.”

On 18 September 2020, in answer to another question from Ms Wells ([S5W-31762](#)) Mr Ewing said—

“The current position of no background sound, including music, in hospitality is being kept under review. This work is currently being taken forward by an expert group comprising government, industry experts and environmental health representatives. The outcome of the review will be announced soon.”

The First Minister also mentioned the intention to “establish an expert advisory group on reintroducing safe low-level music and background noise” in her speech to Parliament on 27 October 2020 ([col 47](#)).

Guidance in relation to England

[UK guidance for pubs and restaurants](#) which covers the period up to 5 November stated—

“All venues should ensure that steps are taken to mitigate the increased risk of virus transmission associated with aerosol production from raised voices, such as when speaking loudly or singing loudly, particularly in confined and poorly ventilated spaces. This includes, but

¹ See [paragraph 9 of schedule 3 of The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Regulations 2020](#). This paragraph applies to a Level 2 area, but similar paragraphs are included in the schedules relating to each of the five levels.

is not limited to, lowering the volume of background music, and refraining from playing music or broadcasts that may encourage shouting, particularly if played at a volume that makes normal conversation difficult. Evidence on the most effective steps that can be taken to limit the transmission of the virus continues to be regularly reviewed. This guidance may be updated in the future in response to changing scientific understanding.” (para 4.5)

However, from 5 November, [the new national restrictions in England](#) mean that

“Hospitality venues like restaurants, bars and pubs must close, but can still provide takeaway and delivery services.”

Views on ban on background music

The Scottish Government’s decision to not allow any background music in restaurants and pubs has been the subject of criticism in the media. For example, the Scottish co-ordinator for the Music Venues Trust and owner of Sneaky Pete’s in Edinburgh, Nick Stewart [argued](#) that the complete ban on background music would encourage more gatherings in people’s homes where there are fewer controls.

The petitioner was also [quoted in the NME](#), in his capacity as chair of the Night Time Industries Association Scotland, on 30 September 2020. He said—

“It seems completely disproportionate relative to other settings and, whilst our industry is totally committed to the serious public health imperatives which the Scottish Government is focused on, our already damaged sector is in serious danger of being permanently wiped out unless this ban is removed.”

Ned Sharratt
Senior Researcher
2 November 2020

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