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Negotiating needletime: the Musicians' Union, the BBC and the record companies, c. 1920–1990

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ABSTRACT

This article examines an important, but hitherto largely overlooked, licensing system which operated in the UK between the late 1920s and late 1980s and limited the amount of recorded music that broadcasters could use in radio programmes. Known as 'needletime' the system was formalized in the 1930s when the BBC reached a collective agreement with the UK's record companies – here acting via the copyright licensing society Phonographic Performance Limited (PPL) – about the amount of records that it could play. Drawing on previously unused materials, the article provides a revisionist account of the development of needletime, focusing on the actions of a third party, the Musicians' Union (MU). As is shown, the MU was able to exercise influence on both camps and thus to have a profound impact on the development of music radio and the wider music industries in the UK. Previous accounts of needletime are critiqued and it is suggested that, while it was accused of operating 'restrictive practices', the MU's role can be seen more as an attempt to ensure that the suitably remunerated employment of musicians was as widespread as possible. Needletime emerges as perhaps the key agreement thus far within the UK's music industries' industrial relations.

KEYWORDS

BBC; Musicians' Union; needletime; phonographic Performance Limited (PPL); music Radio; copyright

Between the late 1920s and the late 1980s a licensing system operated in the UK which limited the amount of recorded music that broadcasters could use in their programmes. Known as 'needletime', the system developed in response to the interests of three organizations. The first was the BBC, which began the period as the UK's monopoly broadcaster and, as the years progressed, wished to use increasing amounts of recorded music in its programmes. The second was the record companies who owned copyright in the sound recordings and who were for many years concerned that over-use of recorded music on the radio would hit record sales. However, as they were able, by means of the copyright licensing society, Phonographic Performance Limited (PPL), to charge fees for the use of recordings, the record companies also had some collective interest in increasing the amount of needletime hours available, provided that this resulted in higher remuneration for their members. The third party was the Musicians' Union (MU) which, while representing the interests of musicians used in the recordings, was primarily concerned that the use of recorded music

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did not replace the employment of live musicians.¹ It was therefore generally against any moves to extend needletime. In sum the BBC was a broadcaster which broadcast a great deal of live music and increasingly wanted to play more records, PPL represented the owners of copyright in those recordings and the MU was primarily concerned with the fate of live music, wherein the majority of its members worked.

The positions just outlined simplify a more complex picture which became more nuanced and dynamic over the years during which needletime operated. This article attempts to explain that complexity and to highlight the specific role of the MU, locating its actions within the wider perspective of the UK's music industries.² It falls in to three parts. The first explains what needletime was and how it worked, while the second outlines some of the issues that recurred in negotiations between the contending parties. The third places needletime within the broader context of the UK's music industries by examining its legacy. The article concentrates on the BBC as the UK's major radio broadcaster, with a monopoly status until 1973.

The overall aim is to fill a gap in the existing knowledge given that the extant academic literature on the needletime system is not only limited but generally oppositional to it. It is most often found in books whose prime focus is broadcasting in general and on radio in particular. Thus, for example, there are various mentions in Asa Briggs's history of broadcasting in the UK and in Stephen Barnard's books on radio.³ Such accounts are a useful starting point, if not always entirely accurate.⁴ They can also be somewhat dismissive of the system. Briggs talks of needletime as a 'highly restrictive irksome' system brought in to being by 'a powerful coalition of rich record manufacturers and highly protectionist trade unionists'.⁵ In his overview of needletime Richard Witts condemns the MU's General Secretary of 1948–1971, Hardie Ratcliffe, as a 'dogmatic' man with 'Luddite gripes' and says that not until the Broadcasting Act of 1990 was the BBC 'liberated ... from half a century of intractable constraint'.⁶

Witts's article is the most substantial academic account of needletime thus far. Drawing on the work of the French sociologist of public bureaucracies, Michel Crozier, Witts's portrayal is generally a well-informed and insightful one. However, it is also one which is prone to unsubstantiated claims. This includes the suggestion that, following its actions in appeasing its members in the BBC's orchestras during the 1930s, 'the MU's moderating status privileged the union for decades', although no evidence is provided of that privilege.⁷ Witts also claims that the union 'opposed ... the synthesizer in the early 1980s', when the

¹Dating back to 1893, the membership of the MU stood as follows: 19,753 in 1924; 6,772 in 1934; 10,181 in 1944; 28,960 in 1954; 35,596 in 1964; 34,504 in 1974; and 37,637 in 1984. Statistics compiled from the University of Stirling, Archives & Special Collections, Musicians' Union Archive, GB 0559 MU. My thanks to John Williamson for compiling these figures.

²This article uses the pluralistic term 'music industries', rather than the singular term 'music industry'. As used by J. Williamson and M. Cloonan, 'Rethinking the music industry', *Popular Music*, 26, 2 (2007), 305–322, this model emphasizes the complex nature of those industries concerned with the provision of music and moves thinking beyond a model which concentrates purely on the recording sector.

³See A. Briggs, *The History of Broadcasting in the United Kingdom, Volume IV Sound and Vision* (Oxford, 1979); A. Briggs, *The History of Broadcasting in the United Kingdom, Volume V Competition* (Oxford, 1995); S. Barnard, *On The Radio: Music Radio in Britain* (Milton Keynes, 1989); S. Barnard, *Studying Radio* (London, 2000).

⁴For example Briggs appears to confuse needletime with a separate recording agreement that the BBC had with the MU covering only those musicians employed by the BBC. See Briggs, *History of Broadcasting. Volume IV, op. cit.*, 730–31.

⁵Briggs, *History of Broadcasting, Volume V, op. cit.*, 509.

⁶R. Witts, 'Needle Time: the BBC, the Musicians' Union, popular music, and the reform of radio in the 1960s', *Popular Music History*, 7, 3 (2012), 241–62, 251, 244.

⁷*ibid.*, 245.

reality is that such opposition was simply discussed at one branch meeting and was never official policy.⁸ He further suggests that the MU ‘asserted its authority’ over PPL despite the fact that the latter ‘was not even an employer of musicians.’⁹ However, this is to ignore the fact that the record companies which comprised PPL’s membership were (and still are) significant contractors of musicians.

In addition some confusion is caused within Witts’s article by a table that uses percentages to show amount of airtime taken by needletime, whereas BBC agreements with PPL were actually expressed in terms of hours.¹⁰ The figures within the table are also at variance with those contained in various BBC files. Overall Witts’s work appears to be based on consulting a relatively limited amount of files from the Corporation’s Written Archives Centre (WAC), with those beyond the ones he cites revealing a more nuanced picture. However, his work remains an important starting point for further investigation.

In sum, the existing academic literature for a phenomenon which, as will be shown, was of major importance in the UK music industries for over fifty years is somewhat scant and of variable reliability. This article aims to provide a more detailed and nuanced account of what emerges to be possibly the UK music industries’ single most important industrial relations agreement.

The meaning and operation of needletime

Definitions of needletime have previously appeared in a number of places. Within UK legislation it is described as ‘the time in any period ... in which recordings may be included in a broadcast or cable programme service.’¹¹ Within academia Boyd has characterized it as stipulating ‘the specific number of hours per week that record companies allowed their releases to be aired’, and Witts defined it as ‘the total amount of licensed time that gramophone recordings could be relayed by a broadcaster across the period of a week.’¹² In essence the system was based on an agreement, made between the major record companies (acting via PPL) and broadcasters (of which the most important was always the BBC) through which the latter agreed to pay PPL a fee for the use of a specified amount of recorded music on their outlets for the duration of the contract. To give just one example, by the mid-1980s the BBC was paying £5 million a year in order to play 162 hours of music a week on its main stations.¹³

The reason that the BBC had to pay PPL a fee was because PPL’s members held copyright in the performances contained in the records which the broadcaster wished to play. As such PPL could impose limits on the use of those recordings. The legal right for holders of copyright in performances on sound recordings to be paid for the public use of those recordings had been established in 1933 following a move in which the record company EMI used its subsidiary, the Gramophone Company, to successfully take a test case against those using its records in public without its authorization (and payment). The case involved

⁸*ibid.*, 245. See J. Williamson, ‘Synthesizers: friend or foe?’, paper presented at the conference ‘This is The Modern World: Pour une histoire sociale du Rock’, Lille, 2013, for a more nuanced account of the Union’s interactions with synthesizers.

⁹Witts, *op. cit.*, 247.

¹⁰*ibid.*, 247.

¹¹Broadcasting Act 1990, s.135A(5).

¹²D. Boyd, ‘Pirate radio in Britain: a programming alternative’, *Journal of Communication*, 36, 2 (1986), 83–94, 87; Witts, *op. cit.*, 235.

¹³Full details can be found in BBC Written Archives Centre, Caversham (subsequently WAC), R104/206/1. See also Appendix.

the Gramophone Company suing Cawardine's Café in Bristol for the unauthorized playing of records containing performances in which the Company held copyright. The ruling in the Company's favour came in August 1933 and led to the formation of PPL in May 1934. Henceforth anyone wishing to play recorded music in public places – including the airwaves – had to obtain a licence to do so from PPL. This organization both charged for such licences and imposed conditions within them which limited what could be done with the music. Importantly PPL was – and still is – owned by the major record companies. In 1934 this effectively consisted of just two companies: EMI and Decca, a duopoly which lasted in to the 1960s. Moreover PPL's history, rather like that of the MU and needletime itself, has tended to be neglected in existing accounts of the music industries. However, its role within the wider music industries became increasingly important and forms the backdrop to this article.

When PPL formed in 1934 the BBC was the UK's sole broadcaster and, following the Cawardine ruling, the Corporation was obliged to pay PPL for using its members' recordings. Thus by the mid-1930s a system emerged within which the UK's monopoly broadcaster had to pay another monopoly (PPL) a licence fee in order to be able to play records on the radio, with such records largely emanating from a duopoly. This had a number of practical implications, especially for the BBC, which will be outlined as the article progresses. First, drawing on materials from the BBC Written Archives Centre (WAC), a brief examination of the various agreements which the BBC made with PPL over the years will be provided.

The BBC was formed in 1922 as the British Broadcasting Company and become a public Corporation in 1927. WAC files show that in the late 1920s, prior to Cawardine and during the early days of playing records on the BBC, there were a series of informal agreements between the Corporation and the record companies about the former's use of records. These generally covered what would be supplied, under what circumstances and what obligations this placed upon the BBC. In March 1932 a letter from the BBC to the labels noted that the arrangement 'is not based as we can trace, on any written agreement but has been mutually adopted by us over a considerable number of years'.¹⁴

By this point the record companies were agitating for the formal establishment of their rights in the recordings, while the BBC sought to limit them. Following a number of exchanges, the first written agreement was made in January 1933. Under its terms the labels supplied records for free, but the BBC was obliged to give full details – including the catalogue number – of the records it played in record only shows.¹⁵ This system did not last long and the announcing of catalogue numbers was soon abandoned.¹⁶ The first agreement with PPL itself (as opposed to agreements with the companies which became its constituent parts) came in 1935.¹⁷ This allowed the BBC to use records for fourteen hours a week in return for a £20,000 fee for a three-year period.¹⁸ The subsequent story is one of periodic renewal up to the end of the 1980s when, as will be shown, the system of restrictions was, effectively outlawed. The main agreements are outlined in the Appendix (Table A1).

¹⁴WAC, R21/74/1, Letter from Assistant Controller for Radio, S. J. Humphries, to various record labels, 18 March 1932.

¹⁵WAC, R21/74/1.

¹⁶WAC, R21/74/3.

¹⁷Rather confusingly a letter in WAC, R21/74/2 from Crystallite Gramophone Records to the BBC of August 1934 giving notice to terminate the existing agreements refers to these existing agreements as being between the BBC and British Phonographic Industry (BPI), a moniker then used for the record labels collectively and revised in 1971 when a formal organization of record companies was formed.

¹⁸WAC, R21/74/3.

The needletime story is complicated by the fact that there were also periods when an existing agreement had expired but its terms continued pending a new agreement, and others where existing agreements were supplemented. Compiling the full story is somewhat difficult. While there are copies of the full agreements between the BBC and PPL in various BBC files, such agreements were often amended during periods between the ratifications of full agreements, and some of these changes were only detailed in letters or minutes of meetings. The general picture is that initially the use of records on the BBC was something of a novelty and not of major importance.¹⁹ However, such usage became an increasingly important part of the Corporation's radio output, especially after the pop music boom of the 1960s. Meanwhile the relative lack of importance attached to the rights of those *performing* on the records (as opposed to the greater importance attached to the songwriters) meant that PPL remained a record industry backwater until the 1970s when the advent of commercial radio provided more radio stations and thus more licences and income for the organisation.²⁰

A further muddying of the waters is provided by the role of the Musicians' Union (MU). Although the Union was not officially a party to the agreements, it increasingly took an interest in the outcome of negotiations between PPL and the BBC. WAC files suggest that initially the MU was rather uninterested in the BBC's use of recordings as the majority of the Union's members were 'live' musicians, comparatively few of them made records, and records themselves were not widely used by the Corporation or in other public places. However, as the BBC's usage of records increased, the Union became evermore aware of the importance of records and generally took the view that their use in public – and especially over the airwaves – greatly reduced employment opportunities for live musicians. As such the Union held that the public use of records should be heavily constrained – if not prohibited altogether – and it constantly strove to limit the hours contained within the needletime agreements.

The Union's view was that records were forms of entertainment which were made for *private* use in the home and that their use in public domains – such as broadcasting or dance events – went beyond their intended, legitimate, purpose. It should be noted here that while over the years the rise of discotheques and other forms of public dancing, as well as the growth of music-based radio stations, would make such a stance seem anachronistic, initially the Union was far from alone in such a view. For example a Ministry of Labour Committee of Inquiry in to BBC-MU relations in 1948 held that:

Gramophone records are primarily recorded for private use and both Phonographic Performance Limited and the Union have in their view an interest in restricting their undue use for performance of a public nature – Phonographic Performance Limited because such undue use would prejudice sales to the public, and the Union because undue use of music mechanically reproduced would prejudicially affect the employment of musicians for live performances.²¹

This quotation neatly encapsulates both PPL and MU objections to the potential growth in needletime hours. PPL had also written to the Committee outlining its belief that 'the

¹⁹Barnard, *On The Radio*, *op. cit.*, 27.

²⁰In effect there is a hierarchy in the relative rights of composer/writer and performers which is enshrined in UK law wherein copyright in compositions lasts for the life of the composer *plus* seventy years, whereas performers' rights last for seventy years.

²¹Ministry of Labour and National Service, *British Broadcasting Corporation and Musicians' Union: Report of the Independent Committee* (London, 1948), 84.

uncontrolled and excessive use of records for broadcasting is seriously prejudicial to the Industry's legitimate and fundamental business of manufacturing and selling records to members of the public for *private entertainment*.²² However, it was the union which was most resistant to such growth and, from the post-war period onwards, negotiations around needletime often entailed the BBC and PPL arguing about which was responsible for securing the Union's approval of any proposed deal. The Union's strength in such dealings came from the fact that both the contracting organizations were reliant on its members in order to run their varied businesses.

As a newly formed public Corporation, the BBC began its life heavily reliant on the provision of live music to fill its airtime and, as Scannell notes: 'Music has always accounted for the bulk of the BBC's output on radio.'²³ By 1936 the Corporation was being described by Adrian Boult, its director of music, as 'the greatest employer of musicians that this country has ever known', while MacDonald suggests that it has been the largest employer of musicians that the world has known.²⁴ It has certainly been the UK's biggest employer of musicians since the 1930s, with the majority of the musicians both on its staff and employed on an ad hoc basis being MU members. Thus throughout the needletime period the BBC did not want to upset a Union which had the potential to seriously disrupt the broadcasting of live music. Moreover, the WAC files show that until at least the mid-1960s its officials generally shared the MU's view that music on the radio should, as far as possible, be live rather than recorded.

Meanwhile the record companies within PPL were always nervous that the MU might instruct its members not to record. They worried that the Union had the potential to instigate the sort of disruption that the American Federation of Musicians (AFM) caused with their recording strikes of 1942–44 and 1948.²⁵ Some within the BBC shared this concern. In December 1946 the BBC's Programme Contracts Director, W. L. Streeton, produced a memo warning of the close links between the AFM and MU.²⁶ While it is unclear that such a strike was ever likely in the UK, it is clear that the PPL were constantly wary of the threat. For example PPL told the Minister for Posts and Telecommunications, Christopher Chataway, in 1970 that a strike 'would put at risk £5 million of UK exports.'²⁷

An additional complication was the fact that the PPL also paid royalties to the performers featured on the recording which were being used in public places and broadcasts. Contractually, records which are commercially released generally feature performances by two types of artist. The first type are 'featured' artists, who are named on the record, such as the band or singer and who are generally contracted exclusively to record companies of the sort represented by PPL. The second are 'non-featured' artists who comprise the often unnamed session players who play on the records and whose work is often a key part of the recording, but who are not formally part of the ensemble contracted to the record company which issues the recordings. All performances on recordings attract royalty income when

²²PPL, *Evidence to Ministry of Labour and National Service Independent Committee* (London, 1948), emphasis mine.

²³P. Scannell, 'Music for the multitude? The dilemmas of the BBC's music policy', *Media, Culture and Society*, 3 (1981), 243–60, 243.

²⁴Boult, quoted in Witts, *op. cit.*, 242; H. McDonald, *BBC Scottish Symphony Orchestra: Celebrating 75 Years of Music-Making* (Glasgow, 2010), 4.

²⁵For the AFM strikes see T. Anderson, 'Buried under the Fecundity of His Own Creations': Reconsidering the Recording Bans of the American Federation of Musicians, 1942–1944 and 1948', *American Music*, 22, 2 (2004), 231–69; J. P. Kraft, *Stage to Studio: Musicians and the Sound Revolution, 1890–1950* (Baltimore, 1996).

²⁶WAC, R8/123/8.

²⁷Quoted in T. Stoller, *Sounds of Your Life* (London, 2010), 184.

PPL is paid for the use of recordings in which it holds copyright. The royalties paid to featured artists are generally determined by the terms and conditions within their recording contract with the company. Those paid to 'non-featured artists' have largely been determined by PPL policy, which has in turn been influenced by the views of the MU.

The results of this system were long term and complex. In 1934, PPL agreed with the performers' unions to pay twenty per cent of its net income to performers as a voluntary/*ex-gratia* payment. This was initially paid directly to the musicians, although how this worked in practice is now unclear. In 1946 the MU and PPL reached an agreement via which PPL agreed to pay twenty per cent of its net income to featured performers via the record companies and a further 12.5 per cent for the non-featured performers. The latter was paid directly to the MU. Importantly the Union did *not* pass on the money to individual members. Indeed, it should be noted that for many years the lack of record keeping about who played on which tracks and the fact that session musicians often did not know who they were working for during recording sessions would have made individual allocation extremely difficult. Rather, the Union took the view that the income should be used, as its magazine *The Musician* put it, for 'the benefit of all musicians.'²⁸ Given its predilection for live music, the Union used the money in efforts to provide live musical employment through its 'Keep Music Live' campaign and its Music Promotions Committee, which distributed the monies in the form of grants for musical events. In effect the Union became a sponsor of live music through the PPL income, which it used to provide a series of live events (such as May Day concerts) and to support organizations such as the London Symphony Orchestra (in 1982) and Ronnie Scott's Jazz Club (in 1981), both of whom were loaned money in times of financial difficulty.²⁹ This system enjoyed some longevity and between 1947 and 1988 the record companies – as significant sub-contractors of musicians – paid money to a trade union which represented such musicians. However, PPL imposed certain conditions on the Union's use of this money. This included stipulating that it could not be used to finance strikes against its members.

The importance of the 1946 PPL-MU agreement is that it entrenched a needletime system whereby a collecting society made up of employers of musicians negotiated licences for the playing of recorded music with a broadcaster which was also a highly significant employer of musicians under a system which produced revenue for a third party – the Musicians' Union – which represented workers employed by both contracting parties. If the tensions within such an agreement might now appear to be obvious, the system's longevity is somewhat noteworthy. Formalized during the 1930s, continued during the Second World War, made stronger in the 1950s and under attack in the 1960s and 1970s, needletime survived until the late 1980s. Indeed, while there were disputes about the terms of the agreement (detailed in the next section), it is striking that for many years *all* the parties involved accepted the principle that the use of recorded music should be constrained for fear of damaging employment opportunities for live musicians and/or record sales.

While space prevents a detailed discussion of each of the agreements, it is clear that the post-Second World War period was crucial. Prior to the war, the BBC and PPL reached a

²⁸S. Martin, 'Exploding a myth', *The Musician* (March 1996), 16–17. For a more detailed account of this system see J. Williamson, 'For the benefit of all musicians? The Musicians' Union and performers' rights in the UK', in A. Rahmatian (ed.), *Concepts of Music and Copyright* (Cheltenham, 2015).

²⁹R. Morrison, *Orchestra. The LSO: A Century of Triumph and Turbulence* (London, 2004), 203; J. Fordham, *Let's Join Hands and Contact the Living: Ronnie Scott and His Jazz Club* (London, 1986), 184.

needletime agreement in 1938 which allowed the Corporation fourteen hours per week for each broadcasting ariel (i.e. station).³⁰ During the war an agreement was reached in 1941 that each of the BBC's stations (again referred to as ariels) be allowed twenty-one hours and in 1943 it was agreed to let this agreement run until six months after the end of hostilities.³¹ At this point PPL also made it clear that it wanted a much improved needletime agreement following the end of the war. The MU's policy regarding needletime was set out at its 1945 conference, where it sought:

- (i) to effect limitation of the extent to which gramophone records may be used for public entertainment.
- (ii) to obtain payments for the Union from the users of any records reproduced publicly either directly or from radio broadcasting.
- (iii) to acquire some measure of control over the issuing of licences, and the conditions upon which such licences are issued, by Phonographic Performance Limited, for the use of records for public entertainment.³²

In order to implement this policy – and much to the consternation of the BBC – the Union came to a separate agreement with PPL in 1946. This was made public in 1947 and effectively limited what PPL could subsequently negotiate with the BBC. It included commitments to:

A progressive reduction in hours... in the use of commercial records by the British Broadcasting Corporation.

A payment to the Union in respect of the revenue derived from the broadcasting and public performance of records.

Restrictive conditions on the licences for public performance, issued on behalf of the gramophone companies, the purpose of which is to avoid the displacement of musicians.³³

Thus when PPL went in to negotiations with the BBC about the nature of the post-war needletime system it was with a determination to impose further limitations. A three-year deal running from 1 May 1947 allowed the Home Service thirty hours of records per week in the first year. This was cut to twenty-six in the second year and to twenty hours in the final year. The twenty-two-hour limit was continued through new agreements in 1952 and 1958, although more hours were added in 1959, 1964 and 1967, and subsequently significantly expanded, as will be shown below.³⁴

The BBC files show that, as some within the record companies came to see, rather than hitting sales, radio plays acted as adverts for records, so PPL incrementally moved towards countenancing more needletime. However, it was constantly wary of antagonizing the MU for fear of initiating a recording strike which, as the industry grew during the 1960s, had a growing potential to hit profits. For its part the Union increasingly sought to formally tie the issue of needletime to that of the BBC's commitment to the employment of musicians. It is important to note here that, as a publicly-funded broadcaster, the BBC generally accepted both needletime and its obligation to employ musicians. For example, in October 1967 – the

³⁰WAC, R21/74/4.

³¹WAC, R8/88/1.

³²Musicians' Union, *Executive Committee Report to Conference* (London, 1947), 21–22.

³³WAC, R/88/3, PPL-MU press statement, 14 May 1947.

³⁴Details of these agreements are contained in various BBC WAC files.

year in which the BBC's new pop station, Radio 1, was formed – Frank Gillard, director of radio at the BBC, wrote to the MU that:

We believe that broadcast programmes should comprise a substantial proportion of specially made material. We believe that broadcasting should do its utmost to promote the good health of those professions on which it heavily depends. We believe that excessive use of commercial gramophone records in broadcasting is a trend which is injurious to the music profession and must be resisted.³⁵

However, from the early 1960s onwards the needletime system came to face a series of challenges. The first of these was pirate radio, which began with Radio Caroline in February 1964 and was followed by a number of others including Radio London and Radio Scotland.³⁶ Operating outside of the UK's legal broadcasting system, the pirates often played popular music around the clock, thus partly satiating a demand for 'non-stop pop' on the radio.³⁷ They either ignored the requirement that legal broadcasters had to pay PPL fees or were rebuffed by PPL (under pressure from the MU) when they attempted to obtain licences from them.³⁸

A legal station based on the Isle of Man, Manx Radio, also began broadcasting in 1964. The following year it won a legal case against PPL needletime restrictions at the Performing Right Tribunal (the body which had been established by the Copyright Act 1956 to arbitrate in disputes between copyright holders and users) and was subsequently permitted to use records for fifty per cent of its airtime. This set something of a precedent for the BBC. Meanwhile the pirates were effectively outlawed by the Marine, &c., Broadcasting (Offences) Act of 1967 which made supplying the ships from which the stations broadcast illegal. The Act also engendered changes at the BBC which included the introduction of its first dedicated popular music station, Radio 1, which began broadcasting on 30 September 1967.

In effect the new station was a replacement for the pirates. However, it quickly found that needletime constraints left it unable to replicate their diet of 'non-stop pop'. Following tough negotiations with the MU and PPL, the BBC had been granted an extra seven hours a week needletime to cover the launch of Radios 1 and 2.³⁹ However, the stations' (joint) Controller, Robin Scott, found his plans to develop distinctive identities for the two stations hampered by needletime. Three things resulted. First, Radio 1 included a great deal of live music, often consisting of BBC in-house dance orchestras covering the hits of the day. Secondly, DJs often chatted to fill in airtime, much to the consternation of an audience weaned on BBC announcers. Finally, Radios 1 and 2 shared airtime in the evening making the forging of distinct identities somewhat difficult.

Scott was amongst those who led opposition to needletime. He was joined by DJs such as Kenny Everett and John Peel, who both publicly criticized the needletime system, leading to vehement complaints from the MU. Everett and Peel were amongst a number of former pirate DJs who had joined Radio 1 and then found that the relative freedom to play records which they had enjoyed on the pirates was constrained within the BBC because of the need to stick to needletime agreements. They thus voiced their opposition to the system, and

³⁵WAC, R78/3, 563/1.

³⁶See the Modesto Radio Museum website at www.modestoradiomuseum.org/radio%20caroline.html for a list of the UK's 1960s' pirates', accessed 25 January 2016.

³⁷For a good account of the pirates see R. Chapman, *Selling The Sixties* (London, 1992).

³⁸Witts, *op. cit.*, 251. Further evidence for this is contained in PPL Board meeting minutes to which the author was granted access but which are not publicly available.

³⁹Details of the negotiations around this can be found in WAC, R104/19/1.

focused their ire on the MU which responded by demanding that the BBC sanction the DJs. However, this was complicated by the fact that in the early days of Radio 1 such DJs were often employed on a freelance basis. They were thus not BBC employees, and felt little obligation to toe any corporate BBC line. In November 1967 Everett complained of 'grotty musicians' on air and in April 1968 he gave an interview complaining about a number of things at the BBC, including needletime. In March 1969 Peel wrote an article in *Petticoat* magazine which criticized the MU for seeking to restrict appearances on television by foreign musicians.⁴⁰

Accounts from former BBC employees also show internal discontent with needletime. The former head of Radio 1, Johnny Beerling, noted that the record companies which made up PPL employed pluggers to persuade the BBC to play the very records whose use PPL was simultaneously trying to limit via needletime. He referred to this as 'barmy' and blamed the 'stupidity' of the system's limitations for Radio 1 initially being accused of being inferior to the pirates which it had replaced.⁴¹ Former Radio 1 DJ Tony Blackburn accused the MU of 'holding radio back in this country' through its insistence on restricting the use of records.⁴²

By the early 1970s needletime was high on many agendas within the BBC and in 1971 R. G. Walford, its Head of Copyright, drew up a paper on the subject, entitled *Radio's Bridle: A Plain Man's Guide To Needletime*. This outlined the history of copyright in sound recordings, before going on to argue that both PPL and the BBC had an interest in extending the permissible hours. Walford contended that PPL's members had no interest in restricting needletime as more usage of recordings would mean more income for its members, while the BBC had increasingly wanted to use more records to fill the airwaves. Thus, argued Walford, the problem was the MU. While he acknowledged that it had 'a very legitimate interest' in protecting the employment prospects of its members, Walford voiced frustration that it had repeatedly:

(told) PPL that if, when it negotiates agreements with the BBC, it permits what the MU regards as an excessive amount of needletime, then the MU will if necessary take industrial action against the gramophone companies in the form of a refusal to permit any more commercial recording until the needletime position is put right.⁴³

He concluded that 'although for legal reasons the restrictions on "needletime" are imposed by the PPL they derive from, and are necessary to protect the interests of the MU'.⁴⁴ While not opposed to trade unions per se, Walford had seemingly become frustrated with the workings of the system. In 1967 he had noted that while 'I am the last person to advocate riding roughshod over the rights of unions ... the BBC should consider taking a case to the Performing Right Tribunal over the needletime restrictions'.⁴⁵ He questioned the MU's legitimacy in dealing with needletime, noting that while it represented 'serious' (that is, orchestral) musicians, pop music 'is a sphere for which we do not apparently recognise the MU'. This was because many such musicians, he was informed, were in the Variety Artistes'

⁴⁰For an account of all of this see M. Cloonan, 'Hang the DJ! The Musicians' Union and the early days of Radio 1' (2013), www.muhistory.com/?p=936, accessed 25 January 2016.

⁴¹J. Beerling, *Radio 1: The Inside Story* (Bloomington, 2008), 57, 59.

⁴²T. Blackburn, *Poptastic: My Life in Radio* (London, 2007), 24.

⁴³WAC, R101/191/1, R. G. Walford, *Radio's Bridle: A Plain Man's Guide to Needletime* (London, 1971).

⁴⁴*ibid.*

⁴⁵WAC, R104/19/1.

Federation (which represented singers and entertainers, some of whom would play music as part of their act, and which also in 1967 merged with the actor's union Equity).⁴⁶

Walford's 1971 paper was symptomatic of a growing unease within the BBC about the needletime limits (if not necessarily the principles which underpinned it). This was reinforced by a longstanding resentment amongst some BBC officials that the MU effectively imposed restrictions on the use of *all* records issued in the UK regardless of whether or not they contained performances by its members. In effect the MU claimed to represent – and thus have a claim to controlling the work of – *all* musicians, regardless of their membership status. While the BBC appears never to have had a *de jure* closed shop agreement with the MU (although union membership in the BBC's orchestras has always been high), this did not prevent the Union from acting as if it did. In negotiations about both the distribution of monies due to 'non-featured' performers and the employment of any musicians by the BBC, the MU adopted the stance that it was representing the entire musical workforce. The Union enjoyed wide membership amongst staff musicians of the BBC, but various WAC files show that it generally insisted that agreed terms and conditions also be applied to casually employed musicians (where Union membership tended to be less dense) in negotiations with the BBC.

Moreover it was firm in supporting a system that allowed it considerable leverage, and it is clear that there remained fierce opposition within MU circles to any concessions on needletime. As late as 1970, following the pop boom of the 1960s, MU Executive member Basil Tschaiikov told the BBC during a meeting that MU members did not want to allow any more needletime and that: 'He could not express how seriously musicians felt on this subject.'⁴⁷ The same year Harry Francis, then Assistant General Secretary of the MU, used an election address made as part of his campaign to become General Secretary to say that he was opposed to allocating *any* needletime.⁴⁸

However, Francis was swimming against the tide as the very existence of the pirates had shown the potential for commercial radio and stimulated political demands to end the BBC's monopoly of radio broadcasting. The Corporation's television monopoly had already been broken by the Introduction of Independent Television (ITV) in 1954 and in 1973 the first legal Independent Local Radio (ILR) stations began broadcasting.⁴⁹ Their establishment was accompanied by needletime agreements which initially allowed the new stations to use recorded music for fifty per cent of their airtime (up to nine hours a day, a much greater percentage than the BBC then enjoyed) in return for paying PPL a fee. This was set at three per cent of the stations' net advertising revenue for the first year of the agreement, rising by one per cent per annum during the next four years.⁵⁰ In addition the new stations had to spend at least three per cent of their advertising receipts on the provision of live music (and thus employment opportunities for live musicians).⁵¹ However, it was apparent that the ILR stations' collective organisation, the Association of Independent Radio Contractors (AIRC), resented such restrictions on the operation of the commercial radio market. In 1980 it took

⁴⁶WAC, R126/394/1.

⁴⁷WAC, R101/18/1.

⁴⁸*Melody Maker*, 4 July 1970, 22.

⁴⁹The BBC had introduced local radio stations in 1967 and their numbers expanded during the early 1970s. The stations were largely speech based and initially subject to needletime limits of one hour a week.

⁵⁰Stoller, *op cit.*, 186–87.

⁵¹*ibid.*, 187.

a legal case challenging PPL's charges to the Performing Right Tribunal, although the initial ruling went PPL's way and allocated a rising scale of payment, linked to inflation.⁵² Complex legal wrangling followed before a system involving some reduction in rates was introduced in 1986.⁵³ Ultimately the AIRC campaigns against restrictions served to undermine the needletime system.

While this was important, of longer term significance was the fact that concern around the collective licensing of copyright via the sort of system represented by PPL led to a Monopolies and Mergers Commission (MMC) enquiry in 1988 which was to lead to the end of needletime restrictions. The MMC report, *Collective Licensing*, ruled that needletime was an anti-competitive practice that should be abolished.⁵⁴ Following the Government's acceptance of the report, broadcasters still had to pay the PPL for the use of the music (and thus, effectively, needletime continued to exist in as a system of charging for hours of usage), but the organization was unable to impose restrictions on the amount of time that recorded music could be used for. The report also advocated – and effectively introduced – the abolition of another system through which PPL put clauses into their contracts with large record-playing venues requiring them to employ live musicians as part of the conditions of their licence. Thus at a stroke the MMC abolished two systems which has been designed to provide employment opportunities for live musicians. All this was a bitter blow to the MU, and its General Secretary Denis Scard later argued that the result was that 'the Union's influence went right down the pan.'⁵⁵ If this signalled the end of an epoch, then the issues which the Union sought to influence during the needletime era reveal much about the state of the UK's music industries at that time.

Recurring issues

A number of issues featured prominently during the negotiations around needletime. The first of these concerned the appropriate fee which the BBC had to pay. The Corporation's files show that between the first PPL-BBC agreement in 1935 and the MMC report in 1988 recorded music grew greatly in value and, in response, PPL increasingly sought higher fees on the basis that the value of its repertoire was constantly increasing. While there was some merit in such arguments, it is clear that the manner in which the price for needletime was calculated was generally somewhat less than scientific. In essence PPL would make a demand based on what it considered the state of the record market to be and the BBC would make a response, based on its current financial position. Unsurprisingly, the two parties' views on current market conditions did not always coincide and there were a number of instances when PPL demands caused consternation at the BBC. For example, in 1981 PPL opened negotiations for a new agreement with a demand for £8.5 million per annum, an increase of over 400 per cent on the previous fee, before a deal was finally concluded which had the figure nearer to £5 million.⁵⁶ Overall, as the popularity of forms of radio based on recorded music grew, PPL moved from being somewhat nervous about the potential of radio plays to harm record sales to being bullish about what it could demand. The fee that

⁵²*ibid.*, 189.

⁵³*ibid.*, 191.

⁵⁴Monopolies and Mergers Commission, *Collective Licensing* (London, 1988), 41.

⁵⁵D. Scard, 'The Union and the record industry', *Musician*, June 1991, 9.

⁵⁶WAC, R104/205/1.

PPL was able to demand rose from £20,000 in 1935 to £5.1 M in 1983, a tenfold increase allowing for inflation.⁵⁷

A second issue was what usage of recorded music the agreement actually covered. The BBC is a complex organization containing an array of radio stations which, in the pre-internet era, covered various geographical ranges. Its needletime agreements with PPL therefore incorporated different allowances for the main, UK-wide, stations (now Radios 1–5); for its ‘regional’ stations in Northern Ireland, Scotland, and Wales; for its radio local stations (the first of which, Radio Leicester, began in 1967 and now comprises 40 stations); for television and its international radio output. Prior to negotiating with PPL, the BBC consulted each of these constituent parts to assess their individual needletime requirements. The general story here is one of the BBC increasingly wanting more needletime in order to meet both the demands of the popular music audience and its own growing output.

There were also various other issues such as non-needletime records (mainly non-PPL records and music owned outside of the UK), the BBC’s wish for needletime exemptions for reviews programmes, use of music in programme signature tunes and dubbing (the use of records to make other recordings such as for background music). Rules for determining what happened if needletime was exceeded were also negotiated. Other clauses in the agreements included those determining what would happen in cases of national emergency – such as the death of a monarch – which might necessitate the playing of recorded music for extended periods. Of some historic note is that there was a great deal of discussion of what would happen when play was rained off in cricket Test Matches (which the BBC still routinely covers). For example, Walford noted in 1972 that the prevailing situation was that music could be played and not count towards the needletime allowance if one day was washed out, but not two or more.⁵⁸ Such restrictions show not only what was at stake within the music industries – in essence the state of musical employment at any given moment – but also within wider popular culture, such as the importance of sport.

For the BBC perhaps the most important development was that, despite the fact it was not a party to the needletime agreements, the MU increasingly used its leverage here to pressurize the Corporation in to maximizing the number of musicians it employed. Once again this involved a complex set of calculations as the MU was concerned with the *total* amount of employment that the BBC would supply for live musicians. Thus it sought to influence not only the amount of musicians which the BBC employed directly within in its own orchestras, but also those employed casually in session and other work. A significant development came in 1964 when, in order to expedite a needletime agreement, the BBC acceded to MU demands that it establish a training orchestra which would provide players for the profession. This short-lived experiment began in 1966 and was ended in 1977. Other important examples of the Union successfully pressing for more employment include a deal in 1978 which saw BBC local radio getting more needletime and the MU receiving a guarantee of the BBC employing more live musicians, and a 1981 agreement that recognized the link between needletime and employment opportunities for live musicians.⁵⁹ Here the BBC reported internally that ‘The Agreement recognized that a link exists between needletime

⁵⁷Calculation from the Bank of England website, www.bankofengland.co.uk/education/Pages/resources/inflationtools/calculator/index1.aspx, accessed 25 January 2016.

⁵⁸WAC, R101/193/1.

⁵⁹For the 1978 deal, see WAC, R104/203/1.

and the engagement of live musicians and the Corporation has reached agreement with the Musicians Union on guaranteed amounts to be spent on the employment of live musicians.⁶⁰

In summary the MU continually pressurized the BBC to employ more musicians on both a full time and casual basis and sought to make this a condition of any extension of needletime hours. However, by 1980 the BBC was under financial pressure. This forced the Corporation to examine its commitment to its orchestras and it hatched a plan to dismantle five of the existing eleven. This was fiercely resisted by the Union and precipitated a strike by the Corporation's orchestral musicians. A compromise was reached when the BBC agreed to maintain three of the threatened orchestras and to give enhanced payments to any musicians it made redundant.⁶¹

The 1980 strike has taken on something of a mythical status in the Union, as it was the last time in which it undertook anything resembling national strike action. While the strike itself was not about needletime, the absence of the BBC's musicians from its airwaves left an obvious gap which recorded music had the potential to fulfil. However, ever mindful of the MU's potential to disrupt recording, the PPL's Chair, L. G. Wood, wrote to Managing Director of Radio, Aubrey Singer, pointing out that for thirty years the relationships between broadcasting, artists and the MU had been 'not only amicable but to the mutual benefit of all' and warned that any of 'the parties who destroy this cooperation will be doing a very grave disservice not only to themselves but to the whole entertainment industry'.⁶² PPL Company Secretary, J.B. Love, then wrote to Singer emphasizing that the BBC should not exceed the hours permitted by its needletime agreement as part of attempts to break the strike. Love stressed that 'needletime will not be increased to fill gaps caused by the withdrawal of musicians' labour'.⁶³ Thus while PPL stopped short of overtly supporting the MU strike, it made it clear to the BBC that it had an obligation to settle the dispute and that breaking needletime agreements was not a permissible tool to use in industrial relations. It was in this arena the needletime needs to be considered.

An important legacy – industrial relations in the music industries

A system that has attracted vilification within the existing literature and which was ruled by an official enquiry to be a restraint on trade might initially appear to be one that has few lessons to teach. However, the importance of the issues that needletime raised echo down the years and what may seem at first glance seem to be a sectional issue takes on wider significance within a broader context. Importantly, examining needletime provides fascinating insights into the changing power dynamics and opinions within the music industries and needletime emerges as perhaps the single most significant industrial agreement in the history of the UK's music industries. This can be seen in three main, overlapping, areas which were represented by the contending parties: (i) broadcasting, (ii) the record industry and (iii) musicians' remuneration and working conditions.

The most obvious effect of needletime was that it had a major impact on the history of the broadcasting of popular music in the UK. It limited the amount of time the BBC could devote to recorded music and as popular music rose in popularity following the advent of,

⁶⁰WAC, R104/206/1.

⁶¹See J. Williamson, 'The strike that made history', www.muhistory.com/?p=1075 (2014) for details, accessed 25 January 2016.

⁶²WAC, R101/184/1.

⁶³*ibid.*

first, rock and roll and then the Beatles, the BBC's inability to play records made it seem out of touch with a generation of listeners. One result of this was the aforementioned rise of pirate radio, the emergence of which can partly be seen as being the result of entrepreneurs spotting a gap in the market – a demand for 'non-stop pop' – which, due to needletime, the BBC was unable to fill. If the main effect here was on audiences, then the MU's commitment to needletime's restrictions on the playing of records also jarred with a generation of popular musicians who *wanted* their records to be played on the radio in order to boost their careers. In this sense needletime might be seen as a generational conflict between the liberally-inclined popular musicians of the 1960s and those Musicians' Union officials who represented a more statist/public sector tradition.

When the BBC finally got a dedicated pop station, Radio 1, in 1967 negative reactions to its early broadcasts can in part be explained by the fact that its needletime allocation was clearly inadequate. For example, *Melody Maker* ran an article in October 1967 entitled 'Just how wonderful is Radio One?', two weeks after it had launched; while this found general support for the station, there was also significant criticism. On 2 March 1968 it included an interview with Robin Scott who denied that the station was not hip, but also acknowledged that needletime restrictions imposed limits on what was possible.⁶⁴ The BBC files show that some listeners objected to DJs talking too much, but one reason for this was because they could not play records and so had to fill airtime. As Radio 1 was the only legal pop station in the UK, the radio culture of generations of listeners was radically shaped by it. Listening to daytime Radio 1 now it is hard to recall that in its early days the needletime restrictions meant that live music was also used to fill up much of the pop station's airtime. This included DJs such as Jimmy Young performing live cover versions of hits with BBC in-house musicians providing musical accomplishment. For example, Beerling recalled the Northern Dance Orchestra playing covers of contemporary hits live in the studio, a system characterized by Radio 1 DJ Kenny Everett as 'Albert Scorn and the Strumalongs, and Rita Blunge singing "Strawberry Fields Forever"'.⁶⁵ Ultimately such a system was unsustainable as listeners wanted to hear the hits, not BBC cover versions of them.

Yet the impact of needletime in broadcasting went beyond the need for cover versions and some commentators have noted benefits within the system through what might be seen as the law of unintended consequences. Denied the opportunity to use unlimited amounts of recordings and in addition to broadcasting live music, the BBC turned to having musicians come in to record exclusive 'sessions'. This led to a number of unique recordings from artists who recorded for various radio programmes, including The Beatles.⁶⁶ Indeed, those done for the John Peel shows are the most high profile.⁶⁷ Forming a vital part of the BBC's – and wider UK's – musical heritage, these sessions may well have not occurred had the Corporation simply been able to play all the recorded music that it wished to. Thus, even opponents of needletime such as Beerling have recognized that the effects of needletime, which led to the BBC having to record its own sessions, was 'not always a bad thing'.⁶⁸

⁶⁴*Melody Maker*, 14 October 1967 and 2 March 1968.

⁶⁵Beerling, *op. cit.*, 42; Everett quoted in Witts, *op. cit.*, 256. For some discussion, see the Digital Spy website, <http://forums.digitalspy.co.uk/showthread.php?t=1902188>. For another account see the history of the DJ, the DMC website, <http://www.dmcworld.tv/historyofdj/> part 5, both accessed 25 January 2106.

⁶⁶See, for example, M. Lewisohn, *The Beatles Tune In* (London, 2013), 72.

⁶⁷See K. Garner, *The Peel Sessions* (London, 2007).

⁶⁸Beerling, *op. cit.*, 58.

Indeed, Witts acknowledges that the sessions came to be ‘one of the most distinctive and valuable aspects of the BBC’s engagement with popular music.’⁶⁹

In the second important area of needletime’s impact – the record industry – the role of PPL is particularly important as it illustrates that, as the amount of recorded music used in broadcasting and public places increased, so the organization moved from being in something of a music industries’ backwater to being a powerhouse. In recent years this power has been bolstered by a relative decline in income from sales of recordings, meaning that in many cases the licensing of rights has become more important than physical and online sales as a source of record company income.⁷⁰ While PPL can no longer enforce limits on the amounts of needletime granted, income derived from licences to play music in public places such as broadcasting has become ever more important to the record companies who own it. In November 2013 the time for which sound recordings remain in copyright in the UK was raised from fifty to seventy years following European Commission Directive 2011/77. Thus twenty-five years after needletime restrictions were effectively abolished, the rights that underpinned needletime are stronger than ever.

The needletime story is also about the distribution of record company profits and their obligations to performers as its workings raised questions about the extent to which ‘featured’ artists have assigned copyright in their performances to the record labels by means of recording contracts. For the ‘non-featured’ artists it is important to note that PPL recognized from an early stage that such workers should be recompensed for the public use of their recorded works. It is also salutary to acknowledge that it was perceived threats of MU strike action which meant that the record companies in PPL could never simply do whatever they wanted with the monies they received for the public use of recordings in which they held copyright. They *had* to take the MU into account and to ensure the distribution of record company profits, which at least recognized financially the vital role that musicians as workers had played in generating such profits. Under the system that was underpinned by needletime the MU acted *on behalf of* these workers, but its legacy is that the MU is still involved in distributing such monies today.

Another aspect of the needletime story is that it shows the changing attitudes of the UK’s record industries towards broadcasting. Initially, there was some hostility as it was routinely assumed by the companies that plays on the radio would damage record sales and so PPL sought to limit them. For example, an agreement between the BBC and PPL which ran from 1 January 1935 contained clauses that limited the use of particular records to once in every twenty-four hours during the first week of their release and twice thereafter.⁷¹ As indicated above, an official report of 1948 had noted PPL’s belief that unrestricted use of records on the radio would hit sales. However, by 1950 a minute of a note from a meeting of the BBC, MU and PPL noted that PPL had ‘departed from the views previously expressed’ and now felt that a reduction in needletime hours ‘would be detrimental to the sale of records.’⁷² A BBC memo from 1967 noted that PPL’s members believed that ‘*unlimited* broadcasting of their records may damage retail sales.’⁷³ In 1968 an internal report for the BBC stated that

⁶⁹Witts, *op. cit.*, 256.

⁷⁰See, for example, M. Stassen, ‘PPL pays out record £161.2 M in 2014’, *Music Week*, 3 June 2015, www.musicweek.com/news/read/ppl-pays-out-record-161-2-million-in-2014/061951, accessed 25 January 2016.

⁷¹WAC, R21/74/3.

⁷²WAC, R8/88/4.

⁷³WAC, R78/2, J. H. Arkell, letter to CBI, emphasis mine.

‘There is no support for any record company claim that over-exposure on Radio 1 harms record sales.’⁷⁴ Indeed, Derek Chinnery, Head of Radios 1 and 2 wrote that:

The simple facts are that in the field of popular music the record companies rely on exposure of their new material on R1 and R2 to create sales. Certainly their sales and promotion department confirm that they cannot usually hope to make ‘hits’ without plays on our national networks. The lengths they will go to to get plays are well known and in extreme cases have been the cause of ‘payola’ allegations. It is a fact that they would willingly pay us to promote their product. Many of them are spending sizeable sums of money buying time on Radio Luxembourg and advertising spots on commercial radio. It is surely an ‘Alice in Wonderland’ situation when we are in effect paying £5 a time to play the same records.⁷⁵

By May 1975 Mark White, Head of Radio 2, was reporting the views of record company executives that ‘Without Radio 1, or Radio 2 (depending on the type of record) there is still no way that major sales can be achieved.’⁷⁶ It had seemed that the situation had changed to such an extent that by 1976 the BBC’s Director of Radio, Howard Newby, was arguing in an internal document that: ‘in contrast with the time when PPL agreements were first negotiated broadcasting is now the most important means of promoting the sales of gramophone records. *The BBC is quite literally paying them to sell their own goods.*’⁷⁷ This was not necessarily a view shared by PPL, whose General Manager, H. G. S. Gilbert, was reported as arguing in March 1981 that ‘the more people listened to the radio, the less time they had available to buy and listen to records.’⁷⁸ Overall, the BBC and PPL files show that opinion on both sides was divided and needletime agreements were often a compromise between PPL expectations and BBC finances, with the MU pressurizing both sides not to make any agreements which might lessen the opportunities for live performances. Thus at any given moment the prevailing needletime agreement can be seen as showing the relative power of broadcasters, record companies and musical workers’ representative body, the MU.

The third area where needletime impacted was on those musicians whom the Union aimed to protect. It is perhaps unsurprising, therefore, that needletime is remembered somewhat fondly by long-term MU activists – several of whom have been interviewed by the author – for its beneficial effect on the employment of live musicians. Nick Tschaikov, who held several senior positions in the Union and took part in numerous needletime negotiations, was certain that it improved musicians’ earnings.⁷⁹ Former MU General Secretary, John Morton, said of increased needletime that: ‘There is absolutely no doubt it destroyed employment.’⁸⁰ Another former official, Don Smith, reported that the effect of needletime was to produce a great deal of session work at the BBC, especially for London-based musicians.⁸¹ Current General Secretary John Smith opined that it was a good example of the Union working together with representatives of the music industries via PPL and argued that many of the Union’s older members recalled the needletime era as one in which there was a great deal of high quality live music on the radio.⁸²

⁷⁴WAC, R104/19/1, Report by McKinsey and Company, *Tactics for PPL Negotiations* (London, 1968).

⁷⁵WAC, R104/194/1, Memorandum of 21 October 1974.

⁷⁶WAC, R104/195/1.

⁷⁷*ibid.*, emphasis mine.

⁷⁸WAC, R104/204/1.

⁷⁹N. Tschaikov, interview with author, Norwich, 14 April 2014.

⁸⁰J. Morton, interview with author, Dartford, 20 January 2014.

⁸¹D. Smith, interview with John Williamson, London, 24 April 2013.

⁸²J. Smith, interview with author, London, 20 May 2014.

However, the MU's stance on needletime was itself underpinned by a paradox. Needletime became problematic once the BBC was unable to meet the public demand for more recorded popular music on the radio. The system became resented by listeners because it restricted the BBC's ability to meet this demand. Meanwhile the jobs that the MU wished to protect were largely in the classical sector and, as noted above, there were discussions within the BBC about whether the MU actually represented popular musicians.⁸³ While there seems to have been little evidence that more popular music on the radio would have displaced live popular music gigs, it *might* have displaced some live classical musicians from the BBC's schedules in the longer term. Looking at the BBC's archives it becomes clear that the main concerns of both the Corporation and the Union were the 'profession': that small subset of musicians whose primary focus is on performing in orchestras and other ensembles within the western classical tradition.⁸⁴ In the jargon of the time, this was 'serious' music and pop was therefore trivial. Art and entertainment were largely seen by both the BBC and the MU to be separate things, with the prime concern of both organizations being the employment of musicians in the art/serious' music tradition. This is evidenced by the following quotation that is taken from a joint BBC-MU statement from 1964, which was issued after the Union agreed not to raise objections to PPL allowing the BBC an additional forty-seven hours a week needletime:

The BBC and the M.U. are both deeply concerned about the diminishing opportunities of employment for musicians generally. This problem, already the subject of statements by the Ministry of Labour, the Arts Council and other bodies, will be the subject of study and sustained action by the BBC in co-operation with the MU and other organisations. The BBC intends to play a leading role in encouraging the formation of new orchestras and will be shortly calling a conference of interested parties to this end. It is hoped that the result will be more concerts of live performances attended by the public and in particular the BBC's New Music Service on the Third Network will give encouragement in this direction. The BBC will be setting up a Training Orchestra comprising about 65 young players in a Provincial Centre, to give young players in Great Britain an opportunity to acquire the skill necessary to qualify for incorporation into BBC and other orchestras.⁸⁵

Here both organizations recognized a crisis in musical employment and both were determined to do something about it. However, such a 'crisis' seems to have been a narrowly focused one, given that this quotation is contemporaneous with Beatlemania, increased record sales and a demand for live popular music which, according to various accounts, led to a great deal of work for live musicians in pubs and clubs across the UK.⁸⁶

Thus much here depends on how a 'musician' is being perceived. The fact that the MU did not specifically have negotiating rights with the BBC for popular musicians led some within the Corporation to question its involvement in a system which was so clearly based around meeting the demand for that sort of music on the radio in such a way so as not to injure record company profits or musical employment. One questioner was Walford who, in

⁸³Such a discussion can be seen in a memorandum of 23 August 1967 contained in WAC, R126/394/1. In fact it seems likely that while the BBC did not directly employ popular musicians, the numerous ones it employed on a casual basis would have been covered by various BBC-MU agreements on the broadcasting and recording of music.

⁸⁴In 2016 such musicians form about ten per cent of the Musicians' Union overall membership.

⁸⁵WAC, R104/184/2, BBC-MU joint press statement, 22 February 1964.

⁸⁶This was verified in interviews with musicians working at the time (Jef Hanlon, interview with author, London, 4 May 2010; John Reed, interview with author, Wokingham, 11 April 2013) and is also evidenced by G. Thompson, *Please Please Me* (Oxford, 2008).

1967, suggested that the BBC have two needletime systems – one for pop and one for serious music.⁸⁷ This was clearly an attempt to undermine the MU's power as Walford believed that the MU only had a legitimate claim to represent 'serious' musicians since the BBC did not formally negotiate with the MU over pop musicians, many of whom, so Walford had been told, were members of the Variety Artistes' Federation.⁸⁸ This highlighted the anomaly of the Union using the power it had in different areas (the BBC's orchestras and the session players sub-contracted by the record companies) to play one set of employers off against another.

It should also be noted here that needletime encompassed the three most important parts of the music industries: live music, recording and copyright/publishing. For the Union, music was meant to be live and it was the needletime arrangements that underpinned its ability to insist that live musicians were employed in situations – such as broadcasting and dance events based on records – where the employers would often rather not have used them. For the record companies in PPL the system provided income through licence fees, while also allowing it to claim that it was supporting performers through the monies it paid to the Union. As the UK's main broadcaster the BBC was committed to the principles underpinning needletime – provision of work for live musicians and distribution of record company income to performers – until the rise of popular music made a commitment to strict limits untenable.⁸⁹

However, it is important to recognize that needletime went almost unchallenged for nearly fifty years and was generally endorsed by the major record companies, the UK's major cultural institution and the representative body for the country's musicians. Moreover, when challenges came they were led by the AIRC, a group whose primary concern was neither more diverse radio nor a healthy music profession, but the generation of profits. In noting all of this, the intention is by no means to defend needletime unreservedly but to suggest that a nuanced understanding of its operation and effects than has generally been available hitherto is necessary.

In all of this, needletime emerges as possibly the most important agreement to have emerged within the UK's music industries. It shaped the broadcasting and recording industries, brought in to question the distribution of record company profits and performers' remuneration, and demonstrated that the concerns of different groups of musicians were not always harmonious. While it would be too crude to characterize the latter area as a clash between live classical music and recorded pop, the fact that a Union focused on the live performance of western classical tradition sought to control the use of recorded pop shows how it struggled to represent the interests of all musicians equally.

Conclusion

It would be difficult to portray the MU as an honest broker throughout the needletime era. Until well in to the 1960s, it was frequently intransigent, obstructive and almost entirely self-interested, while simultaneously claiming to have the public interest at heart within the needletime system. It benefitted hugely from a system that saw it receive payments from PPL and guarantees of employment from the BBC. It is thus little wonder that it

⁸⁷WAC, R126/394/1.

⁸⁸*ibid.*

⁸⁹See WAC, R78/2: In December 1967 the Corporation's Director of Administration, J. H. Arkell, wrote to the CBI saying that 'the demand from radio audiences for records is almost unbounded.'

resolutely defended a system which was an essential part of its power base. For many years maintenance and expansion of the needletime limits was a major strand of the UK music industries' industrial relations formula within which the MU played a vital, if hitherto largely overlooked, role. Importantly the Union allied with the BBC in opposition to commercial broadcasting and so it was always negotiating with an employer that not only shared a number of its standpoints but also recognized that it had obligations towards maintaining the health of 'the profession'. Relations with PPL were also generally good, as is evidenced by the convivial tone of much of the correspondence and in PPL's tacit support for the Union's position during the 1980 BBC strike. When needletime ended, so did the MU's power to intervene in a meaningful way in key areas of the UK's music industries.

Moreover it should be conceded that the MU's position on needletime is understandable, if not always defensible. After all, the system offered the prospect of some security within the notoriously volatile music industries.⁹⁰ The Union has always tried to secure as much employment for live musicians as it can and it did this in response to every development in both needletime and broadcasting more broadly. It should also be remembered that its argument that playing records on the radio led to musical unemployment was widely accepted beyond the Union itself, despite a lack of empirical research into the question. Furthermore needletime was underpinned by a legal recognition of the rights of performers (albeit ones that 'featured' artists generally assigned to record companies) and the assumption that as a performers' union the MU had a legitimate interest in the public use of such performances.

In order to understand the MU's view of needletime it is necessary to view musicians in a particular way. Arguing from a sociology of bureaucracy perspective, Witts suggests that in terms of music policy the musicians employed on a full time basis by the BBC 'held the status of technicians'.⁹¹ However, this perspective places the interests of the BBC and the music industries above those of the workers within them. In fact, to really understand needletime it is necessary to recognise that the MU saw those it sought to represent as primarily *performers*: that is as people undertaking particular kinds of work. Indeed, viewing these performers/musicians *as workers* proves to be a useful prism through which to view the MU's actions.⁹² Throughout the era of needletime restrictions, the MU was motivated by two things vital to its members *as workers*: the provision of work and an equitable division of the fruits of the labour of workers (in this case, musicians). Because of these motivations it was accused of operating 'restrictive practices' and restraining trade, but these are not unusual accusations to be levelled at a trade union.

A final irony here is that underpinning needletime is copyright, which might itself be seen a restrictive practice in that it *restricts* what can be done to copyrighted materials without the consent of their owners. It is therefore tempting to suggest that in pursuing the 'restrictive practice' of needletime the MU was simply learning lessons from copyright itself, since the history of both suggests that unfettered freedom and forms of constraint both contain significant perils. If needletime was a 'bridle' then it was one which for almost fifty years served a number of competing interests. Its removal ended the MU's power. However, the extent to which the 'unbridled' broadcasting of recorded music has benefitted musicians is still open to debate and ultimately needletime's passing may not have been as welcome as previous accounts have suggested.

⁹⁰For examples of such volatility see DHA Communications, *The Working Musician Report* (London, 2012).

⁹¹Witts, *op.cit.*, 242.

⁹²For more on this approach see J. Williamson and M. Cloonan, *Players' Work Time: A History of the British Musicians' Union* (Manchester, 2016).

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Appendix

Table A1. BBC–PPL agreements, 1935–1987.

Year	Length (with dates)	Hours Allowed	Fee	Notes
1933	From 1/1/33	14 hours per week	None.	Annual renewal proposed
1935	1/1/35–31/12/37	14 hours per week per ariel	£20,000 per annum	Agreed in April 1935.
1938	1/1/38–31/12/40	14 hours per week per ariel	£30,000 per annum	
1941		21 hours per week per ariel	£40,000	Renewed in 1942. In 1943 it is agreed to carry on the agreement until 6 months after the end of hostilities.
1947	1/5/47–30/4/50	(Home Service) Year 1: 30 hours a week Year 2: 26 hours a week Year 3: 22 hours a week	£65,000 per annum.	Finalized in 1948 and is allowed to run on to 1952.
1952	1/7/52–30/6/55.	22 hours total (Home: 10, Light: 10, Third: 2), Plus TV: 3Overseas: 80 Regions: 6Local: 7	£70,000 per annum	Later agreed deal will run to 31/12/55. Then allowed to run until either side gives 3 months' notice.
1958	1/10/57–30/9/62, then 1/10/62–30/9/67.	Home: 22 (plus 6 in 1959 and 47 in 1964). Total 75 in 1964. TV: 3 (plus 5 from 1964).	£100,000 per annum. £17,500 for 6 hours extra in 1959.	Signed 25/6/58. Supplemented in 1959, 1963 and 1964. Supplement in 1963 allows deal to run another 5 years from 1/10/62. 1964 deal leads to setting up of BBC Training Orchestra.
1968	1/4/68–31/3/73. Eventually runs to 31/3/78 by mutual agreement.	Radio 1 gets 7 hours from 1967 at £65 per hour. Radio: 82 Regions: 6 TV: 5 External: 55 Local: 1 hour per day (informally). Radio 2 gets extra 15 hours per week from 30/6/73.	£163,500 from October 1962. £172,000 for extra hours in 1964, thus totalling £335,500 totalling per annum £400,062 per annum plus cost of living rises from 1/5/71.	Signed 17.1.70. Radio 2 gets extra 15 hours per week from 30/6/73.
1978	1/4/78–31/1/81.	2 hours extra per local radio station (3 in Birmingham, London and Manchester) and 10 for 'ethnic' programmes agreed from 1.8.78. Network (Radios 1–4): 127 Regions: 60 Local: 2 (3 for London, Birmingham and Manchester) Community: 2 'Ethnic': 10 Networks: Yr1: 132 Yr2: 142 Yr 3: 162 Regions: 72 Local: 2 (3 for top 3 stations) New stations: 2	£1,124,947 per annum plus retail price index after year 1.	This deal is never formally signed as PPL gets involved in a Performing Rights Tribunal Case. Also includes guaranteed expenditure on musicians.
1981	1/10/81–31/3/85	Extra 14.5 hours for networks (mainly R1) and 20 for regions	£15.1 M over 3 years. 1/10/81–31/3/82: £1.7 M 1/4/82–31/3/83: £4.1 M 1/4/83–31/3/84: £4.3 M 1/4/84–31/3/85: £5 M.	Signed 2/9/83.
1985	1/4/85–30/6/87		1/4/85–31/3/86: £5.35 m 1/4/86–30/6/87 – £8.3 m (£6.6 m pa plus £1.7 m for quarter)	This was described by PPL as interim deal until the Peacock Committee had reported on future of BBC

Source: This has been compiled from numerous BBC files, WAC.