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# CIDADES, Comunidades e Territórios

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## Live music, liquor and the city: An examination of the influence of liquor regulation on place-specific live music activity

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### Abstract

Live music plays a central role in the cultural life of cities. It provides an enticing entertainment option for the public, while culturally enhancing the spaces within which it operates. The ways through which live music activity is facilitated vary from locale to locale, being influenced by a range of cultural attitudes and regulatory factors, which in turn determine the ways in, and circumstances under, which such activity can and cannot occur. This paper examines the tensions at play between place-specific live music activity and regulation that pertains to this sector. It reports on research undertaken in Perth, Western Australia in relation to liquor regulation which primarily governs the spaces in which locally-focused live original music occurs. As this paper argues, despite a range of initiatives in place to lift the creative and cultural identity of the city, much of this has failed to engage with local live music. In turn, and due in part to regulation which does not, *in-situ*, address the varying needs of the sector, it is limited in its ability to be recognised as making a vital contribution to the creative and cultural identity of the city.

**Keywords:** live music; cultural policy; cultural identity.

### Introduction

Live music plays a central role in the cultural life of cities. It provides an enticing entertainment option for the public, while culturally enhancing the spaces within which it operates. Broadly, locally-focused and engaged live music scenes - the breadth of genres being performed, and the vibrancy, number and clustering of live music venues - contribute strongly to the cultural and creative pulse of the cities in which they operate. Furthermore, live music venues which support the endeavours of local musicians who perform their own original compositions

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provide a space in which they can network with one another as well as with industry personnel and audiences. Live music performance facilitates the development of creative and performance skills of these musicians, and has historically been the way through which they generate an income ; the importance of which is heightened in the present-day music economy. As a result, are critical to the role in the functioning of place-specific music scenes.

While certain cities have a global reputation for having particularly vibrant and innovative music scenes (think Berlin, Liverpool, London, and Nashville to name but a few), live music activity is ultimately ephemeral by nature. Key venues, popular bands and genres all change over time. The ways through which audiences engage with these and other entertainment options also shift, as do the cultural and creative identities of the urban spaces and cities that are home to these hubs of activity. The ways live music activity is facilitated vary from locale to locale, being broadly influenced by a range of cultural attitudes and regulatory factors, which govern the ways and circumstances under which such activity can and cannot occur. These factors relate to attitudes toward live music activity being a worthwhile entertainment option (which in turn influences audience sizes), as well as the ways through which the sector is bound by a range of government regulation that determine the conditions under which live music can be staged.

This paper examines the tensions at play between place-specific live music activity and the ways the sector is regulated. It places a specific focus on that which governs the supply and provision of alcohol to the public as this regulation is the primary way live music venues are governed. This results from live music activity occurring in spaces primarily licensed to serve alcohol. The research reported on here was undertaken in Perth, Western Australia (WA) and examined the challenges and hurdles impact upon the ability for live music activity – particularly original, local, live music activity – to be staged in licensed premises. It has placed a particular focus on the administration of the Liquor Control Act (1988) – the Act which governs the sale, supply and production of alcohol in the state - and was commissioned by, and developed in conjunction with, West Australian Music (WAM), the peak industry body for contemporary music activity in WA. This organization stages an array of festivals and educational workshops throughout the year, while also undertaking a range of regionally-focused music recording projects and an annual music business conference in order to foster support and awareness of WA contemporary music.

This study was pre-empted by the sudden closure of several key live music venues in Perth, which occurred following the sale of the buildings/ land on which they operated. Importantly, and despite placing its focus on liquor regulation, the purpose of this research was not to argue for less regulation. Certainly the complex nature of obtaining a liquor licence, coupled with the financial capital required to do so, will certainly deter many licence applications and therefore assist the sector to self-regulate the number of licensed premises. The challenge remains, however, in being able to undertake the administration of the Act in such a way that recognises the distinct needs of the spaces that supports original live music activity, and therefore, attracts a patronage who attends for the primary purpose of engaging with live music, as opposed to consuming alcohol. As this paper argues, the ways through which the Act addresses live music activity, coupled with how it is administered *in-situ*, ultimately limits the ability for the local live music sector to receive adequate recognition for its vital contribution to the creative cultural identity of the city.

This research is contextualised within discussions regarding the structure and functioning of place-specific music scenes, and in turn, the role of music within the creative and cultural identity of cities (Byrne, 2012; Johansson and Bell, 2009; Stahl, 2007; Wylie, 2006). More broadly, this discussion is grounded on a range of literature examining the structure and functioning of the live music sector and the important role live music plays in the development and sustaining of musicians careers (Ballico, 2009; Ballico 2013; Ballico and Bennett; 2010; Bennett, 2010; Johnson and Homan, 2002). In turn it draws from key arguments surrounding the contribution live music venues make to the culture of cities (Lobato, 2006; Purcell and Graham, 2005); and the complexities and realities of regulating a sector which often sees itself as being above government regulation (Breen, 1993; Törrönen and Karlsson, 2005).

Research examining the live music sector is wide reaching, examining aspects such as its economic contribution (LMO, 2015), audience engagement (PVA, 2015), venue support (DCA, 2015), and its contribution to the

cultural life of the city (Lobato, 2006). More broadly it has also intersected with examinations of the regulating of late night entertainment establishments, as a result of live music venues operating within a broader network of late night premises which serve alcohol to the public. In such cases – for example in the work of Hughes and Thompson (2008) – live music venues which support local original activity have been grouped alongside premises that serve alcohol either as their primary purpose or in cases whereby the entertainment options available attract a patronage who participate in risky behaviours. As a result, such work fails to address the nuances of different entertainment options in the licensed environment, and most critically, that local, original live music activity acts a deterrent for risky behaviours such as the heavy consumption of alcohol, due to its audiences engaging with licensed premises in order to engage with music, as opposed to alcohol consumption. Importantly, the attitudes toward live music activity, and in turn, the ways in which audiences do and do not engage with it, are intertwined with the cultural and creative identity of the cities in which such activity occurs. Within this, it is worthwhile to briefly touch upon notions of ‘liveable’ and ‘creative’ cities, as well as on the vital role music can play in being identified as such.

The concept of ‘liveable’ cities has continued to grow in cachet in recent years. This model has grown from work surrounding urban planning (Bailey et al, 2015), and includes range of indexes and models which measure ‘liveability’. The most prominent being the Economist’s Global Liveability Ranking, which ranks cities based on five factors: culture and environment, education, healthcare, infrastructure and sustainability. This scale has ranked Perth as being the eighth or ninth most liveable city in the world between 2010 and 2015 (The Economist, 2010, 2011, 2012, 2013, 2014, 2015). In the last decade, a range of ‘liveable’ and ‘creative’ cities initiatives and frameworks have been adopted in Perth as a way through which to engage more creatively with the city, and invigorate the city’s creative and cultural identities. ‘Creative’ cities initiatives similarly draw from urban planning (most notable of Charles Landry, see for example his books *The creative city: A toolkit for urban planners* originally published in 1994 and *The art of city making* released in 2006). Within this, urban planning and notions of ‘place activation’ are central. The ways in which the WA State Government and various advocacy organizations have worked to strengthen and build upon the creative and cultural identity of Perth, and more broadly the state are certainly examples of such activation, however, it is interesting that despite having taken such an ‘across the board’ approach to lifting its creative and cultural identity from a place activation standpoint, regulatory barriers, such as liquor licensing fail to match up to the same degree of recognition about the role of a vibrant creative and cultural identity. In turn, the ability for the facets of local music activity to take place, most notably, live music, can be limited and in the ways in which it can contribute to the cultural and creative pulse of cities.

### **Participant overview, methods and research context**

The participants included for this research were a combination of owners, managers and entertainment bookers of existing live music venues, as well as one prospective operator who was preparing an application for a liquor licence. The venues and associated interviewees were chosen for inclusion based on their prominence within the local original music sector and/or an understanding that there had been applications made to obtain or amend a liquor licence within the last five years. These venues include those that are very well established within the local live music sector – having been in operation for upwards of several decades to those which were much newer to the local music landscape but have quickly become established as being very supportive of local original music – often being established with a key purpose to provide this support. These venues are broadly defined as small – medium sized, catering to 200, and 300-600 patrons (Bennett, 2010) – with this cohort also including spaces which cater for less than 100 patrons. Performance spaces of such a size are particularly important for ‘up and coming’ and ‘emerging’ musicians as they provide appropriately sized spaces in which they can perform to suitably small audiences. While there are certainly a number of Perth artists who can perform at venues which greatly exceed this capacity, much of the local music activity occurs within these smaller spaces.

Given the sensitive nature of these experiences, and in order to allow the interviewees to speak freely about their experiences, the interviewees, nor their venues, are identified in this paper. Respective interviewees have been assigned a numerical code (1 – 6) – as outlined in Table 1, and in order to aid with readability, the interviewees are broadly referred to as ‘venue operators’.

**Table 1. Numerically coded interviewees, number of branded spaces, and associated performance spaces.**

<b>Interviewee</b>	<b>Number of branded spaces</b>	<b>Number of performance spaces (in each individually branded space)</b>
1	Two	One
2	One	One (occasional second)
3	Four	Two+ for each, up to four spaces
4	One	One (occasional second)
5	Two	Two - three
6	One (prospective)	One – application to be made

Source. Own elaboration.

Operating hours for these venues varied from establishment to establishment, ranging from opening at 11AM, to a mid-day – midnight scenario, and those which opened early evening and operated well into the early hours of the following day. Within this, there were also variances to the ways the venues traded within the hours allowed under the conditions of their liquor licence.

Importantly, while this research represents 10 individually branded spaces, some of these spaces operate within the same overarching licensed premises. It is certainly not uncommon for live music venues to have more than one performance space. This is illustrative of the varying ways in which music activity is integrated into licenced premises, and the ways its needs are addressed by the sector. Generally speaking, music forms a part of a broader entertainment and/or food and beverage mix at all of the venues discussed here. Other entertainment options include: performances by national and international touring musicians, karaoke nights, quiz nights, DJs, and/ or niche cover bands. Positioning local original music within a broader mix of entertainment options allows for venues to continue supporting this music. This is because local original music often does not generate much revenue (due to a combination of the spending habits of audiences, coupled with the low levels of cultural capital afforded to the majority of local musicians who frequent these spaces, and are unable to command high ticket prices), and, as such, additional revenue sources and can offset the financial risks associated with providing support to this sector.

Six one-on-one, face-to-face interviews were conducted with participants between September and November 2015. All interviews were audio recorded, and then transcribed to assist in the analysis of data. As the research is applied, a very basic application of the case studies methodology (Yin, 2003) has been used. The interviews, which generally lasted 20 minutes, were semi-structured in nature, so as to allow for an ease in the flow of conversation. Basic information was collected on all venues: licence type, operating hours, conditions, and the entertainment/ ancillary food and beverage options available to patrons. The interviews broadly discussed the experiences of staging local live music performances, covering topics including the benefits and challenges of doing so, and the specifics of how working within liquor regulations, as well as the way it is administered, impact the ways in which such activity can be supported and developed.

## **Live music activity in Perth, Western Australia and the city's creative and cultural identity**

Located toward the south west coast of Australia, Perth is the capital city of Western Australia. Largely suburban in nature, it is geographically separated from the rest of the country, being more than 2000 kilometres from its neighbouring capital city, Adelaide in South Australia, while also having a population base heavily concentrated (at 80%) in the metropolitan area. Recognised as having one of the largest urban sprawls in the world (Acott, 2014), the metropolitan area of Perth is located on the Indian Ocean to the west, and rolling hills to the east, with the northern and southern most points stretching more than 100kms. Its urban sprawl and geographical location present a range of challenges to being able to engage with live music activity, particularly in the cases of venues which are particularly supportive of local original music and in turn contribute strongly to the cultural vibrancy of the city.

Live music activity is heavily concentrated within the metropolitan area, with little activity occurring beyond the Central Business District (CBD) and its closely surrounding suburbs – most notably Leederville, Northbridge and North Perth, or in Fremantle, 25 kilometres south of the CBD. The majority of live music activity occurs in pubs and nightclubs, with additional large scale events, such as festivals, occurring in sports stadiums and multipurpose arenas.

A strong network of local live music venues is particularly critical for Perth musicians to be able develop and hone their performance skills, as they do not have an easily accessible alternate live music scene in which to engage with in other cities (Ballico, 2009; Ballico and Bennett, 2010). In addition, this network of venues facilitates the ability for musicians to connect with one another, audiences and industry personnel (Ballico, 2011), and as Ballico (2015) has examined, attendance of local bands at the performance, comprised of friends or otherwise, has influenced the desires of musicians to pursue their musicianship and the ways in which they have done so. To this end, the live music sector facilitates a broad range of learning, networking and career benefits. In turn, the ease with which musicians and audiences can and cannot engage with live music activity is inherently influenced by the ways activity occurs in the city in which it operates. In much the same way, a city and its culture are inevitably intertwined, and as a result, the ways in which creative and cultural activity occurs in place-specific locales is influenced by the attitudes toward such activity. As a result, this influences the ability for such culture and associated activities to be harnessed and supported (Scott 1997).

Positioned as being on the periphery of national cultural activity – due to the geographical isolation of the city – Perth experiences a feeling of inferiority when comparing arts and culture occurring in larger, more nationally integrated cities such as Melbourne and Sydney (the capital cities of Victoria and New South Wales respectively). Significant inroads have been made in an attempt to rid this attitude, with initiatives and investments made in recent years in order to shift perceptions surrounding the city's cultural and creative identity, and to attract a broader range of cultural activities and events to the city (Eltham, 2013). Further, during the mid-late 1990s and into the early 2000s, contemporary music from Perth – and specifically that which sat within the genres of indie pop/rock became nationally, and at times, internationally, recognised. This recognition resulted in an array of bands from Perth being signed to major recording contracts, achieving notable record sales, and broadly, lifted the profile of the local music sector to be one that is viewed as being highly creative and musically innovative (Ballico, 2013).

While Perth's contemporary music has received a significant amount of recognition beyond the state, it is interesting to note that from a local perspective, much of the initiatives that work to lift the creative and cultural identity of the city have focused on cultural engagement largely excluding locally-focused original live music activity. While there has been a particularly strong focus on providing funding to support contemporary music activity in WA, by of a government funded peer-assessed grant program which has been in place since 2002, much of the focus has been on financing the recording of music, and the staging of multi-date live music tours beyond WA. Recent changes have seen tours occurring in regional WA be eligible for funding, however the impact of this is yet to be seen. More closely, a Sound Attenuation Support Programme was established in 2007

in order to provide dollar matching funding (up to \$50,000) for venues wishing to undertake sound attenuation measures. Engagement with this programme was low, however, and as a result, the programme ceased (Bennett, 2010). Further, aside from the failed One Movement for Music Festival (see: Ballico and Green, forthcoming), and the annual WAM Festival, little, if any, focus has been placed on leveraging local live music activity as a worthwhile and substantial entertainment option. This is in stark contrast to a range of high profile initiatives which have placed a strong focus on lifting the creative and cultural vibrancy of Perth from a multi-disciplinary arts perspective.

These initiatives include: the 'Public' events and Symposium as developed by FORM (a not-for-profit arts and creativity advocacy organization), the development and allocation of arts-focused by the event development arm of the State Government tourism department EventsCorp - as well as a range of community focused arts and culture events, such as street festivals (namely the Fremantle, Angove and the now defunct Beaufort Street festivals) which are held in inner city suburbs surrounding the CBD, as well as in Fremantle. While events such as the Fringe Festival the Perth International Arts Festival both have strong live music components, much of the engagement is focused on high profile national and international artists, as opposed to local musicians. This is further compounded by an overcrowded music festival market which similarly takes the focus away from local music activity. More broadly, there has been significant investment by the Metropolitan Redevelopment Authority (the State Government body responsible for delivering urban renewal initiatives), to help creatively engage with the urban landscape of the city, while also fostering a strong sense of local creative and cultural identity. While these are but a selection of initiatives that have taken place over the last decade or so, they largely represent a significant shift in attitude toward the role of arts and culture within the life of the city, and the ways in which the cityscape can be 'activated' in order to achieve such goals (see: Landry 1994; 2006). This in turn, it would be anticipated, would allow for a more permissive and inclusive atmosphere for the development of local arts and culture activities such as live music.

Despite such initiatives supporting and facilitating creative and cultural activity, the ways in which the sector is regulated – and especially in relation to liquor licensing – circumscribe the ways in which live music activity can and cannot occur. To this end, it is evidence that, while on the one hand cities can be actively pursuing an agenda to creatively engage and activate their cityscape – and in turn develop a strong sense of initiatives which address this - from a regulatory perspective change can be slow coming.

### **Liquor licensing in Western Australia**

The sale and provision of alcohol in Western Australia is regulated through the Liquor Control Act (1988) ('the Act'). It broadly specifies the ways in which alcohol is to be supplied and sold to the public. Within this, there is a set of 'primary' and 'secondary' functions which govern its purposes and objectives. These are as follows:

**Table 2. Objectives governing the Liquor Control Act.**

Primary objectives	Secondary objectives
a) To regulate the sale, supply and consumption of liquor;	d) To facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State; and (...)
b) To minimize harm or ill health caused to people, or any group of people, due to the use of liquor; and	e) To provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and
c) To cater for the requirements of consumers of liquor and related services, with regard to the proper development of the liquor industry the tourism industry and other hospitality industries in the State.	f) To provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act.

Source. RGL, 2015: pp. 15-16.

These primary and secondary functions are illustrative of the ways in which the supply and consumption of liquor occurs in relation to other broader activities, and engages with a wide range of sectors. The Act is administered in relation to licensed premises is undertaken by way of numerous ‘liquor licenses’ which specify the ways in which alcohol can be produced and supplied to the public. There are ten main licences types (with an additional three sub-categories specified as ‘restricted’). In some cases, operators have been able to apply to have an extension placed on their trading hours during the weekend. This is known as an Extended Trading Permit, and allows holders to trade for an additional hour on the night(s) for which the permit is in place. The permit can be a permanent arrangement, or granted for a one-off event.

All venues included here can operate seven days per week under the terms of their licences, with most functioning under this model. For others, they would vary their days of operation, as they are required to have entertainment whenever they are open. Live music activity, as to be expected, was heavily weighted toward late in the week and on weekends. Ancillary food and beverage options were provided by a number of licensees. While there is a wide range of licences available to operators, which illustrates flexibility to the ways in which to be supplied to the public. When applied to the sector *in-situ*, additional licensing conditions and restrictions are often in place on individual licences.

Conditions and restrictions in place for the venues discussed here include: the requirements to provide patrons with food options, to employ security staff, and specifications for the types of, and ways in which, alcohol can be dispensed. These conditions and restrictions can influence the viability of the venues, and particularly their ability to support live music opportunities. This is because they can result in additional financial costs for the venue (such as the staffing of a kitchen at a time when most patrons would not be purchasing meals), or additional costs to patrons, such as higher prices for alcohol due to the way it is allowed to be dispensed (for example, bottled beer, which is a higher price to the consumer than tap beer). These challenges remain despite amendments made to the Act which have taken place in the last decade to continue protecting the community from the detrimental effects of alcohol and in order to address the needs of supporting a vibrant live music activity.

These amendments include: the inclusion of supporting live music as a secondary function of the Act; the development of a Responsible Service of Alcohol code of conduct; the inclusion of a Rights of First Occupancy provision; the Public Interest Test; anti-smoking legislation, and the introduction of a new licence type, the Small Bar Licence. Additional changes came into effect in November 2015, when this research was being undertaken, and include the extension of trading hours for premises operating under hotel and nightclub licences (essentially removing the need for an Extended Trading Permit), the acceptance of application without the requirement of a planning approval (s40) having been lodged, and the removal of an offence being committed when carrying liquor across an unlicensed area to a licensed area within the same premises. Such amendments to the Act recognise the need to continue addressing shifting needs of the community as well as the broad entertainment, hospitality and alcohol production sectors for which the Act governs.

A challenge that remains, however, is having the Act administered in a way which supports the needs of sectors which experience fluctuations in the ways in which they operate, such as the original live music sector. This is one critical facet to the regulating of the live music sector that this research found to be particularly challenging. It has also been found that while amendments such as the Rights of First Occupancy are important, they can only go so far to alleviating challenges that relate to negative attitudes from the community toward live music activity.

Applications for new, and amendments to existing, licences are made to the Department of Racing Gaming and Liquor, and involve input from the Department of Health and West Australian Police. In addition to engaging with these three State Government agencies, licenced premises must also adhere to town planning schemes, as set out by individual local governments, building code regulations and the Environmental Protection Act Noise (1997). Application and annual licence fees can cost over \$3000 for an individual scheduled item, with the approvals process for new licences requiring: the approval of the local government in which the licence is to operate, the undertaking of public interest assessment test, and the submission of building plans and premises specifications. A range of inspections and assessments of the application and proposed premises are then undertaken, with the public also being advised of the proposed premises, through a range of public advertisements at the proposed site and in local newspapers. Following, and dependent on whether the application passes successfully through these processes, the application will then be approved or refused. If earlier objections are received, additional submissions can be made in order to support the application, and in some cases, requests can be made for the application to be reviewed by the Liquor Commission, or for the matter can be appealed before the Supreme Court (RGL, n.d). Concerning, aside from the 'temporary' licence category (which is in place for one-off events), there is no timeframe specified regarding how long these processes take.

It was certainly not uncommon for operators interviewed for this research to feel as though they were being treated the same as premises that do not provide local live music as an entertainment option. For many, and particularly in regards to the smaller, niche venues, supporting local original music was a key endeavour and their main source of livelihood. Difficulties with engaging with the Department of Racing Gaming and Liquor – such as through poor or misinformation – in order to obtain, or make amendments to licences can have significant consequences on their abilities to operate as viable businesses.

For example, having been advised that a temporary licence would be granted, only to have it not so, one licensee experienced hardship by not being able to service their patrons as they had been actively planning to continue to do so. In other cases, applications for temporary amendments such as the extension of trading hours for one-off events has caused venues difficulties in being able to offer a wide variety of entertainment options. These difficulties can ultimately impact upon the venue's ability to support local music activity – either directly, by having to reduce (even temporarily) the number of performances – or by way of not being able to provide a broad enough array of entertainment options that offset the relatively small revenue generated by supporting local music activity.

While it is vitally important that all applications – whether for new or amended licences – undergo a rigorous reviews process, it is concerning that licensees do not find this process to be undertaken in a timely and well communicated manner. This ultimately limits the structure and functioning of the live music sector as it can limit the opportunities for performance, and can have negative impacts on the culture of the venues in which it

operates, resulting in a lack of vibrancy and cohesion within the broader live music scene. Local original live music was especially credited with enhancing the atmosphere and culture of all of the spaces, and in providing a point of difference in the market. Therefore, it has the potential to be leveraged in order to strongly contribute to the culture of the city. A challenge remains however, due to the disconnection between liquor regulation and live music activity.

### **Local live original music and liquor regulation: A complex relationship**

Live music has provided a vital contribution to the culture of all venues in this research. The operators all cited its ability to provide a worthwhile entertainment option, to be able to positively contribute to the local community, and to provide vital opportunities to local musicians. One of the most critical findings has been that, despite being primarily governed by liquor regulation, original live music activity mitigated alcohol consumption.

Given the rates of liquor consumption within the night time economy and the associated issues around the impact of this behaviour (Hughes and Thompson, 2009; Miller, 2012; Moore et al, 2007; Wickham, 2012) it is interesting to note the role alcohol consumption plays - particularly the levels of consumption - across the venues included here. Broadly, even though operators, such as interviewee 2, found there would be a variance in alcohol consumption between music genres, they explain that:

« There's never any particular genre of music that is unviable, or unsafe, or anti-social. It's just from purely from a stats or sales point of view (we find a) big variance (in alcohol consumption). »

Echoing a similar sentiment, interviewee 4 explained that, even though they recognise that they could make a higher bar-based profit through particular entertainment choices,

« we do need to stay dynamic (... so) we book to be dynamic as opposed to drive (alcohol) sales, otherwise (the venue) wouldn't last. »

Only one operator drew a connection between an increase in alcohol consumption and live music. Importantly, however, this was tied increase to an increase in patronage, which relates to music attendance, as opposed to alcohol consumption being the primary purpose for attendance. At the same time, live music audiences – and particularly those who attend in order to engage with local music – do not necessarily have the disposable income that affords them spending significant amounts of money on alcohol when at the venues. As a result, offerings available to patrons in the spaces in which live music performances occur (but outside of the hours in which it does) can assist in the ability for venues to continue providing such support. For example, interviewee 5 explains that with food and beverage options available both during and outside live music performances, the ability for the venue to provide local original live music as an entertainment option is supported:

« We're lucky in the sense that we have two businesses that operate here. We've got the live music part (...) and the food and beverage trade, and we can sustain the expense of live music by having a business that sits alongside it. If we only had one, we would fail. »

In the case of interviewee 3, however, who was required, until recently, to provide patrons with a full service kitchen until one hour prior to closing, this resulted in financial costs which were not recouped:

« We had to serve meals to within one hour of when we closed the venue. So, obviously, if we were running a show until midnight, you're not gonna get a lot of food orders (late into the night) and it cost us a heap in wages to have kitchen staff stay on so we could do these shows. »

Diversification of business models supports the ability for venues to provide local original live music opportunities. In the case of this venue – which broadly operates as a food and beverage business – the need to

offer diversity to patrons during all hours of trade caused difficulties in being able to support local live music. As they explain:

« Being a live music venue is almost like being a charity. (One of our spaces) doesn't make us any money, loses us money being open as a live music venue. The (other space) unless we've got big runs of strong acts, doesn't cover the costs of putting in local original live music. »

The shifts in alcohol consumption can also be related to a shifting attitude away from heavy drinking. As interviewee 1 explained, they have seen a strong decline in the last 12 months in relation to the consumption of alcohol at their venues. Discussing possible causes for this, they say:

« We can talk about people's concern about the way the economy's performing, the fact that the resource sector has declined, so a lot of people have lost jobs there, and don't have the incomes they were earning, five to ten years ago (...) I mean add to that there's been a large, government initiated [campaign] on the effects of alcohol over the past 10 – 15 years, and I think that's slowly catching up, and actually being successful. I think people are being warned off alcohol. »

As this operator went on to explain, they have seen a strong shift in attitude away from heavy alcohol consumption which was particularly prevalent during their youth:

« I think when I grew up you went out every Friday and Saturday night and drank yourself into oblivion. There's still a component that do that, but the majority use alcohol a lot more sensibly these days. »

With alcohol consumption being a secondary aspect to the ways in which audiences engage with the venues they frequent for local shows, it is interesting to note the challenges that remain for the sector. Much of the interview discussion centred on interviewees' experiences of working within the requirements of their licences and in engaging directly with the Department of Racing, Gaming and Liquor. The three main concerns raised when discussing these experiences were: a poor, or a complete lack of communication from the Department, a lack of support in the application/ amendment process, and a lack of consideration toward the nuances of their venues. Certainly, all interviewees understood the need for the sector to be regulated, and were not pushing for a reduction in regulation, nor did they want to be non-compliant to the conditions of their licences. One operator also pointed out the positive impact amendments to the Act, such as the Responsible Service of Alcohol provision as having a positive impact on community safety and therefore supporting their venue in being able to offer opportunities to local musicians. What the operators felt was lacking was an understanding toward their needs, including a timely approvals process.

Of the licensees included in this research, three have engaged with the Department in order to redefine their licenced areas (in relation to the physical dimensions of the space). One had also applied for a temporary licence in order to operate in a different, temporary space, while two had applied for occasional ETP (one of which was going through the process at the time of the interview). One was in the process of developing an application for a completely new licence in a space which had no previous history of operating as a licensed premises, while another was in the process of applying to extend into a new, separately licensed space. Another had already gone through the process of having particular restrictions removed from their venue and was presently undergoing the process of applying to change to a different licence type. Aside from the process of redefining a licenced area (viewed by those who had done so to be an easy process) - all who had, or were about to engage, with the Department for all other reasons expressed frustration at the time frame of their applications being assessed, and a lack of understanding toward the realities of supporting local live music activity.

Broadly, it was perceived that the supporting of live music activity was not taken into consideration when assessing, granting and amending licences. As a result, the operators did not perceive that the facets to the Act which are in place to support live music activity – notably its secondary function and the Rights of First Occupancy clause – were not fully considered nor were they working *in-situ*. This was further complicated by the additional requirements for operators to engage with local governments when establishing new premises. For example, one operator explained that while they felt supported by the patrons that frequent their venue, they did

not believe such support extended to the Department or was recognised the government, more broadly. Reflecting why they had this perception they explain, they believe that,

« The point of difference, the uniqueness, the expression, the emotional output on stage, the lack of conformity, in terms of what a perfectly shiny cookie-cutter venue, or licensed venue should be. We get labelled these ‘alternative mavericks’ that’s setting ourselves apart from mainstream, alcohol venues, and I think that, from a government and licensing department point of view, they’re kind of looking at us through slotted eyes, like we’re some kind of outlaw organization. »

Expressing similar frustrations following numerous experiences of applying for a temporary licence, the obtaining of a completely new licence, the changing of a licence type, and for the removal of a condition to have meals served until one hour prior to the venue closing, one operator stated:

« I think they need people who are more understanding of individual situations, particularly in the Arts [...] and] maybe there’s an adviser for your late night districts [...] I just think that there needs to be more [support, and for it to not be] so generalised. [It] needs to be more specific fields of expertise in venues, and with a lot more attention culture and music and entertainment. »

This lack of context and understanding was concerning to all operators. Further, it was noted by two interviewees that the impact of broader shifts within the licensed venue market which in turn impacted the ability to obtain licences. For example, as one interviewee, who was going through the process of applying for a new licence in order to extend their operations into a new space:

« There’s definitely more of a scrutinising effect. Not necessarily certain that’s a bad thing though. I think what’s happened is a lot of Small Bars have been let in and a lot of them are coming with their own issues – either financial or logistical [...] I think that, in turn, is putting a lot more pressure on the Director to make certain everything is rubber stamped properly. As I said, I’m not necessarily sure that’s a bad thing, you know, we’re professional operators so we go through it in a proper way and do our due diligence and everything. However, yeah it can be frustrating the amount of red tape. »

Another interviewee – who was in the process of developing an application for a new licence to be attached to a new space – noted that they had seen an increase in the policing of background and/ or ambient music conditions attached to a range of new licensees operating under the Small Bar Licence.

« [As a result] that rules out all live performances, so that whole new increase in liquor licences [...] is all restricted to no live music [...] and they are policing it. Each one of these [nearby] venues has received a warning in the last few months from the offices of the Director of Liquor Licencing for playing amplified music [...] My point is, even though there are primary and secondary [objectives], there are only four. Let’s face it, what’s the difference between primary and secondary, you’ve got four objectives? You are absolutely failing one of them. »

The perceptions toward the ways in which venues felt their operations, and various applications to RGL were being handled reflected a perceived lack of understanding toward the needs of the sector, and its ability to be flexible to the market’s needs. Returning to the venue who was in the process of applying to extend into a new space, as well as applying for a one off extension to their trading, they reflect:

« [The department will] give us feedback, but only so much. At the moment, case in point [...] An] east coast promoter is trying to do a live entertainment festival type thing on a Sunday [...] We’re good fit for the thing, but yeah, [we] certainly have to jump through a lot of red tape. I’ve had to work with management on three different submissions now, with the third just going off on Tuesday night to RGL, because it keeps getting knocked back. And I think the last message we had was ‘okay this is going to get referred to the Director’, and I’m like ‘good.’ I actually want it to get referred to the Director. »

This lack of feedback, as well as the process for handling appeals was cited as concerning by another two venues. One operator, who had numerous engagements with the department through applying for restriction removal, the (eventual rejected) granting of an Extended Trading Permit, and the application for a new licence stated:

« They give you a list of things to check off. They want your thousand signatures, they want letters of support, all that sort of stuff, and then really you're just sitting there twiddling your thumbs with no idea what's going to happen. »

Another operator, who had previously had a licence application rejected, and was developing an application for a new space, reflected negatively on both the lack of feedback during the application process and the way in which appeals are handled:

« You only get one go at this [...] If you apply for a liquor licence and you don't get it, first of all you can appeal to the Commission, but you can't present any new evidence. So let's say you did a Public Interest Assessment and you didn't put enough in about heritage issues, they don't tell you that along the journey [...] and] if you fail you cannot re-apply for a liquor licence at that same venue for two years. »

The lack of nuances regarding the functioning of live music venues and the ways in which the Act is administered were also raised by two interviewees who cited issues regarding noise complaint as being a concern.

The Rights of First Occupancy clause was introduced into the Act in 2007 in order to reduce the difficulties venues experienced in light of the changing urban landscape of Perth. This was a result of an increase in residential premises (notably multi-storey, multi-dwelling complexes) being built nearby established live music premises. These changes came into place following a strong history of venues experiencing difficulties due to actual and perceived issues with noise complaints from nearby residents. While such an amendment is significant in recognising the need to protect such spaces, its in-situ application has come into question, as one operator explained:

« You're still fielding phone calls and dealing with that on a person nature before it gets that far. Like you'll get people phoning up saying it's too loud and you'll have to talk to them, be wary of that, and obviously cost you money for sound proofing and stuff like that. »

Such a change is certainly a move toward supporting a vibrant live music sector, which can make significant contributions to the creative and cultural identity of the city. The complexity of engaging with the community in order to prevent the RFO clause needing to be used, represents an example of the broader attitudes towards local creative and cultural activity. While, as mentioned above, none of the operators wished to be non-compliant. They also did not want to have difficult relationships with the communities in which they operate. That there is a need to have an RFO in place, however, represents a critical need to foster a permissive attitude and understanding toward the vital contribution live music activity makes to creative and cultural identity of Perth. A need further illustrated through the ways in which the Act is broadly administered. Only then will the city's live music scene be able to obtain the recognition in its ability vitally contribute to the creative and cultural identity of the city.

## **Conclusion**

In conclusion, this paper has examined the challenges that exist in being able to support localised live music activity in relation to the ways in which the sector is regulated within place-specific contexts. It has been ground

within the notion of creative and liveable cities theories, and the ways in which music can contribute to the cultural and creative identity of cities. This paper has reported research undertaken on local original live music activity in Perth, Western Australia, and focused specifically on the regulation of liquor, which broadly governs the operations of the spaces in which such activity occurs. This regulation takes place through the Liquor Control Act (1988), which is administered primarily by the Department of Racing Gaming and Liquor. This Act regulates the supply of alcohol to the public by way of numerous ‘licences’ which set out the conditions under which this can occur. These licences specify the hours during, and ways in, which alcohol can be provided to the public, and can also include additional conditions which further influence the ways in which spaces operate as licensed premises.

As discussed complex relationship exists between live original local music activity and this regulation. Venue operators included here felt that their premises were treated the same as those who did not offer such entertainment options to the public. This was despite local original live music activity being credited with mitigating alcohol consumption. As a result, a disconnect was found between the Act and the ways in which it functioned *in-situ*, including in not being flexible enough to adequately support a sector in a constant state of flux. This disconnect prevails despite a range of amendments being made to the Act in order to support the functioning of this sector, and in spite of a range of broader initiatives which have been put in place to support arts and culture activity and identity within the state.

The key challenges facing operators has been a combination of poor and miscommunication from the Department in relation to the progressing, and viability of specific applications. This is further complicated by a lack of specificity toward the needs of venues supporting local live original music activity. Live local original music activity has made a vital contribution to the cultural identity and vibrancy of all venues included here, and in some cases, has been the primary reason for their establishment. More broadly, Perth music has become recognised nationally and internationally for its creativity and innovation, with local venues viewed as playing a vital role in the ability for this to occur. Despite this, the live music sector is one that remains largely unleveraged in relation to the creative and cultural identity of the city at a local level. As a result, the ability for venues to provide and build this vital support for the sector and to be adequately supported in liquor regulation and administration when doing so, remains limited.

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