Challenges Facing Music Venues in Halifax

Graeme Buffett

Supervisor: Dr Jill Grant

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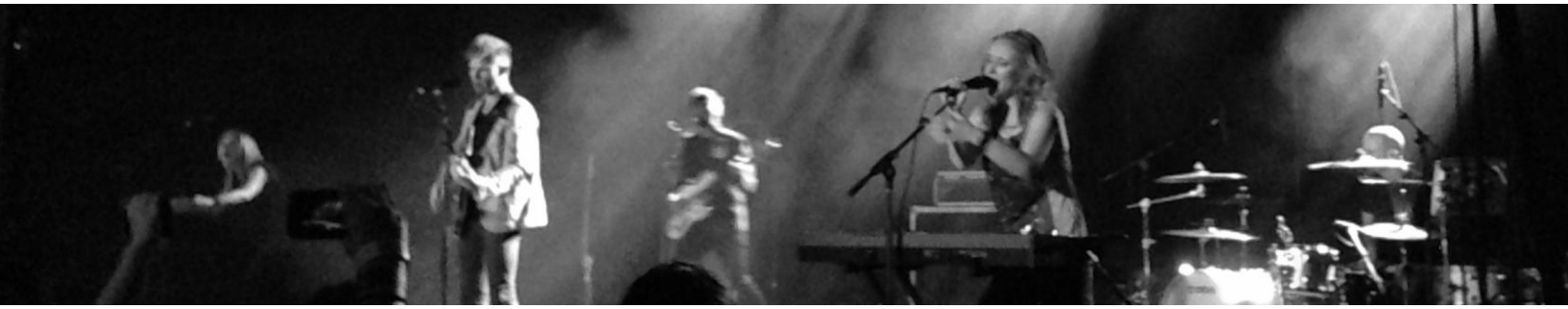


1.0 Summary

Recent surveys have shown that creative and cultural industries, including the music industry, are becoming more important to the Halifax regional economy (Grant, Haggett, & Morton, 2009). A key component of the Halifax music scene is the venues in which bands and musical acts perform. Without such spaces it is difficult to develop a music industry. Data collected by Dalhousie student researchers in 2008-09 indicated that interview participants raised concern over a lack of venues in Halifax. Media sources have recently reported that venues appeared to be closing their doors fairly frequently. The role venues play in Halifax as incubators of talent coupled with a perception that these spaces are disappearing is cause for concern.

This study examines the concerns raised in previous research and media outlets on the function of Halifax live music venues. It investigates the challenges faced by licensed performance spaces on the peninsula. The study drew on several data sources. Document analysis included cultural policy from Nova Scotia and other regions, and a search of media sources such as newspapers and music blogs in the Halifax area. Then it reviewed nineteen qualitative interviews conducted in 2008-09 (Grant, et al., 2009). Eleven new qualitative interviews were conducted in 2012 with music sector professionals and venue owner-operators to determine perceived challenges music venues encountered.

Data collected from interviews was analyzed and categorized into themes. Emergent themes were categorized into social themes and regulatory themes. Social themes include increased competition in entertainment choices, changes in drinking habits, youth access to live music, and violence associated with nightlife. Regulatory themes include taxation, transit, density, the price of alcohol, venue capacities, and the general operation of Nova Scotia Alcohol and Gaming in regard to enforcement and regulation.

The study's examination of cultural policy and the actions of various regions highlights strategies that could address issues facing music venue owners raised by study participants. Strategies include creating a Music Advisory Committee, promoting entertainment districts, providing incentives for creating or maintaining performance space, extending transit along key routes at later hours, and reforming Nova Scotia Alcohol and Gaming regulations.

2.0 Introduction

Many amazing bands and musicians have called Halifax home. Sloan, Joel Plaskett, Buck 65, Matt Mays, Jill Barber, Classified, Alert the Medic, Ghettosocks, the Super Friends and many others have ties to this city of approximately 400,000 people. Studies have shown that the Halifax music scene is open, supportive and collaborative making the city an incubator of musical talent (Grant, Haggett & Morton, 2009). Central to the success of the Halifax music scene are the venues that act as stages for performance. Venues allow musicians to develop and build a fan base (Haggett, 2008). Media coverage suggests that venues are closing in Halifax leaving music industry experts concerned over the future of live music in the city (Cosgrove, 2011).

This study examines the factors that affect the viability of live venues in Halifax. It utilizes qualitative methods in the form of document analysis and interviews with experts to assess the perceived factors that undercut venue profitability and ultimately lead to closures. The study focused on licensed privately owned establishments that hosted live music performances regularly. This excludes large venues such as the Halifax Metro Centre, Cunard Centre, and Rebecca Cohn Auditorium. The map 'Halifax Venue Areas' depicts venue clusters and general venue locations in Halifax. Clustering occurs on Argyle Street and Gottingen Street.

Data collected from this project points to several themes contributing to challenges faced by live venues. These themes are social and regulatory in nature. Social themes include changing drinking habits, shifting entertainment choices, youth access to live music, and violence associated with bars in the city. Regulatory themes include the high price of alcohol, property tax rates, limits to public transit, population density, general operation of Nova Scotia Alcohol and Gaming, and allowable capacity in licensed establishments. Together these factors make venue operation difficult. This study examines potential actions that government can make to alleviate some of these pressures.

Map 1: Venue Areas

Argyle Street (Left) & Concert inside The Marquee on Gottingen Street (Right) | Source: G Buffett (Left) & festivals.westjet.com/sites/default/files/images

3.0 Background

In recent years a great deal of work and many studies have been conducted examining the role that creativity plays in attracting individuals who are creative, skilled, and talented to a region. Richard Florida and his studies of the 'creative class' have in part inspired much of this work. Florida describes a member of the creative class as follows:

> "This young man and his lifestyle proclivities represent a profound new force in the economy and life of America. He is a member of what I call the creative class: a fast-growing, highly educated, and well paid segment of the workforce on whose efforts corporate profits and economic growth increasingly depend. Members of the creative class do a wide variety of work in a wide variety of industries…Most civic leaders, however, have failed to understand that what is true for corporations is also true for cities and regions. Places that succeed in attracting and retaining creative class people prosper; those that don't fail" (Florida, 2002, p. 17).

Florida argues that the presence of a music scene is a key feature that helps attract a skilled and creative workforce.

Music scenes evolve around clusters where individuals with similar interests congregate. Musicians tend to live in areas where a music scene is already present (Florida, Mellander, & Stolarick, 2010). Clustering occurs because individuals are able to learn and share. Musicians can listen to and play for each other, learning new styles, and gaining exposure to different musical tastes. Areas with an existing music scene are

subject to greater clustering because they provide greater opportunity to play, record, be heard and collaborate in music (Florida et al., 2010). Musicians cluster in Halifax, contributing to the vibrancy and health of the music scene (Grant, et al., 2009).

Smaller centres play a crucial role in responding to demand for music in locations outside of the big music industry cities (Florida & Jackson, 2010) such as Montreal and Toronto. Halifax is a smaller city that performs well in terms of music creation and developing artists who progress to national and even international success (Haggett, 2008; Hracs et al., 2011). The changing nature of music and distribution due to internet and social media means musicians are no longer limited to big music centres to achieve levels of success, but can cluster in areas where a scene is present (Florida & Jackson, 2010). Advancements in affordable digital recording represent a democratization of technology making the process of recording easier. As a result musicians are not bound to locations based on well-developed recording facilities (Leyshon, 2009).

Small scenes, like the one in Halifax, can be productive and successful. As digital media evolves further small centres become increasingly important to music development. Research suggests that musicians may be considering where they choose to locate with greater emphasis on the social dynamics of an area rather than the presence of record labels or recording infrastructure (Hracs et al., 2011). Halifax may have an advantage over larger centres due to lower cost housing and a more collaborative scene that allows musicians to spend more time pursuing their creative interests (Hracs et al., 2011). Halifax can benefit from its assets if efforts are made to foster live music.

Live music is increasing in importance to musicians. Technology enables greater diffusion of music. Individuals are able to taste a band's sound easily through downloads, both legal and illegal, creating an incentive to attend live shows (Curien & Moreau, 2009). Liebowitz (1982) refers to this increased demand as the exposure effect. Greater exposure for artists translates into an increased demand for the products they create.

Current research raises some warnings associated with music strategies and actively developing a music scene: one solution will not suit all. Music can be and often is beneficial both socially and economically to cities. "Cities such as Austin (Texas), Seattle (Washington), and Nashville (Tennessee) have built strong city brands and billion-dollar economies on the music industry" (Grant et al., 2009, 2). Many areas are embracing cultural industries as a pillar for job creation and growth (Peck, 2005). Music strategies need to develop policy that is informed and balanced to avoid marginalization or commodification of music scenes.

Regulatory actions can have both positive and negative effects on a music scene or artistic community. Some governments have begun to look to popular music as a way to aid rejuvenation in cultural districts and stem urban decay (Homan, 2003). Live music can inspire urban entertainment and cultural activity but also gentrification. In some cases communities may complain about the noise or traffic associated with live music venues. Instituting regulations to control noise levels, consumption of alcohol, control of crowd behaviour and crowd numbers serve as examples of the pushback possible once a community has experienced rejuvenation inspired by the presence of live music venues (Homan, 2003). Government attitudes toward live music venues may reflect competing policy directions. Venues can be viewed as sites representing vibrant inner city culture; or they can be seen as sites that are disruptive to quiet urban life (Homan, 2008).

The case of Liberty Village examined by Catungal, Leslie and Hii (2009) illustrates the nature of displacement in a redevelopment intended to foster creativity in the city. The type of creative capital attracted to some areas where a strategy is in place can actually alienate members of the original community. A danger of fostering a creative class in cities is that it can lead to gentrification and dislocation of the elements that originally made the locale interesting to the creative class.

A vibrant music scene aids tourism, which benefits the music industry. However, a fine line exists between promotion and commodification of music scenes for tourist purposes (Gibson & Connell, 2007). Too much tourist development can lead to marginalization of musicians (due to rising costs) and cause frustration to an authentic music scene. Care must be taken when developing a tourist industry and attempting to protect a music scene (Gibson & Connell, 2007). Halifax enjoys the status of tourist destination and is a place with a unique historical sound in the form of Celtic music, folk, blues, singer-songwriter, and numerous other genres. Music traditions in this region need to be honored without being commodified. Any policy directed to the music sector must bear this in mind. However, it is also clear that festivals and a degree of music tourism can be beneficial to supporting artists and venues.

Recent surveys have shown that creative and cultural industries are important to the Halifax regional economy (Grant, et al., 2009). The Greater Halifax Partnership describes Halifax as a 'Smart City,' because Halifax has concentrations of talented people. It has among the highest post secondary enrolment and education levels of Canadian cities (Greater Halifax Partnership, 2010). An economic potential study of Halifax Regional Municipality conducted by Gardner Pinfold Economists (2004) and submitted to HRM listed the Bohemian Index ranking of the city as an indicator of the attractiveness and livability of the city. The Bohemian index measures the relative proportion of artistic and creative workers in the workforce: Halifax ranked 7th among comparable cities in North America. Central to attracting talented workers and students to the region is the music scene (Grant & Kronstal, 2010). A decline in the music scene could undermine the attractiveness of Halifax to these groups (Grant et al., 2009). Conserving the health of live music venues is central to the success of the music scene. Cities like Austin Texas, branded as the 'Live Music Capital of the World', have developed music strategies that underscore and seek to sustain the success of the music scene (Grant et al. 2009).

The venues in which bands and musical acts perform contribute to the health of the Halifax music scene. Without such spaces the music scene could wither away. Venues offer audiences the chance to make strong connections with musicians, music genres and the local community (Homan, 2003). They are places for musicians to earn a living and develop their craft. Haggett (2008) found that the variety of venues present in Halifax incubate talent from early stages through to maturity. Relatively inexperienced bands are able to find gigs and rooms to play in order to develop and strengthen their craft. As bands develop they can progress to larger venues and potentially greater success. Morton (2008) indicates that interview participants raised concern over the lack of venues in Halifax. They worried that venues appeared to be closing their doors, reducing opportunities for musicians to play.

Numerous studies about the Halifax music scene indicate that it is an extremely supportive community on an artistic level. The Halifax scene is welcoming of

newcomers, open to collaboration, and encouraging of performance, factors that facilitate creativity (Grant et al, 2009, Hracs et al, 2011, Morton, 2008, Haggett, 2008). While socially Halifax plays host to a supportive community, local government is perceived as disinterested in the music scene and reluctant to support cultural industries. Music sector participants from the earlier study indicated that the municipality's Cultural Plan was less than adequate and did not draw on the expertise of music associations or representatives from the music industry (Morton, 2008; Haggett, 2008). Music is only directly mentioned once in the Cultural Plan under policy 4.10.

> "HRM will work with Cultural industries to build its reputation as a place of business for the creative sector. Actions: develop a support program for other cultural industry partners including the music sector." (HRM, 53)

According to a recent article appearing in Halifax's *The Coast* newspaper, HRM had municipal arts funding of $ 0.55 per capita, less than 10 % of the national average of $5.71 per citizen (Shaw, 2012). One interviewee from the 2008-2009 data spoke about funding in HRM,

> "The lack of resources and the lack of funding. I would say…we need a really, really good small theatre. And the only small theatre that we have is Neptune Studio and they've priced themselves out of the market. So if you want to do something there, it's almost impossible" (respondent 18m2w7).

The Province of Nova Scotia has been supportive of musicians through funding programs such as *Emerging Music Program, Bringing it Home*, and the *Export Development Program*. It employs a Music Development Officer as part of the Nova Scotia Culture Division. The funding programs contribute strongly to the Nova Scotia Music Sector Strategy developed by Music Nova Scotia (2007). The NS Music Sector Strategy also specifically points to high taxes on live performance and alcohol as serious challenges facing private and public sector venues (Music Nova Scotia, 2007). Despite support to Music Nova Scotia some provincial regulations, notably Alcohol and Gaming regulations (which affect the capacity and thus the profitability of venues), have created concern for some music sector professionals.

Participants interviewed referred to the practice of young people pre-drinking before attending shows and going to bars. Pre-drinking is defined as "…planned heavy drinking, usually at someone's home, prior to going to a social event, typically a bar or nightclub" (Wells et al., 2008, 4). Pre-drinking is fast becoming a common activity among young adults. It is motivated by avoiding having to pay for drinks at licensed establishments, socializing, and achieving intoxication before going out. One study found that pre-drinkers generally had high blood alcohol levels, almost three times the legal limit for driving (Borsari et al., 2007). Policies that focus on reducing drinking in bars may have resulted in pre-drinking: that may be worsening the situation by causing greater levels of intoxication and violence (Wells et al. 2008) while limiting sales in venues. Hughes et al. (2007) argue that pre-drinking is particularly problematic because it occurs in locations without the serving restraints that commercial bars impose. Respondents in Halifax saw pre-drinking as a negative practice that is unhealthy, cuts into profits, and generates conflict with liquor authorities because patrons are often drunk upon entering licensed premises.

The profitability of music venues in Halifax is tied up with cultural behaviors and government regulatory environments. Cultural behaviors and government regulations

both create challenging conditions for venues to succeed with their business model in a context where drinking practices affect profitability and public order.

4.0 Methods

Intent of Project

This study investigates the challenges faced by live music venues as a step toward informing the development of a protective strategy for the live music scene in Halifax. Its focus is to collect data about live music venues that is essential input for a protective strategy. The study builds on previous research about the Halifax music scene (Hracs et al, 2011, Grant et al 2009). It identifies pressures that affect the viability of music venues based on perspectives of music venue operators, promoters, booking agents, and others in the industry. The research involves collaboration with Professor Jill Grant in the School of Planning, the supervisor of the research. Professor Grant and previous students conducted research on the music scene in Halifax in 2008 and 2009: for this study, the student researcher had access to excerpts of previous interviews with participants in the music scene to facilitate understanding about the extent to which concerns about venue closures may be escalating.

Research Questions

The central research question of this study is "what challenges face live music venues in Halifax?" Three sub-questions follow. These sub-questions seek to gain a deeper understanding of the music scene in Halifax and its associated challenges.

1. What are the major challenges faced by live music venues in Halifax?
2. What, if anything, can be done to mitigate the challenges faced by live music venues in Halifax?
3. What type of policy or regulatory interventions can be identified as potentially beneficial?

These questions are crucial to gaining insight into challenges faced by the scene. In order to develop a music strategy that is protective authorities must know what the problems are and how those problems could potentially be solved.

Method

A total of 30 interviews constitute the primary source of data for this study.

During the fall of 2012 eleven interviews were completed as part of the investigation. Open-ended questions obtained qualitative data. The project focuses on licensed independently owned venues. Venues analyzed typically generated revenue from food and beverage sales and cover fees at the door. Seven of the interviewees were venue owner-operators and four were music sector professionals holding positions with music associations, festival production, and/or with experience in music policy creation. Many participants are also musicians, both professional and amateur. These participants articulated their experiences with venue operation and identified numerous elements at play in the Halifax area that make it difficult to run a successful venue.

Nineteen interviews conducted in 2008-2009 were also reviewed as part of the data set. Respondents from the 2008-2009 interviews included professional musicians, emerging musicians, agents, producers, festival managers, and music journalists. These participants shared their experiences and concerns about the Halifax music scene in general. Interviews from 2008-2009 were re-analyzed for data related to venue operation and Halifax Regional Municipality's involvement in the music scene.

A document analysis was undertaken to supplement interview data and to make connections to policy and regulations affecting music venues. Document analysis highlights policy from other regions that support their music scenes, with a specific focus on policy about live music venues.

Data collection and analysis involved the following:

1. Interviews: Face-to-face, semi-structured interviews lasted approximately 45 minutes. Participants from the Halifax music scene were targeted for their knowledge and experiences. They included venue operators, booking agents, music sector professionals and writers of cultural policy. Data was analyzed for themes explored in the analysis section of this paper. Interviews were recorded with the permission of participants.
2. Document Analysis: Document analysis consisted of policy analysis, a review of related research, and assessment of news coverage. Policies reviewed included HRM's *Cultural Plan* (HRM, 2007), *The 2007 Nova Scotia Music Sector Strategy* (Music Nova Scotia, 2007), *Imagine Austin* (City of Austin, 2012) and other municipal planning strategies that implement policy directed to strengthen music scenes.

The Halifax music scene generally centres around venues located on the Halifax peninsula (Haggett, 2008). The study focussed on peninsular venues because of the number and quality of venues located in the centre. The interviewer asked respondents to consider issues faced by venues in general as well as venues they had specific knowledge of or experience with. Appendix A provides the interview schedule.

Recruitment

Interviewees were selected based on their knowledge of and role in the Halifax music scene. Particular attention was given to the function of venues. Interviews were designed to determine challenges venues face and whether or not challenges facing venues have been alleviated, exacerbated, or remained the same as previous research uncovered. This allowed the researcher to identify issues and examine how they changed over time.

Interviewees were recruited by email or phone. The sampling framework was established by looking at the venues that are in Halifax and that were in Halifax previously. Individuals who manage bookings for these venues were contacted. A snowballing strategy was used to supplement the sampling framework by asking the initial contacts to provide names of additional contacts if they felt comfortable doing so. Interviews were conducted in person at locations of the respondents' choosing. Venues in central Halifax were visited to speak with managers and meet potential participants.

The knowledge of these actors from the Halifax music scene was crucial to the study. Data collected from interviews provided valuable insight into the workings of Halifax live music. People involved have knowledge about the issues and challenges present. Without their insight it would be difficult to establish an understanding of the issues and possible solutions.[1]

5.0 Findings

In the Media

Music venues are obviously an integral part of live music. Bands and solo artists need spaces to perform in order to develop and gain a fan base and to earn a modest living in an era when CD sales are declining. In Halifax, bars and pubs often provide the major platform for live performance. As a result it is a concern when venues shut down.

What's going on with bars and clubs that feature live music in Halifax? This question worries many music fans. Several venues have been forced to shut their doors in recent years; when they do the media is often present to record the event. For instance, in 2011-2012, Tribeca, Coconut Grove, Elephant & Castle, and Paragon bars shut their doors (Lee, 2012b). Waldo's, Birdland, The Marquee, Café Ole, and Blues Corner are just some of the spaces that have shut their doors in Halifax over the last decade. Others face battles with building managers, neighbours, or regulations that threaten their future as well. What follows is a breakdown of several venue closures and disputes with regulation as covered by various media outlets such as *The Coast*, The *Halifax Chronicle Herald*, The CBC and OpenFile Halifax. The venue closures highlighted took place from 1997 to present. (Not every bar closure during this period is covered because of the accessibility of articles.)

Tribeca Bistro Bar was a venue operating on Granville Street in downtown Halifax until January 1, 2012. The space was split between a lounge dining area in the

[1] The author is immensely grateful for the participation of those who agreed to interviews.

front with a performance space at the rear. The *Chronicle Herald* learned of the venue's imminent closure and released a story with the headline 'Tribeca Closure Worries Music Industry' (Cosgrove, 2011). Tribeca's issue was mainly one of capacity. In August 2011 the Fire Marshall cut the venue's capacity from 192 to 60. After owners made some physical alterations to the space, capacity was increased, but only to 120. The business tried to make adjustments to stay profitable "[w]e tried to trim our overhead so we could run on that capacity ..... but the liquor board came and inspected and said we needed full staff even with less capacity. That's where it got impossible" (Cosgrove, 2011).

The Marquee Club, a celebrated venue that hosted numerous live shows, closed in January 2009. CBC News covered the closure and reported that the owner found the business was not viable due to the cost of bringing touring bands to Halifax (CBC News, 2008). The venue then became home to the Paragon Theatre with a reduced capacity. Paragon subsequently shut its doors in 2011. A Halifax-based touring DJ said of the building that housed both businesses:

> "It is most definitely the best place to see a show in Halifax – the room is the perfect size, sound system unmatched and stage well-placed. I have seen countless amazing acts, local and international, inside it's [sic] walls and had many a great night, even on it's [sic] better-than-it-sounds "Retro Night Wednesdays" back in the day. I'll never forget my residencies there, the rap shows we used to put together, my video gigs this year, my grandmother dancing on stage, serving dogs and burgers at the "Bastid's BBQ"s…. If you're a Haligonian, you've probably got a lot of memories of your own." (Scratch Bastid, N.D, para 2: online)

The Marquee was an important fixture in the Halifax music scene. The owner has decided to take another run at the Marquee and has reopened it for special events only, starting with 2012's Halifax Pop Explosion. Though not a club in the way it once, the room is functioning as a venue once more.

Earlier in 2012 the Gottingen Street building that housed the Marquee (with its late-hours cabaret license) was considered as a new home for Reflections Cabaret, currently located on Sackville Street and a home for live performance. However, the transfer of Reflections' cabaret license was subject to limitations placed on it by the Utility and Review Board. While the establishment was technically allowed to take its cabaret license to the location on Gottingen its service hours would have been pared back. The UARB's decision on the matter would have seen liquor service end at 2:30 am with last call at 2 am. The more stringent hours responded to resident interventions asking for regulations to protect them from noise and other externalities associated with late hours of operation. Horne's Halifax OpenFile article (2012) includes excerpts from letters of nearby residents and business owners.

> "This area is being shepherded into a vibrant residential spot close to downtown Halifax, with condos, townhouses, and apartments all around that location, and more currently being built. It is really no longer the place for a night club and the noise it brings with it." …
>
> "Reflections Cabaret moving to Gottingen St. should not be approved by the NSUARB in appreciation of the strides made by the neighboring areas to become a better part of Halifax. The area has grown in a positive direction as a largely residential neighborhood with few arteries of access and this would mean that an

> after-hours bar in the middle of it would only stunt or reverse this trend and reduce the quality of life for the many in the immediate vicinity of the address in question. Routes up Falkland Street and elsewhere would be disrupted regularly, as they were in the past, with some destructive patrons returning to their own, relatively more peaceful, neighborhoods at the end of the night." (Horne, 2012: online)

Opponents of the cabaret argued that the neighbourhood had changed with new residential condominiums being built in the area. They succeeded in persuading the UARB to reduce the operating hours of the proposed new tenant in the space. Operators of Reflections believed that the restrictions imposed by the UARB would condemn their business model to failure (Horne, 2012). In the end Reflections decided to walk away from the location and is still seeking a new venue.

The challenges facing Reflections are similar to the difficulties that faced Birdland when it tried to move locations in 1997. Birdland was a performance venue operating in Halifax at 2021 Brunswick Street; it acted as a pillar of the original pop music scene (Wittchen, 1997). Birdland had to move locations and hoped to rent the Pacific Building at 1537 Barrington Street. However, a condominium development, Barrington Gate, opened prior to Birdland's application to NS Liquor and Gaming for licensing. The regulatory body found that Birdland patrons exiting to the street after closing time would interfere with residents' quiet enjoyment of their property (Wittchen, 1997).

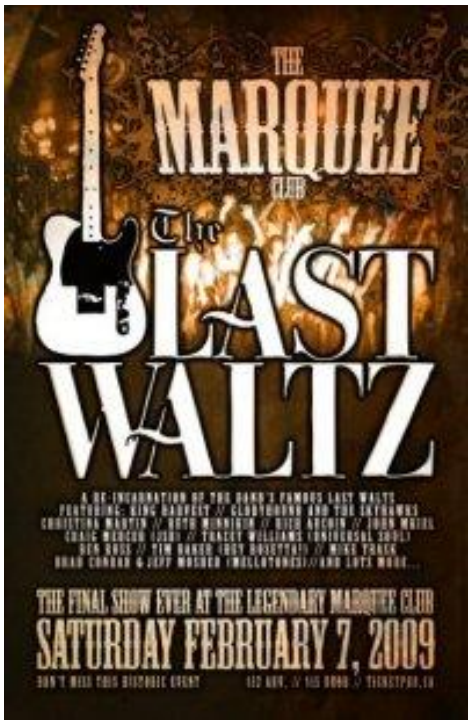
Barrington Gate prominently featured in another live music venue closure in the same time frame. The Blues Corner operated at the corner of Sackville and Blowers Street for nearly 20 years. It featured live music for at least 11 of those years leading up to 1998. Approximately a year after Barrington Gate opened, residents successfully registered enough noise complaints to have the bar stripped of its ability to host live music performances (Lee, 2012b). The Barrington Gate developer went to the provincially appointed Alcohol and Gaming Authority with thenoise concerns. The Provincial body then placed requirements on Blues Corner "…that will make it virtually impossible for him [Blues Corner owner] and his partners to continue in business" (Halifax Regional Municipality, 1998). When the matter appeared before Halifax Regional Council the city was sympathetic to the plight of Blues Corner, but unable to protect the viability of the venue.

> "Councilor Hendsbee spoke in support of the concerns brought forward by Mr. Monahan, pointing out that, in his view, it was unfair of the Barrington Gate developer to move into the downtown core and subsequently expect existing circumstances to change in order to accommodate his tenants" (Halifax Regional Municipality, 1998: online)

As a result HRM council moved to adopt a noise bylaw to address the concerns of Blues Corner and to send a letter to NS Alcohol and Gaming informing them of council's decision to do so. Council minutes suggested that in a previous decision it was determined that it was not the responsibility of the AGA to establish municipal noise standards. In the end, however, Blues Corner was effectively shut down because of noise complaints (Lowe, 2009). The venue was stripped of its licensing for live music by the Nova Scotia Alcohol and Gaming Authority, closing soon after.

Gus' Pub, which has been at the corner of Agricola and North Street for 50 years, hasn't escaped the noise issue and the effects of changing neighbourhoods. Shortly after a residential development went up across the intersection from the venue, noise complaints began to trickle in. Fortunately for the Halifax music scene, Gus' owner paid for renovations to limit sound escaping onto the street. Renovations included upgrades on windows and building double doors so that sound would not carry through open doors to the street (Lowe, 2009). Gus' Pub provides an example of steps taken by venue owners to mitigate sound issues but it requires significant financing, money that venues simply may not have. Also, in cases such as Birdland the issue wasn't with noise coming from the bar itself but from the people exiting to the street. No renovation can rectify that situation.

Bar safety in Halifax has gained press attention in recent years. Christmas 2007 has become infamous for an incident occurring on Argyle Street outside a nightclub called the Dome. The incident ended with 38 people arrested after a brawl began in the club and spilled into the street (CBC News, 2007). April 2012 brought a death outside a bar on Gottingen Street garnering concern over violence targeted at members of the LGBT community (Boon, 2012). August 2012 saw one death on Argyle Street after an altercation occurred just a few doors down from the site of another death after a fight 6 months earlier (Alberstat, 2012). In response to drunken behavior and violence, several solutions have been presented including more police, more bouncers, a peer-powered neighbourhood watch, earlier closing times, and programs banning offenders from entering establishments (Boon, 2012). The PASS program sees Halifax bar and restaurant owners crack down on obnoxious drunks by maintaining and sharing a list of individuals who have been kicked out in the past (CBC News, 2011).



Source | HalifaxOpenfile.com

Interviews

Eleven interviews conducted in the fall of 2012 and 19 interviews conducted in 2008-2009 were analyzed for content and themes key to the operation of privately owned venue spaces in Halifax. Topics and concerns offered during the interview process by venue owner-operators and industry professionals revealed several factors contributing to challenges facing Halifax venues. The main themes that emerged from these discussions can be placed in two categories: social elements and regulatory/governmental elements.

Social themes include shifting entertainment choices, a change in drinking habits, youth access to live music, and concern over violence. On the regulatory/governmental side property tax, public transit, urban population density, the price of alcohol, venue capacity and the general operation of Nova Scotia Alcohol and Gaming repeatedly raised concerns among participants. Figure 1 depicts factors in Halifax that affect the viability of music venues in Halifax. Positive elements, such as the supportive collaborative music culture and affordability for artists, help provide venues with a steady flow of talent to feature in shows. Negative elements like the social and regulatory themes explored in this section undermine the profitability of venues.

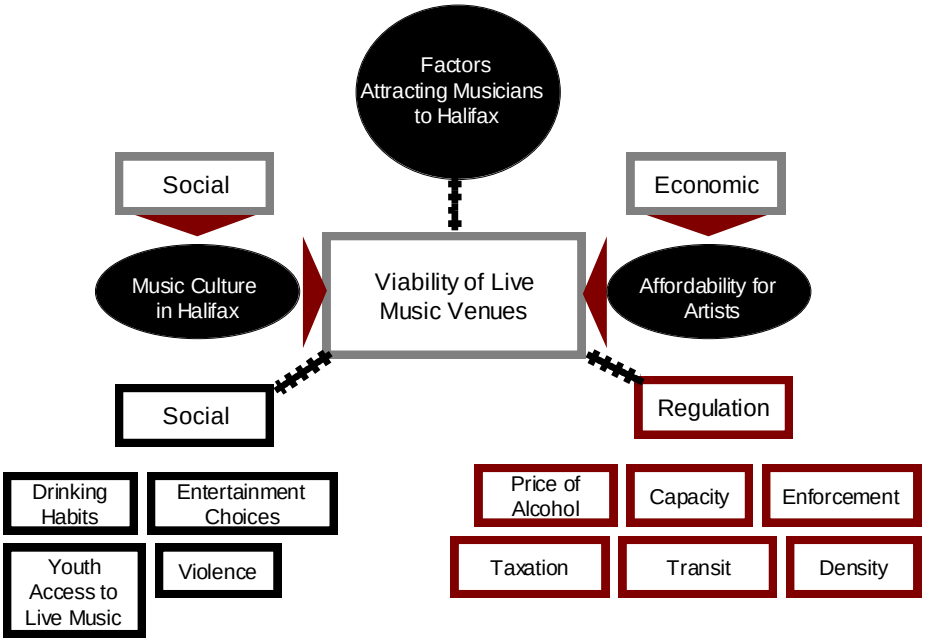


Figure 1: Depicting Viability of Live Music Venues

Social Themes

Entertainment Choices

Many interview participants spoke about the changing nature of entertainment primarily driven by technology and the Internet. With more choices online individuals can access high quality entertainment at home for minimal cost. Individuals interviewed generally hold that technology competes with live music and the bar scene in general for the attention of patrons. The wide selection and array of entertainment choices—and even the ability to interact socially online—leads to less of a need to leave the house for activities such as seeing a band in the evening. Venue owner-operators explained:

> "The Internet is clobbering the bar scene. Because we're in the social business and we're in the entertainment business. And the entertainment business, because people can download music, they can download movies, they can hang out on a Friday night at home. And then now because of the social thing, we can actually meet online, which happened a couple of years ago. Now that gets going. Now there's less... Bars were one of the only places to meet people. Bars and the supermarket, you know. So now you can do it online" (Venue Operator 8).
>
> "Widescreen TVs and the internet and social media have given people another option than going out to see live music" (Venue Operator 7).

Entertainment and meeting people are two motivating factors that get people out to see live music and hang out in the bars where live music is presented. The absence of that motivating factor is, according to participants, a significant factor undercutting the patronage of live music in Halifax.

At the same time social media may aid in promoting live shows. One participant stated:

> "I think it makes it easier for musicians to get to each other. I don't know if it makes their net any wider, necessarily. I'm just thinking of Facebook groups or MySpace groups – let's say I send a note out about a show, most of the people I am sending the note out to are other musicians. It means that they might come to the show, but the net itself isn't that wide. We aren't getting to the city's engineers or other sectors of the world through that networking system. I think the number of people that gets to is pretty small. It can have an effect, because each musician might have their own network of people, and might know some people outside the industry. But I think that is the hardest thing. It's really easy to get your friends to come to your shows but when it comes down to it you want to get the public—people that don't know you—to come." (23mk2, 2008)

Concert promoters have embraced technology as a tool. Twitter, Facebook, websites like eventful.com and *The Coast's* online music listings help promote shows in Halifax and get the word out to people. However, the above statement suggested that the effect is not as big as venue operators would like.

Drinking Habits

Another theme emerging from interviews is the notion that drinking habits have shifted (especially among young people) to include more consumption at home with later going out times and less time spent at the venue.

> "And with the high cost of alcohol, which is the province's fault, people get loaded at home or take Ecstasy or something to have a good night as opposed to sitting down and having a few drinks. The whole scene has become kind of weird because of regulations… When we opened the [Venue], we started to open the doors at 10:00 and we were full. By the time we closed, people started showing up at 1:00 because they'd be at home getting super-charged." (Venue Operator 7, 2012)

Pub and bar venues make their profits when the room is full. "…[A] lot of venues only really make money, you know, four hours, three nights a week: twelve hours a week" (Music Sector Professional 4, 2012). If patrons are going out later and spending less money on beverages and food in the venue the result is a less profitable venue and increased difficulty in making the venue economically successful. "They drink before they come out. And the next thing you know, we get someone. We serve them one drink…" (Venue Operator 8, 2012).

Pre-drinking is negative for venues in many ways, ranging from lost revenue to the impacts of over consumption. Over consumption by patrons creates conflicts between the venue and representatives of Nova Scotia Alcohol and Gaming. Bars are responsible if they "over serve" patrons, but operators argued that they suffer unfairly from the reality that patrons often arrive intoxicated: they then cannot be served (meaning the venue earns little revenue from them) and they make it appear that the bar allowed them to drink to excess (which may result in penalties being applied on the bar by authorities).

Youth Access to Music

Youth access to live music was raised by participants in multiple contexts. The general concern from all perspectives was that if young people don't have the opportunity to see shows in their youth they will be less likely to patronize shows as adults.

> "They've never been exposed to live music in their early youth, their pre-legal age youth. And as a result, they have no desire... And I'm talking, it's a very general statement here because there are lots of people in that age category who are into live music but it's the exception, not the rule" (Music Sector Professional 5, 2012).

Youth access to live music is both regulatory and social in nature. Regulation limits ability to see shows in certain contexts. The perceived result among interview participants was that this limit on youth access translates into adulthood as a lack of interest in live music. "You know, people aren't used to it. I've got lots of customers here who have 16, 17, 18 year old kids that would just absolutely be blown away to sit and have dinner with their parents and watch a live show. You can't do it. You cannot do it" (Venue Operator 6, 2012).

One prevalent idea on youth access to live music was the lack of opportunity for people under 19 to attend shows in Halifax. Many live music acts, both local and touring, take place in bar and pub venues. In Nova Scotia bar venues are not able to hold all-ages shows.

> "The major issue here is the all-ages policy. You can't run an all-ages show in a licensed establishment. That's a huge issue here. … it's an issue for bands touring down here. Especially if the band is just starting and has a following of 500 people and they will want to play a split type show or an all-ages show. Only when you get into a big space like the Cunard Centre does a liquor license have flexibility. It's not easy for us to manage shows and they are not cost-effective, but the more kids that see live music the better." (11mk2, 2008)
>
> "We were allowed to do all-ages shows with ridiculous conditions. You [had] to take all the liquor out of the freezers. You had to take down all the beer advertising. You had to cover all of the beer taps. Like nothing can say alcohol in the room. Because the kids don't watch TV? Other provinces do allow for this if certain conditions are met… And then I guess it would have been 2007, they summarily with no notice took that right away" (Music Sector Professional 4, 2012).

Interviewees noted that other provinces allow all ages shows in bars.

> "Now, in Ontario, if you go to one in Ontario… Kitchener or St. Catherines, you're going to play a bar. And if it's on a weekend and it's the right kind of band, you're going to play an all-ages show. And the all-ages show is going to be in the bar" (Music Sector Professional 4. 2012).
>
> "The Horseshoe, like all the bars in Toronto, you can do both [wet and dry]. And in those cases, I think those places, you don't even have to be accompanied by your parent. You just don't get the stamp that tells you that you can get a drink, and you put them some place where they're not with the people drinking" (Venue Operator 6, 2012).

Venue owner-operators pointed out that some of the larger venues in Halifax like the Cunard Centre or the Metro Centre do allow the consumption of alcohol around minors at events. "You can do wet/dry shows, as they call them, you can do them at the Cunard Centre with a license. The Metro Centre is fine for that. But if you have a lounge license, you can't. Why?" (Venue Operator 6, 2012). The double standard applying to venues seemed unfair to operators and musicians hoping to reach a more youthful audience.

While all-ages shows can potentially bring in money at the door it is difficult to turn a profit with an all-ages show because the underage concert goers cannot buy alcohol. Despite this many participants shared the following sentiment:

> "…every band wanted to do all-ages shows. I mean you want to play for kids. (a) They love it, and (b) you want to get them on your team so they're fans for life… But you know, [we're] bending over backwards trying to get anything to happen because you want people to experience live music. I mean you want that culture. And kids can't see it. Or they [regulators] make it almost impossible" (Venue Operator 6, 2012).

Some operators and music sector professionals believe that extending access to under age audiences may help foster and incubate a concert going culture in generations that are yet to reach legal age.

Exposure to live music may also have declined in schools, a place to generate interest in live shows. One music industry professional commented:

> "When I was growing up in high school many, many years ago, I was the band programmer, the band booker in high school. Student council, every student council had one guy that was elected to hire the school dance bands 10 times a year. It happened in every high school, you know, virtually in the country… [now] there's never a band at a dance. Or very, very rarely. And if it is, it's a real occasion. So there has been a shift. You know, video killed the live band for all intents and purposes -- and the DJs" (Music Sector Professional 5, 2012).

Limited live music in schools may be one of the factors that limit interest among youth in attending shows. Having a real band play at school functions is an opportunity for both bands and potential fans to interact and this opportunity, once common, was perceived as having become a rarity.

Participants expressed additional concern over declining music funding and programming in schools.

> "But they're removing education [music programs] out of schools. And one of the things they've taken away is art and music. And without those, you know, people get into computers and get into playing with their phones and things, and they just go in a different direction. So one of the weaknesses is definitely the fact that there's no incubator for music" (Venue operator 7, 2012).

School music programming provides a key opportunity for young people to experience live music. If public school music programming declines then students miss the opportunity to engage with music; those in the music scene fear this will translate into a decline in attendance at live shows.

Violence

Venue owners expressed concerns over violence associated with the bar scene. Those who addressed violence suggested that violence rarely occurred in establishments acting as live venues.

> "When that whole thing went down at The Dome a few Christmases ago, 4 or 5 now, that's when we saw the change. They got shut down for like 3 or 4 days. Lost a ton of money. And then the rules started to crank down, because that was a pretty big deal. Like there was a brawl of, you know, a substantial amount of drunk people fighting for no reason at all. I've not had one incident in this room -- I've been here for 7 years -- that I've ever had to deal with a fight. We've had people leave. We have to take people out if they're too drunk. There's one incident where I remember a guy walking out of here and getting punched in the head at the top of the stairs [on the street]. And it was from a guy who was walking down the road from somewhere else. It wasn't even like an altercation that happened downstairs. You know what I mean? And I know the Carleton, people aren't leaving the Carleton slinging fists at the end of the day. Right? Yes, I think every human, you're a creature of your environment. Right? If you're sitting around watching UFC fighting all night long and drinking beer, and you go downtown and you're with a bunch of guys full of testosterone, the chances of somebody getting punched in the head that night at 3:30 loaded are a lot higher than somebody who rocked out all night to the band down here or something." (Venue Operator 11, 2012)

> "I have liquor inspectors come in here and give me a hard time if it looks like somebody's had one drink too many. And they're trolling the place for under-aged people and everything. We're like nobody's problem here. You know, we've never had a fight in this place. Nothing. Absolutely nothing. Never. Everybody gets ID'd, all of that stuff. But I've got liquor inspectors up my ass here. Yet over at The Dome, they've got cops at the front door. They're letting absolutely shit-faced, hammered people into the place, and presumably serving them drinks once they're in there. And then they have huge brawls out front because everybody is drunk. People getting killed on the sidewalk. It's got nothing to do with the lateness of the place. It's got everything to do with nobody paying attention or running their operation properly" (Venue Operator 6, 2012).

As the comments indicated, some venue operators felt they were being punished for activities that occurred in other establishments. Negative press for the bar scene following violence associated with some establishments precipitated actions with impacts on all venues. Venue operators believed that targeted regulation—focussing on where the problems occurred—could be more effective than blanket restrictions.

Regulatory/Governmental Themes

Taxation

A major theme emerging from interviews was the concern over municipal taxation in HRM. Much of this concern is geographic in nature and speaks to the urban quality of live music entertainment. While music entertainment can happen anywhere in a city it generally clusters in urban settings. Halifax venues follow this pattern with major venues locating on the peninsula or in downtown Dartmouth. As a result tax rates for venues are often subject higher because of the central location. Operators share a widespread feeling that urban property and business owners are supplementing suburban growth, generating an unfair discrepancy between general urban tax rates and suburban tax rates. "Taxes downtown are incredibly high. We're subsidizing the growth in suburbs in Halifax. And if taxes are high, rents are high" (Venue Operator 7, 2012). Many participants held that an unbalanced tax structure was contributing to an overall decline in the viability of urban living and business.

> "The HRM is pretty much hell bent on building suburbs and not paying any attention whatsoever to the downtown area. So they've let the downtown deteriorate. People are moving out of the downtown core" (Venue Operator 6, 2012).

Music venue operators find they are subject to high tax rates that cut into already limited profits. In some cases tax levels have been highlighted as a potential cause for a venue closure.

> "So that makes it really uncompetitive here, the property tax structure makes it uncompetitive, you know, in Toronto and Montreal you've got band bars that have been in business for 30 years with this great history and lineage, and here, you know, Flamingo, Double Deuce, Birdland, Marquee, Stage 9, Waldo's, like every 2 or 3 years the bar goes out of business. It's seen as impossible to keep these bars open, unless they're in a building that the owner owns: just it's a combination of rent and taxes and regulations" (15m24, 2012).

> "The biggest challenge from the city's perspective these days seems to be the taxes. They just seem to be [increasing]. You know, the guy up on Agricola Street, his taxes have just... I think in some cases, they've like tripled because the appraisals come in a little bit higher…I mean we're up for renewing this lease a year from now. And I don't know what has happened to the taxes. I'm locked in, and therefore the owners of the building are locked in to what I'm paying right now. But…come negotiation time, it will be interesting to see how much the taxes have increased and what they want to pass on to me. I'm willing to walk away from this. I'm not going to die on that. You know, if I don't get the deal I want then I'll probably walk away. But a lot of that is being passed on because of what's happening on the taxes side. So they're not beneficial to business, small business in particular." (Venue Operator 1, 2012)
>
> "[T]he property tax especially in this area has gone crazy…You have to have different businesses, and they have to have different rate structures. Like a cobbler should pay a different price than a bar, should pay a different price than a drycleaner, should pay a different price than a sandwich shop. That's what makes a neighbourhood. And these guys are just crushing everybody. We have meetings about this all the time with the Neighbourhood Association. And they crush us with their property tax. It just kills us all the time." (Venue Operator 8, 2012).

At the very least municipal property tax does not make it easy for venues to operate and contributes to the frustrations felt by owner-operators.

> "To be pulling money out of an already shaky industry that's basically rolled over on its belly and it's got its throat clear – if they get anymore heavy handed they're going to kill everything" (15mk2, 2008).

Appropriate taxation policies could offer an opportunity for cultural infrastructure like music venues. One participant spoke to this concept:

> "We don't have a lot of capital infrastructure development going on right now, so how do we change that for the cultural sector? None of us in the cultural sector have huge pockets of money that we can just go out and convince the bank to give us a big mortgage and we're going to build a five million-dollar structure. Are there ways of looking at stuff like cultural tax credits with the developer, ways to leverage their relationship to us, which is what happened in Vancouver. Vancouver got approached by a developer, and they gave him a huge chunk of space; they had to do a huge chunk of fundraising, but they became a part of that project. The developer was able to get cultural municipal and federal tax credits, which offset the cost to the builder of making that, so it made them more attractive to them to have that, and from that you got a large cultural infrastructure project done" (18mk2, 2008).

Other cities, such as Vancouver and Austin, Texas, have established tax incentives making it more attractive for developers to consider including performance space in new projects. (See section 6 for more information on performance space incentives).

Transit

Several respondents identified the need for effective public transit to support cultural industries in the city.

> "Public transit is fucking terrible. It is not just the planning of the transit that is terrible. I take the bus when I can, when I get on a new bus [route] that I have never taken before and I ask the bus driver if it goes to Spring Garden Road, he tells me it is the same route as the 83. I look at him and say, I don't care, does it go down Spring Garden, again he says, the same route as the 83. He wasn't answering my question. There is culture we should be grateful for a public transit, no matter what it is. We shouldn't expect it to work for us." (25m2w13, 2007).

Public transportation was raised by participants, "[s]o you know, making it less frustrating for people to go downtown is important" (Music Sector Professional 2, 2012) Transit services in HRM include bus and ferry access. Ferry service currently connects downtown Halifax with two separate locations in Dartmouth. One participant raised concern over a lack of late night ferry service: "…they wanted to cut the ferry to go to Dartmouth at 10:30 at night [on weekends]. That is cutting the city in half" (Music Sector Professional 5, 2012). Maintaining an active nightlife in the city requires late night service for those not able to drive, but both the ferry and the bus service end before the bars close. Halifax shows are typically later in the evening: having the last bus depart at midnight means that form of transportation is not an option for the trip home after a show.

Transit service connecting downtown Halifax to other areas of HRM is important to fostering vibrancy in the core: "if HRM makes it easier for people to be downtown, it's going to be easier for people to have live music and a vibrant downtown. And it's not just live music that makes vibrancy in downtown, [but] that's a part of it" (Music Sector Professional 5, 2012).

> "So you're really handcuffed if you don't have a car or live within walking distance of the downtown core. And the downtown core is not the only place that has live entertainment. It just happens to be the biggest concentration. Public transportation, it's inadequate, particularly late at night. You know, bands in a lot of cases don't go on until 11:30. Well, the last bus leaves at 12:00. And…you're just not going to go out" (Music Sector Professional 5, 2012).
>
> "There's got to be something that goes 24-hours a day in this town. And I know it costs money to do it but man, people pay a lot of taxes. There's got to be a way that there can be at least a bus or 3 on the major routes that come around every 30 minutes at least until 6:00 a.m." (Venue Operator 11, 2012)

The lack of late night public transit translates into a perception among some interviewees that people are trapped downtown without a ride home. No ride home means individuals will be less likely to go out because of the frustrations they face:

> "Lousy public transport. You know, a perception that coming downtown is a pain in the ass. If you do, they'll ticket your car. They'll make your life miserable. They'll bust you for having a beer. You know, all of those things creates a climate where people start nesting in the 'burbs, you know. In Toronto, it doesn't matter so much because you can go home from work and jump on a subway and be anywhere you need to be in less time than you can drive across the Peninsula here in Halifax. And the transit runs late at night so you can go out and see something and still get home. And if for some reason the transit closes on you or you're not on a transit route, in Toronto you can stick your hand up and five cabs will kill themselves trying to get to you" (Venue Operator 6, 2012).

Cabs, driving, and walking become the primary ways to move around the city. Taxis were flagged by participants as fairly ineffective.

> "I think somewhere I should have mentioned to you my pet peeve which is taxi cabs. It's a huge problem. Huge problem for events coming in; huge problem for someone who wants to go out on a Friday night and see a concert. Big issue. I don't know if you've been downtown on a Friday night at 11:00 trying to get a cab? But good luck with that. We actually have acts that come here and leave saying, this is ridiculous. I couldn't get from one place to another" (24mk2, 2008).

Density

Three participants raised density as an issue. The respondents argued that a successful and vibrant downtown needs people living nearby. People living downtown have easy access to venues, bars, shows and general entertainment. Density is connected to the convenience of the music going population.

> "Unless we have people living downtown where it's convenient to get to the entertainment venues—and most of the ones people think of are downtown—unless people are living downtown then you're not going to have just the general walk-in culture which will allow people to on the spur of the moment just get up and go out and do something. You know, the second you start taking long car drives or public transportation or anything else into consideration, it's just one more reason not to bother. You know, you go home after work. "Oh, I'm going to go to that show. You know, I'm kind of tired. Fuck it" (Venue Operator 6, 2012).

This theme speaks to the natural clustering of music venues downtown. Music venues in Halifax and other cities tend to locate in areas within an urban core with an accessible central population to draw from. Also pertinent to the density conversation is the issue of transit. The core of a city should have easy access and egress. Ease of transport to and from the urban centre allows venues to draw from not just a nearby base population of individuals living in close proximity but also suburban residents.

Some participants highlighted a perception that suburban priorities seemed to take precedence over inner city concerns and that decisions about inner city life were often determined by the will of individuals who do not care about city life.

> "People outside of the downtown core, voters that don't even live in the inner city, it seems to be their demands and their policies seem to be dictating inner city life. And it's really making it a struggle for the entertainment industry" (Music Sector Professional 3, 2012).
>
> "I found it really problematic that rural councillors get to make decisions about my urban street and there are more of them than there are for my [urban] area. I find that really frustrating those rural voters have much more say than urban voters. I find this intensely frustrating; it comes up in a lot of political issues" (25m2w13, 2007).

Capacity

Perhaps the most common concern raised among participants was the issue of capacity in Halifax venues. Capacity determines how many patrons a venue can serve and

hence how much income they earn from a show. It also determines how much money a band can make at a venue.

> "The artist management side of things could be hugely profitable or it would have been, maybe 10 years ago when record sales were part of the equation but they're not so much anymore. This venture, the number of bums in seats tells me how much money I'm going to make" (15mk2, 2007).

All eleven of the 2012 participants identified capacity as a concern. "...[O]ne of the big things that we see is there is issues around capacity at our venues in Halifax" (Music Sector Professional 3, 2012). Capacity issues fall into two major categories: different sets of capacity numbers and low numbers that hurt profitability.

In Halifax two bodies approve venue capacity numbers. Fire Services examines occupancy numbers in terms of access, egress, square footage and additional factors related to health and safety. Nova Scotia Alcohol and Gaming approaches capacity numbers by determining how many people can be in a space with alcohol service. Each agency employs a different set of criteria to establish its numbers.

> "It's a very strange situation and it hardly makes sense compared to other territories where we do a lot of work in, where the Alcohol and Gaming Division of the province requires 12 square feet per person in a club. Okay, that's ridiculous. We're all about health and safety, and we do not want to see people in harm's way at a show. But 12 square feet per person, that's just unheard of. You don't see that anywhere. So you look on the other hand, the Fire Marshall's Office only requires 6 square feet per person if there's alcohol being served. And even that's a lot." (Music Sector Professional 3, 2012)

Generally, interviewees felt the numbers were low from both agencies. While the Fire Marshall's numbers seem to almost always be higher (allowing more people to attend a show or be in a venue), the lowest capacity is always enforced.

> "And the bar is responsible for taking the lesser of the two capacities. So if Fire says 500, and Alcohol and Gaming says 200, then you have a giant room that's only allowed 200 people in. That is a great discrepancy. Sometimes you'll have a bar where, you know, it lines up basically plus or minus 1%. So it's very close. But more often than not, you've got a room that is legally from a fire and safety standpoint allowed to have 500 people but from an alcohol service standpoint, only 200." (Music Sector Professional 2, 2012)

One participant argued that perhaps the agencies should communicate more effectively with one another and with the owner-operators to foster understanding. "What I would like to see is Alcohol and Gaming and the Fire Department come together and make it easier for operators to open and operate, and for everybody to clearly understand what the rules and regs are" (Venue Operator 9, 2012). The lack of understanding makes it hard for operators to plan ahead to figure out what their capacity is going to be.

> "I don't understand...Like the [venue], for instance, based on the square footage should have over 300 people down there. But because of the exits and the narrowest way... They tell me they base it not on the double doors out the front but on the single emergency exit out the back. And they've given it a capacity, the Fire Department one, of 265. The Liquor Commission is less than that, like 240 or something in that nature. The [venue upstairs]… has exactly the same exits. In fact, we have larger exits than they do, and yet they have a capacity of

400 and something. And they regularly jam 700 or 800 up there if they can. And they never seem to get dinged for it. The Carleton, half the size of the [venue], has almost a similar capacity. I can't figure that out. There's no rhyme nor reason to the capacities. And this place…I shudder to think what it's going to be now. It just seems to change. The Fire Department is based on exits, egress. The Liquor Commission is based on 12 square feet per person but also on exits. I don't know, I can't figure it out" (Venue Operator 7, 2012).

Several participants stated that they felt the numbers were subject to change with little warning and almost no reason given by the regulators. Capacity that is subject to change, almost always downwards, makes it difficult for the business to plan and operate on a functional level.

"You know, all those little things and changes really hurt us at the end of the day. You know, there's no reason why I can't put 400 people in this room. When I put 244 people in this room, this room is half empty. You know what that is? That's space that I'm paying rent for. Not being used and we're still paying for that space. You know what I mean? It's like me paying rent for the room that houses a generator. I wouldn't do that. Why would I pay rent on a room that I don't use? (Venue Operator 11, 2012).

The low numbers significantly affect the ability to turn a profit for the venue and for the bands playing who often rely on money collected at the door.

"You walk in the place and it's like where is everybody? And I talked to the door guys and they go, "No, we're at capacity." Capacity? This place doesn't even look like there's anything happening in it. If you gave everyone a cat and let them swing it, they wouldn't hit each other's cats…And you look at the room, and there's no energy in it because there's no people in it. So that means they're not selling as much booze. They're not making as much money. The band is losing out on 100 cover charges at like $15. It's costing the band thousands of dollars for those nights. And you can't get an answer out of anybody" …

"I mean the biggest laugh that I had last year, and it's not a laugh, it's like one of those 'yeah, you laugh to keep from crying', is there was a big headline in the paper last October, November, I think, leading up to Christmas saying that the NSLC [Liquor Commission] had seen a real drop in sales on the commercial front – bars and restaurants – and it was cause for concern. And I go, really? Because you know, you just told all the live venues that they couldn't put as many people in here as they used to, and sales are down. Does anybody see any correlation there?" (Venue Operator 6, 2012).

"Now, a 500 capacity room costs me the same as a 200 capacity room because I still have to put in staff, sound equipment, advertising and promotion. My costs are still the same. So if I could sell 300 tickets as opposed to only 200, I then can make more money. The band can make more money. So you see how that kind of discrepancy provides a difficult environment for live music venues. Seahorse is a great example. Their legal capacity is 260. Two hundred and sixty people in that room looks...you know, it doesn't look empty but it's certainly not full. Now, Alcohol and Gaming would say that that 260 includes band members, security staff and bar staff. So now it's down to 230 because you've got these people that

are in the room working. So it's a challenging thing to do" (Music Sector Worker 2, 2012).

Capacity regulations affect the viability of businesses in the entertainment sector. In some cases extra bodies in the room is the difference between a venue being able to open its doors and a venue that has to shut down. "Tribeca [which closed at the end of 2011], again, you know, they got downsized because of fire regulations. And they figured they couldn't operate on an 80 to 100 capacity, and they needed that extra 20 or 40 people in the room in order to make it work. I mean it's just a numbers game" (Venue Operator 1, 2012).

Source |bp.blogspot.com

Price of Alcohol

An additional theme emerging from the interviews was alcohol pricing. Venue owner operators viewed the price as too high. Bars specializing in presenting live music often have tight margins that affect the ability of a room to stay open.

> "The restaurant and bar industry is a very difficult business to be in. The margins are very low. You're completely at the whim of the audience. If the audience doesn't show up to eat your food and drink your beer, you're going to go out of business" (Music Sector Professional 2, 2012).
>
> "Well, it's a low margin business to be in. And if your room isn't full at least 4 nights a week, 3 to 4 nights a week, it gets tough. You know, that's probably one of the biggest challenges, is just getting people to come out and pay for it too, and think that it's worth it to pay for it. I make all my money off the bar. So when the room is empty, I'm not making any money" (Venue Operator 1, 2012).

Higher wholesale prices for alcohol make it harder for a bar to turn a profit because the margins get tighter. One participant spoke to the idea that bar owners are making a lot of money "Like people open bars because they think it's easy and that people are making a lot of money. … It's hard and this is a really tight market right now" (Music Sector Professional 4, 2012). Another said:

> "It's not unrealistic to think that we all may not be here running venues in a couple of years. Where every day, like at [this venue], people's perception is, 'Oh, you must be doing awesome. It's packed.' Yeah, we fill this room but do you know the amount of money it costs to do it? There will be a day when the guy who owns this place maybe just says, 'I want to retire. I'm out,"' and he may just walk away" (Venue Operator 11, 2012).

The business of running a bar and music venue is challenging. High costs translate into difficulty in establishing a profitable business. The image that bars are making a lot of money may be exaggerated across the industry. According to many participants high profit margins are not easily achievable for live music venues. Unfortunately, artists may be the first to suffer from the low margin nature of running a bar.

> "Also they deal with it probably by reducing the amounts, and this is not good for the artists, because what they would do, because the live industry may be suffering at this point, it gets passed on to the artists. The artists are more and more playing for doors and not guarantees. The ticket prices are lower. So really at the end of the day, the artists are probably being affected the most because the artist isn't getting a take on bar sales, the artist isn't getting a take on the food that's being bought. They're getting paid their agreed upon rate to play. And that's going to be the first thing that gets cut down. So either their rate is cut or their guarantees are cut, their revenue is cut because door prices are cut. And at the end of the day, they're going to suffer the most." (Music Sector Worker 3)

> "If it costs me money to put on that show, if I need to rent gear, if I have to hire a sound guy or if I have to do anything else—outside of some sort of cooperative understanding about advertising or anything else – that comes off of the artist's take. So at the end of the day all I'm trying to do is make live-music revenue neutral in this place [restaurant]. I'm not trying to make any money on it but I don't want to lose any money on it." (15mk2, 2008)

Instead of enjoying a wholesale advantage, bars in Nova Scotia pay the same price as individuals for alcohol. Bars then have to charging higher rates to enable a margin. This drives up the overall price of going out for drinks, which may lead to patrons spending less time at a venue. High beverage costs may also contribute to pre-drinking. One owner operator spoke about the desire to set a rate for people buying in bulk for retail purposes. Bars buy a large quantity of product and the sale of that product benefits the government in terms of tax revenue. The following two comments speak to the nature of pricing.

> "We pay just as much money... Well, back in the day, we used to pay more money for booze than private citizens did. Thank God that went away. But as several people I've talked to have said before, you know, have you ever heard of a business where your best customers don't get some kind of a discount or a break? You know, like some kind of a break. You know, if you're a contractor and you're buying from Kent or Home Depot, you don't pay as much money as Bob the handyman who's trying to build his own deck. You know, you don't. If you do big volume, you're rewarded for it. And the government will just willy-nilly boost the price of booze just because they've decided that they need to make more money" (Venue Operator 6, 2012).

> "Here's one of the things, is the price of alcohol is so expensive to buy. We buy it at the same price that you buy it when you walk in the liquor store. We have to make a profit on that. And the problem is beer fundamentally in liquor is not very expensive. The government shoves so much tax in there and they make it so expensive that it's expensive for people to go out and drink. And a lot of time it causes pre-drinking" (Venue Operator 8, 2012).
>
> "Well, okay, this problem is deep embedded. Let's pinpoint it to the liquor. You know, why would a province that owns our liquor corporation, like owns everything, makes all the money off of it, then come back to the owners who are selling the product that they own by creating as many restrictions as they possibly can for you to actually do it successfully?" (Venue Operator 11, 2012).

High costs for alcohol have many effects. Price levels amplify the cost of going out for an evening making it more difficult and less attractive for individuals to see bands.

> "You know, the price of... Generally the venues that we're talking about are licensed venues. So the cost of the beer that goes along with going out to see the band is increasingly more expensive. To go out and see a $10 band or $12 band is going to cost you $100. That tends to be a problem (Music Sector Professional 5)
>
> "Just the high cost of liquor and the inspectors making it an uncomfortable atmosphere to go and hang out in a bar. So people don't want to spend their whole night there." (Venue Operator 7, 2012)

Respondents believed that moderating liquor prices for licensed venues could help make bars more profitable and translate into more money available for the artists who perform in these spaces.

General Operation

There was concern across the participant group about the operation of Nova Scotia Alcohol and Gaming Commission. One theme that emerged was the level of power that the body has and a perceived lack of understanding for the challenges venues face. As one respondent said, "the regulations and the burden that government puts on the entertainment industry. It's virtually impossible to do anything to make money here. It's ridiculous and it's sad on just about every single level that I can think of" (15mk2, 2007).

Operators also expressed concern over the lack of communication between venues and regulators. In speaking about NS Alcohol and Gaming cutting capacity, one participant's comments reflected frustration with a lack of dialogue: "you can't get an answer out of anybody. Like why?" (Venue Operator 6, 2012).

Respondents perceived that NS Alcohol and Gaming has some antiquated practices that harm the business of running a venue. Two quotes below mention Prohibition and illustrate a strong feeling that Alcohol and Gaming as it currently functions is a relic of a bygone era.

> "And I think the [NS Alcohol and Gaming] culture is they were the Prohibition guys, and they became the control-of-liquor guys. And so like they do stupid things. Like if you want to license your restaurant, ... Like [business S], I used to work at [S] Pizza as a pizza delivery driver 20 years ago. And when [they] wanted to get a liquor license, his plates weren't thick enough. His Corel ware was too thin. So if you're going to serve liquor, you need to have thick earthenware plates

because everybody might go bananas after they have a wine and start throwing the dishware around. Like it's ridiculous. They'd been open for 10 years" (Music Sector Professional 4, 2012)

"As far as I know, they haven't amended the liquor laws here since writing them initially after Prohibition. So all the liquor laws are predicated on the fact that alcohol is evil. And everything about them suggests that, you know, this [drinking alcohol] is something that needs to be stopped" (Venue Operator 6, 2012).

This feeling spreads into the types of licenses that are available to venues.

"…all of their licensing is quite antiquated. It was all based on... Like the lounge licenses, they're like lounge, cabaret, dining room. Like they sound like things that don't exist anymore, and they are things that don't exist anymore. And I think Halifax has to... I would like to see the regulations be more liberal. But at the very least, be more clear" (Venue Operator 10, 2012).

The types of licensing in the current form don't allow for the flexibility required to make a room or licensed venue operate at what would be their optimal level. One venue strongly illustrated this point.

"[There is a venue that] is a dining room/lounge. It has to serve food in order for it to exist. The license says it's a dining room/lounge. The facility, the reality of the facility is that it's a live performance facility, and a darn good one. And thank God we have it. You know, the 200 and some odd seat. They have to open at 4:00 in the afternoon with a chef, food available. Nobody goes in there until 9:00 at night, 9:30 at night, 10:00 at night because that's when the music is. That's just a stupid regulation that they are forcing them to spend 10 man-hours a day to open to a market that doesn't exist for them" (Music Sector Professional 5, 2012).

"The hours that we have to be open. The fact that I'm open right now and I'm not going to have anybody in here until 9:00, 9:30… I have to open at 4:00. I have to serve food for a certain amount of hours before I can open the doors as a venue and be able to sell liquor all night long under our lounge license… I have to have a staff sitting in here. I have to have the power on. I have to have somebody in here paying them to hang out until go time, you know. We just loaded in. The sound checks will start in the next little bit. People don't come into this room until the doors open. It's rare, you know, 4 or 5 people floating around here in the daytime having a drink. But nobody comes to [this venue] to do that. So the fact that I have to open at 4:00 is ridiculous" (Venue Operator 11, 2012).

Another venue had run into a similar issue.

"If I don't have a big band then I won't open the doors. And then the problem with that is dealing with the Liquor Commission who won't give me the appropriate license to do that. They have a few set licenses. The restaurant license, the tavern license, the lounge license, cabaret license, special occasion license, and then there's another license which the Cunard Centre has and I guess the Casino has but for some reason, we can't get. We're not entitled to it. I'm not sure why. We've asked many times and they just say, 'It's not available'." (Venue Operator 7, 2012)

The situation depicted by participants is one where venue owner-operators and NS Alcohol and Gaming are forced into conflict. Venue operators often feel they have no

recourse or ability to challenge new decisions or interpretations that affect their bottom line because the commission wields all of the power in the relationship.

> "In the way that they regulate, they've drastically changed what's possible for my business and what kind of revenue streams I have access to. And they have made those decisions for me" (Venue Operator 10, 2012).
>
> "Alcohol and Gaming, when I took over the license, did not enforce or interpret the condition of my license that they currently interpret as not being able to serve during the sets" (Venue Operator 10, 2012).
>
> "And we build the place, declare our lounge area, whatever, without really understanding it. And they said, 'Well, you know, you can't have a situation where a minor has to go by a bar to get to the bathroom.' And I went, 'What?' I started thinking. Well, the first thing you see at the Shoe Shop, it doesn't matter which door you go in, is a bar, and the bathrooms are along the back. So the Shoe Shop for starters. And then I started to think about some of the other places. So I started naming them off, and the liquor inspector said, 'You're telling me you want to rat on somebody?' 'What? What are you talking about? Rat on someone? No. But you're giving...' So that's the sort of thing they do. I'm actually shocked. Like are you fucking kidding me? And they're looking at you like no, this is no joke. So okay. So I try not to get on their case too much because they have all the power in the world. They're like customs agents. They can walk in and do whatever the fuck they want to do, and there's absolutely no recourse. If they decide to pick on you, like they decided to pick on Tribeca, yes, they'll shut you down. And they'll do it just because" (Venue Operator 6, 2012).

Venue Operator 10 described a situation where the writing on their license did not change but the interpretation did. As a result the business has lost one revenue stream completely and another has been significantly limited.

> "They just have this idea that they know what's best. So like we can't... They decided that we couldn't have DJ parties because they looked dangerous, and the DJ parties weren't '<u>art</u>'. And that took thousands of dollars out of our pockets."

In some situations NS Alcohol and Gaming dictates what constitutes appropriate performances or displays for the venue and makes decisions based on moral judgements about cultural content.

> "They've just, you know, brought the hammer down and become the moral authority on what's good music and therefore a good crowd, and what isn't. So if you say the nasty hip-hop word, you know. You know, the Jazz Fest was faced with that. They make a judgement call and they say you're no longer family entertainment rather than actually just enforcing the laws, which we all want to abide by. But they're becoming much more... Like I say, they're basically becoming the moral code on what we do as opposed to just enforcing what the laws are. And it's definitely problematic" (Venue Operator 1, 2012).

By applying its powers to define 'appropriate performances' the provincial regulator may be perceived as forcing venues to discriminate against performers from particular racial or cultural communities who dominate particular musical practices and genres.

Summary of Concerns

Interviews highlighted two major thematic categories: social and regulatory / governmental. Social themes included shifting entertainment choices, changes in drinking habits, youth access to live music and concern over violence. On the regulatory / governmental side property tax, public transit, urban population density, the price of alcohol, venue capacity and the general operation of Nova Scotia Alcohol and Gaming repeatedly raised concerns among participants.

6.0 What Steps Can Government Take to Aid Live Venues?

Music Task Force/Music Advisory Committees

Interview participants raised numerous issues that fall within the sphere of municipal governance. These included density, mixed use neighbourhoods, taxation, transit, and the general attitude of HRM towards music venues. Although participants did not raise many concerns over noise ordinances, closures of Blues Corner, Café Ole, the blocked move of Birdland, and past noise issues with Gus' Pub illustrate that noise was an issue in the past and may be so in future.

One potential mechanism that has the ability to address concerns related to music venues is a Music Advisory Committee or Music Task Force that would report to HRM Council and raise a voice for the Halifax music community. This approach has proven successful in several communities with vibrant music scenes. Austin (Texas), Nashville (Tennessee), and Seattle (Washington) have music commissions with mandates to represent musical interests in city matters. Seattle's 21-member music commission is tasked with advising city officials on issues and opportunities relevant to the music sector (City of Music, 2012, para 5). The purpose and duties of the Austin Music Commission are:

> "…to advise the city on music economic development issues. The commission duties are advisory and include:
>
> 9.1 studying the development of the music industry, and assisting in the implementation of programs to meet the needs created by the development of the industry;
>
> 9.2 holding public hearings on matters that affect the music community and industry in Austin, and making recommendations on matters to the city council; and
>
> 9.3 reviewing other matters that may affect the music industry in Austin and that may enable Austin's musicians to achieve national status while remaining in Austin, and making appropriate recommendations to city council." (City of Austin, 2011b)

Much of the work music commissions do in Austin, Nashville, and Seattle involves programming for musicians, music education, and economic development. The commissions actively promote music and cultural activities as economic and tourism draws to the cities. Austin's music commission has also proven an indispensable ally and crucial avenue for discussion on matters directly affecting venue operation. Austin has gone so far as to develop policy that addresses many of the same issues Halifax venues face.

Rapid growth in Austin over the last fifteen years generated increased conflict between downtown residents and music venues over issues such as increased residential uses, increased tax and rents, noise, parking and traffic. Concentrations of music venues near downtown have been crucial to the development of Austin's music scene (City of Austin, 2012b). As a city, Austin took concrete steps to foster success in venues and to resolve community conflicts. The well-developed cultural plans of Austin offer lessons for cities like Halifax where an important music scene exists.

Austin wants to develop a vibrant city center with residential options downtown leading to the development of many condominium and residential high-rise buildings. Downtown densification places s competing pressures on council and has led to the loss or relocation of some music venues. However the diligent activities and influence of the Austin Music Commission helped control the damage to the music industry which could have been much worse had there been no commission in place to voice concerns of the music community (Music Canada, 2012). The Downtown Austin Plan outlines the creation of a downtown entertainment district that includes Sixth Street, the Red River Area and the Warehouse District vital to the music scene.

> "It is critical that Downtown be the area where art in all its forms lives, on the streets and in public spaces, as well as in new and existing developments. The following policies build on the recommendations of the Live Music Task Force, the CreateAustin Plan and the DAP [Downtown Austin Plan] report entitled 'Strategies and Policies to Sustain and Enhance Austin's Creative Culture'." (City of Austin, 2011a, 90)

Policies from the Downtown Plan include provisions for creating new cultural facilities and live music venues (City of Austin, 2011a). Actions associated with the policy involve the city taking a proactive role in creating incentives for retaining and creating music venues and other cultural facilities. This includes bonuses for utilizing under used spaces in buildings as performance spaces, providing a density bonus to developers who construct or retain live music spaces, and allowing developers to exempt the floor area of spaces used for approved cultural activities including live music venues in particular districts downtown (City of Austin, 2011a). Since Halifax participants raised taxation as a concern, landlords and venue operators may benefit from being able to subtract performance space from taxable areas. T

Austin's downtown plan also recommends that the city explore a 'Cultural Mitigation Fund' active within a certain district that would assess new development to establish funds to support cultural activities and facilities in the core. This would help to mitigate any negative effects redevelopment may have on existing live music venues (City of Austin, 2011a). In Halifax, redevelopments like the Barrington Gate condominiums had a direct negative effect on venues. A cultural mitigation fund could assist in situations such as the cases of Birdland and Blues Corner.

> Other Austin policies include:
>
> AU-4.3: Support cultural district planning and marketing of Downtown arts and cultural organizations, businesses and live music venues.
>
> AU-4.4: Provide incentives and programs for the protection of Red River Street as an authentic live music district.
>
> AU-4.5: Build on the East 6th Street brand and improve it as a high-quality daytime and nighttime entertainment and visitor destination (City of Austin,

2011a).

Austin offers one of the strongest examples of integrating music and cultural activity into regional planning. Having city policy that speaks to the concerns of land uses involving music shows that a city can protect its music economy. HRM would be wise to learn from cities such as Austin that have incorporated music interests into their economic development. The first and perhaps most obvious step would be to establish a music commission that can articulate music industry issues, and identify issues of city policy that impact live venue operation.

Establishing cultural districts that protect live performance space is an important strategy for cities that want to protect their music scenes. A city such as Halifax with such a rich music history and vibrant industry needs to respect the venues that are present and ensure that public policy does not undermine the economic and social viability of the scene. Public policy decisions need to keep the health and vitality of performance space in mind.

Two interviewees raised concerns over the construction of the new Nova Center convention building on Argyle Street. The plan for the building circulating in mid-2012 showed the parking entrance on Argyle. Venue operators believed this would have a negative impact on the street, the centre of the entertainment district. This is the kind of concern that suggests that council needs a mechanism to hear from and work with venue operators to ensure that development supports, rather than undermines, the viability of the city's cultural industries.

Transportation and Policing

Many cities have embraced their night-time economies and support them through measures that encourage nocturnal activities among citizens. One municipal service that could potentially make it easier and safer to go see music and participate in other events is transit. Many study participants identified public transportation's early stopping times in Halifax as a barrier to night-time activity in the core.

The City of Edmonton in Alberta is examining its capabilities to run a night transit service in response to concerns about entertainment districts like the city's vibrant Whyte Avenue. Whyte Ave is one of the city's major night-time entertainment destinations located near the University of Alberta. It draws many students but also patrons from around the city. When the bars empty on Friday and Saturday nights the situation can turn dangerous. In an article appearing in Edmonton's *Avenue Magazine* one police officer said, "we're trying to keep a lid on the chaos. We're working together trying to save people from themselves" (Fawcett, September 2012). The city identified the issue and tested strategies to manage the problem. They recognized that at closing time many people out drinking enter the streets with nowhere to go or no way to get there due to a shortage of cabs and no transit service. In response the city started a pilot project called NightRide. NightRide helped patrons and workers of the night-time economy get home safely through an integrated bus and taxi system (City of Edmonton, 2012, para 3). The Nightride program ran for 16 weeks between January and April. It saw buses extend service on Friday and Saturday nights to provide rides between 1:30 and 3:30 am. The route ran buses from Whyte Avenue to the University of Alberta and Southgate transit centre. At Southgate transit centre a taxi stand was available to provide transportation for

those who needed to carry on. The City of Edmonton found the Nightride pilot project was successful because it demonstrated

a) bus behaviour was acceptable and actually better than expected,
b) a bus – taxi system could work
c) the benefits of extending a bus route to 3:30 am on weekends exceeded the risks (City of Edmonton, 2012, para 4).

Nightride worked in conjunction with a proactive police presence, and drunk-friendly infrastructure in the form of public bathrooms to alleviate the pressures of closing time on the street. The program was geared towards the problem identified by the director of Responsible Hospitality Edmonton.

> "If we have lots of people all competing over a cab, and they're hungry, and they're tired, and they need to go to the bathroom, and they can't get a ride home, and they'd still like to get a girl, then that can become a pretty volatile situation. It can escalate quickly" (Fawcett, September 2012, 56)

Such a program could be tested in Halifax as well. Public transit routes to key locations in Halifax could be provisionally employed by the city to determine if this measure can alleviate some of the issues raised by late night revelry in the City of Halifax.

Halifax has faced significant concerns over crime on entertainment streets like Argyle and in the core after bars shut down. To deal with comparable problems, Austin (Texas) uses a proactive policing strategy in entertainment districts. In Austin, Sixth Street is famous as a home for live venues and bars. To mitigate and limit issues at closing time police maintain a significant presence on Sixth Street when the bars shut their doors. The Austin Police Department (APD) uses officers in cars and on foot but also on bike and horse. APD uses the mounted units for a reason. One officer on horseback is about as effective as ten officers on foot. Mounted units can clear crowds without causing panic because people are conscious of the horses' size; police rarely have to come in physical contact. Riding on horseback provides officers with visible direction and provides a bird's eye view of the crowd (Austin Texas, N.D, para 1). Austin's proactive police strategy allows police to deter crime through an early presence and high visibility (Austin Texas, N.D, para 4). Halifax Regional Police Department has two horses making up its mounted patrol. These assets could be used as part of the police efforts to minimize criminal activity on Argyle. Unfortunately for the 2012-2013 fiscal year the mounted units and bicycle patrol were on the budgetary chopping block (Arsenault, 2012), but if they are retained they could be employed in service of managing after hours violence.

Mounted police in Austin
Source | flickr.com/2422/3690641121_ec81a793c0.jpg

Nova Scotia Alcohol Regulation Reform

"[A]t a minimum, we need to get rid of all the liquor regulations and just find and replace with Ontario's. Like the regulations are ridiculous. And that makes it really hard for a bar to stay open. It's an onerous bunch of red tape" (Music Sector Professional 4). Liquor regulation in Nova Scotia proved a major concern raised by participants in every interview in 2012. Venue owner-operators and music industry professionals shared the sentiment that regulations need to be updated.

Capacities of venues in Nova Scotia are approved by Fire Services and NS Alcohol and Gaming. The lower number of the two sets of rules becomes the enforced capacity. Participants reported that Alcohol and Gaming usually set the lower number. Currently Nova Scotia Alcohol and Gaming requires a minimum of 12 square feet per person as per section 21A(1) of the Liquor Control Act.

> **Maximum number of persons based on size of customer accommodation area**
> **22A(1)** A licensed premises may hold no more than 1 person for every 1.1148 m^2 (12 $ft.^2$) of the licensed premises' customer accommodation area (Nova Scotia Liquor Control Act, 1989).

Ontario's Liquor License Act section 12.1 states that the building code acts as the primary power in establishing capacity numbers.

> The maximum capacity of premises to which the *Building Code Act, 1992* applies is the maximum capacity determined under that Act (Ontario Liquor License Act, 1990).

In the Ontario Act, Section 12.2 states that if the building code does not apply capacity will be determined by the Fire Services.

> The maximum capacity of premises to which the *Building Code Act, 1992* does not apply is the maximum capacity determined under the *Fire Protection and Prevention Act, 1997* if that Act applies to the premises (Ontario Liquor License Act, 1990)

Capacity in Ontario is thus determined by either the building code or fire marshal. In either case no single number governs capacity across all establishments. Under both acts many factors are taking into account when determining capacity numbers. Factors include access and egress, the type of door in place, and distance to exits. In the case that a building does not fall under the jurisdiction of either of the acts, the Ontario Liquor Authority gives a number.

The State of Victoria, Australia, establishes a ratio of one patron per 0.75 metres in licensed premises if neither the Building Act 1993 or the Planning and Environment Act 1987 are in effect (Victoria Liquor Control Reform Regulations, 2009). The Fire Code normally determines occupant loads in Alberta (Alberta Gaming and Liquor Commission, 2012). Patio service requires an occupant load of one person per .93 square meters or 10 square feet (Alberta Gaming and Liquor Commission, 2012).

Nova Scotia could follow the standard set by other regions instead of insisting on excessive standards higher than those used elsewhere. Building Code or Fire and Safety can appropriately determine capacity numbers. Then in the event that neither body has capacity numbers in place, NS Alcohol and Gaming could institute capacity limits.

Another regulation several participants highlighted as an issue was all-ages shows. Section 45 of the Nova Scotia Liquor Control Act addresses minors in licensed premises.

> **When accompanied minor may be in tavern, lounge, beverage room or cabaret**
>
> **45** Except as prohibited in Section 47, a person who is under 19 years old may enter and be in a premises for which a tavern license, beverage room license, lounge license or cabaret license is in effect until 9:00 p.m. if all of the following conditions are met:
>
> (a) the person is accompanied at all times by a parent, legal guardian or spouse who is 19 years old or older;
>
> (b) full meal service is provided in the licensed premises;
>
> (c) the person enters the licensed premises for the purpose of eating a meal (Nova Scotia Liquor Control Act, 1989).

Current regulations do not allow a minor to enter licensed premises for any reason other than eating. This prevents minors, including many first year university students, from attending live music events. At the same time, however, minors are allowed to attend events such as hockey games at the Metro Centre where alcohol is served. Double standards such as these discriminate against the music scene and limit the opportunities of Nova Scotia's youth to engage with particular cultural activities.

Venues such as Blues Corner and Birdland encountered issues regarding residents' quiet enjoyment of their property. Blues Corner was considered too loud by its new neighbours. Although its occupancy predated its residential neighbours by well over a decade, Blues Corner was shut down. Birdland attempted to move to a new location in the entertainment district, but the regulator determined that the increased night-time activity would to be too loud for residents who had moved into the area. Both of these conflicts are dealt with by section 29 of the Nova Scotia Liquor Control Act.

> **Interference with quiet enjoyment**
> **29 (1)** A person may request in writing that the Executive Director cancel a permanent license or place conditions on a permanent license on the basis that the operation of the licensed premises is interfering with the quiet enjoyment of neighbouring properties.
> **(2)** On receiving a request under subsection (1), the Executive Director may make inquiries of, or request documentation from, the licensee or any other person for the purpose of determining the matter.
> **(5)** If the Executive Director is satisfied that the operation of a licensed premises is interfering with the quiet enjoyment of neighbouring properties, the Executive Director may do any of the following:
> (a) impose conditions on the licensee's license or rescind or amend existing conditions on the license
> (b) cancel all or any part of the licensee's license (Nova Scotia Liquor Control Act, 1989).

Section 29 gave the liquor authority and later the UARB the ability to strip venues of privileges they enjoyed, such as the ability to host live music. The section makes it possible for authorities to deny a license due to noise. While venues need to address issues of noise for neighbouring residents, the province must ensure that the regional music scene is not undermined by closing downtown venues. Downtown entertainment districts will, by their nature, be noisy at particular times of the day. Local and provincial authorities need to work with those involved in venue operation to identify appropriate strategies to manage noise and other externalities associated with entertainment activities. Closing down music venues by refusing liquor licenses to operators is not a helpful strategy for communities trying to support their cultural activities and enhance economic activities downtown. Ensuring that residents who move into the central city enjoy the experience requires collaboration; ensuring that they understand the nature of urban life requires public education.

7.0 Conclusion

This study originated with the intent to discover the challenges live music venues in Halifax face. Through document analysis and qualitative interviews with venue operators and music industry experts it demonstrated that challenges are multifaceted and complex. No single issue is at fault for all venue closures in Halifax. In some cases, however, a key detrimental factor emerges: for Birdland and Blues Corner it was incompatibility with new residential uses; for Tribeca it was a matter of capacity. Qualitative interview data pointed to two types of challenges that make it hard to run a licensed venue showcasing live music. On the one hand, social issues included increased

entertainment options, youth access to live music, violence associated with the bar scene, and the practice of pre-drinking. On the other hand, regulatory and policy issues—including quality of public transit, density, price of alcohol, property tax, general operation of NS Alcohol and gaming, and capacity—create an environment where it is difficult to run a successful venue. These factors work together to undermine the success and viability of licensed venues.

Both sets of issues generate substantial barriers to creating an environment where businesses can thrive. Regulatory issues, while substantial, are potentially easier to address. Given the political will, specific problems can be rectified through reforms and changes. Halifax can leverage best practices from other locations. Capacity is a prime example. Other areas offer useful examples of how to determine what the maximum occupancy load a venue can have while still being safe. Eliminating the current 12-square-foot per person requirement could benefit venues substantially. The challenge lies in gathering the political will to take steps to change the regulatory environment at play in Halifax.

The most difficult challenges to change reflect the social themes that emerged from interviews. It is easy to point to violence associated with some bars in Halifax and say 'increase police presence' or 'develop a program that bans offenders', but what can be done to prevent or eliminate such behaviour in the first place? Pre-drinking is an example of a practice born out of avoiding high prices for alcohol. Regulatory actions that eliminated cheap drinks generated potentially dangerous and economically problematic alternative behaviours. Having inadvertently promoted cultural practices that encourage people to 'load up before heading out' authorities now need to find ways to manage and prevent behavioural problems downtown. Responsible drinking and managing the issues related to over-consumption of alcohol requires authorities to work collaboratively with venue operators and those involved in interactions with the young adult community (such as universities, community colleges, and the military)

This research sought primarily to identify the challenges live venues face. Based on experiences in other cities, it suggested some steps that could be taken to alleviate the challenges. Future research could focus on strategies designed to alleviate the pressures highlighted in this study. Of particular importance would be further studies into occupancy loads, youth drinking behaviours, and strategies for managing crowds at closing time. Policy actions could result from mechanisms designed to facilitate collaboration to enhance the music sector.

Music venues are a valuable resource to cities such as Halifax where a vibrant music scene exists. The difficulties these venues face is unlikely to diminish. Government and business owners need to work together in order to ensure the long-term health of venues, which in turn will help maintain the music industry. Many participants stated that dialogue was essential: this is the time for talk as well as action. Halifax Regional Municipality and provincial bodies like NS Alcohol and Gaming could work with venue owner-operators and those working in the music scene to develop an environment where performance spaces can thrive now and in the future.

8.0 References

Arsenault, D. (2012). No More Bike or Horse Cops if Halifax Police Budget Approved. *Chronicle Herald.* Available at http://thechronicleherald.ca/metro/50221-no-more-bike-or-horse-cops-if-halifax-police-budget-approved

Austin, Texas (N.D) Austin Police Department Mounted Patrol: Nightshift. Available at http://www.austintexas.gov/page/mounted-patrol-night-shift

Alberta Gaming and Liquor Commission. (2007). Liquor Licensee Handbook, Available At http://aglc.ca/pdf/handbooks/liquor_licensee_handbook.pdf

Alterstat, J. (2012, August 11). Fatal Assault Ruled Homicide. *Chronicle Herald.* Available at http://thechronicleherald.ca/metro/125805-fatal-assault-ruled-homicide

Boon, J. (2012, August 15). Is Bar Safety an Issue in Halifax. *OpenFile Halifax.* Available at: http://www.openfile.ca/halifax/blog/2012/bar-safety-issue-halifax

Borsari, B., Boyle, K., Hustad, J., Barnett, N., O'Leary, T., & Kahler, C. (2007). *Addictive Behaviors.* 32, 2694-2705.

CBC News (2009). Halifax Marquee Club set to Close. *CBC News.* Available at http://www.cbc.ca/news/arts/music/story/2008/11/19/marquee-club.html

CBC News. (2007). Halifax Bar Temporarily Loses License after Large Brawl. *CBC News.* Available at http://www.cbc.ca/news/canada/nova-scotia/story/2007/12/24/dome-arrests.html

CBC News. (2011). Halifax Bars to Crack Down on Rowdy Drunks. *CBC News.* Available at http://www.cbc.ca/news/canada/nova-scotia/story/2011/09/28/ns-bars-ban-drunks-pass-program.html

City of Austin. (2012). *Imagine Austin.* Available at http://www.imagineaustin.net/intro

City of Austin. (2012b). The Economic Impact of the Creative Sector in Austin-2012 Update. Available at http://austintexas.gov/sites/default/files/files/creative_sector_impact2012.pdf

City of Austin. (N.D). Create Austin: Cultural Master Plan. Available at http://www.austintexas.gov/department/createaustin-cultural-master-plan

City of Austin. (2011a). Downtown Austin Plan. Available at http://www.austintexas.gov/department/downtown-plan

City of Austin. (2011b). Austin Music Commission: Bylaws. Available at http://www.austintexas.gov/musiccomm

City of Edmonton. (2012). Night Ride Pilot Program. Available at http://www.edmonton.ca/city_government/initiatives_innovation/night-ride-pilot-program.aspx

City of Music. (2012). Seatle Music Commission. Available at http://cityofmusic.com/music-commission

Cosgrove, C. (2011, December 16). Tribeca Closure Worries Music Industry. *Chronicle Herald.* Available at http://thechronicleherald.ca/business/43590-tribeca-closure-worries-music-industry

Cummins-Russell, T & Rantisi, N. (2012). Networks and Place in Montreal's independent Music Industry. *The Canadian Geographer*. 56, 80-97.

Currien, N & Moreau, F. (2009). The Music Industry in the Digital Era: Toward New Contracts. *Journal of Media Economics*, 22, 102-113.

Fawcett, M. (September 2012). Big Idea 2012: Bright Lights Big City. *Avenue Magazine.* Available at http://www.avenueedmonton.com/articles/big-idea-2012-bright-lights-big-city

Gardner Pinfold Consulting Economists. (2004). Economic Potential of HRM and Halifax Harbour. Retrieved from http://halifax.ca/regionalplanning/publications/documents/EconomicPotentialStudy.pdf.

Grant, J., Haggett, J., & Morton, J. (2009). *The Halifax Sound: Live Music and the Economic Development of Halifax*. Dalhousie University. http://theoryandpractice.planning.dal.ca/html/creative_cities/creative_working.html

Grant, J. & Kronstal, K. (2010). The Social Dynamics of Attracting Talent in Halifax. *The Canadian Geographer.* 54, 347-365.

Greater Halifax Partnership. (2010). Halifax Economic Strategy 2011-16. Retrieved from http://www.greaterhalifax.com/en/agh_home/default.aspx.

Haggett, J. (2008). *Make a Little Noise: Performance Venues on the Peninsula of Halifax.* (Honours thesis). Dalhousie University, Canada. Retrieved from: http://theoryandpractice.planning.dal.ca/html/creative_cities/creative_student.html

Hracs, B, Grant, G., Haggett, J. & Morton, J. (2011). A Tale of Two Scenes: Civic Capital and Retaining Musical Talent in Toronto & Halifax. *The Canadian Geographer.* 55(3), 365-382.

Halifax Regional Municipality. (1998). HRM Regional Council Committee of the Whole Meeting Minutes. Available at http://www.halifax.ca/council/documents/CW981117.pdf

Halifax Regional Municipality. (2007). *HRM Cultural Plan.* Available at http://www.halifax.ca/culturalplan/documents/CulturalPlan112007.pdf

Homan, S. (2008). A Portrait of the Politician as a Young Pub Rocker: Live Music Venue Reform in Australia. *Popular Music,* 27, 243-256.

Homan, S. (2003). Youth, Live Music and Urban Leisure: Geographies of Noise. *Youth Studies Australia.* 22, 12-18.

Horne, B. (2012, December 27). Reflections' short trip up (and back down) Gottingen Street. *Openfile Halifax.* Available at http://www.openfile.ca/halifax/blog/curator-blog/explainer/2011/explainer-reflections-short-trip-and-back-down-gottingen-street

Hughes, K., Anderson, Z., Morleo, M., & Bellis, M. (2007). Alcohol, Nightlife and Violence: the relative contributions of drinking before and during nights out to negative health and criminal justice outcomes. *Addictio,*. 103, 60-65.

Florida, R. (2002). The Rise of the Creative Class. *The Washington Monthly.* May, 15-25.

Florida, R., Mellander C., & Stolarick, R. (2010). Music Scenes to Music Clusters: The Economic Geography of Music in the US. *Environment and Planning A,* 42, 785-804.

Florida, R. & Jackson, S. (2010). Sonic City: The Evolving Economic Geography of the Music Industry. *Journal of Planning Education and Research,* 29, 310-321.

Lee, A. (2012, January 24) Raising the Bar Part 1. *Openfile Halifax.* Available at http://www.openfile.ca/halifax/halifax/text/raising-bar-history-halifax-drinking

Lee, A. (2012, January 25) Raising the Bar Part 2. *Openfile Halifax.* Available at http://www.openfile.ca/halifax/halifax/text/raising-bar-part-2-stigma-moderation-and-regulation

Lee, A. (2012, January 26) Raising the Bar Part 3. *Openfile Halifax.* Available at http://www.openfile.ca/halifax/halifax/text/raising-bar-part-3-are-we-choking-out-last-music-scene

Leyshon, A. (2009). The Software Slump? Digital Music, the Democratisation of Technology, and the Decline of the Recording Studio Sector within the Musical Economy. *Environment and Planning A.* 41, 1309-1331.

Liebowitz, S. (1982). Market Structure and New-Used Goods Models. *The American Economic Review,* 72, 816-824.

Luckman, S., Gibson, C., & Willoughby-Smith, J. (2008). Life in a northern (Australian) Town: Darwin's mercurial music scene. *Continuum: Journal of Media & Cultural Studies.* 22, 623-637.

Music Canada. (2012). Accelerating Toronto's Music Industry Growth: Leveraging Best Practices from Austin Texas. Available at http://www.musiccanada.com/research.aspx

Music Nova Scotia. (2007). *The 2007 Nova Scotia Music Sector Strategy.* Available at http://www.musicnovascotia.ca/About/Music-Sector-Strategy/

Nova Scotia Liquor Control Act (1989) available at http://nslegislature.ca/legc/statutes/liquorc.htm

Ontario Liquor License Act (1990). Available at http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90l19_e.htm

Peck, J. (2005). Struggling with the Creative Class. *International Journal of Urban Regional Research.* 29, 740-770.

Shaw, K. (September 19, 2012). An Open Letter from Arts Leaders to Political Leaders. *The Coast.* Available at http://www.thecoast.ca/halifax/an-open-letter-from-arts-leaders-to-political-leaders/Content?oid=3397321

Wells, S., Graham, K. & Purcell, J. (2008). Policy Implications of the Widespread Practice of Pre-Drinking or Pre-Gaming before going to Public Drinking Establishments-Are Current Prevention Strategies Backfiring? *Addiction*, 104, 4-9.

Wittchen, T. (1997). Birdland flies but where will it land? *Sloannet.* Available at http://sloannet.yupislyr.com/msg06/msg06981.html

Victoria Liquor Control Reform Regulations (2009). Available at http://www.austlii.edu.au/au/legis/vic/consol_reg/lcrr2009375/s18.html

Map 'Halifax Venue Areas.'
Source: Buildings [Polygons]. Halifax Regional Municipality, GISS Data [geodatabase] Halifax, NS: Halifax Regional Municipality 2011. Using: ArcGIS [GIS Software]. Version 10. Redlands, CA: Environmental Systems Research Institute Inc. 1992-2011.

Cover Photo Credit: G Buffett, 2012.

9.0 Appendix

Appendix A: Consent Form

[PRINTED ON LETTERHEAD]

CONSENT FORM

This research investigates the challenges faced by live music venues in Halifax. Its focus will be to collect information from individuals involved in the Halifax music scene who have developed a strong knowledge of venue operations. Some scholars have suggested that assets such as a developed music scene contribute to a city-region's ability to attract a skilled and talented workforce. This gives regions such as Halifax an advantage in developing a knowledge-based economy. However in recent years many venues in Halifax have shut down. This research seeks to determine what challenges venues face as background for developing a music strategy for the Halifax region.

We are asking you to participate because of your role in the Halifax music scene and potential ability to provide insight into venue operation. While there will be no immediate benefit to you for participating in this study, the goal of this research is to gain insights that can be applied to improve the way city-regions support music venues. We would be pleased to provide you with a link to the resulting paper from this research.

We are asking you to help by consenting to an interview. This interview, designed to minimize the amount of time required by you, typically lasts 30 to 45 minutes. The interview, will, with your permission, be recorded with a voice recorder for later analysis. We hope to be able to use quotes from the interview, but will not identify you individually or personally in reporting what you may say. Please note that all information gathered from you will be treated as confidential. Neither your identity nor any details of your organization will be revealed in any presentations or publications that result from this research, without your express permission. Should specific information on your organization be desired, consent will be sought prior to its use.

Your participation in this study is strictly voluntary and you are, of course, free to choose not to answer any questions. You may terminate the interview at any time with no consequences. If you have any questions regarding the study and your participation in it, please feel free to contact me, my supervisor, or the director of ethics for the university.

Student's research supervisor: Dr Jill Grant, School of Planning – jill.grant@dal.ca

Ethics director, Dalhousie University: Catherine Connors – Catherine.connors@dal.ca

Thank you for your cooperation.

Sincerely yours,

Graeme Buffett – G.Buffett@dal.ca

I, _____,

(Name/Title/Organization – Please Print Clearly)

agree to participate in the study as outlined above. My participation in this study is voluntary and I understand that I may withdraw at any time.

_____ _____

Participant's Signature Date

I give permission for the researcher to use quotations of my comments without direct attribution.

_____

Participant's signature or initials

I give permission for the researcher to record my comments.

_____

Participant's signature or initials: *Date:*

_____

If you would like to receive a copy of the research paper reporting on the findings, please provide a mailing or email address:

_____

_____

Appendix B (Interview Questions)

Live music is one of several elements that help attract talented individuals to a city or region. Recently several venues have shut down in the Halifax area. We are trying to understand current pressures on the live music scene in Halifax. We're hoping that you can help us learn more about your perspective on the music scene.

Can you begin by telling me a little about your experience with live music in Halifax? (Such as your role, how long you have been involved)
In what ways does the live music scene contribute to social life in Halifax?
In what ways does the live music scene contribute to the Halifax economy?
What do you see as the strengths of the Halifax live music scene?
What do you think are the weaknesses of the Halifax live music scene?
What role do venues play for promoting live music in Halifax?
The media has reported many venue closures in recent years: what do you see as leading to that result?
What effect do venue closures have on the music scene?
What kinds of challenges do the operators of live music venues face in Halifax?

- Economic challenges
- Regulatory challenges
- Other challenges?

How do venue operators deal with these challenges?
How do government policies affect the viability of live music venues?
What could the provincial government do to help ensure the viability of live music venues in Halifax?
In what ways could the city (Halifax Regional Municipality) aid live music venues?
What would you like to see done to help foster greater success for live music venues?
Is there anything else you would like to add?

Additional Questions for Policy Makers
How can policy measures benefit live music in Halifax?
What policy measures could you see being implemented in Halifax to help music venues thrive?
How could the information gathered on the challenges venues face be utilized in the creation of a Music Strategy for Halifax?