The London School of Economics and Political Science

Who's running the show? The regulation of live music in England and Wales

Lucy Elizabeth Bryant

A thesis submitted to the Department of Social Policy of the London School of Economics and Political Science for the degree of Doctor of Philosophy, London, September 2022

DECLARATION OF AUTHORSHIP

I certify that the thesis I have presented for examination for the PhD degree of the London School of Economics and Political Science is solely my own work other than where I have clearly indicated that it is the work of others (in which case the extent of any work carried out jointly by me and any other person is clearly identified in it).

The copyright of this thesis rests with the author. Quotation from it is permitted, provided that full acknowledgement is made. This thesis may not be reproduced without my prior written consent.

I warrant that this authorisation does not, to the best of my belief, infringe the rights of any third party.

I declare that my thesis consists of 85,971 words.

ABSTRACT

Live music is a significant feature of cultural life in England and Wales. This generally takes place within an expansive, international live music industry, which like others, is regulated. This thesis examines this, exploring three elements of this regulatory landscape in turn: planning regulation; the areas of live music regulation which cite 'safety' as a goal (health and safety; licensing; event security); and employment regulation. While planning disputes surrounding live music venues often centred on noise, this was a proxy for what was at stake – how space can be used and by who – and making successful claims to this partly depended on participants' economic, cultural, and social capital. Safety meant different things in different contexts, to different actors. Limited health and safety inspection saw event producers and teams define working safely for themselves, with commercial interests sometimes becoming a dominant concern. Efforts to comply with event security and licensing regimes often focused on crowd management, with specific audiences – sometimes defined by class and race – becoming a focus for 'safety' concerns. Compliance with various elements of employment regulation appeared inconsistent (including working hours violations and missing hearing protection equipment) as was its enforcement. Subjects also reported technically compliant but nevertheless exploitative or otherwise negative working conditions, including poor pay and insecure contracts. This thesis examines how the live music industry is shaped by this regulatory landscape. Reflecting on regulation's productive power, three patterns are identified within the industry – that a) large scale actors dominate, b) profits are prioritised as public and worker safety and welfare are undermined, and c) the racial and class hierarchies found in society more broadly are reproduced. Considered together, these patterns suggest that the productive power of regulation has contributed to the development of a live music industry formed in the image of neoliberalism.

CONTENTS

List of tables

List of key abbreviations

BCRP: Business Crime Reduction Partnership
CDM: The Construction (Design and Management) Regulations 2015
ESAG: Event Safety Advisory Group
HSE: Health and Safety Executive
LOLER: The Lifting Operations and Lifting Equipment Regulations 1998
RIDDOR: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

ACKNOWLEDGEMENTS

There are many people I would like to thank for their support and guidance as I completed this project.

First, thank you to my supervisors Professor Tim Newburn and Dr Leonidas Cheliotis. Their guidance has been invaluable, and I am deeply appreciative of the time, advice, and encouragement they have afforded me throughout my studies.

I would like to thank my examiners Professor David Whyte and Dr Johann Koehler for their time and their thoughtful consideration of my work.

I would like to thank the London School of Economics and Political Science for funding this project. I am also extremely grateful to the Social Policy department and the wider LSE community. This has been a wonderful place to be a part of, and I am thankful to everyone who taught me or contributed to its functioning.

Thank you to my colleagues and friends at the Open University, the Institute of Alcohol Studies, and StopWatch for their encouragement and inspiration.

Thank you to everyone who took part in this research for giving their time. This work was only possible because of their contributions, and I hope the output can be in some way valuable to them.

Finally, I would like to thank my family and friends. Thank you particularly to Andrea, Andrezj, Aveek, Carly, Emma, Habib, James, John, Katherine, Mel, and Sadie. Special thank you to Antoś, Arturek, Audrey, Chris, Emily, Greta, Kate, Lexi, Lizzie, Marina, and Zoe. Thank you to my Mum and Dad, Dorothy and Polly, and Doug.

CHAPTER 1: INTRODUCTION

Live music is a significant feature of cultural life in England and Wales. Recent estimates suggest as many as 33.7 million people attend a live music event across the UK each year (2019/20 figures taken from UK Music (2020)). Globally recognised live music events are held here, including the world's largest festival, Glastonbury, hosting 3,000 performances across 100 stages in 2019 (BBC News 2019). Genres and acts spawned in England and Wales have had enduring global influence, evolving in venues and across performances up and down the country – like punk, now played on stereos worldwide, but its celebrated sounds reverberated early on from shows in venues like Manchester's Lesser Free Trade Hall or London's 100 Club (Savage 2011; Haslam 2015). Live music venues sit at the cultural heart of towns and cities across England and Wales, in districts like Womanby Street in Cardiff or the Northern Quarter in Manchester – as Haslam puts it, "it's hard to imagine what Liverpool would be like if the Cavern or 'Cream' had never existed" (2015 p. ix).

Live music in England and Wales has undergone significant transformations in recent decades. In Britain, live sector revenues overtook recorded music for the first time in 2008 (Frith et al. 2021), with the sector now estimated to contribute £3.1 billion to UK GDP annually (2020/21 figures taken from UK Music (2021)) and tours recording revenues of more than half a billion pounds.[1] This financial growth is only part of the story. Despite historical continuities – live music was a commercial practice to some degree even before the Victorian music halls were full (Haslam 2015) – today's live music industry is qualitatively different from what came before. Its commercial practices now form part of a globalized, corporatized industry (Frith et al. 2021), with a few large international companies promoting, housing, or otherwise involved in much of the live music taking place here today. For example, international companies like Live Nation and AEG now dominate the promotion of live events across the country (Frith et al. 2021). This industry has also to some extent professionalised, and supports an estimated 210,000 full-time positions in both live music settings and the "supply chain of interdependent businesses" serving

[1] Ed Sheeran's Divide Tour, grossing £607 million in 2019 (Beaumont-Thomas 2019).

these across the UK (UK Music 2017a; Live Music Industry Venues and Entertainment 2020a p. 4). Alongside this, live music events have changed in nature, with developments in sound and visual effects technology, as well as in stage production (e.g., Holt 2010; Moody & Dexter 2017) incorporating new practices and roles in these settings.

This industry, like others, is regulated. As Chapters 2 and 3 outline, any single live music event is subject to various regulatory regimes. Live music venues are licensed by local authorities to host performances and serve alcohol (Home Office 2018b). Event organisers have a duty to protect employees and attendees from injury and ill-health, as well as to adhere to specific health and safety provisions around the construction of stages, lighting rigs, and other temporary structures (e.g., Health and Safety Executive 1999). New venues require planning permission (Department for Communities and Local Government 2015), and existing spaces may find themselves engaging with the planning system if applications are lodged for new neighbours (Music Venue Trust 2018; NME 2018). Employment regulation governs working conditions of performers, technicians, and other workers, enforcing statutory rights on pay and working hours, and other protections (e.g., Dickens 2012). This list represents only some of the diverse regulatory activity live music is subject to.

In some ways, this regulatory activity can be considered as restrictive controls on practice. Form 696 is such an example. Form 696 was a risk assessment procedure (originally deployed by the Metropolitan Police and since adopted by other forces in England and Wales (BBC News 2017a)) intended to tackle violence at live music events (Metropolitan Police Authority 2009). Venues and promoters would supply details of planned live music events through the form, allowing police to identify and respond to what they termed “problematic events” (Metropolitan Police Authority 2009). While this sometimes included seeking agreement from venues to enhance security arrangements for specific events (Metropolitan Police Authority 2009), the use of the form also saw shows cancelled following police advice (Talbot 2011). This example sits alongside a variety of other regulations restricting such matters as opening and closing times, sales of alcohol, noise levels and crowd numbers.

However, regulation is also a productive force. The act of governing brings new ways of thinking and organising life into being, creating concepts that structure our daily lives – like “the time of work and the time of leisure” created in order to facilitate the regulation of work (Rose 1999 p. 31). It even alters our subjectivities. The “conduct of conduct” (Rose 1999 p. 19) that takes place across “bedrooms, factories, shopping malls, children’s homes, kitchens, cinemas, operating theatres, [and] classrooms” (Rose 2006 p. 145) serves to produce and reproduce the self-governing citizen (Lemke 2002). Because of this, examining regulation not only offers a way of looking at how live music practices are controlled, but how they are organised and produced – the live music industry’s form – and why they are organised in this way.

The regulation of live music in England and Wales has yet to be comprehensively examined. As Chapter 2 details, only some discrete elements of this regulatory landscape have been explored to date. While this alone might warrant a more complete examination, the live music industry is also distinctive in ways that mean that such an investigation might produce findings of value more broadly. This includes that this is a newly formed industry, home to a variety of operator models with distinct features that might influence regulator responses (e.g., Hutter 1989) and a high concentration of freelance workers (Live Music Industry Venues and Entertainment 2020a) at a time when precarity and insecure work are of relevance (e.g., Standing 2012). Not only might such an investigation show how these features interact in this regulatory landscape, but as some are present in other industries, might produce learning that applies to other sites.

Live music also offers a promising site to examine ideas about regulation today. Alongside the shifts in live music practice already outlined, the broader regulatory landscape has also changed. The areas of economic and social life subject to regulatory oversight have expanded significantly in recent decades and as already briefly covered, live music has been no exception. While many influential studies of regulation have focused on the activities of a single regulatory agency or field (e.g., the work of pollution control agencies (Hawkins 1984)), examining live music and its regulatory environment might offer a discrete example of the “myriad of actions and processes, overseen by international, national and local states and a vast array of private actors” that typify regulation today (Tombs 2002 p. 113).

This thesis seeks to examine the regulation of live music in England and Wales by exploring three elements of this regulatory landscape in turn: planning regulation (Chapter 4); the various areas of live music regulation which cite ‘safety’ as a goal (the health and safety, licensing, and event security regulatory regimes explored in Chapter 5); and employment regulation (Chapter 6). These elements were not predetermined at the beginning of the project, but emerged through fieldwork as presenting tensions that could offer insight into key questions: who and what is targeted within the regulatory systems live music is subject to; how do different actors navigate these regulatory systems; and how is the live music industry shaped by the regulatory systems that surround and penetrate it?

After an overview of methods used in Chapter 3, Chapter 4 covers the first element examined, planning regulation – a means of making and managing decisions about land use (Cullingworth & Nadin 2002). While many of those operating live music venues will never find themselves engaging in this area of regulatory life, for those that do, decisions made in the planning system can make or break their operations. Indeed, some have suggested live music venues are closing at an alarming rate, and that this is, at least in part, due to decisions taken in the planning system (Music Venue Trust 2018; NME 2018). Live music venues may become involved in the planning system in one of two ways: as applicants requesting planning permission when proposals for new venues are first put forward, or as an ‘interested party’ when a separate development is proposed that would affect the venue in some way (often either because neighbouring or nearby residential development has been proposed which venues expect will generate noise complaints and threaten their ongoing operation, or because their site has been earmarked for redevelopment).

Examining such cases reveals differences as well as significant parallels. In both kinds of cases, the noise made by music venues was the primary concern – among residents opposing planned venues, venues objecting to neighbouring residential development that might see their business receive complaints, and among planning officers deciding whether such developments would be permissible. This noise was conceptualised in several different ways. As we might expect, some described noise as unwanted sounds from music (“you don't hear it as music, you hear it as noise that annoys you” a residents’ association member explained); others raised

unwanted sound associated with the operation of a venue, including from queues, smoking areas, and emptying bins. Some, however, framed noise in terms of disorder, or as a more general deterioration of or harm to an area – swearing, urination, and vomiting were all raised in discussions of noise, while some residents' noise objections quickly segued into parking concerns. Reflecting on these conceptions together reveals noise and associated concerns as proxies for what is often at stake here – how space can be used and by who. The vomiting, the swearing, and perhaps most importantly, the people who did those things were perceived to be out of order in those neighbourhoods, in much the same way as Bailey described noise as "sound out of place" (1996 p. 50), drawing on Douglas' famous observation that dirt is "matter out of place" (2002 p. 50).

While it is developers that are most obviously and ostensibly regulated by the planning system, many other actors present their claims to space here for planners to rule on: neighbours and local residents who could be affected by a venue's operation or closure; venue attendees from outside the local area; other businesses; and public bodies such as those managing transport networks. Planning officers reach a recommendation on any planning proposal, balancing competing claims to space from these actors. They take in written representations, one-on-one meetings with different parties, presentations and questions in public hearings, and public campaigning activities. Drawing on the work of Bourdieu, Chapter 4 explores how making successful claims to space through these means, however, depends in no small part on participants' economic, cultural, and social capital. Small, independent venues were found to enter the planning regulatory field with limited cultural capital. As one planning officer explained, these venues faced a regulatory landscape that they were unfamiliar with and lacked the necessary experience to "tell [their] story the way that it needs to be told." A trade body with significant social capital – "actual or potential resources…linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition" (Bourdieu 1986 p. 21) – could support these venues through planning disputes, using their organisational "collective power", getting "on the phone" making introductions with relevant local government actors. When residents opposing a new arena met developers at a council planning committee meeting, differences in economic, social, and cultural capital, and what this allowed parties to achieve, were stark. The

developers attended with experts to give evidence, including consultants and the project's designer. As one resident put it, they sent “men in dark suits…and we were just women from the local community.”

Chapter 5 examines the second element explored in this thesis – the various areas of live music regulation which cite ‘safety’ as a goal. Those engaged in the health and safety, licensing, and event security regulatory regimes often raise ‘safety’ as a shared goal of their activity. However, by examining these regimes together, it is clear that safety means different things in these different contexts, and to different actors.

Live music events pose a variety of health and safety hazards. Outdoor festival production, for example, often involves the construction of stages, lighting rigs, and many other temporary structures. The Health and Safety at Work etc. Act 1974 confers a duty on those running and working in these spaces – including festival directors, production teams, and crew – to protect the health and safety of all present during these builds as well as those who attend the event. This Act is supplemented by a variety of statutory instruments, including the Management of Health and Safety at Work Regulations 1999 (requiring risk assessments), the Lifting Operations and Lifting Equipment Regulations 1998 (placing additional requirements on the lifting operations involved in stage building or the operation of a lighting rig (Health and Safety Executive n.d.-d)), and the Construction (Design and Management) Regulations 2015 (which pass duties to contractors, those who hire them, and any workers they employ who engage in construction work like stage building (Health and Safety Executive 2015b)). This is all overseen by the Health and Safety Executive and local authority health and safety teams.

Many working in the industry considered safety practices at live music events to have improved since the late 20th century: crew “[staying] up all night doing class A drugs and drinking themselves into oblivion” before they started “building the shit that hangs above people's heads” was the “old type of tour,” as one production manager explained. Nevertheless, investigation showed understanding of and compliance with health and safety regulation continued to be mixed. Levels of understanding and compliance were reported to be stronger in large-scale venues and events – one

production manager running outdoor festivals and arena tours explained they ensured their events held any health and safety documentation legally required of them, while a venue manager running a small space explained they operated without a health and safety policy, instead describing their approach as “we would tape things up.” These variations in awareness and compliance were suggested to be due to the enforcement approach taken – particularly the limited levels of proactive enforcement reported. As that same venue manager explained, “I don't think health and safety ever visited us in the decade I was there.” This aligns with what others have noted previously – the predominance of a ‘consensus approach’ within health and safety regulation in England and Wales (Tombs & Whyte 2010). The consensus approach to regulation can be characterised as a set of enforcement tactics (those termed as a compliance or accommodative style of regulatory enforcement, “[emphasizing] cooperation rather than confrontation” (Gunningham 1987 p. 70), prioritising tactics like negotiation ahead of prosecutions or other sanctions, and with high levels of proactive inspection viewed as being of minimal utility (e.g., Hutter 1986)) underpinned by a theoretical understanding of regulatory practice. This theoretical understanding conceptualises the nature of corporations (as actors which can first and foremost “act in a socially responsible manner” (Pearce & Tombs 1990 p. 439)); the relationship between these, regulators, and workers or the public (as sharing a “basic ‘common interest’” in, for example, maintaining safe workplaces (Tombs & Whyte 2010 p. 47)); and the implications this has for regulatory practice (that corporations can be trusted to self-govern while it is desirable for regulators to “act as consultants rather than policemen” (Pearce & Tombs 1990 p. 424), and that successful regulation necessitates a good relationship between regulators and the regulated (Tombs & Whyte 2015)).

Through this more hands-off approach, event operators and production teams developed their own approaches to working safely in the place of “generic, prescriptive rules” handed down by a regulator through regular inspection and enforcement activity (Black 2015 p. 227). For example, one venue manager explained how they used crowd control barriers and understood there to be legal requirements surrounding their size, composition, and placement. Other promoters, however, were reported to use barriers of lower quality in similar settings (“they will

buy a two-foot barrier when really they need a strong festival-grade barrier, and people have been hurt" one musician explained).

To the degree that promoters and production companies have been allowed to define working safely for themselves, they have become most responsive to elements of safety practice that support their commercial activity. It appears civil liability has become a central consideration in safety practice, as live performances have become more lucrative in recent years. To work safely has come to mean minimising or otherwise guarding against liability, including through 'signing off' builds and other practice. For example, one production manager who worked predominantly in large-scale events described how they would seek written confirmation that planned lighting rigs could be held by any stage roof they were "maxing out". While working in this way could produce events meeting the duty to protect "health, safety and welfare" under the Health and Safety at Work etc. Act 1974 (s 2(1)), sometimes concrete improvements in safety practices were deemed unnecessary because civil liability had instead been minimised. For example, venue management who voiced concerns regarding artist stagediving but transferred liability instead of prohibiting or in some other way addressing the practice ("I've been forced to sign a contract saying if anything does happen to any audience member or the venue because of my antics, then I'm responsible").

At the same time, elements of health and safety practice that might threaten revenues were sometimes overlooked. For example, the Construction (Design and Management) Regulations 2015 requires necessary resources to be allocated to planned stage builds – including time (Health and Safety Executive 2015b). Some working in technician and production roles, however, explained they faced pressure to turn shows around quickly, including a report of one tour set which could not physically be built in the time allocated by the numbers hired. Such violations could only be discovered through inspection or reporting, allowing managers to expect that these practices would go broadly unnoticed.

Safety is also a concern of licensing and event security regimes. Almost every live music venue or festival in England and Wales must be licensed for "the provision of regulated entertainment", for the sale or supply of alcohol, or both under the

Licensing Act 2003 (Home Office 2018b p. 3). Licences are granted by licensing authorities, who take representation from a range of bodies including police. Licensing decisions are taken with reference to four objectives, including public safety and the prevention of crime and disorder. Many live music venues adopt a variety of security measures in order to operate in line with these objectives, including security personnel (Hobbs et al. 2003; e.g., Hadfield 2008), CCTV systems (e.g., Rigakos 2008), and ID scanning technology (e.g., Miren 2014).

Examining efforts to maintain safety through and in compliance with these regimes revealed a number of issues, including a focus on crowd management and violence prevention. One front of house manager explained how food and drink sales before concerts made an event "safer" because this encouraged people to enter the venue in a staggered fashion reducing the opportunity for violence outside the premises. Another venue manager described how they ensured their staff regularly cleared glasses and bottles as "they're weapons." While some concerns like this were broad, others were more targeted, focusing on specific types of audience. One venue manager talked of "the kind of person that we would keep out", while another explained that "everybody knew" their venue "was a decent venue run by decent folk, and a decent kind of people…came up." These concerns sometimes appeared to be based on audience class and race – anything "too Oasis-ish" (an act associated with working class audiences) was suggested to pose a risk of "lairy" behaviour by one venue manager, whilst another explained traveller audiences brought "nothing but trouble". Genres traditionally associated with Black and ethnic minority audiences (such as grime, drill, drum and bass, and hip hop) were more often labelled as 'high risk' by venues, sometimes as advised by police and local authority officials. One venue manager explained a council representative had "intimated" they would need to employ additional security staff if they were to host hip hop nights, while a promoter explained they were often "pigeonholed" as a grime promoter meaning some venues expected their shows to "give them trouble."

The third element, covered in Chapter 6, is the employment regulation relevant to live music settings. As previously noted, live music is a major employer in the UK, and as such many of those operating in the sector are subject to a wide variety of regulations in their role as employers. This includes regulations governing different

aspects of worker welfare, such as working hours (relevant as the industry produces late night and all-hours events), the differing rights afforded to employees, workers, and the self-employed (with freelance work common in the sector (Live Music Industry Venues and Entertainment 2020a)) and rates of pay (grey literature suggests working for ‘exposure’ may be common practice here (Musicians’ Union 2012), as well as the ‘hiring’ of unpaid interns (Cullinane & Montacute 2018)). This also includes the controls placed on workers through immigration legislation – of particular relevance to musicians travelling from outside the UK to perform here.

However, compliance with such regulation in live music settings appears inconsistent. For example, long working hours were raised by many as a feature of working life here, and at times, working schedules described could violate working hours regulation (“I'll work solid all day. I won't get to sleep. Get out at 2am if we're lucky. I then get back up at 5am, do the same again” as one production manager reported). Enforcement of this and other elements of employment regulation was generally absent. There were also examples of “lawful but awful” practice (Passas 2005 p. 773) in which compliance with employment regulation was technically achieved, but workers still faced exploitative or otherwise negative working conditions. This included poor pay (such as musicians reporting it could be “a real struggle to even get somebody to consider paying you travel expenses”) and insecure contracts. Migrant workers faced additional precarity – those arranging worker visas for touring artists and their teams described what could be an onerous and expensive process (visa processing fees of as much as £1000 per person could be too costly for many tours, one agent explained).

Once again, much of what is presented here may be accounted for with reference to the consensus approach to regulation previously described. As discussed, the assumptions this approach is based on have been questioned – the examples presented here of illegal working hours and of “lawful but awful” (Passas 2005 p. 773) pay and contract conditions further undermine the model of the “socially responsible” corporation (Pearce & Tombs 1990 p. 439; Tombs & Whyte 2010).

As suggested earlier, this thesis also focuses on how this regulatory landscape has come to shape today’s live music industry. Rose and others have noted the

productive capacity of regulation (for example, generating concepts or “inscribing…in the real” constructs like national economies (1999 p. 34), or, much influenced by Foucault, through the shaping of “the modern autonomous individual” who self-governs, reproducing social life based on principles regulation has instilled (Lemke 2002 p. 2)). Elements of today’s growing and evolving live music industry have undoubtedly been shaped through engagement with regulatory systems in this way. Chapter 7 explores this, suggesting that live music’s regulation has helped to establish three major patterns across this industry – that a) large scale actors dominate, b) profits are prioritised as public and worker safety and welfare are undermined, and c) the racial and class hierarchies found in society more broadly are reproduced.

While there remains a sizeable contingent of independent operators in the live music sector, much of the live music activity taking place in England and Wales today is overseen by a handful of large-scale operators. For example, as one venue manager explained, many mid-sized venues came under the operation of a single chain in the 1990s and remain operated through this umbrella group to this day. This trend has been accelerated, at least in part, because these organisations are better placed than their smaller counterparts to navigate live music’s regulatory landscape, due to the economic, social, and cultural capital at their command. In the planning system, for example, larger operators were seen to deploy economic capital to offer things like community music or art spaces, or recreational equipment as part of their applications for new music venue projects, and planning officers looking to provide for their region with little to no internal investment could welcome this. At the same time, smaller, independent operators lack the economic, cultural, and social capital to protect their sites from competing planning applications, which can squeeze these operations out. For example, a venue which was demolished to make way for flats on their site lacked the social capital (e.g., strong relationships with the local authority figures handling the planning proposals) necessary to resist the application or advocate for new premises. As live music’s regulatory landscape is better navigated in possession of the kinds of capital large operators wield, these systems have served to reproduce and reinforce broader industry trends of vertical integration and amalgamation, shifting the make-up – if not the overall volume – of live music venues and events in England and Wales.

The live music industry today is hugely profitable, with profits in Britain overtaking those from recorded music in 2008 (Frith et al. 2021). Engagement with health and safety and employment regulatory regimes, however, has contributed to the formation of an industry where these profits are prioritised as public and worker safety and welfare are undermined. As previously described, promoters and production companies were found to have become most responsive to elements of safety practice that support their commercial activity, sometimes undermining the safety of workers and the broader public. Production and technical staff reported how their experiences of turning tours around on (sometimes dangerously) tight schedules were driven by a bottom line – "to make the show happen for 'this much' money" as one production manager put it. Worker welfare was also poorly protected – violations of employment regulation were reported, as well as technically compliant but otherwise negative and exploitative employment conditions, including poor pay and insecure contracts. These conditions could benefit employers. For example, musicians facing poor pay conditions shielded promoters and venues from some of the economic risks involved in hosting live music events of uncertain returns. These employment and safety practices are facilitated by the consensus approach to regulation identified here, as previously discussed, and particularly the compliance style of regulatory enforcement associated with this approach. The relative absence of inspection, as well as the minimal stringent enforcement activity reported has allowed companies to operate in this way, and pass 'externalities' on to their workers and the general public largely unchecked (Pearce & Tombs 1991). Had an alternative enforcement strategy been taken, live music operators may have had to shoulder "the real costs of their activity" (Pearce & Tombs 1990 p. 436). This has also damaged a "key counter-veiling force" – the "workers as regulators" (Tombs & Whyte 2013 p. 759) – who might otherwise push back against these employment and safety practices. However, withdrawal of inspection and enforcement here has signalled the "impunity" of their employers to these workers (Tombs & Whyte 2013 p. 758).

Finally, Chapters 4, 5, and 6 offer findings which echo a theme established through literature (e.g., Fatsis 2019b) reviewed in Chapter 2 – that across the various areas of regulation that live music practice is subject to, more power is held by some and not others, and that this depends (at least in part) on how they are racialised and

their class position. For example, some elements of worker welfare were poorly protected by employers, and poor pay conditions saw those from low-income backgrounds excluded from the industry. Further, event security regimes were found to sometimes lead to exclusionary practices directed at audiences and artists from lower socioeconomic and Black and ethnic minority groups, while the visa system which artists and touring teams coming to perform in the UK must engage with disadvantaged those coming from countries in the Global South. However, these findings also extend this theme – not only is more power held by some and not others, but it appears regulatory practice has entrenched these power differentials. That is to say, this regulatory landscape has contributed to the reproduction of the same racial and class hierarchies in today's live music industry which are found in society more broadly. For example, the power wielded by workers to address their poor welfare and pay conditions was undermined through a relative absence of inspection activity, leaving workers ill-equipped to push for better protections (Tombs & Whyte 2013). Similarly, there was evidence that exclusionary event security practices were, at least in part, established through engagement with regulators in the licensing system. For example, one independent venue manager described how police once objected to a performance from a band whose name made reference to guns in part because this might attract an audience from Tottenham – an area characterised by a "history of conflict between police and the local black community" (Bridges 2012 p. 2; Newburn et al. 2018).

As this thesis will conclude, when considered together, these patterns suggest that the many regulatory practices operating across the live music landscape have instilled "dominant understandings and ways of being" in this industry (LaMarre et al. 2019 p. 239). That is to say, from one perspective the productive power of regulation has contributed to the development of a live music industry formed in the image of neoliberalism. Large corporations are dominant in this industry, as they are in neoliberal political economies more broadly (Tombs & Whyte 2015). Profits are prioritised over worker and public safety, in line with neoliberal thinking that suggests industries function best when unburdened with 'red-tape' and stringent enforcement (Tombs & Whyte 2007). It is an industry characterised by worker precarity, just as neoliberalism has ushered in a new category of workers defined by precarity in employment – the precariat, a global "class-in-the-making" of "flexible and insecure"

workers (Standing 2012 p. 588). Finally, the industry at times reflects the class and racial exclusions that are integral to the continued functioning of neoliberalism (e.g., Wacquant 2009). This thesis closes by briefly reflecting on alternative industry arrangements and how regulation might contribute to realising this.

CHAPTER 2: LITERATURE REVIEW

This chapter reviews the existing literature on the regulation of live music in England and Wales. As will be demonstrated, there has been some examination of isolated aspects of this to date – for example, focusing on a single element of live music's broader regulatory landscape, such as the enactment of health and safety legislation requiring hearing protection for live music workers (Barlow & Castilla-Sanchez 2012). This fragmented literature is yet to be drawn together or connected to similar study internationally, limiting opportunities to identify patterns across this landscape and to connect these to regulatory theory more broadly.

This chapter seeks to address this. This literature review begins by defining some of the key concepts at play in this thesis (live music and regulation) and provides brief background on today's live music industry, before attempting to consolidate the disparate literature examining its regulation. Through this, and by reviewing relevant regulatory guidance, patterns previously obscured are revealed. Across the many areas of regulation live music is subject to, three kinds of targets are commonly its focus: audiences, businesses, and spaces. This review then draws on broader regulatory literature to explain the different regulatory practices deployed towards these targets. This includes work of critical regulatory scholars examining the regulation of corporate activity, the connections between this regulatory enforcement and neoliberal ideology, and how this acts to produce and protect power differentials (e.g., Pearce & Tombs 1990); research examining exclusionary policing and regulatory practices – within and beyond live music – directed towards lower class and Black and ethnic minority groups, and its connections to today's political economy (e.g., Gilroy 2013); and the work of Bourdieu and how live music regulatory outcomes might be explained with reference to the capital different parties hold. Finally, this review identifies how the productive power of regulation (e.g., Rose 1999) has been overlooked in the literature examining live music's regulation to date. It is suggested that these bodies of literature could provide valuable insight into both live music and regulatory practice more broadly when applied to new data gathered in this work.

2.1. What is live music?

Live music is a broad term – exploring only some of its dimensions shows it captures a diverse range of activity. The term might bring to mind practice in public or private spaces (like the buskers of New York's Central Park (Harrison-Pepper 1990) or the many late night bars and clubs of the city respectively (Hae 2011)). Live music can be a commercial activity but might also take other forms like community or religious events. Some events might sit somewhere in between these, like free-to-attend street festivals and carnivals that generate revenue through routes like sponsorship (Melville 2002; Talbot 2011). Any given instance of live music might engage only a handful of people or many thousands – in 1984, Bruce Springsteen performed in what is suggested to be Europe's largest concert to date to a quarter of a million people in Berlin's Radrennbahn Wessensee Park (Carlin 2013). Performers themselves introduce huge variation into experiences termed live music – between genres, the settings, social norms, and of course, the sonics might vary wildly. Given this variety, it is essential to outline what the term 'live music' is intended to capture when it is used in this thesis.

First, what does it mean for music to be live? Many have suggested live music can be distinguished from recorded because of its "real-time aspect" – put crudely, live music is to be "playing there and then" (Danielsen & Helseth 2016 pp. 25, 26). However, performances often incorporate recorded elements. Baxter-Moore and Kitts (2016) note how, for many years, musicians have been able to add backing tracks to performances using synthesisers and reel-to-reel tape and that more recent technological advancements like loop pedals (which can record and replay musicians' vocals or instrumentation mid-performance) blur any live-recorded distinction further. In this thesis, the term live music makes no distinction between music performed through live instrumentation and that which incorporates pre-recorded material – instead, drawing on the suggestion of Frith that a live performance is simply "a situation in which thinking and doing are simultaneous" (1996 p. 207). This choice reflects the proliferation of pre-recorded elements in performance generally, but also responds to the prominence of this practice within certain genres. While it is not unusual for performances in genres like house to draw heavily on pre-recorded material, other genres like rock commonly reject this

(Brewster & Broughton 2006; Danielsen & Helseth 2016). Any conception leaning on the "there and then" of all instrumentation (Danielsen & Helseth, 2016, p. 26) would exclude such genres, neglecting from the discussion sizeable portions of the live music activity taking place in England and Wales today.[2]

Second, the live music this thesis is concerned with can broadly be termed 'popular music' – as opposed to classical or 'art music' (Frith et al. 2016). The term popular music is intended to capture a distinction between high or elite, and low culture. High/low distinctions have often been shown to relate to who makes or consumes cultural material – that mass culture is defined against high culture as a preserve of upper classes (Storey 2018). We might expect this to affect regulatory responses in some way. Indeed, examining the licensing of various free festivals held across London, Talbot (2011) notes regulators drew distinctions between high and low cultural events, and altered their responses based on this. Examining popular music here, therefore, allows future work posing similar questions surrounding 'high culture' to draw any distinctions in practice clearly, whilst keeping the focus of the fieldwork here manageable.

Considering popular music – as opposed to focusing this study on any collection of musical genres that may be prominent in England and Wales today – is also useful because it allows for a greater degree of historical and geographical comparison. That is, musical styles presented in music venues may differ over time and place but the cultural positions these styles occupy – the audience for the material, for example – may be comparable.

Finally, the live music examined in this thesis is commercial. Alongside a thriving live music industry, a variety of non-commercial performances take place in England and Wales each year. These might be held in private settings like workplaces, community venues like village or school halls, or in people's residences. These performances are excluded from this study because they are subject to different regulatory requirements than commercial live music events. For example, the Health and

[2] Hip hop records make up one in 20 (6.7%) of the albums sold in the UK annually – only one genre using recorded material in live performances in this way (figures from 2016/17 (British Phonographic Industry 2017)).

Safety Executive note that residents organising street parties "do not have duties under health and safety law" (n.d.-f). Given all this, this thesis therefore considers commercial, popular live music, making no distinction between performances comprising only live instrumentation and those incorporating pre-recorded material.

2.1.1. The live music industry

As has been noted briefly already, today's live music industry is a relatively recent formulation. Beginning primarily in the 1970s and 1980s, major shifts were seen in the structure of England and Wales's live music landscape; this section will describe the industry's features and briefly outline these shifts.

The involvement of large operators: Much of the live music which takes place in England and Wales today is promoted by, housed by, or otherwise involves the activity of, a handful of large companies. This is a shift which has taken place across the later part of the 20th century, as the UK's live music industry has been "reconfigured by the corporatisation of the global live music sector" (Frith et al. 2021 p. 10). Two promotions companies, Live Nation[3] and AEG, have emerged as global market leaders and "dominate the promotion of superstar concerts in Europe" (Holt 2010 p. 249). Live Nation expanded into ticketing, with its merger with Ticketmaster in 2010 (Live Nation & Ticketmaster 2010). Indeed, Holt characterises Live Nation's expansion as "[aggressive]", explaining that the promoter has positioned:

> *…itself as the major national promoter in many countries, [building] a huge club venue franchise…[and seizing] further control of ticketing and generally [moving] towards the 180- and 360-degree business models through long-term contracts with stars such as Madonna, U2, and Jay-Z, with package contracts involving touring, merchandise and recordings...* (2010 p. 249)

[3] Note that throughout this thesis, Live Nation is used to refer to the operations of Live Nation Entertainment and its subsidiaries, including Live Nation UK.

These changes can be seen clearly within the England and Wales venue landscape. Take Brixton Academy as an example. This former cinema sat empty in the early 1980s, before its leasehold was purchased by an independent operator; while the previous leaseholders also operated Hammersmith Apollo, they had used the Brixton Academy (known then as the Astoria) only as a storage site (Parkes & Rafaeli 2014). Today, the venue is part of the Academy Music Group, who operate or partner with another 19 venues across England and Scotland (Academy Music Group 2023). In 2007, Live Nation acquired a majority stake in the Group (Live Nation 2007). Further, through their merger with Ticketmaster in 2010 discussed previously (Live Nation & Ticketmaster 2010), Live Nation also acquired what is at the time of writing the official ticketing partner of the Group (Academy Music Group 2023). While the industry today is home to operators of many different kinds (including independently run venues, see section *Why examine live music?* for further detail), this example typifies trends towards vertical integration and amalgamation that have been visible in this industry since the late 20th century.

Profitability, and the shift from recorded to live music: Live music today is hugely profitable. Through the 1990s and 2000s, audience numbers rose (in part, due to audiences growing beyond “students and die-hard rock fans” to include “a larger 30+ demographic with more spending power” (Holt 2010 p. 250)). During this period, ticket prices also rose; Holt estimates a rise from the price of a “recent album” in the 1980s “to about 5–10 albums” in the early 2010s, with tickets for what they term “superstar [concerts]…more than [doubling] since 1996” (2010 p. 250). In addition to this, live performances also became “a semi-scalable product” during these years, as larger audiences have been made possible at individual events through improved sound technology and across tours through “efficient touring teams” and changes to “the touring geography” (Holt 2010 p. 249). This has seen revenue increases across the industry, including “unprecedented economic growth in super-star touring” in the early 2000s (2010 p. 248), for example, with Ed Sheeran’s Divide Tour grossing £607 million as recently as 2019 (Beaumont-Thomas 2019).

Further to this, while the music industry overall had at one time seen substantial returns on recorded music sales – particularly following the 1983 introduction of CDs into the recorded music market in the UK – these subsided in the 2000s, in part due

to digital piracy (Frith et al. 2021). This, along with the rise in profitability of live performances previously described, saw live profits overtake recorded in Britain in 2008 (Frith et al. 2021).

This shift in profitability altered the nature of the music industry. Specifically, touring became a focus for the industry in ways it had not been previously. Revenues on offer had increased, and live events and the businesses that support these had become of “increasing interest…[to] investment companies and hedge fund managers” (Frith et al. 2021 p. 26). For musicians, this meant what was once "rock’s Holy Grail, a record deal" now no longer offered the same stability and income potential, thanks to "[declining] record company investment", and by the late 2000s, touring was a primary source of income for professional musicians (Frith et al. 2021 p. 173). Indeed, as artist manager Malcolm McKenzie described, “[r]ecorded music is a marketing cost, not a revenue stream...you make your money from touring and selling T-shirts” (cited in Frith et al. 2021 p. 170).

Live music technology: the nature of live music events has changed over recent decades, in part due to the technology involved. In 2009, U2 embarked on a world tour with a stage set up that became nicknamed ‘The Claw’ – a more than 150ft tall, 200-ton installation which housed “a vast cylindrical video screen composed of 888 individual panels and containing a total of 500,000 pixels” (Jones 2012). While this is a somewhat extreme example, this nonetheless serves to signal the level of production seen in large scale shows and arena tours today. This is a relatively recent development and, along with a general expansion in stage production and visual effects across shows of all kinds, a feature of today’s live music industry (Moody & Dexter 2017). For example, describing the initial adoption of stage lighting technology in England, Moody and Dexter note that in the 1960s, “[m]ost British bands found themselves playing in community halls and school assembly rooms where there was no stage lighting” and that at this time, early lighting technology was beginning to be deployed by a few artists such as prog group Yes (2017 ch. 1).

Changing employment: while there is not sector wide data on employment within live music in earlier decades, it appears that as the live music industry has expanded, work here has also changed. There has been a broad trend of

professionalisation. Discussing the early days of Brixton Academy, its operator recounted fairly informal hiring practices (including recruiting a booker after they arrived at the venue looking for work and met the operator's on-the-spot challenge to book the band UB40 (Parkes & Rafaeli 2014)), while scenes like jungle and rave of the 1990s have been described as generally "informal economies" (Melville 2019 p. 2). Now, however, Holt notes that sectors like production have "become professionalized and internationalized" (2010 p. 248). Despite this professionalisation, it is unclear whether this has brought stability for workers across the industry – particularly given the high proportion who are freelancers (Live Music Industry Venues and Entertainment 2020a), and the concerns raised surrounding pay conditions for musicians and other workers (outlined further in Chapter 6 (Musicians' Union 2012; Cullinane & Montacute 2018; French 2018)).

2.1.2. Why examine live music?

Live music features significantly in cultural, social, and economic life in England and Wales. As outlined in the introduction to this thesis, considerable numbers attend and are employed through live music events here, with an estimated 33.7 million attendees and 210,000 full-time positions sustained in the UK each year (2019/20 figures taken from UK Music (2020); Live Music Industry Venues and Entertainment (2020a)). It was noted how, outside sizeable attendances and employment figures, venues here and the live music landscape they sit in are important cultural sites, influencing music and more. For instance, acid house – credited with birthing today's global club culture – took shape and was established as a truly British phenomenon after DJs adopted the sound from the US and altered it here, and with this brought to prominence renowned mega-clubs including Manchester's Hacienda (Brewster & Broughton 2006; Melville 2019). The COVID-19 pandemic and subsequent restrictions placed on performances in England and Wales have only served to demonstrate the strength of feeling many hold for live music here; the 2021 return of Derbyshire heavy metal festival Bloodstock was greeted with "tears and screaming" from "overwhelmed" fans "over the moon to be back 'home'", described director Vicky Hungerford (Regan 2021). Despite this, and as this literature review will detail more thoroughly, while there exists some examination of discrete elements of live

music's regulation (e.g., practices of door staff (Monaghan 2002)), a more complete exploration of this regulatory landscape is yet to be attempted.

Beyond this significance and limited examination, however, the live music industry is distinctive in ways that suggest an investigation into its regulatory landscape might produce findings valuable for the study of regulation more broadly. This is because the live music industry represents a (broadly) unique confluence of four features, outlined below; examining this industry's regulation can offer insight into how these features interact together within this regulatory landscape. Further, some of these features are present individually in other industries, meaning this learning may also be applicable to other sites.

- **A newly formed industry:** as previously detailed in this literature review, what many may refer to as the 'live music industry' is a relatively recent development. Live music has taken place as a commercial practice for many centuries in England and Wales (Haslam 2015), but a live music industry in its present form has crystalised in the late 20th and early 21st centuries, as part of a globalized, corporatized industry (Frith et al. 2021). This presents an opportunity to examine an industry as it forms and to witness the shaping impact regulation has on this. Such an investigation will likely be of relevance to other emerging or changing industries – particularly those creative industries based on novel technologies (e.g., esports and other gaming sectors).
- **Varied operator models:** the live music industry is one that contains a variety of operator models. Consider, for example, the live music promoter – those operators who arrange live music events, including booking venues and performers, and advertising their show. In England and Wales, the live music industry is home to self-employed promoters who work alone, some of whom put on what might be described as DIY shows (possibly using borrowed equipment, setting up lights and sound themselves, selling tickets on the door) to crowds in the low hundreds. It is also home to Live Nation UK who presented 2,900 shows in 2019 (Live Nation (Music) UK Limited 2020), whose parent company has traded on the New York Stock Exchange since 2005

(Live Nation Entertainment 2006). This is just one example of the breadth of operators involved in the live music industry here. Crucially, the regulatory landscape these operators engage with is broadly the same as one another. Returning to the previous example, some elements of regulation might only be applicable to the larger shows put on by an operator like Live Nation (e.g., health and safety regulation regarding stage builds at large outdoor events), but otherwise the regulation different promoters' work is subject to is much the same (e.g., the hearing protection required for show staff is the same in an arena or a pub), as are the regulators they might engage with. Despite the dominance of large operators in the industry (Frith et al. 2021), it would be wrong to consider the activity of independent and smaller scale operators negligible. Trade body the Music Venue Trust (2023) estimated that there were 98,342 ticketed shows held in the UK's grassroots music venues in 2022; while some of these may have been promoted by a larger operator like Live Nation, this shows the level of involvement for independent and smaller operators in this space.[4] As has been highlighted in work from Hutter (1989), amongst others, features of operators can influence regulator responses – for example, if an inspector lacks familiarity with those involved in transitory operations, this may affect their responses to breaches identified. The mix of operators present in the industry is therefore valuable to an investigation of this kind.

- **A high concentration of freelance work:** the live music industry is one in which freelance work is common, with a significant proportion of workers in the industry engaging in this employment model (Live Music Industry Venues and Entertainment 2020a). This is of interest as part of an investigation of the industry's regulatory landscape because related employment models – namely 'gig' and platform work – are becoming increasingly common in other settings, raising interest from regulatory scholars (Stewart & Stanford 2017). Alongside (and related to) this, the phenomena of precarity and insecure work are becoming only more relevant as well (e.g., Standing 2012).

[4] While the definition of a grassroots music venue that the Music Venue Trust use here does not require venues to be independently operated, the venues on which these tickets figures are based include 25% which are non-profit and 89% who do not own their space, suggesting these are unlikely to operate as part of large-scale chains.

- **Engagement with multiple regulatory bodies:** in economic and social life more broadly, areas of regulatory oversight have expanded significantly in recent decades and live music has been no exception. As will be outlined in this chapter in more detail, the live music industry produces commercial (noisy) events that can employ hundreds if not thousands, and which bring together many more (sometimes intoxicated) people. Because of this, there is a great deal of regulatory activity applicable to this industry's activities; indeed, live music may be a particularly salient example of the "myriad of actions and processes, overseen by international, national and local states and a vast array of private actors" that typifies regulation today (Tombs 2002 p. 113).

2.2. What is regulation?

As Koop and Lodge note, recent decades have seen "the language of regulation...become widespread in public and academic discourse" (2017 p. 95). While the term 'regulation' may feel familiar in this way, a definition is hard to pin down. Despite the concept appearing across disciplines in the social sciences, there is "no single agreed meaning" settled upon (Baldwin et al. 1998 p. 2). Indeed, the "remarkable absence" of definitions of the concept included in work examining regulation has been highlighted (Koop & Lodge 2017 p. 95). Where these have been offered, these have generally raised a certain set of features of the practice – who regulates, who is regulated, what is regulated, and what the action of regulation looks like. I will examine these four features in turn, outlining how regulation will be considered in this thesis.

As will become clear in this discussion, the difficulties which arise when attempting to define regulation often centre around scope – particularly the boundaries (or overlap) between this and policing. This examination of live music regulation will likely also encounter policing, given the varied mix of control activities surrounding live music practices, as outlined later in this chapter. For example, licensed premises like live music venues will often employ door staff to help meet various regulatory requirements, such as a venue capacity. Door staff, however, perform policing functions – they manage capacity, and order in these sites more generally,

sometimes with recourse to physical force (Hobbs et al. 2003). As such, what follows will also briefly define this associated concept.

Many attempts to define regulation refer to who performs such activities. Some definitions position this firmly as a "state activity" (Hutter 1997 p. 4). Selznick suggests regulation can be defined as "sustained and focused control exercised by a public agency over activities that are valued by the community" (1985 p. 363, as cited in Koop & Lodge, 2017 pp. 95-96). Similarly, Baldwin et al. offer a variety of definitions of regulation, some of which describe this as an activity of the state:

> *At its simplest, regulation refers to the promulgation of an authoritative set of rules, accompanied by some mechanism,* ***typically a public agency****, for monitoring and promoting compliance with these rules…A second, broader, conception of regulation…takes in* ***all the efforts of state agencies*** *to steer the economy.* (1998 p. 3, emphasis added)

However, others have questioned whether regulation today may truly be considered a state-only activity. Baldwin, Cave and Lodge recognise that "institutions that lie outside the direct influence of electoral politics" play an increasing role in regulatory activities today (2012 p. 338), offering examples including regulators acting at trans-national levels. The involvement of a variety of corporate and other actors in self-regulation "in sectors such as advertising, insurance, and the press" (Baldwin et al. 2012 p. 137) also calls into question any definition of regulation which excludes non-state actors. This debate parallels discussions surrounding definitions of policing, where the accuracy of a state-only model, today and historically, has been questioned (e.g., Jones & Newburn 1998). While early investigation associated policing exclusively with actions of the police (e.g., Banton 1964), many have noted policing functions of other state and non-state actors. For example, the policing work performed by today's substantial commercial security sector (Wakefield 2012).

Definitions of regulation also discuss who is regulated – whose activity do we consider to be regulated, as opposed to policed or in some other way controlled? Investigating definitions of the concept found across disciplines, Koop and Lodge

note how these diverge on “whether only private-sector activities” are regulated (2017 p. 100). Indeed, some have attempted to define regulation in this way; Hutter defines regulation as “the use of the law to contain and organize the activities of business and industry” (1997 p. 4), while Baldwin et al.’s previously presented suggestion offers a wider but still industry-focused definition, suggesting regulation “takes in all the efforts of state agencies to steer the economy” (1998 p. 3). However, such conceptions are problematic for two reasons. Firstly, public bodies and private individuals are regulated too. For example, Koop and Lodge suggest that work examining activities such as the regulation of government shows:

> *…that regulatory activity involves relationships ranging from traditional public regulation of private activities to private-private, public-public, and even private-public relationships*. (2017 p. 100)

Secondly, if business and industry are generally regulated rather than policed, this may not be a definitional feature of regulation, but a product of the power these actors wield. Baldwin et al. suggest incidents covered by “traditional criminal law [are] generally excluded” from the purview of regulation (1998 p. 3). Although there may be certain barriers to the application of criminal law to corporate wrong-doing (e.g., as Jordanoska notes in discussion of UK Financial Conduct Authority investigations, often the structure of “individual legal liability…shields managers behind the corporate form” (2019 p. 2)), Hillyard and Tombs suggest that decisions surrounding whose activities are policed and whose are regulated in fact serve to “[maintain] existent power relations” (2007 p. 15):

> *…although the criminal law has the potential to capture some of the collective harmful events perpetuated in the suites and in corridors of the state, it largely ignores these activities and focuses on individual acts and behaviours on the streets.* (2007 p. 15)

Some might instead suggest corporate actors are broadly targeted through regulation as opposed to policing because the kinds of activities and behaviours addressed through regulation are qualitatively different from those controlled through policing. Some attempts to define regulation have wrestled with this – Koop and

Lodge suggest, for example, that regulation only addresses behaviour "not to be replaced or banned" (2017 p. 97). However, Hillyard and Tombs suggest power differentials remain relevant, because the harms created by industry can be comparable to – if not, at times, greater than – those that arise from the many "petty events" sanctioned through the criminal justice system, and yet these harms are "either not covered by criminal law" or are "ignored or handled without resort to it" (2007 pp. 11, 12).

Taking all this into account, a definition of regulation that relies solely on who is regulated is clearly insufficient. Relatedly, it appears unclear whether the kinds of behaviour regulated are a defining characteristic of regulation. Finally, it seems necessary that any definition of regulation captures the range of state and non-state actors who might act as regulators. Baldwin et al. offer an attempt to accommodate non-state involvement in a definition of regulation, which appears not to violate any of these other criteria. They propose one may:

> *…[consider] all mechanisms of social control—including unintentional and non-state processes—to be forms of regulation…such a definition extends also to mechanisms which are not the products of state activity, nor part of any institutional arrangement, such as the development of social norms and the effects of markets in modifying behaviour.* (1998 p. 4)

It becomes essential here to consider scope. Such a definition, whilst including many of the actors and targets necessary, captures such a range of activity that the term regulation might become meaningless. Similar concerns have been raised surrounding definitions of social control. Reiner notes how some attempts to define social control capture "everything that contributes to the reproduction of social order" (2010 p. 4) and indeed, many have critiqued such conceptions for their broadness. For example, discussing the "casual usage" of the term by others, Jones notes this "leads to non-explanation and incoherence" in which every "political or ideological institution" could be considered to perform social control functions (1985 p. 42). Perhaps the most famous of these critiques, however, comes from Cohen, suggesting "the term 'social control' has lately become something of a Mickey Mouse concept" (1985 p. 2). It is essential to avoid such incoherence here.

Another defining feature might be what is done – what does regulatory activity look like? Some have attempted to define the kinds of action we might describe as regulation in terms of interference. Mitnick suggests interference is a "central element" in acts we might call regulation (1980 p. 2, cited in Koop & Lodge, 2017 p. 97). Mitnick offers examples of such interference – "to be governed, altered, controlled, guided, regulated" (1980 p. 2, cited in Koop & Lodge, 2017 p. 97) – which notwithstanding the tautology, focuses the concept somewhat. It also allows us to consider indirect action as regulation. For example, taxing businesses based on their carbon emissions – but putting no limit on what level these emissions can reach – is still a form of regulation of emissions (Lin & Li 2011).

This could be honed further, however, by considering intentionality. Koop and Lodge (2017) suggest an act affecting another's behaviour can only be considered regulation if that was its aim. Including this dimension allows distinctions to be made between, for example, the inspection regime of a pollution control agency (e.g., Hawkins 1984) and something tangential like the "development of social norms" captured in more nebulous definitions of the concept (Baldwin et al. 1998 p. 4). As such, the following definition from Black, which incorporates these intentionality and interference elements, will be adopted in this thesis:

> *…regulation is the sustained and focused attempt to alter the behaviour of others according to defined standards or purposes with the intention of producing a broadly identified outcome or outcomes, which may involve mechanisms of standard-setting, information-gathering and behaviour-modification.* (2002 p. 20)

This definition describes intentional interference (an "attempt to alter the behaviour of others…with the intention of producing a broadly identified outcome or outcomes" (Black 2002 p. 20)) that can be enacted by and targeted towards all relevant groups encountered in this discussion – including state, business and public actors. Scope is guarded through consideration of the "sustained and focused" nature of this activity, and by including mention of regulatory mechanisms and standards (Black 2002 p. 20).

2.3. Policing

As noted, the wide mix of control activities that live music practices are subject to (outlined in full later in this chapter and Chapter 3) means it is also likely that a definition of policing will be needed in this work – particularly as defining policing and regulation not only involves outlining what these concepts mean, but how they relate to one another. As Jones and Newburn (1998) note in their discussion of the concept, regulatory bodies including the Health and Safety Executive carry out policing functions, so it will be necessary to be able to distinguish these activities in this thesis.

Attempts to define policing struggle with issues surrounding scope, as already discussed briefly. As Jones and Newburn (1998) have observed, there has been some conceptual slippage in attempts to incorporate the full spectrum of public and private actors that might engage in such work into a definition of policing. Reflecting on Shearing and Stenning's work examining the "control strategies...embedded in the environmental design" and order maintenance activities of employees that constitute "the 'policing' of Disneyworld", Jones and Newburn note that such conceptions of policing expand to contain "even the most spontaneous and informal" mechanisms of social control (1998 p. 15).

At the same time, a comprehensive definition of policing must capture the diverse activities this might comprise. Decades of research examining the activities of the public police, for example, have detailed the broad and varied range of eventualities these actors can find themselves responding to – only some of which involve law enforcement, use of force, or criminal acts (Bittner 2004). For example, Banton reflecting on the order maintenance functions police officers regularly perform, describes them as "peace officers" (1964 p. 127). Similarly, Ericson and Haggerty describe how police engage in information brokering, "coordinating their activities with policing agents in all other institutions" (1997 p. 3). As Millie notes, "fighting crime is clearly a significant aspect to police work; but it is only one aspect" (2013 p. 53).

Reflecting on this, this thesis adopts the following definition proposed by Jones and Newburn:

> *…those organized forms of order-maintenance, peacekeeping, rule or law enforcement, crime investigation and prevention and other forms of investigation and associated information-brokering – which may involve a conscious exercise of coercive power – undertaken by individuals or organizations, where such activities are viewed by them and/or others as a central or key defining part of their purpose.* (1998 pp. 18-19)

This definition draws strong distinctions that might assist in clarifying policing from regulation more broadly. For example, Jones and Newburn outline specific activity we might consider to be policing – e.g., "order-maintenance, peacekeeping, rule or law enforcement" (1998 p. 18) – capturing the variety of activity policing entails without extending their definition to any and all social control functions. Similarly, by limiting scope to those for whom these activities are "a central or key defining part of their purpose" Jones and Newburn (1998 p. 19) avoid equating the police officer with the event steward, for example. However, it should still be recognised that even with these distinctions, untangling regulatory activity from instances of policing in this thesis may be tricky. Consider the reference made here to the "conscious exercise of coercive power" (1998 p. 18) which in some sense separates out policing from the broader 'interference' activities (e.g., "standard-setting" (Black 2002 p. 20)) typical of regulation. At times, applying this test to the activities of police surrounding live music events may be straightforward (e.g., coercive power is deployed during an arrest made for the sale of illegal drugs at a concert), but at other times this distinction is not as clear. When police licensing officers patrol night-time economy districts inspecting premises, is coercive power exercised because any guidance these officers dispense to venues here is backed by their capacity to issue a closure order?

This thesis is concerned with regulatory activity outside formal policing but making these distinctions may become relevant in discussion of the systems in which police play a regulatory role (e.g., licensing). Essentially though, what is important is not the perfect categorisation of every activity the police undertake here as either policing or

regulation – it is recognising if and when the nature of the control that police exercise has shifted and why. Particularly, are any targets subject to activity classified as policing as opposed to regulation in ways that support "existent power relations" (Hillyard & Tombs 2007 p. 15).

2.4. How is live music regulated in England and Wales?

In England and Wales today, live music's regulatory landscape is vast. However, across the many different areas of regulation that might touch upon a single live music event, only a small portion target live music – as in the act of performance – itself. A live performance is classed as regulated entertainment under the Licensing Act 2003, and venues hosting this are required to hold a licence or temporary event notice granted by the local licensing authority (a borough, district, or unitary council (Local Government Association 2021)). However, many smaller venues will be excused from this, after the Live Music Act 2012 introduced exemptions. Now, sites holding 500 people or fewer who hold a licence to serve alcohol may host amplified live music between the hours of 8am-11pm (Home Office 2018b). Alongside this, venues hosting performances are required to hold a licence from PRS for Music – a royalty collections agency – to avoid copyright infringement (Gov.uk n.d.-j).

Much more of the regulation applicable to a live music event concerns the many other associated practices and practicalities that constitute these. Live music events often represent large gatherings of people – even what the London Mayor's Office term a 'small' grassroots music venue can house hundreds (Mayor of London 2017). The live music events considered in this thesis are run commercially, with this sector contributing an estimated £3.1bn to the UK economy in 2020/21 (UK Music 2021). Live music events – whether held in dedicated venues or temporary sites – can have some kind of impact on neighbours and the greater surrounding area. In fact, in line with these examples, it is possible to consider the targets of live music regulation as a) audiences, b) businesses, and c) spaces.

2.4.1. Audiences

A great deal of the regulation applicable to live events is in some way concerned with audiences – for example, the duty placed on event organisers to protect members of the public attending their concerts contained in health and safety legislation. However, some areas of live music regulation *target* audiences, seeking to affect their movement, behaviour, or make-up. Regulators might achieve this through direct engagement with audiences or by placing some kind of crowd control requirement on an event organiser.

Elements of event security, licensing, and health and safety regulatory regimes all in some way control the movement of crowds. *The Event Safety Guide* – Health and Safety Executive (HSE) guidance published for those organising and staffing live music events – explains how "effective management" of crowds and their movements is a necessary component of event safety and compliance with health and safety regulation (1999 p. 45). Recommended practices include splitting audiences into 'pens' to minimise crowd surges, as well as using PA or video systems to communicate evacuation procedures (Health and Safety Executive 1999). Similarly, within the licensing regime, conditions requiring venue operators to manage crowd movement may be attached to licences granted. Home Office guidance suggests this might include capacity limits and requirements to "[ensure] the safety of people when leaving the premises" (2018b p. 7). Event security and stewarding personnel are often responsible for managing such requirements on the ground – for example, HSE guidance recommends using stewards to "help achieve an even flow of people into and from the various parts of [an event] site" (1999 p. 51). This kind of activity has been recorded through ethnographic study; Monaghan's participant observation of night-time economy door staff in south-west Britain found these staff "ensure potential customers 'correctly' manage their bodies immediately outside the premises by following pedestrian 'traffic rules' in the socially organized convention of the queue" (2002 p. 414).

These same regulatory regimes also attempt to control crowd behaviour. Legislation and associated guidance discuss measures to prevent (generally undefined) audience disorder. HSE guidance recommends event organisers use CCTV to

monitor disorder, and ensure stewards are aware of "'normal' activities for the audience" such as "body surfers, slam dancers, moshers…and stage diving" (1999 pp. 46, 45). Similarly, Home Office Licensing Act guidance suggests requirements for phone or radio link systems between premises should be included in licences to allow "rapid response to any disorder" (2018b p. 6). In some ways, attempts to control crowd movements discussed previously also address disorder – conditions may be attached to licences to manage smoking areas and exits in ways that "respect the rights of people living nearby to a peaceful night" (Home Office 2018b p. 10). Further to this, police have powers to address anti-social behaviour – for example, as well as holding individuals "accountable in their own right", police may address premises associated with "nuisance or disorder" using closure orders for up to 48 hours (Home Office 2021a pp. 10, 71).

These regulatory regimes, together with the broad powers available to the police, also respond to criminal behaviour of audiences. Home Office (2018b) licensing guidance suggests the use of CCTV in and around premises should be attached to licences as a condition, in order to deter disorderly or criminal behaviour. This guidance also suggests event security may be deployed to prohibit entry to "people who are drunk, drug dealers or people carrying firearms" (2018b p. 6). As well as sale and possession offences under the Misuse of Drugs Act 1971, police have powers to amend and potentially revoke a venue's alcohol licence where they "consider that the premises concerned are associated with serious crime or serious disorder" of this kind (Home Office 2018b p. 95). HSE guidance similarly raises illegal drug use, recommending event organisers "arrange for an appropriate drug/alcohol counselling agency to be on site" to provide advice to attendees (1999 p. 160).

These varied activities have been recorded in the field. Through ethnography and interviews, Hobbs et al. found that door staff uphold "formal door policies" including that "drugs and weapons are explicitly prohibited", alongside addressing a range of audience behaviour, including "a couple copulating in a toilet…a group of brawling men…[and someone] about to puke on you" (2003 pp. 120, 162). Secret Garden Party, a 30,000-person festival held in Cambridgeshire, hosted a drug testing service for attendees in 2016, while in the same year, 7,000 police officers were deployed to

Notting Hill Carnival – the “largest street festival in Europe” (Melville 2002) – alongside pre-emptive drug raids (Chowdhury 2019).

Examining regulatory practice on the ground suggests this might also in some ways control audience make-up. While guidance published by the Health and Safety Executive asks event organisers to consider audience profile in their plans – “male/female split, age of audience, heavy consumption of alcohol or likelihood of drug consumption, physical behaviour” (1999 p. 45) – other regulatory regimes appear to (directly and indirectly) shape this.

Door supervision – a prominent component of event security – is an example of this. Door supervision, as Monaghan puts it, involves “filtering and ejecting bodies seeking to enter and remain” (2002 p. 406). As Hobbs et al. identified in their ethnographic and interview work, some of this filtering is an attempt to control audience behaviour – that the “vetting of customers” is often a response to “the perceived threat of violence to doorstaff, barstaff, and customers” (2003 pp. 121-122). At times, however, this is intended to achieve a specific audience make-up – as one business manager explained “…the trendier ones will understand…we try to describe to [the bouncers] the kind of customer we want…” (Hobbs et al. 2003 p. 136).

Often, the kind of audience sought has been found to be defined (explicitly or otherwise) by class and race. Hadfield’s ethnographic research examining the practices of door management for private members’ clubs found door staff filtering decisions were not made only on the criteria of potential threat “but also in relation to status entitlement and the promise of…potential spending power” (2008 p. 437). Dress codes have frequently been identified as a mechanism through which venues, via door staff, can shape their audience’s class and racial profile. Examining Manchester’s electronic dance music scene, Measham and Hadfield found dress codes to be ‘central’ to the “complex processes of exclusion” door staff engage in on behalf of their employers – even highlighting one venue representative who explained their dress code was intended to exclude “people who look like townies, chavs, or scallies" (2009 pp. 380-381). This function of the dress code in door

supervision is neatly summarised in an exchange between Monaghan and a member of door staff during their ethnographic fieldwork:

> *I said to John that I couldn't see why people were not allowed in with trainers on a week night. I said: 'seems a bit daft to me'. He replied: 'Not really. Keeps the rubbish out'.* (2002 p. 415)

A similar shaping of audience make-up has been seen within the licensing system – particularly through the role of police here. A prominent example is the Metropolitan Police's live music risk assessment procedure, Form 696. Promoters and venue operators were asked (or in some cases required through a licensing condition (Metropolitan Police Authority 2009)) to use the form to supply information about planned events to the police. Some have suggested informal pressure has been applied to venues by police to cancel shows following information supplied by promoters through this form (e.g., Ilan 2012). Talbot's case study analysis of the procedure noted that early versions of the form asked for ethnicity of audiences and listed predominantly "black or black inspired" genres as examples of the kinds of events it should be applied to, suggesting the form "rendered visible" a link drawn by police "between disorder and 'black cultural events'" (2011 pp. 88, 89). While the Metropolitan Police have discontinued the use of the form (BBC News 2017a), it appears some licence holders might still make attempts to shape their audiences along these lines. In a recently published report from a Digital, Culture, Media and Sport Select Committee inquiry into live music, one musician described having a show cancelled due to concerns about their genre – told on the phone "you make Hip Hop…we cannot do that here, we will lose our licence" (2019 p. 11).

Licensing might also indirectly shape audience make-up in other ways. Where a bouncer might physically eject someone, licensing regimes might slowly change areas, phasing different audience demographics out of night-time spaces. Through case study research examining licensing practices in a South London borough, Talbot (2006) identified police offering preferential treatment, such as warnings of inspections, to venues they considered compliant, and that this notion of compliance was informed by racialised assumptions. Talbot concluded that the "racialized view of culture and violence" held by licensing decision makers led to "an imported, non-

organic night-time economy" (2006 pp. 164, 168), contributing to a process of gentrification. Similar findings have been identified internationally, with Hae charting the gentrification of post-industrial New York neighbourhoods – a change generated in part as venues responded to official pressure to control disorder on their premises by excluding genres such as hip hop in order to alter "the economic and racial constituents of patrons" (2011 pp. 3458-3459). Similarly, examining Manchester's electronic dance music scene, Measham and Hadfield note how informal controls including dress codes and marketing are used to facilitate "the social, cultural and spatial exclusion of electronic dance music of black origin and its minority ethnic, working class and lower income followers" (2009 p. 363). The authors note how programming decisions were made to discourage "attendance by minority ethnic and working class communities" in an attempt to draw crowds that club managers felt were less likely to engage in disorder (2009 p. 374).

The examples presented here suggest that audiences of different demographic profiles are impacted differently by regulatory activity – and that audience make-up can be shaped by this. As will become apparent through this chapter, these examples form part of a broader theme – that across the various areas of regulation that live music practice is subject to, more power is held by some and not others, based in part on how they are racialised and their class position. This will be returned to through consideration of the regulation of businesses and spaces, discussed below.

2.4.2. Businesses

As noted, this thesis is concerned with the regulation of commercial live music. This captures much of the live music practice in England and Wales today, taking place in commercially run premises and arranged by promotions companies. Further to this, many other businesses might be engaged in these performances, like production firms, equipment hire companies, artist agents and managers, security agencies, or ticketing companies. These operators are subject to particular forms of regulation as *businesses*.

Some of this regulation relates to these businesses as workplaces. The Health and Safety at Work etc. Act 1974 confers a legal duty onto employers to protect worker health and safety, alongside other legislation and statutory instruments of particular relevance to safe working in a live music setting. One example is The Control of Noise at Work Regulations 2005, which introduced requirements for live music employers to control workers' noise exposure. This regulation outlined acceptable daily and peak noise exposure levels (not above 87dBA daily noise exposure or 140dBC peak), with various requirements including hearing protection and training where noise reaches lower thresholds (80dBA daily or 135dBC peak) (Health and Safety Executive 2008b; Barlow & Castilla-Sanchez 2012). Associated documentation makes clear that employers are the primary target of this regulation – while The Control of Noise at Work Regulations 2005 also contain requirements for workers, the Health and Safety Executive assert that "the main responsibility" to limit noise exposure "rests with the employer" (2008b p. 9). However, adherence to these requirements has been shown to be limited. Deploying noise level monitors and conducting surveys of staff at four "small-to-medium size (capacity ~300-500) music venues where live and recorded music is played on a daily basis", Barlow and Castilla-Sanchez found that 70% of staff exceeded the personal daily noise exposure limit, with "no apparent attempt by employers or managers" to encourage hearing protection use (2012 pp. 87, 90).

Some regulation relates to businesses' activities as traders. A wide variety of consumer protection regulation is applicable to live music settings, covering sales of alcohol, food, and merchandise that might take place there – for example, the legal serving sizes for different kinds of alcoholic drink are outlined in two statutory instruments, the Weights and Measures (Intoxicating Liquor) Order 1988 and the Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order 2011. One element of particular relevance to live music settings is that addressing ticket sales – a major area of trading for live music businesses. While the resale of concert tickets is legal, this is subject to various conditions when conducted online (Competition and Markets Authority 2021). As established under the Consumer Rights Act 2015 and modified by the Digital Economy Act 2017, where tickets are sold online, certain information must be listed – including seating or standing location, resale restrictions, and the ticket's face value (Gov.uk 2017a;

Competition and Markets Authority 2021). The Digital Economy Act 2017 and a subsequent statutory instrument (The Breaching of Limits on Ticket Sales Regulations 2018) banned the use of automated programmes to make bulk ticket purchases. Alongside this, the sale of fraudulent tickets is pursued through criminal charges under existing fraud legislation by National Trading Standards (Competition and Markets Authority 2021).

These powers address two different kinds of traders – individual resellers and the dedicated secondary sites they list on. National Trading Standards enforce this legislation with respect to individual sellers, having recently brought criminal convictions "against two professional resellers" (Competition and Markets Authority 2021 p. 4). The Competition and Markets Authority enforces the Consumer Rights Act 2015 with respect to the practices of secondary ticketing sites, who must ensure sellers include the legally required ticket information on their sales listings (but do not have any obligation "to fact check every detail provided by a seller" (2021 pp. 7-8)). Some have noted how this regulatory regime has focused on "unauthorised resale" necessarily limiting its scope – "that the political and business rhetoric around the secondary market" distinguishes "touting per se" from "touting without the authorisation of events organisers" (Behr & Cloonan 2020 p. 103). Elements of the secondary ticketing market have at times been owned by large primary sellers (e.g., Ticketmaster's 2008 purchase of GetMeIn (Behr & Cloonan 2020)) to whom this distinction might be relevant.

As identified earlier in this chapter through discussion of the regulatory activity targeting audiences, power wielded by different parties in live music's regulatory landscape appears to be dependent (at least in part) on how they are racialised and their class position. The examples presented here of the regulatory activity targeting businesses also alludes to this – specifically in relation to power and class. For example, Barlow and Castilla-Sanchez (2012) found employers rarely provided required hearing protection for workers. This hints at limited power held by workers in the regulatory relationship. As was the case regarding audience make-up, these power differentials might also affect the mix of operators in this space. Ticket resale regulations were constituted and enforced differently towards secondary resale sites, as opposed to individual resellers (Behr & Cloonan 2020), with the latter facing

practices which more closely align with the definition of policing outlined earlier in the chapter (see *Policing* section), and which might limit their activities to a greater degree.

2.4.3. Spaces

Some of the regulation live music events and venues are subject to considers them as spaces. Perhaps the most direct example of this is found in the planning system. Planning regulation – a system intended to "ensure that the right development happens in the right place at the right time" (Department for Communities and Local Government 2015 p. 4) – is outlined in various pieces of legislation, including the Town and Country Planning Act 1947 which passed responsibility for "most planning matters" from national to local government (Davies 1998; Department for Communities and Local Government 2015 p. 5). Venues might find themselves involved as an applicant, requesting planning permission for the build or renovation of their site, or as an 'interested party' if a proposal for a development by another party would affect the venue in some way. This system is intended to make and manage decisions about land use, and the many interested parties associated with any development can present "conflicting interests" for consideration (Cullingworth & Nadin 2002 p. 1). Some have raised concerns that live music venues are uniquely vulnerable within planning regulation – that there is little to stop residential properties being built next door, leaving venues vulnerable to closure through noise complaints (Music Venue Trust 2018).

As well as the planning system, there are other regulatory regimes which focus on the space surrounding a live music venue – e.g., their impact on their local neighbourhood. One example is the licensing system – in England and Wales, licences are granted in line with four licensing objectives, including "the prevention of public nuisance" (Home Office 2018b p. 1). This is a fairly recent development, introduced with the Licensing Act 2003, in a period characterised by "more restrictive licensing laws" with increasing measures directed towards the "criminalization of drunkenness" (Yeomans 2011 pp. 45, 47).

Indeed, international research examining planning and licensing practices has demonstrated how these systems regulate venues in this way, as well as the shaping effect this has had on neighbourhoods and districts. In their work discussed previously, Hae chronicled how venues which opened in vacant industrial space in New York neighbourhoods like SoHo between the 1970s-90s later became the subject of “struggles over urban space” (2011 p. 3454). As a young professional class moved into these areas, some bars became subject to strict licensing requirements as their activities impacted new residents – at times placing significant financial burden on live music venues and ultimately reshaping the neighbourhood landscape (2011 p. 3460). The status of such trends in England and Wales is unclear – official figures published by the Mayor of London’s office suggest a turnaround in the fate of what they term ‘grassroots’ music venues, with a recent increase in numbers operating in the capital (Mayor of London 2019), alongside a number of high profile openings which have taken place across the country (e.g., Printworks in London (Kolioulis 2018)).

Unlicensed events also provide examples of the regulation of space. While not the focus of this thesis, consider busking. Harrison-Pepper suggests a history of busking can be “found in laws which prohibit it" (1990 p. 22) – that in the late 1980s, most US cities “[prohibited] street performance entirely, charging their entertainers with vagrancy, soliciting, willfully blocking the street, or disturbing the peace” (1990 p. xiv). More recently, some cities have taken to licensing buskers – designating plots for performances, controlling the space these performers and their music inhabits. In 1979, Toronto began licensing buskers performing on the city’s subway system, initially offering 8 musicians licences to perform in selected sites, expanding to 75 performers in 35 stations by 1993 (Smith 1996). Busking has been regulated through permits in Melbourne and Sydney since 1989 and 1993 respectively; sites are designated throughout the cities, available to musicians through ballots and on a first come, first served basis (McNamara & Quilter 2016). Melbourne’s programme includes the city’s parks as “no-go zones” for buskers (McNamara & Quilter 2016 p. 119).

Another example from England and Wales comes from the regulation of ‘rave’. The policing of the British free party scene of the 1990s was ostensibly concerned with

issues such as disorder and drug use (e.g., Cloonan & Street 1997), but in some ways, could also be considered to be concerned with space. The literature contains many examples of parties shut down by officers, often leading to their relocation – for example, Spiral Tribe, who held raves in London found themselves "[relocated] outside the capital" following police intervention (Haslam 2015 pp. 361-362). In the media and by politicians, these events were conceptualised as 'invasion' – as one headline at the time put it, such an event was a threat to prosperity "in a pleasant and prosperous part of Surrey" (The Sun 3 October 1989 p. 6, cited in Hill 2003 p. 225; Hill 2002).

At times, this control of space also appeared to represent control of audiences, as previously discussed. Smith and von Krogh Strand examined the development of Oslo's Opera House in 2008, described by interviewees involved in the project in terms of returning the space to "its citizens" (2011 p. 101). However, despite this for-citizens narrative from those leading the work, the project was met with public resistance – as a project manager described, "there was a lot [of negativity]", while a government minister noted "that there was little demand from the public for a new opera house" (2011 p. 104). Interestingly, though, while the project was portrayed as returning this area of Oslo to "citizens", it was also described as delivering the area *from* "prostitutes" and "drug addicts" (2011 pp. 101, 193). The policing of rave offers another example. In their discussion of the Criminal Justice and Public Order Act 1994 – a piece of legislation that, amongst other things, "specifically criminalised outdoor parties of over 100 people, along with criminalising rave music itself" (Fisher & Measham 2018 p. 16) – Haslam notes that this "wasn't a reaction to a certain kind of music, it was an attack on the lifestyles of the free party movement and on political dissent", and that sections "were clearly aimed at halting the anti-road-building movement and other ecologically minded travellers who had found common cause with the rave collectives" (2015 p. 362). Once more, these examples suggest that, at least to some degree, power is wielded differently between actors in this regulatory landscape. In these examples, the gaps in power between those of different class positions are alluded to – such as the "prostitutes" and "drug addicts" who were not considered to be the "citizens" who would benefit from the build of Oslo Opera House (Smith & von Krogh Strand 2011 pp. 93, 101). This theme will be considered further through the lens of existing regulatory literature, examined next.

2.5. Explaining the current regulatory landscape

While limited investigation has been conducted to date surrounding the regulation of live music in England and Wales, some patterns in these practices have been identified. As previous sections have outlined, the limited work which has been conducted investigating health and safety regulation as applied to live music settings suggests levels of compliance are low, and regulations regarding ticket resale were constituted and enforced differently between resale platforms and individual resellers – suggesting the power wielded by different parties in these regulatory settings might depend (at least in part) on class. Alongside this, some regulator activity sought to control audience make-up directly or indirectly, at times along class and racial lines, further suggesting power held by different parties here might partially depend on how they are racialised and their class position. Yet more examples of these kinds of power differentials were identified in the contested neighbourhood planning and licensing decisions live music venues have, at times, become embroiled in. What follows extends these initial observations by drawing on broader regulatory literature to begin to explore potential explanations for these patterns identified so far.

2.5.1. A 'consensus approach' to regulation, and the corporation

The term enforcement covers considerable ground – within the diverse field of regulation, there are many different practices regulators engage in in their enforcement work. As Hutter notes, enforcement "[does] not simply refer to legal action" but can also capture "a wide array of informal enforcement techniques" including offering advice and engaging in negotiation (1989 p. 153). Indeed, Ayres and Braithwaite describe how regulators may escalate tactics, from "[coaxing] compliance by persuasion" to more severe sanctions (1992 p. 35). Despite this diversity, one approach to regulatory enforcement is dominant within England and Wales today (Tombs & Whyte 2010) – termed the 'consensus approach'.

Exploring the "enormous literature" on "the origins, nature and function of regulation", Tombs and Whyte identify "four ideal-typical sets of claims regarding regulation that pervade criminology and socio-legal studies" (2015 p. 144). Tombs and Whyte term one of these 'ideal-typical sets' the consensus theories of regulation, capturing work

including that of compliance theorists (e.g., Hawkins 1984) and advocates of responsive regulation (e.g., Braithwaite 2017). Tombs and Whyte consider this diverse body of work to be unified by a common understanding of "regulation as a phenomenon that arises as a protective or paternalistic state response to socially damaging economic activity" (2015 p. 144). This work considers that such a response emerges (and is maintained) because regulators, the regulated, and other affected constituencies hold some shared interest – part of the 'consensus' after which these theories are named. For example, according to such theorists, state regulators, corporations, and workers may all benefit from the maintenance of a healthy, injury-free workforce, or that corporations may simply desire this as these "can and do have a primary commitment to act in a socially responsible fashion" (Pearce & Tombs 1990 p. 424). Because of the existence of such a consensus, as these theories posit, the process through which regulation emerges is "an open and ultimately benevolent decision making process" between "consumers, residents, workers and so on, employers and the government" and one in which conflict is generally considered to play no substantial role (Tombs & Whyte 2015 pp. 144-145).

These principles contained in consensus theories of regulation are associated with (and in some sense, justify the deployment of) certain regulatory enforcement tactics. Particularly, Tombs and Whyte suggest consensus theorists assert that successful regulatory enforcement is based on "the construction of a consensus around appropriate forms of corporate crime control" (2015 p. 145) – the other element of consensus for which these theories are named. In order to maintain such a consensus – and because parties are considered to be starting from common ground with "socially responsible" goals (Pearce & Tombs 1990 p. 424) – sanctioning or deterrent-based enforcement styles are avoided in favour of a compliance style of regulatory enforcement, "[emphasizing] cooperation rather than confrontation" (Gunningham 1987 p. 70). This compliance (sometimes termed accommodative) style of regulatory enforcement prioritises tactics like "persuasion, negotiation, and education" ahead of harsh sanctions like prosecution (Hutter 1989 p. 153), and high levels of proactive inspection are generally avoided (e.g., Hutter 1986). Indeed, as Tombs and Whyte describe it, consensus theorists would advocate that:

> *…the most successful regulatory strategies are likely to be those involving persuasion, bargaining and compromise between regulator and regulated.* (2015 p. 145)

Given this, a consensus approach to regulation can be characterised as a set of enforcement tactics (those termed as a compliance or accommodative style of regulatory enforcement) underpinned by a theoretical understanding of regulatory practice. This theoretical understanding conceptualises the nature of corporations (as actors which can first and foremost "act in a socially responsible manner" (Pearce & Tombs 1990 p. 439)); the relationship between these, regulators, and workers or the public (as sharing a "basic 'common interest'" in, for example, maintaining safe workplaces (Tombs & Whyte 2010 p. 47)); and the implications this has for regulatory practice (that corporations can be trusted to self-govern while it is desirable for regulators to "act as consultants rather than policemen" (Pearce & Tombs 1990 p. 424), and that successful regulation necessitates a good relationship between regulators and the regulated (Tombs & Whyte 2015)).

The consensus approach dominates regulatory practice and thinking in England and Wales today. Investigations of different regulatory agencies here have often identified adoption of a compliance style of enforcement in the field – for example, Hutter (1989) noted how staff of both the Factory Inspectorate and the Industrial Air Pollution Inspectorate deployed this. As Hawkins and Hutter describe it, in England and Wales:

> *…the regulatory bureaucracy's relationship with business as expressed in…its enforcement, [is] strongly marked on the one hand by an emphasis upon discretion rather than rule, and on the other by a corresponding emphasis upon conciliation and compromise, rather than coercion and compulsion.* (1993 p. 201)

Some have questioned the effectiveness of the tactics which characterise this consensus approach, as well as its theoretical basis – particularly given that this approach to the regulatory violations of (often but not exclusively) businesses is at odds with that taken towards wrongdoing "on the streets" (Hillyard & Tombs 2007 p.

15). While harsh sanctions are rarely deployed by regulators engaging with businesses, punishments like arrest and prosecution are much more commonly and swiftly used towards individuals within the criminal justice system.

While there has been some back and forth as to how far researchers endorse the compliance enforcement styles they catalogued (see Hawkins 1990; Hawkins 1991), some suggest these tactics which characterise the consensus approach might offer a more effective strategy for dealing with corporate violations. One suggestion is that the relationship between regulators and corporations is necessarily different from that between the public and the police, because regulators are more likely to return to the same organisations multiple times and so can benefit from positive ongoing rapport. For example, Hutter suggests regulators "[operating] in a small and fairly close-knit community" might consider prosecutions to damage their working and even social relationships with those regulated (1989 p. 169). Another suggestion is that these enforcement tactics might protect regulator resources. Discussing the "extreme compliance-oriented strategy" taken by the New South Wales Mines Inspectorate (an Australian occupational health and safety agency), their Chief Inspector explained prosecutions "would be a misuse of limited resources" as "time spent in court could more usefully be spent in the field" (Gunningham 1987 p. 83). Similarly, Jordanoska suggests that organisations, rather than individuals, represent more cost-effective targets for regulators (as firms are more likely to be able to pay any fines and these wins have a bigger "reputational" pay off (2019 p. 2)), and that this tends to lead to the deployment of compliance tactics as organisations are more likely to settle than to take on "an adversarial response" (2019 p. 1). Others, however, have raised concerns about the effectiveness of these tactics. Gunningham examined practices of the New South Wales Mines Inspectorate, and the compliance enforcement style pursued here. They noted that while these tactics may maintain "cordial" relationships with the regulated, protecting access to the "informal [networks] of knowledge and contacts" (1987 pp. 88-89), they also suggest the compliance strategies the Inspectorate pursued meant they "[failed] to use their powers" in the face of "persistent evidence of non-compliance" (1987 pp. 80-81), ultimately leaving workers vulnerable to asbestos exposure.

Alongside this, the theoretical basis of the consensus approach has also been questioned. As noted, the consensus approach understands corporations as actors who “can and do have a primary commitment to act in a socially responsible fashion” (Pearce & Tombs 1990 p. 424), sharing a “basic ‘common interest’” with workers and regulators, including in minimising harm to workforces and the public (Tombs & Whyte 2010 p. 47). This forms part of the theoretical justification for the compliance strategies of enforcement associated with the consensus approach. Discussing the arguments of Kagan and Scholz, Pearce and Tombs explain that it is suggested that these tactics are most appropriate because “most corporations are not in fact amoral calculators” and instead need guidance from regulators to avoid violations due to “organizational incompetence” (1990 pp. 424, 423). Pearce and Tombs, however, note that this overlooks “the very rationale of the corporation and the nature of the existing economic system” (1990 p. 425) – including that many businesses will be legally obliged to act in the interests of shareholders, not that of a wider public (Tombs & Whyte 2015). This calls into question the theoretical justification for enforcement tactics like persuasion and education, and suggests that the regulation of corporations is not simply working to address the unintentional misdeeds of a minority of outliers but is acting as a rebalancing force against a profit motive that will at times work contrary to wider social goods.

Some suggest this compliance approach is employed despite its shortcomings because public awareness of the problems these regulatory agencies address is minimal. Discussing the work of air pollution, factory, and environmental health inspectors, Hutter notes that this causes little "public or political excitement” outside of rare, serious incidents like outbreaks of food poisoning (1989 p. 166). They suggest this low interest might account for the enforcement approach taken – that harsher sanctions might be sought where there is greater public pressure to do “something substantive” (1989 p. 166). Regulators might also be subject to political oversight that steers them towards a particular enforcement style. Discussing the work of the Mines Inspectorate once more, Gunningham noted how harsher sanctions might damage mining businesses, leading to job or industry loss – “a highly visible event bringing possible public criticism of the agency and probable political intervention” (1987 p. 88).

Others have suggested, however, that these choices surrounding regulatory enforcement are informed by neoliberal ideology, and act to produce and protect power differentials – specifically, between workers and capital. Tombs and Whyte discuss recent developments in UK workplace health and safety regulation, outlining a reluctance from governments and regulators to engage in stringent regulatory enforcement of businesses. They suggest this is informed by neoliberal ideology which considers regulatory enforcement to be "a burden" to business (2010 p. 62). Relatedly, Hillyard and Tombs have suggested industry malpractice is generally overlooked by the criminal justice system – where enforcement practices are more stringent than within the compliance style outlined previously, regularly deploying tactics such as prosecution for example – and that this serves to "maintain power relations" (2007 p. 15). Indeed, Barrile suggests that punishment of corporate violations with sanctions like imprisonment would "[attack] the first line of defense of the economic status quo" (1993 p. 191). While some have described barriers to the implementation of criminal law to corporate wrongdoing (e.g., Jordanoska 2019), Hillyard and Tombs argue that even given "the individualistic nature of judicial reasoning", the criminal justice system has capacity to respond to some industrial harms (2007 p. 15). Indeed, Tombs and Whyte suggest that overlooking these kinds of collective wrongdoing maintains power relations, obscuring organisational or structural factors that contribute to the "almost incomprehensible" scale of death and injury seen through corporate activities globally (2007 p. 37).

Limited work has examined the compliance with safety and employment regulation in live music workplaces – quite apart from their enforcement. However, findings that personal daily noise exposure limits are often exceeded in these spaces (Barlow & Castilla-Sanchez 2012) at least raises questions about enforcement levels, as well as whether these businesses are operating "in a socially responsible manner" (Pearce & Tombs 1990 p. 439). Indeed, the distinct control approaches taken to different parts of the secondary ticketing market outlined previously (the resale platforms run by ticketing companies and the "faceless scammers" (Behr & Cloonan 2020 p. 102) who buy and resell tickets on them) not only represent how power held in this regulatory environment depends (at least in part) on parties' class position, but is an example of how regulatory responses maintain such power differentials. As Behr and Cloonan note, while the use of bots to buy multiple concert tickets for

resale has been made a criminal offence (indeed, with prosecutions already undertaken (National Trading Standards 2020)), the activities of secondary sites were hardly limited through rounds of government review and the resale of tickets at "hugely inflated prices" remains legal (2020 p. 102).

2.5.2. Policing audiences

As outlined in some examples already presented, live music audiences are at times policed along class and racial lines. For example, in their examination of the differing drug control strategies applied to Notting Hill Carnival and Secret Garden Party, Chowdhury suggests these approaches were influenced by the events' different "class and racial [locations]" (2019 p. 52). As noted previously, in 2016, Secret Garden Party – a 30,000-person festival held in Cambridgeshire – hosted a drug testing service for users supported by police, creating what was termed "the UK's first ever de facto decriminalised drugs space" (Fiona Measham, director of The Loop, cited in Chowdhury 2019 p. 56). Chowdhury contrasted this with the policing of Notting Hill Carnival in the same year, "characterized by *pre-emption* and *saturated police presence*" (2019 p. 53, emphasis in original), suggesting this approach was not responding to a more extensive drug market at the event,[5] but to "broader representations of how drug taking is framed in communities of colour – as civilizational threats, undermining the moral fabric of society" (2019 p. 52). Indeed, it is possible to connect the policing of live music audiences along class and racial lines to patterns in policing more broadly – specifically, a long history of the over-policing of Black and other ethnic minority communities in England and Wales, and the exclusionary policing tactics directed towards lower classes in late capitalism.

While examples discussed in the thesis so far have focused on the late 20th and early 21st centuries, the over-policing of Black and other ethnic minority audiences has a longer history. As Fatsis notes, a targeting of genres and events associated with Black artists and audiences has operated "since the migration of Jamaican soundsystem culture" here in the 1950s and includes raids on "house parties ('blues

[5] In fact, arrest rate comparisons presented show Notting Hill Carnival to have lower arrest rates for drug offences than Secret Garden Party (Chowdhury 2019).

dances' or shebeens), youth clubs and other venues where ska, rocksteady and roots reggae were played" (2019a pp. 447, 448). Notting Hill Carnival is part of this history. Formed in its first incarnation in 1959, Notting Hill Carnival is now a "multicultural mega-event" (Burr 2006 p. 84) with two million people in attendance each year (Melville 2002). The carnival's history is marked with "police overstaffing" (Fatsis 2019a p. 451) and "confrontation between black youth and the police" (Melville 2002).

Gilroy (2013) suggests that what they term the 'Black party' has been a key feature of a broader history of over-policing of Black and other ethnic minority communities in England and Wales (e.g., Hall et al. 2013; Fryer 2018). Discussing the policing and media reporting of a series of parties and cultural events across the 1970s and 1980s, Gilroy suggests the 'Black party' came to represent an "entrenched sign of disorder and criminality" (2013 p. 130). Reflecting on the work, Fatsis suggests this signifier served to link crime and race "by placing Black forms of creativity…in opposition to national-cultural norms" and subjecting these to "discriminatory suppression" (2021 p. 146).

Some connect this over-policing to today's political economy. For example, police commonly suggest their activity targeting drill performers (including the removal of YouTube videos and orders requiring notification ahead of live performances) responds to the genre's violent lyrical content, but others have questioned this reasoning (Fatsis 2019b). For example, through analysis of music video and online fan space content, Ilan suggests that superficial readings of drill lyrics ignore how first-person accounts of violence are a tool for building legitimacy and credibility, rather than something that "should necessarily be interpreted as confession," and that much of the violent discourse associated with the genre comes from online fans separate from performers, participating in "a precarious excitement" from these violent stories (2020 pp. 10, 11). In line with work outlining the function performed by the over-policing of lower class and ethnic minority groups more broadly under neoliberalism (e.g., Wacquant 2009), Fatsis suggests that instead, this policing can be understood as a mechanism through which to "exclude those who the [neoliberal] state deems undesirable or undeserving of its protection" (2019b p. 1300). Fatsis suggests the disorder described in the genre's lyrics is a product of the neoliberal

state's "anti-welfare policies," and the intensive policing of drill artists is an example of the "[policing of] the victims of the neoliberal social order as its enemies" (2019b p. 1301).

> *Instead of repairing the desolate environments that drill artists describe in their lyrics, the neoliberal state accuses residents for the deterioration in their surroundings; often attributing such decline to a lack of civility and a cultural propensity for gang violence, instead of the state's reckless disregard for the safety of its citizens.* (2019b p. 1302)

Others have discussed the exclusionary policing or regulatory tactics directed towards lower classes, which might support neoliberal order. Many commentators have noted two trends in late modernity. First, is that life is unstable – for example, Young describes a "precariousness of being" generated as previous "bases of identity" such as work and the family lose previously held stability (2007 p. 3). The second is that stability is often sought through the exclusion of others (e.g., Bauman 2004; Ferrell 2012). Young suggests that as many of the norms which would have previously given structure to life disintegrate – as individuals are faced with newfound "instability of work, the family, community, the uncertainty of income" (2007 p. 10) – new boundaries are created as a response. Often, this takes the form of exclusion targeting the "flawed consumer" who might otherwise threaten the consumerist paradigm of late modernity (Bauman 2004 p. 38).

Evidence of this is seen in the kind of quasi-public spaces we might consider live music venues and festivals to be. Young, for example, suggests the instability of the middle classes within late modernity generates "a disproportionate response to rule-breaking" (2007 p. 12), citing examples including the ubiquity of the Anti-social Behaviour Order and concerns surrounding binge drinking in Britain in the late 20th and early 21st centuries. Similarly, Ferrell describes what they term 'aesthetic policing' – policing intended to eject "those whose public presence would intrude on [the city's] ensemble of attractions and profitability" (2012 p. 247). Ferrell cites a variety of examples of this practice from Britain, including the use of curfews and other dispersal orders "to push undesirables away from consumerist havens" (2012 p. 247). Shaw's (2015) examination of Newcastle upon Tyne Business Improvement

District initiative, ‘Alive After Five’, offers another example of this kind of practice taking place in night-time economy settings. The initiative was intended to encourage continued public use of the city centre in the evening, but it was suggested commercial interests were instead prioritised. It was found that Alive After Five targeted middle class customers who had “the luxury of leisure time” to take advantage of the scheme (2015 p. 464), leading to the suggestion that “strong social class…prejudices” were at work in its operation (Hadfield 2015 p. 609). It may be possible to identify the exclusion of such ‘flawed consumers’ from the live music sites already discussed – for example, those rejected at the door from private members’ clubs based on their “potential spending power” (Hadfield 2008 p. 437) discussed previously.

Reflecting on the literature presented here, it is possible that the assertion from door staff that they “[keep] the rubbish out” takes on new meaning (Monaghan 2002 p. 415). These 'flawed consumers’, as well as the audiences and artists subject to over-policing discussed previously, are examples of those holding comparably little power in these regulatory spaces, because of how they are racialised and their class position. What this discussion extends, however, is how these power differentials might connect to, or even in some ways uphold, neoliberal political economy. For example, it is not incidental or simply a profit seeking exercise that the audiences which door staff create through their “filtering and ejecting [of] bodies” (Monaghan 2002 p. 406) tend to exclude customers from lower class groups. Instead, this discussion reveals that these regulatory activities may perform some function in late modernity – here, the stability generating function that the ‘flawed consumer’ performs for other neoliberal subjects.

2.5.3. Navigating regulatory fields – the role of capital

Examples have been presented where live music venues became embroiled in contested neighbourhood planning and licensing decisions. As Hae (2011) described, in late 20th century SoHo in New York, venues found themselves somewhat at odds with a new, young, professional class of residents, contributing to some closures through increasingly onerous licensing conditions. While these circumstances are often complex, it seems at times some parties have

advantageous positions in these disputes – in this particular example, a split emerged amongst nightlife actors, between “affluent” dance clubs and the “more sub-culturally conscious nightlife” spaces, with the former successfully supporting the strict licensing conditions that likely damaged the sub-cultural spaces in order to maintain their “monopoly power” (2011 p. 3460). Bourdieu’s notion of capital is a useful tool to understand this relative dominance of some parties within live music regulatory regimes.

Bourdieu suggests actors move through “an ensemble of relatively autonomous fields” (Chan 1996 p. 115). These fields are social worlds embodying “a set of objective, historical relations between positions anchored in certain forms of power” (Bourdieu & Wacquant 1992 p. 16). As Shammas and Sandberg have outlined, fields as defined and detailed by Bourdieu include the worlds of “literary, artistic, legal, bureaucratic, journalistic, and philosophical practices” (2016 p. 207), and might capture formal organisations (e.g., the courts) or looser social arrangements (e.g., the literary field where writers work independently).

How actors navigate these fields depends on the interplay between their habitus and capital. Habitus describes “a system of durable, transposable dispositions” (Bourdieu 1990 p. 53). These “interiorized master-patterns” (Bourdieu, cited in Swartz 2012 p. 101) allow individuals to respond to the novel circumstances which a field presents. The stability of the habitus explains responses “which are coherent and systematic” (Chan 1996 p. 115) but at the same time, accounts for our experiences as “free, purposeful, reasoning human actors” (Swartz 2012 p. 95). Fields are sites of “production, circulation, and consumption” of capital (Swartz 2012 p. 9). Capital refers to “species of power” the possession of which “commands access to specific profits” of a given field (Bourdieu & Wacquant 1992 p. 97). These ‘species’ might include “material, cultural, social [and] symbolic” capital (Swartz 2012 p. 73). Through interaction with field and habitus, capital allows actors to compete for “prizes” (Shammas & Sandberg 2016 p. 196) and ultimately “maintain and enhance” their social standing (Swartz 2012 p. 73). This kind of analysis has previously been applied to live music circuits (Whiting’s (2021) application of Bourdieu’s framework to Melbourne’s small venue scene, which will be returned to later), as well as regulatory settings. Chan discusses street policing, suggesting this may present a field formed

of “the historical relations between certain social groups and the police, anchored in the legal powers and discretion police are authorized to exercise and the distribution of power and material resources within the community” (1996 p. 115). In a similar vein to this, the below describes how this lens might be applied to live music’s regulatory landscape.

Field and habitus: Live music’s regulatory landscape could be theorised as being made up of many distinct, but at times overlapping, fields. As has already begun to be outlined, any single live music event is subject to a variety of regulatory regimes (these are expanded upon in Table 1, see Chapter 3). Some of these regimes operate broadly independently from others, at least on paper. For example, immigration control – it will be necessary to engage with this regulatory regime for any performance for which international musicians are travelling to the UK, but the regulators involved have no other involvement in or oversight of the event. Other regimes overlap with others to a greater degree. Local authority health and safety teams, alongside others, hold responsibility for the regulation of event health and safety, and may maintain inspection regimes and deploy enforcement powers including cautions and prosecutions (Health and Safety Executive 2015a, n.d.-b). Alongside this, however, local authority health and safety teams also operate within another regulatory system, acting as a responsible authority in the licensing process. Indeed, the licensing regime brings in regulators from many other regimes as responsible authorities (including trading standards, the police, and planning teams). In this way, while some regulatory bodies operate across more than one field, each regulatory system and the operators within could be said to represent the kind of “objective, historical relations between positions anchored in certain forms of power” which Bourdieu describes (Bourdieu & Wacquant 1992 p. 16). Examining the available regulator documentation and the limited literature already published on live music’s regulation, it appears that the many different kinds of live music operators – those running festival and arena sites, to those in small venues – all enter the same regulatory fields. For example, as Home Office (2018b) Licensing Act guidance outlines, a live music venue holding just over 500 people would be subject to the same licensing regime as a large-scale outdoor festival.

As described, habitus accounts for the "regular statistical patterns" observed in behaviour without recourse to explanations such as "obedience to rules, norms or conscious intention" (Swartz 2012 p. 95). This is formed through "early socialization experiences in which external structures are internalized" – that is, "class-specific experiences of socialization" (Swartz 2012 pp. 103, 102). As Swartz describes, this means:

> *…internalized dispositions of broad parameters and boundaries of what is possible or unlikely for a particular group in a stratified social world develop through socialization.* (Swartz 2012 p. 103)

This chapter has already detailed ways in which regulatory experiences differ between different demographics, and understanding of habitus may inform this further. Here, regulators and the regulated will each possess a habitus formed through their own "class-specific…socialization" (Swartz 2012 p. 102). It is perhaps reasonable to suspect that this would represent a middle-class socialisation for regulators – here, including councillors, local government and national agency employees. For the regulated, however, this might be more mixed – including musicians and audiences across class positions, as well as workers, middle, and upper management of companies.

Cultural capital: Cultural capital refers to Bourdieu's assertion that "culture (in the broadest sense of the term) can become a power resource" (Swartz 2012 p. 75). It is an actor's ability to "access…specific profits" of a given field (Bourdieu & Wacquant 1992 p. 97), through their "verbal facility, general cultural awareness, aesthetic preferences, information…and educational credentials" (Swartz 2012 p. 75). As noted briefly, Whiting deployed Bourdieu's work in an investigation of small live music venues operating in Melbourne. They highlighted the "intangible" elements of small venues' work and value (2021 p. 558), identifying the various forms of capital these spaces and their operators deploy and generate. Whiting noted how those programming these sites book line-ups that will both attract audiences and maintain the venue's position as a "*niche* [space] of cultural production" (2021 p. 566, emphasis in original), and that it is a booker's cultural capital – specifically their

musical taste and understanding of musical trends – which allows them to do this successfully.

However, while those operating a music venue may possess significant cultural capital within a local music scene, this may not transfer to one of the many regulatory fields in which they engage. Instead, actors might bring cultural capital (an embodied kind, as in "long-lasting dispositions of the mind and body" (Bourdieu 1986 p. 17)) to a regulatory field like licensing, for example, in the form of knowledge of the regulatory system's operation and processes or a more general familiarity with the system's norms and communication style. Discussing licensing practices in a South London borough in the late 20th century, Talbot reports how "in the words of Southview Council's solicitor, the Licensing Committee would reject an applicant if they 'didn't like what he had to say'" (2006 p. 163). Such an approach might be informed by the content of a proposal (or indeed, any biases licensing officials held, as touched upon in Talbot's work), but it could also stem from speakers who were not au fait with the licensing system's mode of communication – a kind of cultural capital they do not hold.

Economic capital: Economic capital refers to the financial resources an actor commands, and the power that confers within a field. The roles such economic capital might play within regulatory fields can be theorised through an example of contested neighbourhood planning and licensing decisions, taken from Hae's (2011) account of late 20th century New York licensing practice. In the early 1970s, night-time economy spaces flourished in run-down areas of the city that manufacturing had vacated in previous decades. This included Loft in NoHo, "the birthplace of disco" (2011 p. 3453). These spaces were able to operate despite public backlash partly because the city lacked the financial resources necessary to enforce their own licensing regulation.

Contrast this with the early 1990s, by which time licensing requirements were tightened in many of the same neighbourhoods. City government suggested this intensification was not meant to unfairly prejudice venues' operation and encouraged them to keep compliant by acting as 'good neighbours'. In practice, this meant spending a great deal meeting "expensive stipulations demanded by residents" such

as soundproofing (2011 p. 3460). Only some sites could keep up – the "gentrified…carpeted live music venues" which "possessed sufficient financial capacity", while other "alternative and experimental sub-cultural scenes" could not afford to address their neighbours' concerns (2011 p. 3460).

Social capital: Social capital refers to an actor's "acquaintances and networks", and the power this grants within a given field (Swartz 2012 p. 74). Whiting suggests booking agents working within small venue circuits possess significant and extensive social capital within the live music field – "the social connections" they draw upon to programme artists expected to draw audiences (2021 p. 564).

Once again, social capital likely looks different to this in the regulatory fields that make up live music's regulatory landscape. One example may be membership of the kind of professional networks some venue operators hold, such as Pubwatch schemes – "forums…in which licensees and police share information and cooperate in crime prevention initiatives" (Hadfield et al. 2009 p. 472). Interviewing police and other stakeholders in England and Wales regarding the policing and regulation of night-time economy sites, Hadfield et al. note:

> *…within one of our sites, Pubwatch members were, in many instances, warned of the timing of…blanket enforcement operations as a 'reward' for their cooperation in other matters.* (2009 p. 473)

This is an example of a tangible benefit licence holders gained from membership of this network. It is also possible membership to these kinds of networks confers more diffuse benefits. For example, Hutter (1986) notes the ways in which regulators may act as a source of knowledge for the regulated during inspections, and it may be that membership of a network like this offers a similar point of contact with a regulator for licence holders.

Bourdieu's work offers potential to generate useful insight relating to the actions of regulators and the regulated within the regulatory fields that apply to live music activity, as well as the outcomes from these. As Chan noted in their study of police culture, Bourdieu's framework allows practice to be situated within "social and

political context" (1996 p. 112), and here consideration of different forms of capital, and the ways these "[command] access to specific profits" of these regulatory fields (Bourdieu & Wacquant 1992 p. 97), may offer further insight into the differences in power previously noted based (at least in part) on how parties are racialised and their class position. It is already apparent how access to these kinds of capital may vary based on, for example, class position in the case of economic capital (e.g., the "financial capacity" of "gentrified" versus "sub-cultural" spaces (Hae 2011 p. 3460)). This analytical framework deployed at various points in this thesis, therefore, will allow for investigation of how and why different parties fare as they do in the various regulatory systems that they engage in. Chan also notes how the use of Bourdieu's framework in their study of police culture "[allowed] for the existence of multiple cultures since officers in different organizational positions operate under different sets of field and habitus" (1996 p. 115). This capacity will be necessary to capture difference that might be expected between the many different regulatory fields that make up live music's regulatory landscape.

2.6. Regulation's productive power

An examination of live music's regulation can offer more than an exploration of how live music practices are controlled. It can also offer insight into how live music practices are organised and why they are organised in the ways they are. As has been touched upon previously, restrictive practices have been identified within live music's regulatory landscape, ranging from mundane matters to those that were much more punitive. In 1994, John Major's Conservative Government passed the Criminal Justice and Public Order Act, outlawing unlicensed outdoor gatherings featuring the performance of music "characterised by the emission of a succession of repetitive beats" (s 63 (1)(b)). This legislation formed part of broader efforts to suppress raves – "all-night dance events, held in barns and tents at secret locations in the countryside" (Cloonan & Street 1997 p. 225) where "participants danced to the repetitive electronic rhythms" of nascent acid house (Hill 2003 p. 219). Emerging in the late 1980s, rave culture had quickly taken hold across England and Wales, with parties hosting tens of thousands taking place each week at its peak (Hill 2003). These events often created significant disruption in rural areas (Cloonan & Street 1997) and became heavily associated with the use of the drug ecstasy (Collin 1997;

Hill 2003). Rave organisers and attendees faced what many characterised as heavy-handed policing and a forceful legislative agenda, culminating in the 1994 Act. Event organisers were handed hefty fines under the Entertainments (Increased Penalties) Act 1990, and Metropolitan Police Territorial Support Group officers were deployed to disperse gatherings (Guest 2009). Many have emphasised how this repressed and restricted performances – for example, Hill suggests measures targeting these events "went far beyond" those deployed against free festivals of earlier decades because acid house represented a "disruptive presence to the Thatcherite project" which needed to be suppressed (2003 pp. 221, 220). These efforts undoubtedly restricted practice – the criminalization of the rave via the Criminal Justice and Public Order Act 1994 was seen to greatly reduce event numbers (Cloonan & Street 1997).

However, regulation is not only restrictive, but productive – an idea discussed by a variety of theorists. Neocleous considers this in relation to police, suggesting that the "productive force" (2000 p. 5) which police represent had been widely overlooked. Instead, in their discussion of the police's history (with a particular focus on the 18th century), they suggest that:

> *…there [has been] a consistency in the police function…a consistency that resides in the centrality of police to not just the maintenance or reproduction of order, but to its fabrication…* (Neocleous 2000 p. 5)

Neocleous considers the formation of the River Police operating on the River Thames, and later, other forces operating in various port cities, and the contribution these forces made to the fabrication of an "increasingly bourgeois order" (2000 p. 5). One focus of these forces were practices by which workers would supplement their income by keeping some of the materials they produced or handled – "customary rights" which were commonly exercised in the 1700s, and from which workers drew "an important part of [their] income" (2000 p. 154). Targeting these practices served "not only [as] a *defence* of property" but forced employers to "increase and regularize wages" (2000 p. 159 emphasis in original). In this way, these forces contributed to:

> *…the creation of a social order founded on private property via the consolidation of the money wage and commodification of labour.* (2000 p. 159)

Similarly, Coleman et al. discuss Gramsci's contrast between conceptions of the state as restrictive ("the 'state as policeman'") or productive ("the 'ethical' or 'interventionist' state") (2013 p. 10). Considering how these conceptions have been deployed within criminology, they suggest:

> *The visible and repressive role of the state is only a part of its core function…criminology tends to adopt a limiting hypothesis of the 'negative' aspects of state power, restricted to the visible mechanisms of law and public order maintenance…*(2013 p. 10)

They suggest this overlooks the "positive, civilizing activity that the state has always engaged in" (2013 p. 11). Rose considers similar themes. They discuss how in order to regulate a practice, it must first be defined – that regulation is not applied to "a pre-existing thought world" but necessarily involves "[cutting] experience in certain ways" (1999 p. 31). For example, Rose talks of "the making up of governable spaces" such as the population, the economy, or the family (1999 p. 31). For Rose, these spaces "make new kinds of experience possible" as well as "[producing] new modes of perception" and investing these modes "with affects, with dangers and opportunities, with saliences and attractions" (1999 p. 32). Regulation can also be considered productive in other ways. Foucault and others have described how the exercise of power today looks different from that of previous periods – that today, the "conduct of conduct" sees states "govern at a distance" through a "proliferation of independent authorities" such as medical professionals, teachers, social workers, and more (Rose 1999 pp. 19, 49). Regulation in this manner – now generally captured using the term 'governmentality' – produces "the modern autonomous individual" (Lemke 2002 p. 2). This figure governs their own behaviour, and acts to reproduce social life in line with principles regulation has instilled (Lemke 2002). Discussing the example of the regulation of working life, Rose notes how while "the bell…[manages] time externally", other regulatory techniques like "…the beeping wrist watch, the courses in time management and the like inscribe the particular

temporalities into the comportment of free citizens as a matter of their self-control" (1999 p. 31).

Considering regulation's productive power in this way might highlight the nature and impact of live music's regulation. Indeed, it is apparent through other literature how engagement with regulatory systems has similarly shaped live music practice. In their examination of door policies deployed by London and Manchester nightlife spaces, Measham and Hadfield suggest a variety of informal regulatory practices served to shape audiences in attendance, producing a class of 'clubland elites' that excluded "working class and lower income club-goers" (2009 p. 363). These practices included examples such as dress codes and differential marketing styles between events. While door staff would be able to use dress code as a mechanism to reject unwanted customers as discussed previously, Measham and Hadfield suggest this also acted as a self-disciplining mechanism – that "online promotions and photograph galleries provide visual clues which set the tone in relation to expectations" for potential attendees (2009 p. 379).

Indeed, there are other examples in the literature already presented of these kinds of self-disciplining mechanisms in live music's regulatory landscape. As has been noted, Hae's (2011) examination of late 20th century licensing practices in New York detailed how venue operators were encouraged to operate as 'good neighbours'. While this was discussed previously in relation to differences in economic capital between operators who could and could not afford to practice this through measures like soundproofing, Hae notes this also "had the effect of disciplining nightlife into its own self-governance" (e.g., the trade body, the New York Nightlife Association, "tried to promote a 'good neighbour policy' among its members as a way to appease residential neighbourhoods") (2011 p. 3459). Similarly, discussing the licensing practices in a South London borough, Talbot describes how one officer reflected "favourably [on] an Afro-Caribbean public house…run by a black woman who 'nagged' the clientele into good behaviour" (2006 p. 164). For this reason, of the various theorists who have considered the productive capacity of regulation, Rose's work and their discussion of the shaping of "the comportment of free citizens as a matter of their self-control" (1999 p. 31) will be highly relevant in this thesis. Indeed, others have used Rose's work in this way, in investigating this productive power of

regulation in other spheres of social life. For example, LaMerre et al. identify various neoliberal discourses propagated through the practice of psychotherapy – including the 'normal self', an "imagined norm" to which subjects ought to aspire (2019 p. 243) – leading the authors to suggest psychotherapy might reproduce "neoliberal capitalist ideology" through "technologies of the self" (2019 pp. 236, 249).

2.7. Key dimensions of expected difference based on prior literature

Based on the literature reviewed here, it appears that at least within the limited sections of this regulatory landscape that have been examined to date, the power wielded by different parties – including musicians (e.g., Fatsis 2019b), audiences associated with venues and artists (e.g., Talbot 2011), and populations associated with a venue's neighbourhood (e.g., Smith & von Krogh Strand 2011) – depends (at least in part) on how they are racialised and their class position. It was suggested that Bourdieu's work – particularly consideration of actors' social, cultural, and economic capital in the various regulatory fields with which they engage – may provide some insight into these power differentials, and more generally, the regulatory practices and outcomes in these spaces. Further to this, different regulatory responses towards businesses and individuals within live music (e.g., in the case of ticket resale practices (Behr & Cloonan 2020)) may serve to maintain power differentials within and beyond this regulatory landscape (e.g., Hillyard & Tombs 2007).

The patterns identified in the literature to date suggest a degree of consistency between the limited areas of live music's regulatory landscape investigated already, whilst also capturing some changes in practice between sites, suggesting that the setting and actors involved might affect regulatory practice. Given this, the below summary points towards some dimensions of difference which might be expected to emerge in fieldwork:

Audience and genre: as noted, audiences have been shown to be treated distinctly by regulators – including licensing officials, as well as by venues – based on their class position and how they are racialised. As noted previously, Hadfield described West End private members' clubs' door management practices, and the filtering of

customers based on “the promise of their potential spending power” which took place here (2008 p. 437). Such differential treatment could also emerge based on event genre, and the different audience demographics associated with these; for example, Measham and Hadfield (2009) catalogued how informal controls like dress codes in Manchester’s electronic dance music scene served to marginalise musical sub-genres of Black origin and their Black and low income fans. Indeed, as touched upon previously in the chapter, genre or musical style (e.g., high vs low culture) can be associated with a particular audience profile (e.g., Storey 2018). It would be reasonable to expect different regulatory practices and outcomes to be observed between events of different audience profile or genre, or venues associated with these, in fieldwork.

Differences in social, cultural, and economic capital: as has been described, Bourdieu’s work may be a useful lens to apply to live music’s regulatory landscape. It might be expected that different regulatory approaches and outcomes will be observed between actors of different social, cultural, and economic capital positions, and relatedly, between any venues and events they are associated with. One way this could emerge is based on operator type and size. The amount of economic capital an operator – such as a promoter, venue, or production company – and their representatives would wield could be expected to relate to the operator’s size, with bigger, multi-national companies having greater resources than small- or medium-sized enterprises. There are other features of an operator which we might expect to confer capital of various kinds. For example, actors who are part of larger companies or chain operations might possess greater social capital than independent operators, because their own network may be augmented by those of their colleagues’ – i.e., they may not know someone, but they know someone who knows someone.

Businesses and the public: as has been noted previously, regulatory practice directed towards businesses differs from the enforcement tactics (generally policing) targeting the misdeeds of individuals (Hillyard & Tombs 2007). Behr and Cloonan (2020) have drawn a comparison between the regulation and enforcement tactics targeting individual ticket resellers and businesses engaging in similar practice. Such comparison is yet to be drawn between and within other areas of live music’s

regulatory landscape, but it would be reasonable to expect that similar differences in regulatory practice will be observed.

This review has brought together disparate literature examining live music regulation. This has revealed that not only is the scope of this regulatory landscape vast, but that across the many areas of regulation live music is subject to, audiences, businesses, and spaces are often the focus. Through this, a broader theme emerged – that across these various areas of regulation, more power is held by some and not others, and that this depends (at least in part) on how they are racialised and their class position. This literature review then went on to explore broader regulatory literature for potential theoretical explanations for this pattern, and which could contribute to the understanding of the regulatory activity these audiences, businesses, and spaces are subject to. Four fruitful bodies of literature were identified: work of critical regulatory scholars examining regulation of corporate activity, and how current enforcement practices protect and produce power differentials (e.g., Pearce & Tombs 1990); research examining exclusionary policing and regulatory practices targeting lower class and Black and ethnic minority groups, both within and beyond live music events (e.g., Gilroy 2013); how Bourdieu's theoretical work provides insight into various regulatory outcomes, with reference to capital imbalances; and consideration of the productive power of regulation and what this might illuminate regarding live music's regulation and practice today. These bodies of literature will likely provide valuable insight into both live music and regulatory practice more broadly as new data is gathered in this work.

CHAPTER 3: METHODS

3.1. Overview

This project is a qualitative investigation of the regulation of live music in England and Wales. As outlined in previous chapters, live music here sits within an expansive regulatory landscape, made up of a range of regimes each targeting different aspects of live music (and associated) practice. This work seeks to understand this system's inner workings – the activities or problems regulated, who is responsible for this regulation, who is targeted by it, and how it is practiced. It takes a broadly inductive approach, building on regulatory scholarship but presenting a novel comprehensive overview of live music regulatory practice.

A qualitative approach is well positioned to examine complex systems like this, the roles of and interactions between actors within them, and the practices they engage in (Hennink et al. 2020). As such, this work is based on a series of semi-structured interviews with those involved in live music's practice and its regulation, supplemented with documentary analysis of materials generated within these regulatory systems and the naturalistic observation of a mixture of regulatory events. The detail of and decision-making behind these methods is outlined in what follows.

3.2. Research questions

As outlined in Chapter 2, there has been only partial examination of the regulation of live music to date. What work has been done has engaged with discrete aspects of its regulation (e.g., licensing (Talbot 2011)). Because of this, it was necessary to begin this project by scoping the many areas of live music practice which are subject to regulation in order to build a comprehensive picture of live music's regulatory landscape. To this end, Table 1 was constructed (a process described in the section *Mapping live music's regulatory landscape*), offering some initial insight into questions such as: what is regulated, who is regulated, and how is this done? When considered alongside further detail of these regulatory practices established in the literature review (Chapter 2), some dimensions of this regulatory landscape warrant further investigation:

- There appear to be differences in the ways audiences are policed, or in other ways controlled, based in part on how they are racialised and their class position (e.g., Measham & Hadfield 2009). This raised questions about who is targeted within the various regulatory systems live music is subject to.
- There were also examples identified in which parties fared differently in the various regulatory systems they engaged in, apparently because of their economic or other resources (e.g., the more "affluent" New York dance clubs who weathered strict licensing conditions better than their sub-cultural neighbours (Hae 2011 p. 3460)). Alongside this, there was limited information available about the practices of regulators operating across live music's regulatory landscape. For example, the activities of door staff was better chronicled than, for example, health and safety officers charged with enforcing noise at work regulation, despite findings this was poorly adhered to (Barlow & Castilla-Sanchez 2012). This poses questions regarding how different parties navigate the regulatory systems live music is subject to.
- While the productive power of regulation is widely recognised and has been well explored in other contexts, there appears limited engagement with these ideas in relation to live music. How the live music industry is shaped by its regulation is therefore underexplored.

From these insights, the following research questions are established:

- Who and what is targeted within the regulatory systems live music is subject to?
- How do different actors navigate the regulatory systems live music is subject to?
- How is the live music industry shaped by its regulation?

3.3. Project site

This work drew data from across England and Wales. To a certain extent, this centred on two cities: City A, one of the largest cities in England and Wales, home to venues of all sizes including arena and stadium spaces, and the site of a variety of outdoor events; and City B, a smaller city, in which live music generally takes place

in small- to medium-sized venues. Still, a sizeable minority of live music workers interviewed came from other sites, and whilst the regulators interviewed were mostly working in City A, others were based elsewhere, some with regional or nationwide remits.

Drawing data from those working across England and Wales in this way accounted for the itinerant nature of live music. For the many touring workers and the high proportion of freelancers employed in the industry (Live Music Industry Venues and Entertainment 2020a), their practice is not fixed in a single site. Further, the regulatory regimes governing live music operate at a range of geographic levels, from local (e.g., licensing decisions taken by local authorities (Home Office 2018b)) to national (e.g., consumer protection legislation covering ticket sales (National Trading Standards 2020)). Focusing data collection on Cities A and B within this further developed the rich picture of live music regulatory practice this work produced. This gave the opportunity to corroborate and compare accounts of regulatory practice at the local level. For example, speaking to different workers with experience of the same venues, or regulators alongside members of the public living in their geographical remit.

Further, carefully selecting these sites ensured the dimensions of expected difference based on prior literature discussed in Chapter 2 could be captured in this fieldwork. Between the two cities, a wide variety of event types are held, encompassing many different genres and audience profiles. This may offer the opportunity to explore a theme identified in Chapter 2 – how across the various areas of regulation that live music practice is subject to, more power is held by some and not others, and that this depends (at least in part) on how they are racialised and their class position. Similarly, Cities A and B are known to be a base for a variety of different kinds of operators. As already noted, venue spaces of all sizes are found within these sites, as are a variety of operator models (including venues operated by a large international company, a smaller venue group operating within a single city, as well as independently operated spaces). As well as venues, there are also other live music actors (including those working in production, technical roles, and promoters – see Table 2 of interview participants for further examples) working in these cities operating independently, or as part of small, medium, and large

(sometimes international) companies. This diverse live music landscape could be expected to capture actors of different social, cultural, and economic capital positions, and the different regulatory approaches and outcomes associated with this.

Others have investigated the regulation of different industries, and examined how practices are affected by features of regulators, regulatees, and the broader regulatory environment (e.g., Hutter 1989), developing both general rules of practice alongside understanding of how these can alter as setting and participants change. This same approach is taken here – in drawing data from Cities A and B, this work seeks to build an understanding of how regulation operates across this landscape, whilst also capturing how practices change between sites.

3.4. Mapping live music's regulatory landscape

A table mapping live music's regulatory landscape (the areas of regulation applicable to live music practices; relevant legislation; who is regulated; what is required of them; who enforces and how?) was produced as part of the project – see Table 1. This table was initially developed through literature review but was augmented through fieldwork findings. Its production also contributed to the identification of the project's areas of focus, and to other methodological elements (e.g., the sampling of interview participants). As such, its construction is described below.

Table 1 was constructed in two stages. In the first stage, some of the various areas of regulation applicable to live music events were identified through literature review, along with some of the detail of how these operate. This included examples found in the limited empirical work on the live music industry and its regulation discussed in Chapter 2 (e.g., discussion of pub licensing legislation and how this affects live music performance (Knowles 2017)), as well as in media reports (such as reporting from the NME (2018) on the involvement of live music venues in the planning regulatory system).

Once identified in these literatures, further detail (including on the operation and legal basis) of these regulatory regimes was established using government and

regulatory agency sources (such as the public facing resources produced by the Health and Safety Executive (2008b) on topics including noise at work). I had also become aware of some areas of regulation applicable to live music events and workplaces more generally through my professional experience (outlined in the *Reflexivity* section) and also sought further detail on these from government and regulatory agency sources (e.g., requirements regarding fire safety outlined by Department for Communities and Local Government (n.d.)).

From this, an initial version of Table 1 was produced, and this was drawn upon to begin to guide recruitment. For example, literature on the regulation of ticketing (Behr & Cloonan 2020) highlighted the role of trading standards departments in the regulation of the secondary ticketing market. This iteration of Table 1 also contributed to the drafting of interview schedules. For example, early work on this table identified some of the sanctions which are available to licensing authorities to direct at live music venues, and these were noted as prompts in interview schedules with licensing personnel.

In the second stage of construction of Table 1, the initial version was expanded and developed through insights drawn from interview fieldwork. Some subjects raised details of live music regulation not encountered through literature review. One example is the different entry requirements for international musicians from different countries hoping to perform in the UK (the Temporary Worker – Creative and Sporting visa (T5) and the cheaper Temporary Worker – Creative and Sporting visa (T5) concession (Home Office 2021b; Gov.uk n.d.-w)). These insights were then further investigated (once again, often drawing upon government and regulatory agency sources) and their detail added to Table 1.

As has been described, Table 1 is not only a valuable research output outlining the regulatory activity this industry is subject to, but it was also an important part of fieldwork; particularly as an aid to ensure fieldwork captured as comprehensive a spectrum of actors involved in this regulatory landscape as possible.

Table 1: Regulation relevant to live music events in England and Wales

Area of regulation	Overview	Relevant legislation	Who is regulated? What is required of them?	Who enforces and how?
Regulated entertainment licensing	Most venues and events wishing to host amplified live music performance require a licence to do so. Exceptions include performances between 8am and 11pm to 500 people or fewer in: any venue holding an alcohol licence; workplaces; community premises like village halls; or non-residential premises like schools or hospitals (Home Office 2018b). Licences can be secured indefinitely for a permanent site (known as a premises licence), or temporarily for a single event (known as a Temporary Event Notice) (Home Office 2018b). Outdoor festivals may operate on either, dependent on size – events holding fewer than 500 people may apply for a temporary event notice (Gov.uk n.d.-v). Festival organisers can choose to apply for a single licence or multiple different licences covering different sections of their site (Home Office 2018b).	Licensing requirements are outlined in the Licensing Act 2003, with the exceptions described introduced through the Live Music Act 2012 (Home Office 2018b).	Licences are issued in alignment with four objectives: "the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm" (Home Office 2018b p. 1). Sites are expected to operate in line with these objectives and some specific requirements towards this may be outlined in a licence as a licence condition. Conditions relating to performance have in the past included requirements to conduct risk assessments considering artists performing and any associated risks (Metropolitan Police Authority 2009).	Licences are granted by the local licensing authority (a borough, district, or unitary council (Local Government Association 2021)) where no objections are lodged against them from a responsible authority (including police, fire service, health and safety officers, trading standards teams, and local authority environmental health officers) or the public (Home Office 2018b). If an objection is lodged, applications and objections are heard by licensing committees within local authorities made up of elected council members who will consider whether the application threatens one or more of the four licensing objectives (Home Office 2018b). Existing licences can be reviewed by these committees or by magistrates at the request of a member of the public or one of the responsible authorities "because of a matter arising at the premises in connection with any of the four licensing objectives" (Home Office 2018b p. 89).
Alcohol licensing	Venues or events wishing to sell alcohol must also hold a licence to do this.	Requirements to hold premises and personal alcohol licences are	As for licences to host regulated entertainment, licences to serve alcohol are issued in alignment	Processes to grant, object to, and review alcohol licences are

	Once again, this can be secured temporarily for a single event (known as a Temporary Event Notice) or indefinitely for a permanent site (known as a premises licence) (Home Office 2018b). Where a premises licence is held, sales of alcohol may only be made if there is a designated premises supervisor in place, who holds a personal licence to sell alcohol (Home Office 2018b).	outlined in the Licensing Act 2003. The Violent Crime Reduction Act 2006 and the Policing and Crime Act 2017 inserted the summary review procedure into the Licensing Act 2003 (Home Office 2018b).	with the same four objectives: "the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm" (Home Office 2018b p. 1). Some mandatory conditions are attached to every alcohol licence in support of this, including "a ban on irresponsible promotions" and "adoption of an age verification policy" (Gov.uk 2021a).	the same as for regulated entertainment licences. However, a premise licence to serve alcohol may also be revoked through a summary review procedure. Initiated by police when they "consider that the premises concerned are associated with serious crime or serious disorder (or both)", this allows for "interim conditions to be quickly attached to a licence" as well as for "a fast track licence review" (Home Office 2018b p. 95).
Anti-social behaviour	Police engage in activity outside of the licensing regime concerning anti-social behaviour. This includes powers to issue closure notices to "close premises quickly which are being used, or likely to be used, to commit nuisance or disorder" for up to 48 hours – these can also be applied for by local authorities and can be extended to up to six months through an application for a closure order to a magistrate (Home Office 2021a p. 79).	Closure notices and orders were introduced through the Anti-social Behaviour, Crime and Policing Act 2014 (Home Office 2021a).	Premises can be served with closure notices where "nuisance to the public; or disorder near those premises" has or "is likely to occur" (Home Office 2021a p. 79). For closure orders, a venue must have been or be likely to be the site for "disorderly, offensive or criminal behaviour…serious nuisance to the public, or disorder near the premises" (Home Office 2021a p. 79).	Breach of a closure notice can result in a prison sentence of up to three months, whilst breach of an order can result in a sentence of up to 51 weeks; both can come with unlimited fines (Home Office 2021a).

Health and safety	Employers have a duty to safeguard the health and safety of their employees and the public through The Health and Safety at Work etc. Act 1974. Additional legislation and statutory instruments further specify this duty – including some controls of relevance to live music events: - Protection for workers against harmful noise exposure (Health and Safety Executive 2008b; Barlow & Castilla-Sanchez 2012). - Protections around lifting operations and other practices surrounding stage builds (e.g., Health and Safety Executive n.d.-d). - Requirements to co-ordinate health and safety activity across employers sharing the same site (e.g., venue operators, promoters, and contractors) (The Events Industry Forum 2014a).	The Health and Safety at Work etc. Act 1974 confers duties to employers to safeguard the health and safety of their employees and the public. The Management of Health and Safety at Work Regulations 1999 introduced requirements for risk assessments and to co-ordinate health and safety activity across employers on the same site, while The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) established injury recording practices. Controls of and protections against workplace noise are outlined in The Control of Noise at Work Regulations 2005. The Lifting Operations and Lifting Equipment Regulations 1998 places additional safety requirements on any “lifting operation involving lifting equipment” (Health and Safety Executive n.d.-d), while the Construction (Design and Management) Regulations 2015 cover other kinds of construction work.	For employers, requirements include: - Provision of training and facilities needed for staff welfare, and ensuring workplaces operate “without risks to health” (The Health and Safety at Work etc. Act 1974, s 2(2)(a)). - Ensuring staff noise exposure does not exceed permissible levels, and provision of hearing protection, training and hearing health checks under The Control of Noise at Work Regulations 2005 (Health and Safety Executive 2008b; Barlow & Castilla-Sanchez 2012). - Ensuring that lifts must be planned "by a competent person”, with suitable equipment that is maintained and inspected under the Lifting Operations and Lifting Equipment Regulations 1998 (Health and Safety Executive n.d.-d). - As contractors, to “plan, manage and monitor” construction work to ensure it is completed “without risks to health and safety”, and as clients hiring contractors, to “make suitable arrangements for managing a project” including providing necessary resources and allocating necessary time to complete,	Enforcement here is generally handled by local authorities, but the Health and Safety Executive are responsible for enforcing some elements including the Construction (Design and Management) Regulations 2015 (Health and Safety Executive 2011). Enforcement powers include written notices, powers to stop any activity posing a risk, and prosecution (Health and Safety Executive 2015a, n.d.-b).

			under the Construction (Design and Management) Regulations 2015 (Health and Safety Executive 2015b pp. 6-7). - Conducting risk assessments examining hazards to employees and public (Management of Health and Safety at Work Regulations 1999) and recording and reporting injuries and near-misses under RIDDOR (Health and Safety Executive n.d.-e). Employees also have some responsibilities under this area of regulation – for example, employees are required to raise hazards with employers and to not endanger themselves or others through their work practices under The Health and Safety at Work etc. Act 1974 (The Events Industry Forum 2014b).	
Fire	Most non-domestic sites – including venues and open air concerts – are required to have "fire precautions… in place 'where necessary' and to the extent that it is reasonable and practicable" (Department for Communities and Local Government 2007a p. 6). A fire risk assessment must be undertaken for these sites – for	Regulatory Reform (Fire Safety) Order 2005 outlines fire safety requirements for non-domestic sites.	Regulatory Reform (Fire Safety) Order 2005 requires that "any person who has some level of control in premises must take reasonable steps to reduce the risk from fire and make sure people can safely escape if there is a fire" (Department for Communities and Local Government n.d. p. 2). In the case of a venue or a festival site this may be complicated by the	For most venues and festival sites, the local fire and rescue service enforce this – one relevant exception might be some "sports grounds and stands designated as needing a safety certificate by the local authority, where the local authority will enforce" (Department for Communities and Local Government 2007a p. 8).

	sites employing five or more people, the results must be recorded (Department for Communities and Local Government 2007a).		hire of premises or multiple employers operating on one site. Where premises are "leased as an empty and unsupervised facility" like the marques used at festivals, the responsibilities of those leasing and the owner "need to be established as part of the contract of hire" (Department for Communities and Local Government 2007a p. 7). If there is more than one 'responsible person' (e.g., employers, managers, operators) on site, "all must take all reasonable steps to co-operate and co-ordinate with each other" (Department for Communities and Local Government 2007a p. 6).	Enforcement powers include inspection, enforcement notices, and prohibition notices "[restricting] the use of all or part of…[a premise] until improvements are made" (Department for Communities and Local Government 2007a p. 8).
Planning[6]	The planning system manages land use (Cullingworth & Nadin 2002). Most building and conversion projects – including venues and their neighbours – will require planning permission before they can commence. Planning decisions are expected to be taken based on an 'agent of change' principle. New development must "[integrate] effectively with existing businesses and community facilities" such as a venue (Ministry of Housing,	The planning application system, including enforcement powers for local authorities, is outlined in the Town and Country Planning Act 1990 and amended through the Localism Act 2011 (Department for Communities and Local Government 2015). Decisions taken within the planning system are required to align with the National Planning Policy Framework – this framework includes the agent of change principle (Ministry of	Live music venues are most likely to engage with planning regulation as applicants for planning permission when proposals for venues to be built or converted are first put forward, or as an 'interested party' where a planning application by another party has been submitted that would affect the venue.	Planning permission is granted by local planning authorities (district, borough, or unitary councils) either by planning officers or by planning committees made up of councillors depending on the nature of the application (e.g., its size) or other concerns raised from interested parties and the public (Department for Communities and Local Government 2015). In some exceptional cases, decisions are taken by other

[6] Planning is devolved (Winter 2016), and as such what is included here is only that which applies to England, where the planning cases described in this thesis are drawn from.

	Communities and Local Government 2019b pp. 52-53).	Housing, Communities and Local Government 2019b).		bodies (e.g., the London Mayor can decide "planning applications of potential strategic importance" (Department for Communities and Local Government 2015 p. 5)). Decisions can also be contested, through an appeal to the Secretary of State for Communities and Local Government. These appeals are then decided by an "independent inspector" from the Planning Inspectorate – an executive agency "responsible for deciding most planning and enforcement appeals" (Department for Communities and Local Government 2015 p. 7). Local planning authorities have powers to address unauthorised development – this can include requiring applications for retroactive planning permission, or issuing enforcement notices requiring changes to an unauthorised development with an option to prosecute if these are not met (Department for Communities and Local Government 2015; Ministry of Housing, Communities and Local Government 2019a).
Environmental health	Certain environmental health concerns are of particular relevance to venues or festival sites, including littering and waste disposal. Distribution of flyers and fly-posting are	The Environmental Protection Act 1990 addresses waste disposal and also contains provisions around statutory nuisance, such as "any premises in such a state as to be	A venue or festival site might be considered to represent a statutory nuisance if, amongst other things, it emits smells or light that might be "prejudicial to health or a nuisance" (The	A variety of bodies engage in some enforcement activity surrounding environmental health legislation, but much of what is described here is enforced by local authorities.

	methods of advertising associated with live music events. These are all controlled under environmental health regulation (Gov.uk 2018a).	prejudicial to health or a nuisance" (s79 (1)(a)). Fly-posting offences are contained in legislation including the Criminal Damage Act 1971, the Highways Act 1980, and the Town and Country Planning Act 1990, and enforcement is detailed in the Anti-social Behaviour Act 2003 and Clean Neighbourhoods and Environment Act 2005. The Clean Neighbourhoods and Environment Act 2005 introduced and amended prior controls around littering, fly-posting, "leafleting without permission on land where leafleting is restricted", and the disposal of commercial waste (Gov.uk 2018a).	Environmental Protection Act 1990, s79 (1)(g)). Under the Environmental Protection Act 1990, those running venues or festival sites must ensure their commercial waste is not kept "in a manner likely to cause pollution of the environment or harm to human health" (s33 (1)(c)) and that this is ultimately disposed of by a licensed carrier at a permitted site. Anyone hoping to advertise a live music event by distributing flyers must have consent to do so in certain areas. Distributing flyers, or "[commissioning] or [paying] for the distribution of free literature" without consent where local authorities have placed restrictions on this is an offence (Legislation.gov.uk 2005). Any physical adverts ("posters, stickers, placards, banners or bills") posted by those promoting live music events must have "permission of the property owner and…required advertising consent" (Newcastle City Council n.d.). Some premises may be subject to requirements from councils to "clear litter from around their premises" and "take steps to prevent future littering" through a	District, borough, and unitary councils can issue fixed penalty notices for relevant offences relating to flyposting, littering, and disposal of commercial waste (Gov.uk 2018a). Parish councils can also issue these for flyposting and littering offences (Gov.uk 2018a). County and district councils "can restrict the distribution of flyers, pamphlets, stickers, cards or other leaflets" (Gov.uk 2019). Some offences can also command summary prosecution. For example, local authorities may prosecute flyposting, resulting in a fine of £1,000 or below, as well as "£100 for each day during which the offence continues after conviction" (Department for Communities and Local Government 2000 p. 8).

			Community Protection Notice issued under the Anti-social Behaviour, Crime and Policing Act 2014 (Gov.uk 2018b).	
Noise	"Excessive noise" from licensed premises is prohibited between 11pm and 7am (Noise Act 1996, s2 (2)).	The Clean Neighbourhoods and Environment Act 2005 amended the Noise Act 1996 to cover premises licensed to serve alcohol (on a premises licence or temporary event notice) (Legislation.gov.uk 2005). Noisy premises can be considered a statutory nuisance under the Environmental Protection Act 1990.	Noise can be considered a nuisance if it either "unreasonably and substantially [interferes] with the use or enjoyment of a home or other premises", as well as if it "[injures] health or [is] likely to injure health" (Gov.uk 2017b). There are specific permitted levels for noise at night – "34 dBA…if the underlying level of noise is no more than 24 dBA; 10 dBA above the underlying level of noise if this is more than 24 dBA" (Gov.uk 2017b).	Following warning notices, local authorities can issue fixed penalty notices, bring prosecutions resulting in an unlimited fine for licensed premises, or "remove noise-making equipment like loudspeakers" (Gov.uk 2017b). District, borough, and unitary councils can also issue fixed penalty notices regarding Noise Act 1996 offences (Gov.uk 2018a). Local authorities may also issue abatement orders in response to statutory nuisance like noise – "[telling] the person what they must do to stop making a noise nuisance or else face further legal action" – commanding a £20,000 fine if broken (Gov.uk n.d.-t).
Employment	Alongside workplace health and safety requirements, many other aspects of employment practice in England and Wales are regulated. This includes elements highly relevant to live music employment, such as protections around working hours, pay, and contracts (Acas n.d.-a; Health and Safety	Working hours are regulated through the Working Time Regulations (1998). A floor for rates of pay is set through the National Minimum Wage Act 1998.	Employers are required to ensure workers' average working week (over 17 weeks) does not exceed 48 hours, with exceptions (e.g., for sectors like security), and to provide required breaks between and within shifts (Gov.uk n.d.-k; Health and Safety Executive n.d.-g).	Enforcement of working hours regulation is primarily split between the Health and Safety Executive, local authorities, and the Advisory Conciliation and Arbitration Service (Acas n.d.-b; Health and Safety Executive n.d.-i, n.d.-h).

	Executive n.d.-h). There are also protections from workplace discrimination based on any protected characteristic (Gov.uk 2015). As well as this, various immigration controls are in place surrounding premises licensed to serve alcohol, including requirements for a right to work check for those applying for these licences (Home Office & Immigration Enforcement 2017). Performers and touring parties travelling to the UK to work will require approval to do so, often through visas (Gower 2020; UK Visas and Immigration n.d.).	Workers are protected from discrimination through the Equality Act 2010. Immigration controls were introduced to the licensing system through the Immigration Act 2016. Visas and other requirements for entry to the UK are outlined in the Immigration Rules (Home Office 2021c).	Employers are required to pay a National Living Wage of £8.91 an hour to workers aged 23 and over (Gov.uk n.d.-o). The Equality Act requires employers to "make reasonable adjustments to any elements of the job which place a disabled person at a substantial disadvantage" (Government Equalities Office n.d. p. 2) and during recruitment, candidates may not be questioned regarding protected characteristics, with few exceptions e.g., age-restricted tasks (Gov.uk n.d.-f). Those applying for alcohol licences are required to undergo a right to work check (Home Office & Immigration Enforcement 2017). Employment status – employee, worker or self-employed – affects the rights afforded to workers in many cases. For example, working hours limits do not apply "where working time is not measured and you're in control", e.g., those self-employed (Gov.uk n.d.-k). Visas and other approval required for entry into the UK are based upon country of origin, the kind of work to be undertaken, and the period of stay.	HM Revenue and Customs enforce minimum wage, with enforcement powers including inspection of payment records; enforcing payment of wages; fines; and publication of offenders (Gov.uk n.d.-n). Violations of the Equality Act are handled by the Equality and Human Rights Commission with individual cases decided through employment tribunal (n.d.-a, n.d.-b). The Home Office are a responsible authority within the licensing system, and must be consulted on all applications; immigration officers have power of entry to premises holding alcohol licences (Home Office & Immigration Enforcement 2017). Visas are granted by UK Visas and Immigration (Gower 2020; UK Visas and Immigration n.d.).

			Commonly musicians and their touring parties will require a Temporary Worker – Creative and Sporting visa (T5), Temporary Worker – Creative and Sporting visa (T5) concession, or a Permitted Paid Engagement visa (Home Office 2021d; Gov.uk n.d.-w, n.d.-r).	
Security	Live music venues and events deploy a wide variety of security measures, including personnel (Hobbs et al. 2003; e.g., Hadfield 2008), CCTV (e.g., Rigakos 2008), and ID scanning (e.g., Miren 2014). Some of this security activity must be conducted under a licence.	Control of entry to licensed premises is a licensable activity under the Private Security Industry Act 2001. Some security activity may be required of venues as a condition of their alcohol or performance licence, issued under the Licensing Act 2003 (Home Office 2018b).	Security workers must hold a licence in order to provide any licensable security activity as a contractor, e.g., operating CCTV (Security Industry Authority 2020a). Door supervision – "guarding licensed premises against damage, theft, unauthorised access or disorderly behaviour" – must be licensed for in-house and contracted staff (Security Industry Authority 2020a). 'Non-frontline' licences are required for those managing these personnel (Security Industry Authority 2020a).	The Security Industry Authority enforce this –"an executive non-departmental public body, sponsored by the Home Office" (Security Industry Authority n.d.). Powers include written warnings; powers of entry; suspension and withdrawal of licences; confiscation of assets; and prosecution. Under the Private Security Industry Act 2001, it is a criminal offence to conduct a licensable activity without a licence or to employ a security operative who does not hold the necessary licence (Security Industry Authority 2020b).
Ticketing	The resale of concert tickets is legal, but when this takes place online, it is subject to conditions (Competition and Markets Authority 2021). The bulk purchase of tickets made using automated programmes – 'bots' – in order to resell is illegal (Gov.uk 2017a;	The Consumer Rights Act 2015 established conditions of online ticket resale, which were modified by the Digital Economy Act 2017 (Gov.uk 2017a; Competition and Markets Authority 2021). The Digital Economy Act 2017 introduced powers to ban the use of bots. These were banned	Under the Consumer Rights Act 2015, individual resellers are required to ensure ticket listings include seating or standing location, resale restrictions, and the ticket's face value. The Digital Economy Act 2017 added "requirements on ticket sellers to provide a unique ticket number where one was originally given" (Gov.uk 2017a).	To date, the Competition and Markets Authority has enforced the Consumer Rights Act 2015 with respect to secondary ticketing sites; National Trading Standards have done so with respect to individual sellers (Competition and Markets Authority 2021). Local trading standards teams may also enforce this and may issue fines

	Competition and Markets Authority 2021).	through a statutory instrument, The Breaching of Limits on Ticket Sales Regulations 2018.	While platforms must “confirm that tickets are actually available for sale on the primary market, require resellers to disclose specific information about their ticket and, if they are a professional seller, require their name and postal address before they can list tickets,” platforms do not have any obligation “to fact check every detail provided by a seller at the outset” (Competition and Markets Authority 2021 pp. 7-8). Where there is a limit on the number of tickets on offer in an online purchase, it is an offence to “use software that is designed to enable or facilitate” purchases and to “do so with intent to obtain tickets in excess of the sales limit, with a view to any person obtaining financial gain” (The Breaching of Limits on Ticket Sales Regulations 2018).	of as much as £5,000, as outlined in the Act. The Competition and Markets Authority have noted, however, that “no enforcer has lead responsibility or specific ongoing funding for tackling consumer protection issues in this sector” (2021 p. 6). Enforcement activity against sellers for fraudulent transactions or the use of bots to bulk buy tickets from primary sites can be taken by police and trading standards, with National Trading Standards so far “[securing] convictions for fraudulent trading in a criminal case against two professional resellers” (Competition and Markets Authority 2021 p. 4). Use of bots is a summary offence and can command a fine (Digital Economy Act 2017; The Breaching of Limits on Ticket Sales Regulations 2018).
Performance licensing	Venues and other events require a licence to play recorded or live music, as a route of royalty collection to avoid copyright infringement (Gov.uk n.d.-j).	The Copyright, Designs and Patents Act 1988 requires "permission from the copyright holder to ‘perform’ music in public" as granted by performance licences (PRS for Music 2022a).	There are different licensing requirements for hosting live performance or playing recorded music. This is because those entitled to royalties are different in each case (e.g., performers in the case of recorded but not live music) (PPL PRS United for Music 2022). Licence holders are generally required to supply a list of all tracks performed and gross	PRS for Music licences live performance, while PPL (Phonographic Performance Limited) licences any recorded music played (PRS for Music 2022b). These two bodies have formed PPL PRS Ltd to issue joint licences covering the playing of live and recorded music (PRS for Music 2022b).

			receipts within 30 days following a concert (PRS for Music 2021).	These bodies are Collective Management Organisations, "a type of licensing body which grants rights on behalf of multiple rights holders in a single ('blanket') licence for a single payment" (Gov.uk 2021b). PRS auditors can enter premises to inspect records ("upon reasonable prior notice and at a mutually agreed time during regular business hours"), and PRS can require payment of any missed royalties, plus interest and audit costs (PRS for Music 2021 p. 2).
Merchandise sales	Traders selling merchandise outside of concerts might require a licence, depending on which local authority area they are operating in and the set-up of the stall (Gov.uk n.d.-u). If the merchandise on sale is considered to infringe on another's intellectual property – as unofficial merchandise might – this is also prohibited (Crown Prosecution Service 2019).	Local authorities may require street traders to hold licences, or otherwise put constraints on their activity, through the Local Government (Miscellaneous Provisions) Act 1982. The Registered Designs Act 1949, amended by the Intellectual Property Act 2014, makes it an offence to "intentionally copy a design in the course of business, without the consent of its owner, whilst knowing (or having reason to believe) the design is registered" (Crown Prosecution Service 2019).	Street merchandise traders must hold any required licence for the street they are trading on, and trade within the terms of any such licence, under the Local Government (Miscellaneous Provisions) Act 1982. Traders must not profit from products considered to infringe on intellectual property – "a product exactly like the design in question or where a design has only been very slightly altered" (Crown Prosecution Service 2019).	Under the Local Government (Miscellaneous Provisions) Act 1982, district councils may designate streets as consent or licence streets (where traders are required to hold consent or a licence respectively from the local authority), or a prohibited street where no street trade can take place. Trading on a street without any required permission, or outside the terms of any licence, can command a fine. Sale of counterfeit merchandise can command sentences of up to 10 years in Crown Court, or 6 months in Magistrates Court, as well as fines (Crown Prosecution Service 2019).

				Enforcement is often handled by trading standards teams, but this can vary between local authorities (e.g., Gov.uk 2022).

3.5. Areas of focus

Only some aspects of the expansive regulatory landscape presented in Table 1 are explored in depth in this thesis. Due to the resources and time frame available for this project, only some areas of live music regulation could be taken forward as a focus.

In selecting areas of focus for this work, a few strategies were drawn upon. First, conducting semi-structured interviews allowed for a degree of responsiveness to subjects, and in some sense, areas of focus for this work were shaped by this. There were some areas of regulation that were raised voluntarily and discussed at length by a substantial proportion of subjects, suggesting strong familiarity. This signalled that these areas were likely to be integral to day-to-day live music operations, and likely to shape practices to the greatest degree, and as such, would be of interest. Examples of this include licensing, security, and to a lesser degree, health and safety, examined in Chapter 5. To some extent, planning regulation was examined for this reason – while only some venue operators and other actors had engaged with this area of regulation, these subjects covered this at length and it was clear this had been impactful.

The production of Table 1 also made it possible to recognise areas of regulation which appeared – on paper – to be highly relevant to live music practices but were mentioned very little by subjects or discussed incorrectly or in only limited detail. The lack of discussion of these areas of regulation became even more conspicuous when subjects shared issues which might have been addressed through these (e.g., poor pay conditions discussed at length with little mention of minimum wage legislation). Examples of this include employment regulation examined in Chapter 6.

3.6. Interviews

This work is primarily based on semi-structured interviews with 43 participants involved in live music and its regulation across England and Wales, conducted between August 2019 and October 2021. Until March 2020, interviews were conducted in person (18). Following the introduction of COVID-19 restrictions, the

remaining interviews (24, including two subjects who were interviewed together) were conducted remotely. Most often these were conducted using video conferencing software, although one interview was conducted over the phone where this software malfunctioned. Most interviews lasted around one hour to an hour and a half, although three were between 20-40 minutes.

Interviews are highly suited to examining the roles, experiences, and decision-making of actors engaged in live music and its regulation – dimensions crucial to access in order to form an understanding of the inner workings of live music's expansive regulatory landscape. Interviews allow participants to speak in depth, giving a level of detail required to provide rich and nuanced accounts of their experiences (Bryman 2016; Hennink et al. 2020). Semi-structured interviews also leave subjects free to raise their own experiences outside an overly-rigid interview structure (Bryman 2016), something necessary given the broadly inductive approach taken here. At the same time, semi-structured interviews ensure some consistency in topics raised by the interviewer between participants offering the opportunity for comparison. Whilst other qualitative methods are used to supplement interview data in this work (see *Observation* and *Documentary Analysis* sections), interviews offer unique access to a subject's own understanding of their decision-making processes (Bryman 2016).

3.6.1. Sample

Table 2 outlines the participants interviewed in this work. Interview subjects included live music workers, working in a range of professional positions on and off stage across different venue and event types; various regulators in front-line and management positions; and members of the public who have engaged with live music or its regulation as neighbours and attendees. Venues and events referenced in Table 2 and throughout the project are described as small (under 500 capacity), medium (500 to 1,499 capacity), large (1,500 to 10,000 capacity), and arena/stadium sized (above 10,000 capacity).

Table 2: Interview sample

Sector	Position
Licensing	Head of licensing team for a local authority.
	Chair of a local authority licensing sub-committee, and councillor.
	Senior licensing officer for a local licensing authority, with around 15 years of professional licensing experience.
Police	Licensing officer for a police force covering small, medium, and large licensed live music venues and additional outdoor festival sites.
Health and safety	Environmental health officer for a local authority, working in the field for around 30 years.
	Health and Safety Executive officer.
Planning	Planning officer, working in various local authorities. Considered planning applications for a variety of live music venues, including large venue and arena-sized sites.
	Head of planning for a local authority. Considered planning applications involving live music sites including a medium and large venue.
	Local authority planning team leader. Considered planning applications involving a variety of live music venues, including small and medium sized sites.
Trading standards	Head of trading standards for a county council.
	Member of the National Trading Standards team.
Security	Investigator with the Security Industry Authority, working for the organisation for around 15 years at the time of interview.
Musicians	Professional musician, lead singer with a touring band (rock) for around 15 years at the time of interview. Playing in small, medium and large sized venues across this period, with regular large festival shows, and some arena/stadium shows as support artists.
	Professional musician (hip hop/grime), performing solo for around 10 years at the time of interview. Playing in small and medium sized venues across this period, including some festival performances.
	Part-time professional musician, performing as part of a touring band (reggae) for around 10 years, and professionally for around 5 years at the time of interview. Performing in small to medium sized venues across this period, with regular large festival shows, and some arena/stadium shows as support artists.
	Professional musician and tour director, touring in and producing shows (predominantly theatre and tribute shows) in medium and large theatres nationally and internationally for around 20 years.
	Professional musician and DJ, touring for around 15 years. With current band (alternative), playing in small, medium

	and large sized venues, with regular large festival shows, and some arena/stadium shows as support artists.
Venue staff	Owner and operator of a small, independent live music venue for around 10 years.
	Front of house manager for a large independent live music venue. Working in various posts in the venue for around 10 years at the time of interview.
	Venue manager and in-house promoter for a small independent venue in a city centre location. Also promotes various festival events. Previous experience as a professional musician, touring with a band (indie rock). Playing in small, medium and large sized venues across this period, with regular large festival shows.
	Venue manager of a small live music venue, leased from a local authority for around 10 years. Other previous experience working in security teams across other venues.
	Venue manager of a large independent music venue, working in various live music positions for around 40 years.
Promoters	Promoter working for nationwide promotions company (part of an international parent company) for around five years at the time of interview. Also produced and promoted an outdoor festival.
	Promoter most recently hosting acoustic musicians in pub venues across the country. Previously promoting regular pop music nights in city centre nightclubs.
	Promoter with experience including collaborating with a local authority to organise events. Previously a professional musician (indie), part of a touring band playing small, medium, and large venues, and festival shows across the country.
	Promoter working for around 30 years at the time of interview, promoting international artists in the UK and directing an annual music festival.
Agents	Agent working with international touring musicians in the UK, with around 30 years of professional experience.
Technical staff and production	Freelance sound engineer, worked for around 10 years in live sound, more recently moved into studio engineering. Previously performed as part of a band.
	Tour manager, running UK and international tours. Prior experience as a DJ, musician, promoter, sound engineer, and nightclub manager.
	Production manager for a large venue, as well as event control manager for a festival. Also undertakes freelance production work in other venue and festival sites including arena spaces.
	Freelance production manager working predominantly on arena tours and large festival shows.

	Freelance sound engineer and tour manager, working in small, medium and large sized venues. Touring nationally and internationally.
	Freelance sound engineer, working for around 5 years at the time of interview, mainly mixing front of house in small, medium and large sized venues but also working as a stage tech for festivals.
	Freelance sound engineer, working in small, medium and large sized venues, as well as festival shows and some work as a touring sound engineer.
	Freelance lighting technician, working for around 15 years. Working in medium and large sized venues, as well as festival shows.
Charities and trade bodies	Member of the leadership team for a live music trade body.
	Team member for a charity addressing sexual violence and harassment in night-time economy spaces.
	Union representative covering live events production and technical staff.
Other professionals	Private planning consultant and former local authority planner for under five years and 10 years respectively.
	Planning lawyer with experience representing live music venues objecting to neighbouring development.
Public	Member of the public attending live music events as a fan.
	Head of a residents' association, engaging with local licensing processes and neighbouring venues for around 20 years at the time of interview.
	Member of a community group opposing a planning application for a nearby venue.

These interview participants were sampled purposively, in an attempt to capture the various dimensions of this industry and regulatory environment as comprehensively as possible – a sampling strategy recognised to effectively exploit small samples in other research designs (Flyvbjerg 2006). As such, this sample offers a rich data set which, rather than offering generalisability in the statistical sense, more suitably presents capacity for analytic insights and generalisability to theory (Pope et al. 2000; Cornish 2020).

Early recruitment was guided by an initial version of Table 1, a map of the various actors engaging with live music regulation, and participants fulfilling these different roles were sought to ensure the sample covered as much of this network as possible. The literature review also highlighted dimensions of expected difference based on prior literature – features of live music events, venues, and actors that

might influence regulatory processes and outcomes – and sampling attempted to capture this variation where possible. This included:

- Audience and genre: as described previously, City A and B were selected in part due to the wide variety of event types held, across different genres and audience profiles. The sample described in Table 2 exploits this, including musicians of a mixture of genres, as well as other live music professionals with experience of a diverse mix of genres and event types (e.g., club nights, concerts, festival shows).
- A variety of operator sizes and types: as noted, a variety of operator (including venues) sizes and types (e.g., independent or part of larger groups, including international companies) is expected to capture differences in social, cultural, and economic capital. As indicated in Table 1, there are also some elements of regulation only applicable to events of higher capacities (e.g., the requirement to be licensed for live performance – as well as for the sale of alcohol – for events with a capacity above 500 people) or regarding the elements unique to these larger events (e.g., the building of stages and set pieces (Health and Safety Executive n.d.-a)). As can be seen from Table 2, it was possible to include those operating venues or events of all size categories, as well as workers who had experience of all of these in this sample. Similarly, workers with experience of working for independent and larger operating groups were included (e.g., an independent promoter as well as a promoter working for a major promotions company which is part of an international group).
- Businesses and the public: as noted, individuals and businesses are subject to different kinds of regulatory (and sometimes policing) practice (Hillyard & Tombs 2007). Further, those leading businesses might be expected to occupy a different class position (and possess different social, economic, and cultural capital) when compared to some members of the general public or their workers. As can be seen from Table 2, workers and members of the general public, as well as managers and owners are captured in this sample.

Similarly, a number of regulatory outcomes of interest were identified through the literature review and Table 1, and some subjects were approached based on their knowledge or experience of these. This included the opening of new venues, venue closures (e.g., due to residential developments approved in the planning process (Music Venue Trust 2018; NME 2018) or those closed through the licensing system (Home Office 2018b)), event cancellations (such as by venues following police advice (Talbot 2011)), and health and safety violations (like the failure to adhere to employee hearing protection requirements (Barlow & Castilla-Sanchez 2012)).

As previously discussed, as data collection developed and analysis began, specific areas of regulatory life were identified as a focus of this work – including employment, planning, and areas of live music regulation which cite 'safety' as a goal (the health and safety, licensing, and event security regulatory regimes). Purposive sampling then targeted these aspects, and rather than attempt to reach saturation in the sense of exhausting all avenues raised by participants, a sample was sought which provided rich and novel data on these core concerns.

3.6.2. Recruitment

Participants were recruited through a variety of routes, with regulators and those involved in live music practice generally recruited separately. Throughout this data collection, I sought contacts from existing participants where appropriate. As others have noted, snowball sampling in this way is an appropriate strategy where the sample produced is not intended as representative (e.g., Pailey 2021).

Recruitment of those involved in live music practice (those marked in Table 2 as musicians, venue staff, promoters, agents, technical staff and production, charities and trade bodies, and other related professionals) as well as members of the public began through my own contacts. Prior to this study, I had been involved in live music professionally for over five years – this experience is outlined in detail later in the chapter (see *Reflexivity* section). This approach facilitated access to what otherwise might have been a fairly closed network – to give just one example, past professional experience suggested that those working in booking or management positions in larger live music venues sometimes shield their contact information to prevent a

large volume of cold approaches from musicians and others hoping to work or perform in their venues. Alongside this, I attended two industry conferences to supplement my recruitment. The first event primarily targeted music venue operators and their teams, although many other live music (and some regulatory) professionals were in attendance. The second event focused on live music professionals new to the industry or early in their careers. Both events featured a programme of presentations from established industry professionals as well as trade show stands, and I used these to recruit subjects, identifying speakers through their presentations and other attendees through networking who might have relevant experience or contacts for my project. After the COVID-19 pandemic restrictions came into force in March 2020, my recruitment shifted online. Here, I sourced contact information for those working in and connected to live music through websites like freelancer databases and venue pages and approached some participants directly over social media. At one point as restrictions eased, I also recruited two participants directly through events I attended.

Some different approaches were taken to the recruitment of regulators (those indicated in Table 2 as involved in licensing, police, health and safety, planning, trading standards, and security). Prior to the introduction of COVID-19 restrictions, I attended various public meetings – as observation work and to familiarise myself with the systems investigated – taking place across different regulatory systems. These will be outlined in full later in the chapter (see *Observation* section). These meetings offered opportunities for recruitment of regulators and public in attendance. Throughout data collection, a limited number of regulators were also approached through my own professional and social networks, and snowball sampling was also used where some regulators were able to put me in touch with others they worked alongside. Finally, as the regulators investigated here are public bodies, some shared organisation details and contact information online and were approached over email.

3.6.3. Data collection

Each interview was guided using an interview schedule. These schedules allowed for flexibility with each interview but also comparability between subjects, as this

ensured some consistency in the topics covered. These schedules were developed based on research questions identified through the literature review.
Schedules were tailored based on different participants' roles and experience, and prompts were included that could be used to rephrase questions and extend discussions. As data collection progressed, these schedules were adapted to capture data on the areas of regulatory life identified as a focus of this work. Alongside this, changes were made throughout data collection to improve participant understandings of my questions. An example interview schedule extract is presented in Table 3; an example of a full set of interview schedule questions is also included in the appendix.

Table 3: Example interview questions included in an interview schedule (licensing officer)

Research question	Interview question and prompts
Who and what is targeted within the regulatory systems live music is subject to?	What kind of problems does licensing manage? *Prompts:* • *Are any particular problems a concern in your area?* • *What kind of objections can be raised to licence applications? What objections are often made? By who?* • *Are objections more common on any types of application (specify if necessary, e.g., independent vs chain venues)?* • *When are licences reviewed?* • *When are licences revoked?* • *Have these things changed over time and how?*

3.6.4. The impact of COVID-19

As has already been touched upon, COVID-19 and subsequent government restrictions impacted fieldwork. In England and Wales, the restrictions introduced in March 2020 shut down live music for more than a year. While a limited number of socially distanced and outdoor events were attempted in Autumn 2020 ("It was like well you can do this 3,000-cap venue but you can only have 500 people attend it" [sound engineer]; "I've certainly been looking at some drive-in cinema and stuff like that" [production manager]), the industry essentially ceased normal operation until

Summer 2021. Many of the workers I interviewed faced cancellations (“I've got rescheduled September tours booked…But it's like, I'm just waiting for the call to say it's been moved” [sound engineer]), and many looked for alternative work.

COVID-19 affected recruitment of interview participants. In part, this was due to the cancellation of events (e.g., industry conferences, public meetings held as part of different regulatory systems) which I had been using as recruitment sites. No longer able to recruit through face-to-face networking, I was reliant on snowball sampling from my existing sample and the online approaches I adapted to which have already been described – sourcing contact information from websites and approaching possible subjects over email. Fewer subjects took part in the work from these cold approaches. For illustration, only one of the musicians and one of the promoters I spoke with were recruited in this way. This was likely due to a combination of factors, including that the brief in-person interactions I had when recruiting face-to-face made me less of an unknown quantity, reassuring those I was approaching, but also that many of the people I hoped to speak to would have been occupied with the changes to their own circumstances that COVID brought. Those working in live music faced a challenging professional climate, and this likely limited their capacity to respond to my interview requests and take part. At the same time, arranging interviews with contacts I had gathered prior to the restrictions or through snowball sampling became somewhat easier. Schedules became easier to coordinate and there were no physical arrangements to make – any issues with travel or location became resolved. Indeed, some reflected that they welcomed the opportunity to take part during the COVID lockdown, as reflecting on their work injected some normality at an otherwise troubling time (“It's quite nice to talk about normality in a way. Or what it's like to do events when we're not closed” [venue front of house manager]).

There were some benefits to conducting interviews online. Using video conferencing software meant participants could speak from a comfortable setting – most participants appeared to use a private room in their home. It is likely this allowed those I interviewed to be more candid than if they had been speaking in public or in their place of work. The privacy implications of this shift are reflected on further in the *Ethics* section of this chapter.

3.7. Observation

To triangulate and supplement data collected through interviews, a series of observations were conducted of various events connected to the regulation of live music. As outlined in Table 4, most of these were meetings held by regulators, often formally prescribed within the regulatory systems analysed, where regulatory decisions were made or reviewed. One event observed (a public campaigning event held by a community group) represented activity undertaken outside the formal processes of a regulatory system.

Most of these events took place in person across City A between August 2019 and March 2020, with one taking place online later. These were sourced through announcements from local authorities and coverage in the press. Opportunities to observe in-person events were necessarily limited following the introduction of COVID-19 restrictions in March 2020. At this time and for some months that followed, it was unclear when public gatherings would be permissible or safe again, or if regulatory meetings would be held publicly once restrictions began to be lifted. Because of this, the decision was taken to prioritise data collection via interviews and documentary sources. Despite this, however, the observation work which did take place generated some useful insight, particularly contextualising detail from some interview participants who were recruited at these observation sites.

Table 4: Regulatory events observed

Event observed	Detail
Local authority planning meetings	Public consultation event (in person)
	Planning committee meeting (in person)
Planning Inspectorate hearings	Hearing (online)
Campaigning events	Flyering by community group (in person)
Local authority licensing meetings	Licence review meeting (in person)
	Licensing sub-committee meeting (in person)

3.8. Documentary analysis

Documentary analysis was used as a source of triangulation and to supplement interview data in this work. To extend understanding of police practice drawn from interviews, various sources of police licensing documentation were analysed, outlined in Table 5. All documentation was drawn from a single police force, covering a one-year period (2019). As outlined in Table 1, police act as a 'responsible authority' within the licensing system, and as such are given the opportunity to object to applications for new, or changes to existing, licences. Material sent by this force as part of objections to applications relating to live music premises in three of the licensing authorities the force covers was included here. Police forces may also liaise directly with licence holders, and this force did so through a Business Crime Reduction Partnership (BCRP). Through this BCRP, this force ran an awareness campaign targeting live music venues specifically, and its newsletter communications from this period were included here.[7] Finally, this force published various strategy documents, which were reviewed for sections discussing their policing practices which related to live music, and these sections were also analysed.

Table 5: Police licensing documentation

Type of document	Units included	Accessed through
Material submitted by police within licensing process (n=18).	All objections sent in 2019 regarding application for new, and amendments to existing, licences for live music premises in three licensing authorities covered by police force remit.	Licensing authority online records.
Business Crime Reduction Partnership material (n=31).	Email newsletters and attachments sent across 2019 and early 2020 from a Business Crime Reduction Partnership campaign addressing live music venue operators.	Online Business Crime Reduction Partnership newsletter archive.
Strategy document sections (n=5).	Sections relating to live music events and associated concerns (e.g., night-time economy) taken from all published documents released during 2019.	Police force online publication.

[7] Some additional newsletters from early 2020 were also included here.

3.9. Descriptive statistics

Limited quantitative data was collected in order to produce select descriptive statistics to corroborate or elaborate points drawn from interviews, observation, and documentary analysis.

3.9.1. Publicly reported invoice payment data

As is indicated in previous chapters, most live music taking place in England and Wales today is subject to some form of employment regulation. A high proportion of workers in the sector are employed on a freelance basis (Live Music Industry Venues and Entertainment 2020a) and in order to triangulate comments from these interview subjects regarding payment for their work, descriptive statistics on concert promoter invoice payment practices were produced.

The Small Business, Enterprise and Employment Act 2015 introduced requirements on large businesses[8] to report their invoice payment practices (Chuk et al. 2021) and these data are published in a database accessible at Gov.uk (2021c). Data for members of the Concert Promoters Association subject to these reporting requirements[9] were used to produce descriptive statistics on invoice payment practices.

3.9.2. Freedom of Information requests

Employment practices in this sector are also subject to various pieces of immigration legislation, including the Immigration Act 2016, which introduced a right to work check into the alcohol licence application process, required the Home Office be consulted on all licence applications, and gave immigration officers power of entry to licensed premises (Home Office & Immigration Enforcement 2017).[10]

[8] Large businesses are classed as those meeting two or more of the following minimum criteria: assets of £18 million, turnover of £36 million, and 250 employees (Department for Business, Energy & Industrial Strategy 2019).
[9] Excluding Jockey Club Racecourses Ltd and Jockey Club Racecourses (Holdings) Ltd whose primary business activities expand beyond the live music sector.
[10] Most live music venues hosting amplified music are licensed to serve alcohol (Webster et al. 2018).

To supplement data drawn from interviews, a series of Freedom of Information requests were placed with a sample of licensing authorities across and around City A, requesting data on immigration enforcement practices associated with these licensing powers. Each was asked:

1. The number of a) personal and b) premises licences for the sale of alcohol against which representations were made by Home Office Immigration Enforcement each year between 2017 and 2020.

2. The dates of the licensing sub-committee hearings at which these representations were heard.

3. The number of inspections by licensing officers of premises licensed for the sale of alcohol at which immigration officers were also in attendance each year between 2017 and 2020.

Responses were received from 30 licensing authorities, including from two who declined the request.

3.10. Ethics

This project received ethical approval from the London School of Economics and Political Science.

3.10.1. Confidentiality

This work, at times, handled participants' sensitive and otherwise private information. Business operators were invited to describe their commercial practices and regulatory compliance; regulators were asked about their decision-making and their organisational capacity; workers could describe regulatory violations that they, their colleagues, and employers have engaged in. If participants or those described within interviews are identifiable to interested parties or the public at large, this could lead to negative professional and personal repercussions. For example, any reputational damage might limit future employment opportunities. As such, confidentiality is

maintained throughout for individuals, businesses, and organisations discussed in this work.

In project outputs, participants are anonymised – they are presented by their role (e.g., their job title, member of the public, etc). It is also possible individuals, businesses, and organisations might become identifiable when other non-identifiable information is read together (Farrimond 2013). For example, there might be multiple live music venues of a given capacity in England and Wales, but only one in a given city – presenting location and capacity here would identify the venue. This is of concern in this work in particular, as the live music industry represents a sizable but well-connected pool of actors who might be "highly recognizable" to one another (Farrimond 2013 p. 131).[11] Instead, what was included and what was redacted was considered alongside the need to present relevant context to the reader (as recommended in Farrimond 2013). For example, details such as the size of a venue or whether it is independently operated might relate significantly to the findings presented. In order to maintain context while protecting anonymity, specifics will be avoided where these are not necessary. For example, a venue's size can be represented as a range, allowing the reader to understand its operation without an opportunity to identify it.

Maintaining confidentiality of participants and the individuals, businesses, and organisations they discussed was not only an ethical concern but had practical benefits. It increased participant comfort, allowing them to speak more freely than they otherwise may have – as one participant put it, "since I know that some of this is confidential, I will confess to you…" [residents' association member]. Indeed, one participant paused our discussion to re-clarify this, before sharing further details of their experiences (asking "right, who's going to see this recording?" [sound engineer]).

[11] For similar reasons, anonymity was maintained even where participants were happy to waive this. The interconnected nature of the settings investigated means this might have disclosed identifying information about others without their consent (Farrimond 2013).

3.10.2. Privacy

Given some subject matter raised in this work (e.g., regulatory violations), some participants may be negatively impacted if their involvement in this study were discovered by others. Some might have taken part without approval from their employer, for example, which could in extreme circumstances lead to loss of employment.

Participant privacy was considered in recruitment and data collection. Where possible, private channels were used to communicate with participants (e.g., individual email addresses rather than shared inboxes).[12] When recruitment took place in person (such as at industry conferences or regulatory meetings), I was conscious that those present were likely professionally connected with others in the room, and so sought one-on-one conversations. Privacy was also considered as sites were chosen for interviews – particularly as someone might not feel comfortable speaking at their place of work if they have agreed to take part without their employer's or colleagues' knowledge. For in-person interviews, spaces were selected with participants over email ahead of the meetings. I offered private rooms on campus, and four interviews took place there. Some participants invited me to their workplaces (seven, including council and company offices, practice space, and a recording studio), with all of these interviews conducted in a private room. Four interviews took place in public settings like cafes, and one took place in a hired meeting room. Two interviews with participants from my own network took place in their homes. I remained sensitive to privacy concerns as these interviews were conducted – while some participants reconfirmed that their data would be anonymised in project outputs during interviews, no privacy concerns about interview set-ups were raised.

As interviews shifted online following COVID-19 restrictions, privacy considerations changed. Conducting interviews over video conferencing software meant some of

[12] As recruitment moved online following COVID-19 restrictions, sometimes approaches were made to shared organisational addresses where individual addresses were not published. In these cases, the approach was not directed at any individual member of staff but instead described the kind of roles I was seeking to recruit. The communication was written holding in mind that all members of staff may be able to read this.

the concerns associated with in-person interviews were removed. Online interviews offered a significant degree of control to participants, who could choose to conduct interviews in their most comfortable setting without having to invite me (physically) into it – I conducted these interviews in my home, using a private room, and it appeared participants generally did the same.[13] In other ways, though, these online interviews introduced new privacy concerns. During lockdowns and times when work from home guidance was in place, I was asking to be invited digitally into people's homes. The early stages of the COVID-19 lockdown were unprecedented times for all, and many began to navigate how employers, colleagues, and others were now a presence in the home in a way they might not have been previously – this environment might have been a particularly sensitive one regarding privacy, and to address this, I explained early in my approach to participants that I hoped to conduct interviews using video conferencing software. Crucially, while setting no doubt affected the atmosphere (and therefore to some degree the content) of these interviews, participants' surroundings here are of little relevance to the project, offering further privacy protection to participants. No privacy concerns were raised during online interviews from participants.

3.10.3. Sensitive topics

Although this project does not concern subjects traditionally considered 'sensitive' (like health (Farrimond 2013)), there was potential for this work to engage with emotionally-charged experiences for some participants. For example, material covered in the literature review included examples of closures of businesses (e.g., Hae 2011). Recounting a painful experience might cause a participant emotional harm, as may publishing the details of such an experience if this is done without their awareness or permission. This was considered during data collection. In interviews, participants might feel privacy has been breached between themselves and the researcher during discussion of sensitive material, and this might only be apparent through "good emotional literacy" on the part of the researcher (Farrimond 2013 p. 126). I remained cognisant of the comfort of my participants, and it was never

[13] I was rarely aware of others around the participants during these interviews. In one interview, a participant explained they were at someone else's home, and as restrictions eased, one participant spoke to me from their shared office.

necessary to end an interview early. Interview participants were further offered the opportunity to review quotations drawn from their data included in the write up as an additional protection.

3.10.4. Informed consent

Gathering informed consent from participants further minimised the potential for subjects to experience the harms already outlined. Violations of privacy were avoided as I can be comfortable that those involved gave their data freely. Emotional harm was limited as participants were informed of their rights to withdraw themselves and their data from the study.

I collected informed consent from interview participants through the recruitment process and during the interview briefing. Interview participants were given a consent form and information sheet outlining the project, containing details of the data handling and anonymisation procedures of the project, as well as their right to withdraw. During in person interviews, paper copies were provided and signed by participants. Where online interviews were conducted, some participants signed these digitally or scanned a printed paper copy; others without easy access to the necessary technology gave their informed consent verbally at the beginning of the interview having reviewed the form.

Observations of various regulatory events were conducted without obtaining informed consent in this way from those in attendance. All but one of the events I observed were public events held by regulatory bodies. In some cases, these events involved private deliberations amongst regulators, and these sections were conducted outside of public view. Because of this, there was no expectation of privacy that my observation violated (Farrimond 2013) – especially considering that those in attendance were likely aware that their contributions were observed and minuted into public record in these settings. Along with this, these observations were conducted broadly overtly. The format of these meetings – formal, often led by a chair directing contributions from those present, at times with regulators entering separately from the public – meant it was not always possible to identify myself before proceedings began. However, where members of the public were invited to

speak, I would introduce myself as a researcher. I also introduced myself as a researcher to those I spoke with substantively in and around the meetings (although the level of detail shared necessarily depended on the nature and length of the conversation).

One event observed was a campaigning session – distributing flyers in a public space – held by a group of local residents objecting to a proposed venue development. Again, this observation was conducted broadly overtly: having met one of the group's organisers at a prior event, I emailed to ask permission to attend, and I introduced myself as a researcher to the campaigners present. I did not identify myself to the members of the public interacting with the campaigners, partly because alerting them to my presence likely would have affected the campaigners' efforts, eating into the limited time they had with those they spoke with. This might have affected the nature of the interactions I was observing, but also my access to future campaigning activity or interview subjects within the group. Similar access considerations have been made in such informed consent calculations by others researching in public space – discussing the ethical considerations involved in their study of drug use in gay dance clubs in South London, Winlow and Measham suggest gathering informed consent from club attendees would have seen venue management "immediately [withdraw] its support for the research" (2016 p. 215). Further, this was again a public setting with little expectation of privacy, and all of this should be considered in light of the fact that the public were not the primary subjects of my observations here.

3.10.5. Harm to the researcher

There are risks involved in undertaking any research with human subjects as a lone researcher. Many of these risks are not unique to this work and common strategies were used to minimise them – particularly choosing public locations for interviews with unfamiliar subjects and planning routes to and from interview and observation sites in advance (Social Research Association 2001).

3.11. Data analysis

Data analysis began by establishing initial ideas through listening to audio recordings of the interviews, reading notes taken during observations, and in exploring the documentary analysis materials. This was particularly important in this study, as live music is a practice touched upon by many areas of regulatory life, and this process helped identify areas of interest that could be focused on more closely – those areas of regulation most actors engaged with, or those which produced extreme or unexpected results. These ideas slowly transformed into the topics covered in each results chapter: planning regulation (Chapter 4); the various areas of live music regulation which cite 'safety' as a goal (the health and safety, licensing, and event security regulatory regimes which are explored in Chapter 5); and employment regulation (Chapter 6).

All data collected in the study were analysed using thematic analysis. Thematic analysis is chosen because of its capacity to "provide a rich and detailed, yet complex account of data" (Braun & Clarke 2006 p. 78); something that will be highly necessary to capture the detail of this apparently complex system of regulation. Further, the flexibility of this method allows it to be used "with virtually all types of qualitative data" (Robson & McCartan 2016 p. 470); this means all data collected in this design – interview transcripts, documents, and field notes – can be analysed together.

Analysis of interview data began by transcribing interview recordings. Konch transcription software was used to aid this (Konch 2022). These transcripts and recordings were then reviewed, and coding began using written (word processed) notes covering the entire content of each interview, with sections relevant to each chapter identified here further coded using NVivo 12 software (QSR International 2019). As previously described, analysis of documents outlined in Table 5 began by reading these, to become familiar with the material and to identify relevant sections of broader documents which contained other material outside the focus of this study. The documents (or in some cases, relevant sections) were coded using NVivo 12 software (QSR International 2019) or written (word processed) notes depending on

the document format. [14] Field notes taken at observations were also reviewed for themes using written (word processed) notes.

Data analysis here was a highly iterative process, taking place alongside the data collection and writing processes, with some data revisited multiple times considering a different chapter focus each time. Repeated review of the data like this was also necessary as some interviews were conducted after initial drafts of results chapters were produced. In some ways, with writing taking place alongside analysis, this meant writing formed part of the analysis process too. For example, multiple sections of interview transcripts discussing similar regulatory activity were sometimes read together and some writing would be drafted directly from these.

3.12. Reflexivity

I began this project with significant experience of live music settings in England and Wales. From 2010-2015, I worked in marketing roles for a medium-sized live music venue. Here, I sat in venue offices alongside bookers, production staff, and operations managers as events were arranged, and at night, I worked box office, working alongside security staff, promoters, artist managers, and others. During this period, I worked regularly as a weekend DJ for a small venue, where I also promoted some events. I stood alongside the bar team working until early hours, and before my sets would spend time with the sound engineers mixing the early bands, and the manager and security staff running the door. Alongside this, I also visited small, medium, and large venues as a performer, taking part in touring musicians' shows, witnessing the backstage workings of their professional production teams. All of this is to say, I have thousands of hours of experience of what could be considered the music industry's literal and figurative 'back stage' (Goffman 1990).

Reflecting on how this might impact this research, my experience conferred some advantages. As discussed, I used my networks to begin recruiting live music actors from what might otherwise have been a closed off industry. My professional history

[14] For some files, mark-up was placed directly onto digital files where these were not compatible with this software.

and general familiarity with the sector discussed created common ground with some subjects, and I suspect at times led to subjects sharing details with me that they otherwise might not have. For example, at one point I recalled the name of a venue a subject had forgotten from their description, and the tone of the conversation became warmer after this. This effect was amplified in interviews with someone I knew. Here the conversations were open, and subjects shared, amongst other things, past mistakes, self-conscious examples that showed their embarrassment or naivety, and expressed disgust at their own responses – repeating one subject's words back to them, they replied "I'm just balking at that phrase." This suggests these subjects were less guarded with me than they otherwise would have been.

My experience might also have introduced bias. There are important considerations to make regarding the use of my own network for recruitment. When speaking with those from my network, I was not able to hide my familiarity with their venues and workplaces, meaning it is possible they skipped over detail based on an assumed (but possibly faulty) shared understanding. One participant from my network, for example, made explicit reference to details about spaces they assumed we were both familiar with – "…remember at the venue, there's the balcony, the mezzanine..." This was addressed as much as possible in the interviews themselves. The use of interview schedules made sure that discussions covered similar themes between different participants. This meant, for example, those subjects I knew professionally were still asked to describe their role and career to date. Sometimes participants also checked whether I was familiar with an idea before describing it to me. In these cases, I would encourage participants to continue with their descriptions, sometimes suggesting I had heard of whatever they were raising but was not familiar with it. My familiarity with the industry could introduce further bias around the interpretation of data – it is inevitable that I would recall and reflect on my own experiences as others shared theirs. Moreover, while there is no expectation of qualitative samples to be statistically generalisable, a person's network is likely to be made up of people connected with one another – personally or in some way demographically. In this case, many worked in the same city, across venues promoting similar kinds of live music, and some had shared workplaces. Although this is mitigated somewhat because the vast majority of subjects interviewed were not drawn from these networks, these data interpretation challenges needed to be addressed in the data

analysis process. As a solo researcher with no opportunity to corroborate analysis between researchers, this was achieved through careful reflection as data analysis was conducted and the iterative nature of the data analysis previously described.

CHAPTER 4: PLANNING REGULATION AND LIVE MUSIC VENUES

> *We called it the funeral tour…we'd turn up at a venue and they'd go, you're going to be the last band that ever plays this venue, it's closing down next week. You're the last gig.* – musician

Many of those running live music venues will never meaningfully engage with planning regulation. Essentially a means of making and managing decisions about land use (Cullingworth & Nadin 2002), planning regulation is discharged by local authorities, who take and enforce these decisions, granting or rejecting planning permission for development proposals lodged in their area. While most venues can expect to operate untroubled by this area of regulatory life, for the few that do find themselves involved, outcomes can make or break their operations. Indeed, some musicians, venue operators, and trade bodies have raised concerns publicly that live music venues are closing at an alarming rate – closures they connect, at least in part, to planning decisions (Music Venue Trust 2018; NME 2018).

Responding to this, this chapter examines live music's engagement with planning regulation, investigating cases in which planning applications for new live music venues are made and where existing venues are drawn into planning disputes (either because new residential development has been proposed nearby which venues expect to bring noise complaints and threaten their ongoing operation, or because their site has itself been earmarked for redevelopment). This reveals differences as well as significant parallels. While it is developers who are ostensibly regulated by the planning system, many other actors – including neighbours and local residents, venue attendees from outside the local area, other businesses, and public bodies – engage with proposals here. Deliberations often circle around issues like noise and proxies for this, but often what is at stake in this regulation are claims to space – how this can be used and by who – from these varied actors, which planning officers and committees rule on. Drawing on the work of Bourdieu, this chapter explores how making successful claims of these kinds depends in no small part on participants' economic, cultural, and social capital. As regulators attempt to balance the competing priorities at play, this chapter will show how this regulation can have a profound shaping effect on the live music landscape.

4.1. Planning

Planning regulation[15] is, at a basic level, a system intended to “ensure that the right development happens in the right place at the right time" (Department for Communities and Local Government 2015 p. 4). In an attempt to balance “housing needs and other economic, social and environmental priorities” (Ministry of Housing, Communities and Local Government 2019b p. 8), planning regulation acts as “a means for reconciling conflicting interests” (Cullingworth & Nadin 2002 p. 1).

The Town and Country Planning Act 1947 passed responsibility for “most planning matters” from national to local government, and today, this is almost exclusively discharged by district, borough, or unitary councils (Davies 1998; Department for Communities and Local Government 2015 p. 5). Here, planning regulation is performed by planning officers sitting within a planning department (or something similarly named), alongside planning committees made up of councillors (Department for Communities and Local Government 2015). Undertaking planning regulation, these local planning authorities maintain three streams of work, mandated first through this Act, and now the Town and Country Planning Act 1990 (Davies 1998). These are the development of the local plan, deciding planning applications, and enforcement.

4.1.1. The local plan

Local plans are produced by a local planning authority to “set out a vision and framework for the future development of the area” (Department for Communities and Local Government 2015 p. 10). In these, local planning authorities outline broad goals and priorities for their area, as well as detailing specific policies in support of these. The day-to-day decisions on planning applications which local authorities take must be done so in accordance with the local plan, as is most recently outlined in the Localism Act 2011 (Department for Communities and Local Government 2015). While development of the local plan is the responsibility of the local planning

[15] Planning is devolved (Winter 2016), and as such what is described here is only that which applies to England, where the cases described in this chapter are drawn from.

authority, the plan must align with principles set out at a national level in the National Planning Policy Framework. Produced by the Ministry of Housing, Communities and Local Government, this “provides a balanced set of national planning policies for England covering the economic, social and environmental aspects of development” (Department for Communities and Local Government 2015 p. 7). In London, there is also a regional plan covering the city that local planning authorities at the borough level must consider when developing their local plans (Mayor of London 2015).

There may also be other smaller scale planning frameworks which apply to an area, some of which are produced by a local planning authority and will be considered in their decision-making. These are introduced on an ad hoc basis, and may include neighbourhood plans produced by a parish council or supplementary planning documents drafted by the local planning authority which direct activity relating to a specific kind of land use (Mayor of London 2015) such as the night-time economy (e.g., Norwich City Council 2022).

4.1.2. Deciding planning applications

While some development activity does not require planning permission,[16] most development does, and this is granted by local planning authorities. Deciding planning applications makes up the majority of a planning authority’s activity. Planning officers – the authority employees who "assist with the operation of the planning system" (Department for Communities and Local Government 2015 p. 6) – consider applications submitted by developers, either accepting or rejecting the application themselves or referring the application with a recommendation to a planning committee made up of local councillors. The majority (around 90%) of applications are decided by planning officers, and it is the “larger and more controversial developments” that will be passed to planning committees for a decision (Department for Communities and Local Government 2015 p. 6). Planning authorities will conduct a consultation on any application, inviting the public and other ‘interested parties’ to comment on the proposal and lodge objections if they feel it

[16] Some minor development is covered by what is known as ‘permitted development rights’, generally not applicable to the kind of cases described in this chapter (Department for Communities and Local Government 2015).

necessary. The information gathered here will be considered by planning officers and committees alongside the application materials (Department for Communities and Local Government 2015).

There are some exceptions to local authority approval, including in London where the Mayor has decision-making powers for "planning applications of potential strategic importance" (Department for Communities and Local Government 2015 p. 5). Applicants are also able to contest decisions taken by a local authority, by lodging an appeal with the Secretary of State for Communities and Local Government. In these cases, an "independent inspector" will be appointed from the Planning Inspectorate – the executive agency "responsible for deciding most planning and enforcement appeals" (Department for Communities and Local Government 2015 p. 7). Decisions reviewed by the Planning Inspectorate are made in line with the same policy constraints as those of local planning authorities (e.g., the local plan), but the inspector "may come to a different view" to these bodies (Department for Communities and Local Government 2015 p. 16). Applications can also be 'called in' for review whilst a local planning authority is deliberating, either by the Planning Inspectorate or by the Secretary of State themselves (Department for Communities and Local Government 2015 p. 7).

4.1.3. Enforcement

Through the Town and Country Planning Act 1990, modified by the Localism Act 2011, local planning authorities are given enforcement powers to address unauthorised development (Department for Communities and Local Government 2015). Enforcement powers include instructing developers to seek retroactive planning permission and issuing enforcement notices that mandate how developers should redress unauthorised development; recipients may be prosecuted if these conditions are not met (Ministry of Housing, Communities and Local Government 2019a). The National Planning Policy Framework encourages local authorities to publish their own enforcement plan, as use of these powers "is discretionary" (Ministry of Housing, Communities and Local Government 2019b p. 16).

4.2. Planning and live music

Much of the day-to-day work of a local planning authority is concerned with planning applications, and it is here that a live music venue is most likely to engage with planning regulation. Planning officials and others described two scenarios in which they had seen live music venues involved in this:

- A venue could be subject to planning regulation **as an applicant for planning permission**, when proposals for the venue are first put forward.
- Venues might also find themselves involved as **an 'interested party'** – that is, if a proposal for a development by another party would affect the venue in some way.

Table 6: Cases encountered in this chapter, various live music venues which engaged with the planning system in England since ~2010

Venue	Details	Outcome
As interested parties		
The Club	Large nightclub in a city centre location. Contested an application for nearby residential development. Venue expected this to bring noise complaints, threatening their operation.	Application for residential development approved, with conditions attached for built-in noise mitigation measures and for residents to sign agreement precluding them from lodging noise complaints against the venue. Venue remains open.
The Venue	Small, independent music venue in a city centre location. Contested an application for nearby residential development. Venue expected this to bring noise complaints, threatening their operation.	Application for residential development approved, with condition attached for built-in noise mitigation measures. Venue remains open.
The Exchange	Small, independent music venue in a city centre location. Contested an application for nearby conversion of office use to residential. Venue expected this to bring noise complaints, threatening their operation.	Application for residential conversion approved. Venue remains open.
The Centre	Small, independent music venue on outskirts of a town. Venue operated privately but site owned by local authority.	Application for development accepted. Venue was demolished.

	Contested an application for development on the site which would have seen venue demolished.	
The Theatre	Large music venue (part of a larger venue operating group) in a city centre location. Contested an application for infrastructure development on the site which would have seen venue demolished.	Application for development accepted. Venue was demolished.
The Pub	Small, independent music venue in a city centre location. Contested application for neighbouring residential development. Venue expected this to bring noise complaints, threatening their operation.	Application for residential development approved, with condition attached for residents to sign agreement precluding them from lodging noise complaints against the venue. Venue remains open.
The Inn	Medium, independent performance venue in a city centre location. Venue came under new ownership. Patrons and promoters became concerned venue would be converted to an alternate use and applied to planning authority to preserve its current use.	Land use designation of 'sui generis' ("in a class of its own" (Planning Portal 2022)) granted to venue, protecting site from conversion to alternate use without planning permission. Venue remains open.
The Hall	Small, independent theatre hosting live music in a town centre location. Contested an application for neighbouring conversion of commercial use to residential. Venue expected this to bring noise complaints, threatening their operation.	Application for development rejected. Planning Inspectorate appeal upheld this decision. Venue remains open.
As applicants		
The Arena	Large arena proposed in a city centre location. Application lodged by company already operating live music venues elsewhere. Application opposed by local residents, amongst others; objections included concerns over noise, traffic, and pollution the venue could generate.	Application under consideration.
The Arches	Medium venue (part of a larger venue operating group) operating in a city centre	Application approved. Venue remains open.

	location on temporary planning permission. Application from operator lodged for permanent permission.	
The Factory	Application lodged for factory conversion to create a large live music venue in a formerly industrial (but newly residential) area of a city. Application lodged by company already operating live music venues elsewhere.	Application approved. Venue remains open.
The Terrace	Application lodged for medium venue (part of a larger operating group) hosting live music in a city centre location.	Application approved. Noise complaints since lodged from nearby residents.
The Bowl	Large arena proposed in a city centre location, funded in part by the local authority. Application opposed by local residents; objections included concerns over parking.	Application approved. Venue proposal shelved due to financial constraints.

From those interviewed, however, it is also clear that these situations are rare. A trade body representative and another planning consultant reflected on how uncommon it was to see new or purpose-built venue projects open here, and this was echoed in the experiences of planning officers who had limited professional experience with new venue projects. Much more common were venues opening in converted spaces, such as old theatres or industrial premises, and this may only require planning permission if the conversion involved a change of use. Similarly, very few venue operators and others working in these premises shared experiences of engaging as an interested party with someone else's planning application. Indeed, it was rare for subjects to mention this field of regulation at all.

Many venues will never meaningfully engage with planning regulation. This area of regulation may not be a day-to-day concern, but it is of interest because, when it is encountered, the effects can be substantial. As has been outlined, planning decisions are decisions about land use, and this means when venues – newly proposed or already in place – engage with this regulation, the decisions made can concern their very existence. Indeed, some musicians, venue operators, and trade bodies have connected a recent spate of closures of live music venues, at least in

part, to planning decisions (Music Venue Trust 2018; NME 2018). It is not unreasonable to suspect that this regulatory field might have a significant shaping effect on the landscape of live music venues.

This chapter begins by exploring cases in which venues engage with the planning system as interested parties. As described, these are cases in which an existing live music venue is drawn into the planning system after a development proposal is lodged by another party which may affect the venue's ongoing operation.

4.3. Part one: Venues as interested parties

When local authorities receive a planning proposal, planning officers and committees assess the conflicting priorities the application brings into play. As part of this, they consider representation from 'interested parties' – members of the public, businesses or other organisations who feel they will be affected by the application, positively or negatively. This is one way in which venues may become engaged with the planning system.

Many of the venues encountered here who had acted as interested parties had become engaged in an application for similar reasons – a new residential development had been proposed nearby, and the venue suspected that these new neighbours would bring noise complaints, meaning the venue would be forced to spend on soundproofing or alter their opening hours in ways that were unprofitable, potentially affecting their ongoing operation. The Pub, a small, independent music venue in a city centre location saw an application lodged for flats alongside the premises, which the owners felt could threaten its ongoing operation through noise complaints [trade body representative]. The Club, a large, city centre nightclub, similarly faced proposals for flats close to the venue, raising the prospect of noise complaints from new neighbours [planning consultant]. The Hall, a small, independent theatre hosting live music and a range of arts performances in a town centre location, lodged objections to plans to redevelop the commercial premises next door into flats, suspecting that residential development so close-by would result in noise complaints from the new neighbours [lawyer].

While many, including venue representatives, local authorities and trade bodies alike, echoed that noise was the key issue in these deliberations, it is important to ask what the term noise means. Although often defined as “unwanted sound” (Berglund et al. 1999 p. vii; Paoletti 2010), noise is a highly subjective concept, and its meaning here, to the many actors involved, should be interrogated. Though sonic properties of sound can be quantified and measured (e.g., through the decibel system (Centre for Disease Control and Prevention 2019)), and can provoke very real “physiological, and autonomic reactions” in people (Goodman 2012 p. xviii)[17], what makes a sound ‘unwanted’ is more elusive. While some have suggested noise is ‘unwanted’ due to sonic features – e.g., “lack of any exact or discrete pitch” as some musicologists have raised (outlined in Bailey 1996 p. 50)[18] – others have noted the situational and social dimensions of an unwanted sound. Bailey discusses how we might consider noise "sound out of place" (1996 p. 50), drawing a parallel with Douglas’ observation of dirt as “matter out of place” (2002 p. 50). As Bailey tells us, noise is "in social terms…perhaps best summarised as disorderly" (1996 p. 50).

How then is noise conceptualised and presented in these planning cases, and in discussion of venues more generally? First, as we might expect, some conceptualised noise as unwanted sounds from music. Speaking with members of the public, some described disturbances from venues in these terms. Describing the distorted sounds that reached their home from a neighbouring venue, a residents’ association chairperson told me “what you hear is just a noise and you don't hear it as music, you hear it as noise that annoys you”. Another resident described disturbance caused by a nearby festival as a “doof, doof, doof” that shook their window – an allusion to bass frequencies. When discussing noise, those working in venues and events also linked this to the music they hosted. One sound engineer had worked in a small pub hosting open mic nights, which had “a decibel-o-meter on the wall” to monitor sound levels from the PA specifically – “you couldn't go into the

[17] Still, even these may vary person to person; sound is experienced, and this “sonic experience” will be different in “dimensions of mood, ambiance, or atmosphere” for different listeners (Goodman 2012 pp. xviii, 195).
[18] Perhaps best captured by Kevin Shields’ discussion of performances with their band, My Bloody Valentine – an Irish shoegaze group formed in the late 1980s, with a signature sound of prolonged periods of distorted guitars played at high volume: “That whole volume extreme thing...we wanted people to experience that...but then, of course, one third of the audience has left by that point, really angrily” (BBC Four 2014).

red” – while a production manager described how a large outdoor festival “had restrictions put on their licence…[that] they couldn't make any noise before 3.30pm”, meaning “soundchecks had to be done without making noise…all through headphones”. One promoter explained noise was rarely raised as a concern by the venues hosting their acoustic events because they were not bringing “300 amps… [wanting] to burst people's eardrums”. Some described measures venues put in place to minimise this music-as-noise, with one venue manager keeping the back doors closed while bands load out because “there's loud music playing” [sound engineer]. One musician described a sound engineer who “faded off all the bass” for their reggae band’s performance, they suspected “because of residentials”. One venue manager “put a note on the bass to have it at a certain volume” after music was found to escape into a nearby flat. Predictably, this understanding of noise was often expressed in the planning system. Planning officers told me that they considered the noise live music spaces might generate from their performances, with one raising a hypothetical example of unreasonable noise levels – a “tub-tub-tub thumping” club audible from 400m away in a residential area, a clear reference to bass frequencies. In a Planning Inspectorate hearing debating a rejected planning application for flats alongside the Hall – a small theatre in a town centre location – noise levels when at their loudest were described by lawyers as being ‘Abba levels’, after the venue had hosted a live tribute band. While the choice of artist used as an example may reflect the Hall’s programming rather than any sonic feature of the group, this description was contrasted against the ‘cinema levels’ of noise emanating from the Hall’s other activities, in order to highlight live music’s distinct noise imposition.

Noise was also understood as unwanted sound associated with the operation of a venue, rather than just the music it played. Discussing living alongside existing premises, a member of the public spoke about the noise of emptying bins, “like someone smashing our windows” at “4am every day”. Regulators recognised this conception of noise also. The head of one local authority planning department told me they felt comfortable granting planning permission for The Factory – an industrial building converted to a large live music venue in a formerly industrial (but newly residential) area of a city – as the site had “very good vehicular access” meaning that “if people are coming and going” any noise would be minimal. This conception was

also present in discussions of The Club – when this nightclub faced planning proposals to build flats nearby their site, it was reported that the venue team were concerned this could bring noise complaints from new neighbours, affecting their operation. One planning officer suggested “the noise from its queue” would be of concern.

> *“Crowds outside…so it's not just the noise from the venue itself. It's always the people outside…there's a smoking area outside so there's a lot of noise from the smoking area.”* [lawyer]

While these understandings of noise – as music, and from a venue's operation – related to the venue itself, other understandings of noise concerned what happens in a venue’s locale. Indeed, some associated noise with disorder, raising sonic disturbance alongside examples like the drunken behaviour, urination, and vomiting that could stem from venues in their local areas [planning officer; residents’ association member]. Others, in line with Bailey (1996), presented examples of noise as disorder – swearing and shouting in the streets for example [residents’ association member]. This included a planning officer who described how “a lot of people…shouting and making a lot of noise” in a residential area was an issue with a particular local venue. Discussing complaints of “noise in the streets” venues might receive, a trade body representative also reflected how these often came with calls to “control your customers” – i.e., manage disorder. These understandings, of noise as, and associated with disorder appeared in the planning system. For example, a lawyer connected noise complaints to disorder directly – that members of the public “will complain about noise, they will complain about anti-social behaviour, they'll complain about anything.”

Further to this, some seemed to associate noise with a more general deterioration or harm to an area. Noise was discussed by some as an environmental impact, including by one member of the public who suggested a venue alongside residential property would create “noise pollution.” In an abstract discussion of venues facing new residential development nearby, one planning lawyer similarly described these venues as “[pollutants]”. Noise was described as directly impacting “living conditions” [planning team manager] or was coupled together with other quality of life issues.

For example, a resident living alongside a large, live music venue at the top of a busy high street noted their noise complaints with the venue, but these quickly segued into objections about overflows of guests and “problems with parking.”

It could be said that what these residents, venue operators, and planning officials were discussing when they talked about these various conceptions of noise is in fact space. For example, a representative from the Centre – a small, independent venue on the outskirts of a town – told me that the noise from the music they hosted never reached “the houses across the way”; put another way, their music never escaped to anywhere it did not belong. Where noise was associated with or understood as disorder, discussion moved beyond noise encroaching on others’ space (like venues “[*leaking*] an awful lot of noise to neighbours who live next door” [head of a planning department]) and turned to what spaces could be used for and by whom. Where associations were made between noise and disorder, it is not only that vomiting, urination, and drinking were out of order – so were the people who did those things. One trade body representative described this explicitly, reporting a venue who received regular noise complaints due to smokers outside – “they go to a courtyard space that's just round the way, but then the residents around that say, you've got no right to be here”. This echoes strains of urban policy on public space more broadly, which some have noted acts to exclude “certain groups on the utilitarian grounds that doing so enables the majority to use those spaces” (Atkinson 2003 p. 1830; Bodnar 2015); at the same time, Brown notes how the "mere presence of young people in public spaces” in the 1990s became “[equated to] an actual…instance of anti-social behaviour” (2013 p. 540).

These discussions of what spaces could be used for and by whom at times captured concerns about whether this altered the nature of an area, or what may be more commonly thought of as ‘place’. Place is "a particular location that has acquired a set of meanings and attachments" (Cresswell 2009 p. 169). Place can be described as "specific" in contrast to the 'generality' of space (Agnew 2011 p. 318) – where space is distance, proximity, and the area around and between things, place captures "tangible aspects" like "buildings, streets, [and] parks" as well as more "nebulous" shared or individual meaning (Cresswell 2009 p. 169). Consider those examples in which noise was positioned as or alongside harms to an area. The member of the

public who raised concerns about the noise ‘pollution’ that a venue in a residential neighbourhood could generate also raised concerns about the people such a venue would attract – “a different kind of pollution”. Not only did the noise not belong, neither did the people. Indeed, a promoter speculated as to why a local venue they frequented, set in a highly dense residential area, did not receive regular noise complaints. They theorised this was due to the connection many local residents had with the site – “I mean, 50 percent of all the people who go there live within five minutes’ walk of it” – suggesting that to these residents, the venue was an important feature of the ‘place’ where they lived.

While the terms space and place have not always been "clearly distinguished from one another analytically" (Agnew, p.318), what is most relevant here is that the planning disputes investigated here are less about any sonic disturbance, but more often centre around what space can be used for and by who, and that these questions could sometimes concern the very nature of an area. Others have noted similar equivalences made between noise and space or place in urban planning, as well as in other areas of regulatory life. Hae (2011) discusses the gentrification of New York neighbourhoods such as SoHo between the 1970s-90s. Mapping disputes between the artistic subcultures which installed themselves in vacant industrial space and the young professional class later attracted to these areas, Hae notes how these “struggles over urban space” centred on noise (2011 p. 3454). For example, some bars were required to “[pay] neighbours for double-pane windows” in order to pass licensing reviews, placing financial burden on live music venues run and supported by these subcultures (2011 p. 3460). Struening outlines how following the gentrification of Christopher Street in 1970s New York, residents’ associations pushed police and city officials to target “quality-of-life crimes” including noise infractions, as part of an “ongoing struggle over who belongs in the West Village” – the newly resident “homeowners and businesspeople” or the “LGBTQ youth of colour” who previously called the area home (2016 p. 45).

Indeed, attempts to quantify noise levels associated with these venues in planning disputes were found to be rare, further supporting this assessment. This was only discussed by subjects in relation to one planning dispute – a lawyer described how

an applicant measured and presented, in decibels, noise levels from the venue next door in the building that they hoped to convert to flats.

Often, the development proposals instigating these disputes were approved. While planners described hypothetical situations in which they might reject an application against a venue readily ("not a snowball's chance" as one planning team manager put it), only one applicant was rejected in all the cases encountered here. At the same time, in all these cases, planners attached conditions to these approvals to balance the "competing priorities" of a venue and developer [planning officer]. Adding conditions to any approval, one planning consultant explained, was a way "to control the development" and it appeared that planning officers and committees would use these to package in fixes to protect venues. The case of the Club provides such an example. When the Club faced a planning application for flats alongside their site, the operators were concerned that the development would bring noise complaints and lead to their closure [lawyer]. Development went ahead but the Club remains open after an agreement was reached with developers to attach various conditions to the planning approval. As one planning consultant explained, this included requirements for developers to add sound-proofing measures to the flats, and an agreement that future residents would be legally prohibited from making noise complaints regarding the venue, protecting its ongoing operation. Other venues were protected through similar arrangements. The Venue, a small, independent, city centre music venue faced proposals for residential development alongside its site. A planning officer working on the application explained how they attached conditions to its approval – "more noise assessment" and "sufficient soundproofing" – in order to minimise noise disturbance to new residents, after The Venue raised concerns about the proposal. It remains open.

In some sense, planning officers and committees balancing approvals with conditions instead of rejecting residential developments outright aligns with a compliance style of regulatory enforcement (typical of a consensus approach to regulation, as described in Chapter 2). While the planning authorities ruling on cases such as these do have enforcement powers (e.g., to direct revisions to unauthorised development), approving and rejecting applications for development is central to their work. In some ways, we might consider a rejection – the most restrictive ruling a

planning officer or committee member can impose on an application – to be equivalent to the harsher sanctions wielded by other regulators. Examining the work of Britain's water pollution control officers, Hawkins reflects on their reluctance to prosecute offenders. While pollution law provides "the mandate and the context" (1984 p. 191) for their work, prosecution is only sought in limited circumstances. Hawkins, in part, attributes this reluctance to the highly ambivalent nature of these agents' work. While pollution officers may wish to sanction polluters in order to protect public safety, they are aware that frequent prosecutions could be seen as harmful to business and may damage their legitimacy as a regulator. This leads the officers to instead prioritise tactics in line with a compliance style of regulatory enforcement such as "persuasion, negotiation, and education" (Hutter 1989 p. 153). Indeed, prosecution was rare for these pollution officers (Hawkins 1984). The day-to-day work of planning authority officers and committee members is quite different from those officers working in pollution control, but the decision-making of the latter might inform us about that of the former. For pollution officers, frequent heavy sanctions could be considered to harm businesses, while consistent leniency could be seen as a dereliction of duty. The planning officer faces similar calculations – seeking to protect existing residents and other interested parties from any deleterious effects of new development, alongside awareness that rejection after rejection of planning applications could be seen as stifling progress. Where an application for residential development close by to a venue is considered by planning authorities, it is possible to resolve this tension – competing claims to space can be balanced by attaching conditions to the approval, protecting the venue.

While such conditions – requirements for soundproofing, for example – have often been protective for the live music venues described here, it was necessary for venue operators and supporters to challenge planning applications in order to have these conditions attached. This could be a long and arduous process, and planners themselves recognised just how confusing the planning system could be for these venues – "how can they be expected to be an expert in noise and lights and all the other stuff that kind of comes with it…it's kind of stacked against them…" Indeed, many of the smaller scale venues who faced such planning applications drew on the support of others in order to do so. The Pub, a small, independent music venue saw an application lodged for flats alongside their premises, which the owner believed

could bring noise complaints. A trade body assisted the owner through this dispute over many years. This included offering advice from their own team and paid planning consultants, as well as making introductions for the Pub with relevant local government actors who might support their case [trade body representative].

It may be the case that successful navigation of this regulatory field depends on parties' economic, cultural, and social capital. Bourdieu asks us to consider society as "an ensemble of relatively autonomous fields" (Chan 1996 p. 115) – social worlds, which are distinct from one another and come with their own inner mechanics which actors must navigate (Bourdieu & Wacquant 1992). Within a field, it is capital which "commands access to specific profits that are at stake" (Bourdieu & Wacquant 1992 p. 97). Capital comes in many forms – including cultural, economic, and social – and these, in interaction with the field and habitus of the actor, allow "individuals and groups…to maintain and enhance their positions" (Swartz 2012 p. 73).

Whiting (2021) suggests we might consider local live music circuits as such a field. Examining Melbourne's small live music venues, Whiting (2021) describes how small live music venues and those that run them might hold social and cultural capital within this field. Those booking acts for these spaces leverage cultural capital as they programme performers who will attract customers and be well-received by audiences. These venues, Whiting (2021) argues, also become sites where scenes or movements can establish themselves and develop, and this translates into social capital embodied in the venue. While these sites may be rich in capital in these ways, the planning regulatory system represents a separate field to which this capital does not translate. Indeed, it could be said that the Pub and other small venues like them enter the planning regulatory field with limited cultural capital. As the planning officer previously quoted explained, these venues face a "minefield" of "red tape" outside of what "they know how to do" – that they would not expect teams running small venues to be well-versed in the various elements of a planning application because they need to "focus on the core business." It is not only that venues enter the field with limited legal knowledge, but they are also unfamiliar with the context more generally. They are unaccustomed to the norms of the system; one planning lawyer gave the example of how a venue they had worked with interjected during a planning committee meeting in a way not usually permitted. Such venues and their

representatives are also unlikely to be used to the style of speech or arguments that planners are most receptive to. As the same planning officer explained:

> *…when it's a smaller one-man band, they maybe haven't got all the expertise…they can't basically tell the story the way that it needs to be told to get everybody on board.*

This mirrors what Bourdieu describes as embodied cultural capital, incorporated through "a labor of inculcation and assimilation, [which] costs time, time which must be invested personally by the investor" (1986 p. 18). In the case of the Pub, the trade body – who had seen "so many" of these cases – stepped in to fill this cultural capital gap. This trade body also lent social capital to the Pub in these proceedings. Bourdieu describes social capital as:

> *...the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition—or in other words, to membership in a group.* (1986 p. 21)

Speaking with a representative of the trade body, it is clear they sit at the heart of such a network. They described their organisation as representing a "well-established…community" within this industry. They felt this membership lent the organisation "collective power" and meant that their organisation had been recognised as "a body that should be consulted on things", giving them access to relevant policymakers locally and nationally. When this trade body were "on the phone" [trade body representative] connecting the Pub with local government figures, they were drawing on this social capital.

The case of the Club further emphasises the decisive role these forms of capital can play here. The Club remained in operation after proposals for nearby flats were lodged with their local planning authority, and many emphasised the pivotal role their social, economic, and cultural capital played in contesting these plans. The Club is recognised globally. At the time of this planning dispute, the operators were engaged in several parallel projects, including international live music events and a record

label. While this might not have afforded the Club's operators a greater fluency with the formal elements of the planning system, it did allow them to engage in an effective PR campaign alongside their engagement with this planning application. This campaign spread across social media, and gathered endorsements from musicians, as well as a public petition with hundreds of thousands of signatories. The volume of responses was central in boosting the Club's narrative, and the "political pressure" this placed on decision makers contributed to the resolution of the case in their favour – if "hundreds of thousands of people are saying, do not do this, you're not going to do it" [lawyer].

As noted, venues are sometimes able to minimise the cultural and social capital shortfalls they face in this regulatory system with the support of partners like trade bodies. But these capital gaps can also be closed through paid consultants and legal teams. A planning officer reflected how small venues often "can't afford to pay for…the consultants" while a planning lawyer explained that "when you're worrying about can I pay my employees next month, you're not going to spend twenty thousand pounds on legal fees." The Club did not face this issue – a lawyer connected the venue's economic capital with their success in these planning proceedings, including the "resources" they had to pay such fees.

It appears that venues who are drawn into the planning system opposing a new residential development nearby have generally remained open. This has happened after planners have attached 'fixes' such as planning conditions protecting the venues – e.g., for developers to install additional soundproofing – to their approvals of the residential projects. Still, these disputes represent a significant undertaking for a venue as they challenge planning applications in order to have these conditions attached, and venue operators' cultural, economic and social capital all play a role in their successful navigation of this planning system.

The centrality of different forms of capital here is perhaps most visible in other kinds of cases – those in which venues find themselves embroiled in the planning system because they are not next to, but in the way of redevelopment projects. In these cases, venues have not always fared as well as those previously discussed. The Theatre, a large city centre live music venue, found itself facing plans for an

infrastructure project covering its site. The venue was demolished, despite public outcry:

> *"It was like an end of an era, that's how it felt…I was devastated that they were going to knock it down as well, but it wasn't even like it was being refurbished, turning it into something else…this sounds ridiculous, but it stood for something a little bit I think…"* [member of the public]

A similar case is that of The Centre, a small music venue on the outskirts of a town. The venue was owned and previously managed by the local authority but was taken over by a group of local residents – many long-time attendees – after the local authority decided it would no longer manage the site. The site was sold, and these local residents leased the premises from the developers the local authority had sold to. The Centre was eventually demolished after planning proposals were approved for housing including "luxury flats" on the site [musician], although these plans fell through, and the site is currently derelict.

While The Centre stood on land earmarked for development, it should be noted that mechanisms exist in planning law which could have secured The Centre's survival – namely, a Section 106 agreement. These are a legal mechanism introduced by the Town and Country Planning Act 1990 and can be attached to any planning permission granted. They are intended to "make acceptable developments which would otherwise be unacceptable" (Office of the Deputy Prime Minister 2005) – for example, by securing "contributions from developers…to mitigate the impact of the development" (London Assembly Planning and Spatial Development Committee 2008 p. 9). In this case, such a mechanism could have been used to mitigate against the loss of the community space that The Centre represented by finding the venue a new site. Indeed, in their objection to the plans lodged with the local authority, The Centre team suggested they could support the application if such a Section 106 agreement was in place.

However, at key stages of the decision-making in this case, such an agreement was resisted. The application was first heard by the local authority planning committee, who rejected the proposals as these provided only a small proportion of affordable

housing, and noted the loss of the ‘asset’ of The Centre. However, the planning officer’s report prepared for the committee recommended that no Section 106 agreement should be enacted because of the cost that providing replacement premises for The Centre would represent to the developers. Instead, they noted how the developers and council were both already voluntarily seeking new premises for the venue. Echoing this, when the plans were appealed, the Planning Inspectorate suggested that there was little risk of The Centre being lost without such an agreement, because the developers were voluntarily pursuing a new site for The Centre. The Planning Inspectorate eventually approved the proposal to develop the site.

It is not altogether unsurprising that the voluntary assurances made by the developers to find new premises for The Centre never materialised – many have noted how businesses generally (or at times, are legally obliged to) act to protect their financial interests and that “the notion of the 'soulful corporation'” who might go above and beyond what is legally obliged of them may be a fiction (Pearce & Tombs 1990 p. 425; Tombs & Whyte 2015). Why though did the planning authority resist the enactment of a Section 106 agreement? The cultural capital of The Centre team and its clientele may have shaped these proceedings.

While they described The Centre as an ‘asset’, the local authority planning team noted in their initial report that no Section 106 agreement was sought because the cost of relocating The Centre might jeopardise developer plans, but that it was also not considered ‘reasonable’ to reject these proposals because of the venue’s closure. This is an example of the “see-saw, weighing scales” exercise planning officers go through in their assessment of planning proposals. The economic benefits the redevelopment was set to bring to the town (including the provision of new housing) were placed alongside the costs of preserving The Centre. The latter were apparently considered prohibitive – as one former Centre attendee put it, there were “millions in the air” and the “spreadsheets won.” While positioned as an objective calculation by the planning officers and Inspectorate who ruled on the proposals,

judgements of The Centre's cultural value are subjective, not fixed.[19] It is widely recognised that such judgements are temporally, geographically, and contextually specific; as Storey puts it in their discussion of 'pop culture', "what is aesthetically 'good' and what is aesthetically 'bad' change and change again in context after context" (2018 p. 220), sharing many examples of art which have fallen in and out of favour – including Shakespeare and film noir. Importantly here, what is valued has often been shown to relate to who makes or consumes it. Many have noted the role of class, race, and sexuality in shaping what is considered culturally significant. It has been suggested that art, music, and texts may be considered 'pop' or mass culture not simply due to their wide appeal, but because of *who* they appeal to – that is, mass culture is defined *against* high culture, which is the preserve of upper classes (Storey 2018). Similarly, 'Disco Sucks', a movement of "antidisco backlash" in late 1970s America which "highly stigmatized" the genre, was targeted not at the music but those "identities linked to disco culture" – gay men and Black people (Brewster & Broughton 2006; Frank 2007 p. 278).

It is possible that the local authority and Planning Inspectorate's judgement of The Centre's value was similarly shaped by the cultural position of the venue's clientele. Those I spoke with about The Centre suggested that the venue was welcoming, particularly to those who felt rejected from or unsafe in other venues (including LGBTQ+ audiences). Subcultures including "the rockers, the punks, the emos, [and] the goths" were in regular attendance – indeed one member of staff told me the venue gained a reputation from others as "where all the weirdos go." The town The Centre occupied was also deprived, with the town centre falling amongst the 20% most deprived areas in England (Consumer Data Research Centre 2021). In contrast to the extensive cultural value the attendees and venue team placed in The Centre ("as small as it was…just so many bands played on that stage and played under that ceiling" [musician]), the local authority and Planning Inspectorate did not recognise this to the same degree.

[19] Indeed, judgements about the financial costs and benefits of such a development may be similarly subjective.

Indeed, there are indications that – due to their cultural position or otherwise – some representatives of the local authority generally held The Centre and its team in low regard. Those operating The Centre met with local authority figures several times while campaigning for the venue to remain open, but as a member of the venue's team reflected, these interactions were not wholly positive. They described an event they had attended:

> *We were put on the table with…the ones who had been giving us all this lip service all the time. And as we were walking towards the table…their words were, verbatim, 'oh fucking hell, The Centre lot are here'. And it was at that point I knew, you're not going to help us at all…*

This hints at the limited social capital The Centre's team possessed within the planning system. As noted previously, in the case of The Pub the venue's team was able to draw on the social capital held by a trade body to connect them to relevant local government actors who might support their venue. Conversely here for The Centre, their strained relationships along with other barriers meant that, as the same team member reflected, in the end "no one was there to help."

Plans to save The Centre were also directly hampered by their lack of economic capital. As the same team member explained, while the site was financially stable, it never made much money. As described, after proposals to redevelop The Centre's site were lodged, the local authority worked with the venue voluntarily to find it new premises. However, these sites "were silly places" which "wanted lots of money" that they "couldn't do":

> *We could have got the top of the building over there* [points]…*but we'd have to pay for renovations to the tune of £100,000. We haven't got that. I always felt as a landlord that's your responsibility, not ours anyway.*

While venues who are drawn into the planning system opposing new residential development alongside their premises have generally remained open, some venues who find themselves in the way of redevelopment projects have not. Those seeking to build new live music venues are now considered, with significant parallels

revealed – particularly the shaping role cultural, economic, and social capital play within these planning decisions.

4.4. Part two: Venues as applicants

Live music venues and the teams behind them can also engage with the planning system as applicants. Those wishing to build a new live music venue must submit a planning application to their planning authority, and this will be considered along with any representation from other interested parties. As has been noted, it is uncommon to see new or purpose-built venue projects open. The planning officers interviewed here had generally encountered only a handful of these applications during their careers, mostly for conversion of existing (often industrial) premises.

Indeed, a case like the Arena was rare. The Arena is a large-scale venue proposed in a city centre location, by a company (The Arena Group) already operating live music venues elsewhere. The plans suggest the venue would sit on a previously unused plot of land close to some residential premises. The project has seen a strong public response in opposition. The initial application for The Arena drew extensive responses from members of the public and public bodies (hundreds of responses according to one planning officer). Indeed, a community group – the 'No Arena' group – formed and has been campaigning in response to the proposals. Objections from the public and official bodies have raised issues including potential impacts on transport systems and the local environment, as well as concerns from local residents about the noise that the project might generate. In much the same way as in other cases already visited, noise has (for some) become entangled with broader concerns about disorder intruding on their space, with one campaigner opposing the project describing how they expected the noise, packaged with rubbish, traffic, and people from the site to "devastate" the local area.

Despite these objections, the project has seemed to some as impossible for the planning authority to reject. After the application was submitted and the public comments were received, the planning authority gave the applicants further opportunity to submit additional material, and public consultation was reopened. The changes made have been characterised as minor:

> *It didn't really change anything, and there was also some tweaking happening between consultations...But the tweaks and stuff that The Arena Group have offered…aren't substantive and don't make any real difference to the original proposal.* [campaigner]

The Arena proposals have now gone through multiple rounds of public consultation, which has left some campaigners "surprised" that the application remains live. As has been noted, a reluctance to reject an application of this kind may in part be explained through parallels with a compliance style of regulatory enforcement. As outlined previously in the chapter, planning officers might face similar calculations to those other kinds of enforcement officers encounter in their decisions surrounding sanctions – they may expect that rejecting planning applications frequently would be considered as stifling industry or development, in a similar way to other regulators who were found to be reluctant to pass heavy sanctions to industry (Hawkins 1984). However, planners reflecting on this project and others like it revealed an additional dimension to their decision-making. The Arena's proposed site sits at the heart of a rapidly regenerating area of a city. This regeneration has been consciously nurtured by local government over many years. A planning officer described this:

> *The area was generally seen as quite deprived in social, environmental and economic terms…before the investment, it's like mountains of fridges…a massive wasteland, essentially. So, the idea is that this big wasteland is adjacent to real places and how do you stitch those back together so that it's a place with a heart, a centre, different neighbourhoods for culture, for families…*

The planners I spoke with took on responsibility for this 'stitching'. As outlined earlier in the chapter, local authority planning teams and the planning officers who work within them are responsible, to a degree, for a strategic shaping of their local area. Through the local plan – a document outlining broad goals and priorities for their area – local authorities and planners "set out a vision and framework for the future development of [their] area" (Department for Communities and Local Government 2015 p. 10). Their assessment of planning proposals takes place against this backdrop, and planning officers emphasised this strategic or even transformative

element of their work. Reflecting on live music venue projects they had approved, one planning officer described how one had taken a site “from cricket bats and guns” to “very much the heart of a new or emerging or changing town centre.” Indeed, they suggested their role existed in order to see “a whole city emerging…a regeneration story”. Connecting this to how they considered the planning applications they assessed, they suggested that sometimes these “might not meet policy, but you might think it's OK because it's doing other things that are particularly important in this area”.

It seems that these planning officers consider the planning proposals they accept or reject as, to a certain extent, their tools to shape neighbourhoods. Some have suggested this dynamic has emerged due to structural forces – namely austerity. Cochrane and others suggest that in the face of budget constraints, local authorities have shifted from facilitating growth through direct investment to instead guiding and supporting private development (Swyngedouw et al. 2002; Cochrane 2020). Importantly here, others have suggested that live music venues are often central to these kind of private development projects. International (e.g., Hae 2011) and UK evidence chronicling city regeneration from the 1970s onwards demonstrates this. In the UK, researchers have documented instances of live music venues built as part of large-scale redevelopment projects intended to attract a particular young, affluent demographic of residents (Kolioulis 2018; Minton et al. 2018). Indeed, discussing the regeneration of former commercial office space in Clerkenwell, Hamnett and Whitelegg suggest live music spaces are used as a lynchpin to promote a “lifestyle allied to access to cultural and entertainment facilities” attractive to affluent residents (2007 p. 123).

That these private development projects are in some sense needed by local authorities may mean that regulatory capture theory could explain some of what is presented here. Originally developed by Bernstein (1955), regulatory capture theory suggests:

> *…that regulations are routinely and predictably 'captured' and manipulated to serve the interests of those who are supposed to be*

> *subject to them, or the bureaucrats and legislators who write or control them.* (Etzioni 2009 p. 319)

Capture can take many forms, such as corruption through receiving bribes (Makkai & Braithwaite 1992) or legislators lobbied into crafting favourable regulation (Etzioni 2009). Importantly here, Makkai and Braithwaite suggest that there are also "lesser forms of capture" including what they term as "situational capture" which may be driven by seemingly noble aims (1992 p. 75). Examining the regulation of nursing homes in Australia, they suggest situational pressures can dissuade inspectors from imposing sanctions – including reluctance to recommend closures in the face of "an acute shortage of beds in a locality" (1992 p. 75). It is possible that planning officers face a similar calculation; they might struggle to turn down development proposals if no further investment is coming to their area. While capture theory has been criticised by some, others have noted its utility in focusing attention on "macro, structural dimensions of power" (Tombs 2002 p. 123), and it may be that these dimensions – through austerity politics – are at work here.

While planning officers may be operating under these conditions, this is not to suggest any such application is a foregone conclusion (indeed, at the time of writing the Arena's application was still live). The planning officers interviewed here emphasised how they took their deliberations and the competing priorities they assessed seriously. For example, a planning officer described holding community consultation events, explaining that they held these, in part, to make sure they had heard from as many people as possible who might wish to speak on a scheme. As they noted, "if there was a gaping hole of people who said, 'No-one's come and talked to us about this', it'd just be silly for us not to go and talk to them." However, as the example of The Centre already suggested, capital imbalances can affect the weight attached to different voices in these proceedings. While the planning authority will ultimately decide to approve or reject plans for The Arena, there are many other actors that they have consulted during this process. Not only do local authorities conduct public consultations as previously outlined, but they will seek advice from internal stakeholders including other local authority departments ("a historic environment officer, an ecologist, a flooding officer, an affordable housing officer if it's a housing scheme…a legal team…contaminated land" [planning consultant]) and

public bodies like Historic England, Natural England, civic societies, and more [planning officer; planning consultant]. One planning officer reflected how, when it came to producing a report or recommendation on a project, comments from these parties might carry more weight than those of the public.

> *…depending on your expertise or knowledge or the status, if you like, of the person making the comment, that might weigh more significantly on the planning decision. So, if the municipal transport authority came and said we think that the transport impacts are acceptable, that weighs a bit more heavily than maybe somebody who lives down the road.*

While a municipal transport authority might be expected to have access to data and expertise which members of the public do not, it also seems this planning officer connected the body's *status* to the weight afforded to their evidence. Others involved in the planning process reflected this, as a planning lawyer suggested how in public meetings, public speech was differently categorised from local authority or expert witnesses. Witnesses cross examined were considered to share evidence, however, the public chosen to speak were said to be sharing opinion – "they're just members of the public, you know, they're not giving evidence in a way, they just say what they think."

As has been noted previously, this perception may be explained in part through consideration of capital. Taking a municipal transport authority as an example, these are often widely recognised public bodies, which many would consider an authority on transport networks in general. This means that acting as a representative for the body might confer what Bourdieu refers to as cultural capital in its "institutionalized state" (1986 p. 20). Bourdieu describes how a qualification from an academic institution can "[confer] institutional recognition on the cultural capital possessed by any given agent" (1986 p. 21) and a similar process may be taking place here. This institutionalized cultural capital "establishes the value...of the holder relative to [others]" (1986 p. 21) allowing the local authority to compare actors and – to a degree – rank their submissions. Further, a representative from a municipal transport authority may also enjoy social capital which other respondents, such as some members of the public, might not. It is possible that those working for a municipal

transport authority form part of a loosely affiliated network of public sector professionals. Bourdieu suggests such group membership might provide "members with the backing of…collectively owned [social capital]" and that this "entitles them to credit", in this case, a heightened respect given to their submissions. It is also possible that planning authority actors consider themselves part of this public sector professional class, which may further affect their consideration of any evidence presented, through a shared "solidarity" (1986 p. 22).

It is also apparent that The Arena Group developers greatly outmatch the economic capital of the members of the public who are lodging objections to the plans. The Arena Group have significant economic resources at their disposal, and it appears that these have enhanced the Group's ability to mobilise their voice. Their planning application materials, alongside the required documentation, included more than 100 reports produced by the applicant and their consultants. Outside of the formal application procedure, the applicants have held public consultation events in a nearby shopping district, held public events with leading industry figures, spoken with community groups ("offering, sort of, inducements and enhancements" [campaigner]), and received celebrity endorsement for the project. This contrasts with the modest economic resources of the newly formed No Arena community group. Observation work revealed details of this groups' campaigning activities, which included a tabletop stand manned by a handful of volunteers across various locations in the local area; printed consultation response letters handed out to members of the public, as well as printed petitions; and a banner reading "No Arena" held up at various public events. These activities reflect the limited economic capital at the group's disposal, as opposed to a lack of opposition to the project – hundreds of negative public objections have been formally lodged with the planning authority. This imbalance of economic capital was brought into stark relief when campaigners and developers were brought together for a planning committee meeting. The Arena Group brought a group of experts to give evidence, including consultants and the project's designer – as one campaigner put it, they sent "men in dark suits…and we were just women from the local community."

It is not only that economic capital allows developers to better present their position than the members of the public opposing their plans. As has been noted, planning

officers might use projects such as The Arena as vehicles for regeneration or to make what they consider to be socially beneficial changes in their areas, particularly when opportunities for public investment are limited. It is possible that developers – to a degree – devise and revise projects in response to local authority wants. For example, one planning officer explained how they saw developers' proposals shaped by local government planning strategy. They suggested this is how The Arena Group may have selected their proposed site:

> *This is [the Arena Group] essentially looking to build on the local government's strategy for the city to develop the night-time economy. I guess they've searched a number of sites across the city and that's how they landed on that one.*

Developers might also augment projects cognisant of local authority objectives. For example, The Arena Group have not only chosen a site for their venue which sits within what one planning officer described as a "strategic cultural area", but their application offers to provide a programme of activity supporting the city's live music scene alongside an additional smaller music venue which they suggest will support new artists. The Arena proposals are not the only example of such offerings. The Arches is a medium-sized venue established in a city centre location. Part of an international venue chain, the Arches was the first venue from this group to open in England and Wales. Alongside the performance space, as a planning officer concerned with the application explained, the venue is also home to a sports facility, free to use to the local public. The venue opened first with temporary planning permission from the local planning authority and has since applied for and been granted permanent retention of the space. The Arches have emphasised the cultural contribution this sports facility makes to the local area in their application for permanent planning permission and in their public relations materials, explicitly suggesting this serves to 'inspire' residents. Application materials also detail free to use community arts space. A planning officer assessing the venue's application for permanent planning permission suggested these additions are welcomed, describing these offerings from The Arches and their activity more generally as "what we're trying to promote."

A similar practice was seen in the licensing of festival sites. One production manager described how licensing authorities might offer out exclusive contracts for their parks to festival promoters over the summer months. The application process is competitive, and this production manager suggested promoters have "got to have something better to offer" – such as better plans for the build or management of the event – in order to win these contracts. Another production manager noted how this might also include additional events run for the local community:

> *…there's film screenings, there's kids' days, there's activities. You know, there's all these extras that the promoter does off their own back because it helps them gain the licence for the festival.*

The same production manager suggested that these community events might make up for the disruption a festival build and event causes ("it's going to be really noisy, it's going to be loads of people, we're going to make loads of rubbish"), and would make an application "look more favourable" to the local authorities looking to "implement nice events for their local community".

Some operators and developers, however, are better placed to pull this lever than others – it is the economic capital of larger companies that allows them to do this. It takes significant economic resources to build and run an ancillary music venue, as is promised in The Arena's application materials, and sports facilities, emerging artists programmes, galleries, and the other offerings encountered from applicants cost money too.

These examples could be considered corporate social responsibility, and others have reflected on how such activity might serve businesses, particularly in regulatory settings. Corporate social responsibility (CSR) has been defined as "actions that appear to further some social good, beyond the interests of the firm and that which is required by law" (McWilliams & Siegel 2001 p. 117). Many have noted how such activity might interact with or be intended to affect regulatory activity, particularly where self-regulatory practices are taken up in an attempt to pre-empt the introduction or enforcement of stricter statutory regulation (Tombs & Whyte 2015), or by providing favourable public relations for businesses minimising public or

policymaker demands for regulatory action (Walker & Wan 2012). While the project add-ons offered with The Arena proposals might bring some benefit to the local area and might appeal to planning officials on these terms, it is necessary to reflect that, as Tombs and Whyte have noted, the activity businesses engage in through CSR is in the name of "the long-term viability and profitability of the corporation" (2015 p. 110). For example, heavily polluting companies can engage in CSR activity centred around the environment in an attempt to launder their reputations – otherwise known as greenwashing (Walker & Wan 2012). The Arena proposals, as has been detailed, are publicly contentious with hundreds of objections lodged, many from members of the public. Might these additional offerings be intended to dampen or distract from this?

Importantly, this CSR activity may have a shaping effect on the live music landscape, possibly facilitating a shift towards small scale spaces and programmes of support for up-and-coming musicians becoming subsumed in much larger operations. Indeed, a venue manager recognised shifts in the country's venue circuit:

> *…there used to be a time in the 70s and 80s when there was a huge student circuit…when I first started, there must have been 40 different student unions who ran a gig, and there's only three left.*

This manager described other changes to the touring circuit – that now, many mid-sized venues are owned by a single company after different promotions companies across the country merged. Others have noted similar patterns in ticketing, where a major primary ticket seller, Ticketmaster, has merged with Live Nation, a major global promoter (Behr & Cloonan 2020). As large-scale operators include add-ons like a small performance space in applications for large venues, this might represent a similar gentle shift towards amalgamation and vertical integration. This shift is being guided by the goals of large businesses, whose commitment to the up-and-coming artists that might perform in these spaces or take part in new artist programmes may be somewhat cynical. As one campaigner against The Arena plans reflected:

> *They advertise themselves supporting, encouraging new, young musicians – well an arena is not for new, young, up-and-coming musicians, and neither is their smaller one. I mean, I go to pubs to see new up-and-coming young musicians.*

Indeed, deeper into The Arena Group's application materials, it is noted that the programme for the small venue they have offered will include corporate bookings.

4.5. Conclusion

As this chapter has detailed, while many of those who own or operate live music venues will never engage with planning regulation, for those that do, the effects can be substantial. Whether drawn into the planning process due to residential development nearby, or because the venue itself is pencilled in for redevelopment, experiences within the planning system could be arduous. Speaking with venue teams, planning authority representatives, and many more involved, it appears that while noise was apparently central in many of these disputes, often what was at stake in this regulation are claims to space – how this can be used and by who. Making successful claims to space here depended in no small part on participants' economic, cultural, and social capital and while there were many examples of venues who successfully leveraged this – and were saved through 'fixes' attached to planning permissions – others did not fare so well.

Where venues engaged with the planning system as applicants, experiences were different but shared some important parallels with those venues protecting their ongoing operation. Here, the economic capital of developers shaped outcomes and the live music landscape to a notable degree, as alongside large-scale venue proposals they offered projects supporting local residents and musicians, including in one instance a smaller live music space. Planning officers looking to shape their regions, but with little to no internal investment on offer, appear to welcome these proposals.

While the net effect may be minimal, with The Arena Group's additional small live music venue filling the space left behind by somewhere like The Centre, we might

want to reflect on whether this facilitates a slow shift in the make-up – if not the overall volume – of live music operators across the country. Can The Arena Group's small space replace somewhere like The Centre? Perhaps not. In the meantime, The Centre faithful can always dream:

> *I just want to make a hit record so I can buy up that land and rebuild The Centre. I used to sit and dream about it, living upstairs, going downstairs, watching bands and going, they're quite good, and going back upstairs. Just yeah…a reward to myself.* [musician]

CHAPTER 5: SAFETY AND LIVE MUSIC

> *[UK] festivals and live music gigs…have rightly earned their reputation as well organised events where nothing is more important than the safety of music fans.* – UK Music CEO Michael Dugher (National Police Chiefs' Council 2019)

Significant sections of live music's regulatory world are focused on safety: the array of legislation applied to commercial live music events to "ensure…the health, safety and welfare" of those who attend and produce these (Health and Safety at Work etc. Act 1974, s 2(1)); the licensing of live music venue and outdoor event operations, promoting "public safety…at all times" (Home Office 2018b p. 1); the event security procedures maintaining "safety and security" put in place by organisers and licensed by the Security Industry Authority (UK Music 2017b). Indeed, the Manchester Arena Inquiry – established to investigate the circumstances surrounding the 2017 terrorist attack which targeted the venue – linked these elements, noting they all share "responsibilities for public safety at premises of this kind" (Saunders 2021 p. 162). Safety in live music settings and the regulation which purports to maintain this is therefore of great interest. This chapter examines this, exploring how safety is conceived of and sought after within the health and safety, licensing, and event security regimes applicable to live music in England and Wales. By examining these together, safety was found to mean different things in different contexts, to different actors.

Many of those working in the live music industry felt safety practices in their field had improved considerably over recent decades. Despite these improvements, this investigation showed understanding of and compliance with the health and safety regulation that applied here to be mixed. Through minimal proactive inspection of these sites – as reported by live music workers and regulators alike – smaller sites lost valuable opportunities for guidance from regulators on these responsibilities. At the same time, limited inspection saw event producers and teams for large-scale venues and events come to define working safely for themselves, with commercial interests often becoming a dominant concern. Particularly, as live events have become more lucrative in recent years, civil liability has become a central

consideration in safety practice. Measures intended to minimise or otherwise guard against this (e.g., achieving 'sign off' for work) became central to understandings of working safely, while other safety practice that might threaten revenues was overlooked. This included the allocation of necessary manpower and time for planned stage builds – a violation that might only ever be discovered through inspection or reporting. The limited inspection practices here were connected to the dominance of the consensus approach within health and safety regulatory enforcement in England and Wales – an approach in which high levels of proactive inspection are considered of limited utility (e.g., Hutter 1986) and businesses are broadly trusted to self-govern on health and safety practices (Tombs & Whyte 2010).

Beyond these understandings of 'safe' working practices, there were other ways in which those involved in the running of a live music event understood safety. Examining efforts to maintain safety through and in compliance with the licensing and event security regimes revealed a focus on crowd management and violence prevention. This focus was established partly through comparatively higher levels of proactive engagement from police in their role as a responsible authority in the licensing system, as well as from licensing authorities themselves. However, investigating further, it became clear that specific audiences – sometimes defined by class and race – became a focus for these 'safety' concerns. Some operating venues considered certain concerts to be at greater risk of violence than others, sometimes based on the genre (including those closely associated with Black artists and audiences) or audience profile explicitly. These operators described how these concerns had been informed, at least in part, by guidance shared by police and licensing officers through their proactive activity. While decisions on the security measures in place at events were ultimately left to venue and event managers (in much the same way as they self-governed regarding health and safety (Tombs & Whyte 2010)), these operators were acutely aware of the sanction on the table if incidents of violence did take place – amendments to, or even loss of their licence – and this further solidified the influence of the proactive work.

5.1. Health and safety and live music

The Health and Safety at Work etc. Act 1974 is “the primary piece of legislation covering occupational health and safety in Great Britain” (Health and Safety Executive n.d.-c), conferring duties to employers to safeguard the health and safety of their employees and any members of the public “that may be harmed by work activities or the workplace” (The Events Industry Forum 2014a). As legislation which applies to employers and the workplaces they operate, all commercial live music events in England and Wales will be covered by this act; only some volunteer run events may be exempt (Cabinet Office 2019). Section 2 of the Act expands on duties to employees in greater detail, including requirements to ensure workplaces operate “without risks to health” (s 2(2)(a)), and to provide health and safety training, as well as any facilities necessary for worker welfare; violation of these, and duties to the public outlined in section 3, is an offence under s 33(1)(a). Employees’ activities are also covered by this Act, who must raise hazards with their employers and work in a way which does not endanger themselves or others (The Events Industry Forum 2014b).

Since its introduction, the Act has been supplemented with statutory instruments, including The Management of Health and Safety at Work Regulations 1999. This passed additional duties to employers, including a requirement (Regulation 3) to conduct risk assessments to examine hazards posed to employees and the public. Regulation 11 established a requirement for employers to co-ordinate health and safety activity with other employers sharing their site, a duty of particular importance to live music settings as there may be multiple employers engaged in any given live music event, such as a venue operator, a promoter, and any number of contractors (The Events Industry Forum 2014a). Failure to adhere to these regulations is an offence under s 33(1)(c) of the 1974 Act. Further duties were conferred to employers through The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) and The Regulatory Reform (Fire Safety) Order 2005. RIDDOR passed requirements to employers to record and report “certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses)” suffered by workers and members of the public (Health and Safety Executive n.d.-e), while the Order requires that “any person who has some level of

control in premises must take reasonable steps to reduce the risk from fire and make sure people can safely escape if there is a fire" (Department for Communities and Local Government n.d. p. 2). This includes requirements to undertake a fire risk assessment, to introduce precautions where "reasonable and practicable", and to inform employees and the public of any risks and safety procedures in place in the premises (Department for Communities and Local Government 2006 p. 5).

Other regulation has been introduced which applies to specific practices at live music events, like stage building. The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) requires any "lifting operation involving lifting equipment" – such as stage building or the operation of a lighting rig – to be planned "by a competent person", supervised and conducted safely, that equipment used is suitable, maintained and inspected, and that these inspections are recorded and "reported to both the person responsible for the equipment and the relevant enforcing authority" (Health and Safety Executive n.d.-d). The Construction (Design and Management) Regulations 2015 (CDM) also apply to practices like stage building, and these pass duties to contractors, those who hire them, and any workers they employ who engage in construction work. Contractors are required to "plan, manage and monitor" any construction work in order to ensure this is completed "without risks to health and safety", while clients who hire them must "make suitable arrangements for managing a project" including providing any necessary resources and allocating suitable time to complete (Health and Safety Executive 2015b pp. 6-7). During and prior to the fieldwork period, EU driving regulations applied within Great Britain and throughout Europe putting limits on the hours drivers could operate the passenger-carrying tour buses (carrying nine or more passengers) and goods carrying trucks commonly used in larger tours, with limited exemptions (Gov.uk n.d.-b, n.d.-d). These mandated breaks (45 minutes for each 4.5 hour driving period), weekly and fortnightly driving hour limits (56 hours a week and 90 hours over a fortnight), and daily and weekly rest periods (11 hours a day and 45 hours a week, with some 'reduced' rest periods permitted at 9 hours a day and 24 hours a week) (Driver and Vehicle Standards Agency n.d.; Gov.uk n.d.-e). This was enforced by the Driver and Vehicle Standards Agency (Health and Safety Executive n.d.-h).

While the Act and the regulations outlined here apply to live music events in general terms – for example, as sites of employment – the Health and Safety Executive have also published guidance specific to these settings. *The Event Safety Guide*, first published in 1993 as *The Guide to Health, Safety and Welfare at Pop Concerts and Other Similar Events*, provides an overview of the legislation applicable at live music events and outlines the requirements for enacting this here (Health and Safety Executive 1999). The guide emphasises, however, that "each event will be different and will require a particular configuration of elements, management, services and provisions", suggesting it may be necessary to seek external advice (Health and Safety Executive 1999 p. 5). Some broader elements of health and safety regulation are also supplemented with further relevant standards guiding practice. For example, The Electricity at Work Regulations 1989 apply here, as well as various British Standards including BS 7909 outlining specifics relating to the installation and design of electrical supply systems for entertainment purposes such as lighting (Health and Safety Executive 1999).

Enforcement of this regulation in live music settings is generally handled by local authorities, with some relevant exceptions. Fire and Rescue Authorities are "the main enforcing authority" for the Regulatory Reform (Fire Safety) Order 2005 (Department for Communities and Local Government 2007b). The Health and Safety Executive are responsible for the enforcement of the CDM regulations, meaning any construction which takes place on an event site falls within their purview, whilst the operations of the event more generally remain with the local authority (Health and Safety Executive 2011; The Events Industry Forum 2014b). Enforcement powers of the Health and Safety Executive and local authority officers include written notices of breaches, powers to shut down any activity posing a risk, issuing cautions, and prosecution (Health and Safety Executive 2015a, n.d.-b). Further, outside of the health and safety regulatory regime outlined here, civil law remains applicable to these settings. This means employers might find themselves liable for incidents and accidents which also represent violations of health and safety legislation. Civil law would also extend to activities and actors which fall outside The Health and Safety at Work etc. Act 1974, such as volunteer event stewards or volunteer run events (The Events Industry Forum 2014b).

5.2. Event security

Live music events today have been found to operate a wide variety of security measures and technology, including security personnel (Hobbs et al. 2003; e.g., Hadfield 2008), CCTV systems (e.g., Rigakos 2008), and ID scanning technology (e.g., Miren 2014). While there is no specific legal requirement for these measures to be in place, they are often deployed as operators seek to fulfil their duties in other areas of regulation – for example, security personnel might be required for crowd management purposes, in order to meet objectives of the Licensing Act 2003 including prevention of crime and disorder. Indeed, live music venues and events may have conditions attached to their licence (more on this later) outlining the security measures their site must have in place.

Some of this security activity must be conducted under a licence, as established by the Private Security Industry Act 2001. Under this Act, private security workers must hold a licence if they supply any security services as a contractor and their role involves what the Act terms a ‘licensable activity’, such as the operation of a CCTV system (Security Industry Authority 2020a). Of particular relevance to live music events, door supervision – "guarding licensed premises against damage, theft, unauthorised access or disorderly behaviour" – requires a licence, whether the person undertaking this is a contract worker or employed in-house (Security Industry Authority 2020a). Those who manage personnel performing these services are also expected to hold ‘non-frontline’ licences under the same legislation (Security Industry Authority 2020a).

This licensing regime is managed by the Security Industry Authority, “an executive non-departmental public body, sponsored by the Home Office” (Security Industry Authority n.d.), established by the same Act. This body enforces the various criminal offences the Act introduced, including “engaging in licensable conduct” without a licence (s 3(1)) or employment of a security operative who does not hold the necessary licence (s 5(1)) (Security Industry Authority 2020b). They may conduct their enforcement activities with other partners including police and local authorities (Security Industry Authority, 2020d). Their enforcement powers include powers of entry to contractor premises, written warnings, suspension and withdrawal of

licences, confiscation of assets through the Proceeds of Crime Act 2002, and prosecution, either under the Private Security Industry Act 2001 or for “fraud, forgery and counterfeiting, or offences under the Identity Documents Act 2010” (Security industry Authority, 2020d).

5.3. Licensing and live music

Almost every live music venue in England and Wales will be subject to the licensing regime established by the Licensing Act 2003. Under the Act, licences are granted by local authorities for a range of activities including “the provision of regulated entertainment” like live music (Home Office 2018b p. 3). These licences are a requirement for any venue hosting amplified performances with only limited exceptions, such as small churches and schools (Home Office 2018b).[20] The Act also licenses the sale or supply of alcohol – something many live music venues engage in (Webster et al. 2018). As outlined in the Act, these licensing decisions are taken with reference to four objectives, one of which is to ensure public safety, and another of prevention of crime and disorder (Home Office 2018b). While conceptual categories of crime and disorder might not map precisely onto those of harm or danger (Hillyard & Tombs 2007; Reiner 2016), many do consider an objective for the prevention of crime and disorder to be, at least in part, concerned with safety (e.g., Saunders 2021). Alongside objectives to prevent public nuisance, and to protect children from harm, Home Office guidance suggests these objectives should represent “a paramount consideration at all times" for those granting and reviewing licences (2018b p. 1).

[20] Open air festivals are licensed through the same process as static venues; organisers can choose to apply for a single licence for their whole site, or a patchwork approach of many licences within this (Home Office 2018b). Similarly, sites can apply to host one-off or less frequent events through a temporary event notice, allowing licensable activity to take place in venues without a licence. There are restrictions on how many times a year these can be taken out for a given venue, by a given individual, as well as on the nature and size of the event they apply to (Home Office 2018b). Further, depending on the venue’s size and the timings of performances, a venue licensed to sell alcohol may be able to host live music without being separately licensed to host regulated entertainment, due to an amendment introduced through the Live Music Act 2012. Live music performance between the hours of 8am-11pm to audiences of 500 or fewer is now permitted in venues already licensed to serve alcohol (Home Office 2018b).

Explicit consideration of safety within performance and alcohol licensing is a relatively modern development. The Licensing Act 2003 amalgamated separate licensing structures into one act and brought performance licensing together with alcohol licensing (Foster & Charalambides 2016). From 1964, venues required a Public Entertainment Licence to host live music, except for small performances of no more than two musicians taking place in pubs, covered by an exemption known as the two-in-a-bar rule (Knowles 2017). Prior to the 2003 Act, the alcohol licensing regime in England and Wales had become "stricter" since the mid-19th century, with the period characterised by "more restrictive licensing laws, increasing use of age prohibitions and the progressive criminalization of drunkenness" (Yeomans 2011 pp. 45, 47). While introducing liberalisation (e.g., opportunities for 24-hour opening), the 2003 Act built on this strictness with the introduction of the objectives to ensure public safety and to prevent crime and disorder described previously (Yeomans 2011).

A venue's licence can also become a site where concerns of other regulatory regimes are pursued – including some relating to the health and safety and event security activities already discussed. Licences (and revisions to these) are granted by licensing teams within local authorities, or by licensing committees made up of elected council members when objections are lodged against an application; these committees also review and potentially revoke licences (Home Office, 2018). When granting or amending licences, certain bodies termed responsible authorities are consulted by the local authority; a full list of these is outlined in Table 7, and this includes police and health and safety enforcement officials. These actors are able to lodge objections to new applications or request the local authority undertake review proceedings to revoke or amend existing licences, for example, where these raise safety concerns (Home Office 2018b). Police have further powers to trigger review proceedings where "premises are associated with serious crime and/or disorder" which the local authority must act upon (Home Office 2018b p. 89). Many of these actors are also granted powers of entry and inspection under the Act, including fire inspectors, local authority health and safety inspectors, and police, as well as dedicated local authority licensing officers (Home Office 2018b).

Table 7: Responsible authorities

Field	Responsible authority	Actor specified
Policing	Police	Chief constable
Licensing	“Relevant licensing authority and any other licensing authority in whose area part of the premises is situated”	n/a
Fire safety	“Local fire and rescue authority”	n/a
Health and safety	“Relevant enforcing authority under the Health and Safety at Work etc Act 1974”	n/a
Environmental health	“Local authority with responsibility for environmental health”	n/a
Planning	“Local planning authority”	n/a
Child protection	“A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm”	"This may be the local authority social services department, the Local Safeguarding Children Board or another competent body"
Public health	Local authority	England: Director of Public Health Wales: Local Health Boards
Trading standards	“Local weights and measures authority”	n/a
Immigration	Home Office Immigration Enforcement	Secretary of State

Source: Home Office (2018b pp. 49-50).

Local authorities can also attach conditions to new or existing licences,[21] relating to the licensing objectives outlined in the Act. Conditions on a licence set “the parameters within which premises can lawfully operate” (Home Office 2018b p. 4). These can, for example, detail requirements for security staff at a venue, or direct a site to deploy measures like CCTV. Through these conditions, specific security or health and safety measures become a legal requirement for the venue’s continued operation, with breaches carrying fines and a maximum of six months’ imprisonment (Home Office 2018b). One such licensing condition attached to numerous live music

[21] These conditions can be proposed by responsible authorities but are ultimately approved or rejected by a local authority.

venues in recent years was the completion of Form 696.[22] Originally deployed by the Metropolitan Police (and since adopted by other forces in England and Wales (BBC News 2017a)), Form 696 was a risk assessment procedure said to be intended to "keep Londoners safe" by tackling violence at live music events (Metropolitan Police Authority 2009). Venues and promoters would use the form to supply police with details of planned live music events, allowing police to identify what they termed "problematic events", and subsequently "for the police to work in partnership with promoters and musicians to reduce the risk to all concerned" (Metropolitan Police Authority 2009). This could include encouraging venues to enhance security arrangements for specific events (Metropolitan Police Authority 2009), and shows were also cancelled by venues and promoters on advice from police (Talbot 2011).

As has been outlined, in principle safety is a focus of significant sections of live music's regulatory landscape. How safety is conceived of and sought after within these regimes is therefore of great interest, and the following explores this in practice. Health and safety regulation is examined first, followed by efforts to maintain safety in compliance with the licensing regime and through the event security measures deployed in support of this. This format responds to a distinction drawn by many of those regulated as well as regulators who generally considered these realms of activity separately.

5.4. Part one: Health and safety at live music events

The "old type of tour", as a production manager described it, saw crew "stay up all night doing class A drugs and drinking themselves into oblivion" before they started "building the shit that hangs above people's heads" – but not today. Throughout this fieldwork, many of those I spoke with told me live music events are now safer than ever before. Many live music workers described what they considered to be major improvements in safety practices since the late 20th century. One venue manager described how in the nineties "there was never a hard hat, there was never a Day-Glo jacket, there was never a harness" when lighting engineers worked on rigs

[22] While completion of the form was voluntary in some cases, in others, this was attached to licences as a condition (Metropolitan Police Authority 2009).

– now, “there's a rescue system in place” as well as “a whole load of written process” to be followed. Indeed, a lighting engineer, who worked with automated trusses that could be manipulated at a distance or manual trusses adjusted by hand in a harness, recounted the ‘training’ that those working in the 1980s had described to them – that this might involve “[necking] this pint of beer and [running] across this beam at the top of the venue.” A musician who returned to venues over the years as a touring artist noticed improvements in the spaces – like a “broken legs” make-shift cellar door replaced with “a big metal grate”. One promoter reported getting an electric shock from a keyboard as a musician earlier in their career, as well as how a stage for a show in the 1990s that they had built themselves collapsed during the performance – “Health and safety? No, no”. One production manager suggested this change had been so pronounced, it had even changed the nature of events like festivals – that festivals today are something your mum would go to.

Although a few noted how new qualifications had contributed to these improvements in practice (“a lot more people coming through the industry now have been to college…or been to stage school” [lighting engineer] and managers were realising “that professionalization and training is almost good PR and good for their business” [Health and Safety Executive officer]), many also connected these changes to a health and safety regime which had become stricter and placed more requirements on the industry. There are health and safety practices that are “now law” which never were before, venue managers explained – “it's just changed” one explained, because “the legislation changed.” But was it really this simple? Had live music gone from a lawless and precarious industry “built on sex, drugs, [and] rock and roll” [union representative] to structured and safe? Indeed, it seemed that while many praised improvements in practices seen across their working lives, accidents continued to happen. One production manager witnessed a stage builder fall off a stage roof during the set-up of a festival, breaking a bone, and others shared examples from their international networks and the media, including a rigger who had fallen from height on a stage, killing a stagehand. Indeed, one union representative explained that “out of all the sectors we deal with…the biggest [public liability insurance] claims always come in from live events.” Given this, what did it mean for a live event to be ‘safe’? As discussions progressed, and the practices of regulators and those regulated were expanded upon, some of this detail emerged. Particularly, as the

contours of the ‘safety’ achieved became apparent, so did the role of the health and safety regulatory regime in shaping this.

As what has already been presented might suggest, those working in live music settings generally understood that they and their employers had responsibilities under health and safety regulation. One venue manager running an independent small-scale space, for example, described this with reference to current legislation – that “because of, obviously, the Health and Safety Act and all the rest of it, you've pretty much got to do a risk assessment for everything now” and how if “you have a near miss…you've got to review the whole assessment.” Many also offered examples of how they acted on these responsibilities. One tour manager described examples of those working under lighting trusses wearing “a high vis jacket and a helmet” and lighting riggers “all on harnesses” unlike “the old days” when the set up would have been “a pair of stepladders and somebody hanging from one hand.” One musician operating pyrotechnics as part of their stage show explained how they included details of this “in a sort of safety report” for the venue, while a promoter described how some venues have a dedicated first aid room, or temporary events might have a first aid organisation on site. Some elements of health and safety regulation were widely recognised and understood – the requirements of The Regulatory Reform (Fire Safety) Order 2005, for example, were discussed by some venue operators comprehensively. This included detail of relevant British Standards and how this required they service all fire extinguishers in their venues annually (British Standards Institution 2017) – “you're supposed to change all your fire extinguishers every year, have this fire inspection, it costs about five or six hundred quid”, one venue manager explained. Another venue manager who had detailed their responsibilities under this Order also described their compliance with it:

> *We'd employ an electrician who would come and check the emergency line once every six months. Fire alarm system, same thing annually by, again, an outside company. And we would have to do our own weekly checks on that and log that as well, that would form part of the fire folder…Same with your fire escapes, you have to think, you've got a fire door, but you've got to check the whole escape is clear.*

However, awareness and compliance were not universal. Some working in production, technical, and venue roles explained how injuries on site must be reported to the Health and Safety Executive under The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). As one venue manager outlined, “anybody that has to leave a venue with a break or has to go to hospital, you have to do a RIDDOR report, and that goes off to [HSE].” Another production manager explained the threshold of accident or near-miss that they would be required to report under this legislation – “if someone gets run over by a forklift, it's RIDDOR-ed, if a piece of metal falls out of the roof, it's RIDDOR-ed, if someone cuts their finger with a knife then it's not.” While compliance was also reported – one lighting technician explained that while they had never seen an industrial accident, they had “seen a couple of near misses that have been reported” and a venue manager running a large, independent venue explained how they maintained “an accident and near miss record” in line with RIDDOR requirements – others described accidents with no indication they were recorded. One sound engineer recalled an incident in a small, independent venue in which a musician had jumped from a balcony and broken their wrist; their description of the response to the accident did little to suggest proper reporting procedures were followed.

Similarly, awareness of and compliance with electrical safety requirements appeared mixed. Some I spoke with noted that electrics could present a hazard in a live music space. One venue manager described a death which had recently occurred in another venue (“they got electrocuted from an amp and died on stage, you know, absolutely dreadful”) while a lighting technician explained how electrics at outdoor events needed to be carefully designed to avoid overload (e.g., needing to avoid using “too long a cable so that the breakers will never trip because of the time and the resistance”). A local authority environmental health officer explained that alongside the more general responsibilities contained in The Health and Safety at Work etc. Act 1974, venues and live events operators also needed to adhere to “prescriptive information” on their electrics – The Electricity at Work Regulations 1989 and various British Standards including BS 7909 *Code of practice for design and installation of temporary distribution systems delivering a.c. electrical supplies for lighting, technical services, and other entertainment related purposes* (Health and Safety Executive 1999). While some of the technicians I spoke with had taken

electrical safety qualifications (a course covering the BS 7909), it was unclear whether awareness of and compliance with these electrical standards was achieved more widely. One sound engineer, for example, explained that in some of the venues they worked “the last thing they think about is the electricity check” and that when staff found a socket which was faulty, they would tape it up or otherwise mark it.

Differences in awareness of and compliance with various elements of health and safety regulation were particularly visible between small and large venues and events. Many of those I spoke with considered awareness of regulatory requirements, as well as health and safety practices, to be better at larger events and venues. A lighting technician described how practices were better “at the highest level” – “there are checks being done more thoroughly as to if you have the right PPE for the job that you're doing, and if you're working in a safe and competent manner.” Another sound engineer explained how larger festivals might employ external health and safety staff to oversee practices, and that even a “medium-large festival” might assign a member of staff who was “pretty switched on” with first aid and working at height qualifications to do this. This could contrast with the practices reported by those working in smaller events and spaces. A tour manager and others confirmed, it was the “bigger venues”, arenas, and outdoor festival shows where health and safety regulatory requirements were taken more seriously. Comparing their experiences between arena settings and smaller spaces, one production manager explained “if you go into a small club venue…none of it, none of it at all” while another sound engineer said that health and safety was “never going to be mentioned” in smaller venues. Supporting this assessment, a venue manager running a small, independent space told me they had operated for over a decade without any formal health and safety policy – conducting a health and safety risk assessment of the site is a requirement under The Management of Health and Safety at Work Regulations 1999. Instead, they described their approach as “we would tape things up.” Similarly, the sound engineer who previously explained large festivals might employ dedicated health and safety staff suggested smaller events might instead use “my mate Dave.” Perhaps this situation was captured best by the tour manager who explained “it really comes down to the size of the venue – there are no rules at a 200-capacity punk club.”

One example of this awareness and compliance gap were differences in various health and safety documentation and recording practices. One production manager described how, with the help of an external consultant, preparation of a range of health and safety documentation was part of their groundwork for any arena tour they ran. Another tour manager working in smaller venues, however, explained how they had “never been asked” for such documentation by any venue, promoter, or regulator – it was only through conversations with a colleague working in arenas that they realised this could be required (“You have to do that?”).

Many of those working regularly in smaller spaces were clear that they and their colleagues made attempts to work safely and expected this of others that entered these sites – that “even at smaller venues…if you're putting people at risk, then you won't be asked back” one promoter explained. Instead, some noted that there might be practical reasons why awareness and compliance might be limited in these smaller sites. For example, the kind of motorised lighting truss previously mentioned – that removed the need for any technician to climb and adjust lights manually – is something you might only find in a larger venue, one lighting technician explained, perhaps due to the nature and frequency of shows hosted. However, inspection practices might go further in explaining differences in awareness of and compliance with health and safety regulation between these kinds of sites. Of those interviewed here, only one venue manager had had dealings with the local authority health and safety team – on producing a health and safety assessment and submitting this to the local authority, they inspected, “[walking] around and [deciding] whether I've picked everything out, got it all right”. No-one else reported anything similar. Indeed, another venue manager explained, “I don't think health and safety ever visited us in the decade I was there.” One promoter arranging an annual multi-venue city festival – including non-traditional venues such as a church – explained that “this is the first year that I've really heard from [the local authority health and safety team]” who reached out “wanting to see how we were going to circumnavigate COVID stuff.” Likewise, only one person I spoke with had experienced a visit from the Health and Safety Executive. This took place after a stage collapse.

> *The whole area was fenced off, shut down. It was very frustrating to me because I wanted to get on stage that afternoon and build it. HSE and the*

police came in and investigated it, we weren't allowed back on the stage until it had been investigated, and then been signed off as safe.

As noted, the Health and Safety Executive are responsible for enforcement concerning any construction that might take place before or after an event – "the erection and dismantling of temporary stages, grandstands and other temporary structures used at entertainment, sports and other public events" (Health and Safety Executive 2011). A Health and Safety Executive officer confirmed this, further clarifying that it is local authorities who generally conduct "front-line" activity in venues and at events. However, while local authorities hold responsibility for the enforcement of much more of the health and safety regulation applicable to a live music event, speaking with a local authority environmental health officer they confirmed their limited engagement with live music practices. Overall, they characterised their department's approach as "hands-off", explaining that they "don't do health and safety hardly anymore." Most of their engagement with live music events came through the Event Safety Advisory Group (ESAG), run as part of the licensing process for outdoor festivals and events. ESAG meetings brought promoters together with various regulators (which could include "fire, police, ambulance, noise pollution, parks team, a municipal transport authority, [and] council" as one promoter explained) to discuss event plans including health and safety arrangements. These meetings were generally only held for medium to large events; as the same officer explained, "if it's a small event, we might just say well give me your risk assessment, just have a look at that and not get too involved." Some local authorities, they noted, reserve these meetings for "very, very large events" only. Outside of this, this local authority team had visited large events taking place in the local area prior to the COVID-19 pandemic, and at the time of interview, expected this to resume in future. Indeed, another licensing officer explained they visited similar local events, at times with a health and safety team representative. However, this local authority environmental health officer was not inspecting any small music venues – "years ago, we would go to every single pub…we'd inspect every single one…now, no, we just don't do it." A sound engineer described experience that reflected this. Working on festival sites, they noted these were "a bit more under the spotlight" and subject to "general checks" from the council including "[coming] before to see if all the electricity is in a good place." They contrasted this

with small venues and pubs, which they considered “not really on the radar of councils, unless there's a problem, there's an accident or there's a complaint.”

The same local authority environmental health officer suggested their changing inspection practices were, in part, due to staffing cuts. Not only had previous decades seen “four or five times” as many staff employed as today but their department had also lost their “dedicated health and safety [team]” leaving them with only “four or five” staff in total. They suggested this picture would be seen in “every single local authority.” Even if they had the manpower they once did, they explained that they had received instructions from central government to reduce the scope of their proactive inspection work over the last 30 years – that “the government have told us we can only look at certain premises”, leaving live music venues uninspected. Many longer-serving members of staff had built up expertise through such site visits and inspections, which now rarely took place – new officers, they said, “don't get that training because we don't do the visits.” The department’s work around live music events, they suggested, particularly suffered because of this; these events were described as “quite a skilled area…because there's such variation in lots of different issues…”

Limited awareness of some elements of health and safety regulation and concurrent gaps in compliance might be explained by this lack of regular proactive health and safety inspection of live music sites. Proactive work is preventative, and may entail surveillance and inspection, as opposed to reactive work where regulators may be responding to incidents or external reports (Hutter 1986). While reactive work may be more publicly visible, proactive work plays wider “pragmatic to…symbolic” functions for regulators, including “educating the regulated” (Hutter 1986 pp. 114, 123). Indeed here, the same local authority environmental health officer explained that interpreting the “reams” of published guidance can be a “problem for the average event person” and that they expected accidents without regular inspection – “things are going to go wrong…their electrics are shite, they're not having the people inspect them…” Further to this, requirements under the Regulatory Reform (Fire Safety) Order 2005 – an element of health and safety regulation which was closely observed – *were* subject to regular inspection by local fire service representatives (“we'd walked round the whole building together…he would sanction whether they

were happy with that or not"; "the fire brigade are quite hot on that…they came round two or three times").

This will be of particular importance to smaller, independent live music venues. As these receive fewer proactive engagements, they see fewer opportunities for guidance from a regulator. The local authority environmental health officer who previously described the ESAG meetings managing large outdoor events emphasised that these were a proactive measure and a key site for sharing advice and learning with event organisers – that they "try and push [organisers] to use the [ESAG], it's free advice, isn't it?" They explained how these meetings gather learning from prior events ("where some things went a bit wrong from the previous year…we learn from those") and pass this forward to future events. These meetings played an important role in translating regulatory requirements and guidance for event organisers:

> *…if you're doing an event, it's quite confusing…you read the guidance and it's all very confusing…it's quite difficult for them I think to understand again how to put it into practice, isn't it, and how far they have to go.*

Further to this, the financial and staffing resources of large event promotion and production companies can plug knowledge gaps. As Hutter explains, small organisations may command "insufficient resources to employ highly specialised advisers and staff" (1986 p. 123) – for those operating smaller venues, inspection might be one of few opportunities to get to grips with their regulatory responsibilities. On the other hand, there were examples of expertise being bought in for a large-scale event. One production manager running arena shows and outdoor events described how they were able to "pay a company a couple of thousand pound" to write any health and safety documentation they required ahead of a tour. Another sound engineer similarly noted that the summer festival they work for "[hires] companies" to check their compliance. Indeed, the small festivals previously described as hiring "my mate Dave" to oversee health and safety practice were specifically described as "budget" events [sound engineer]. Bigger teams might be more likely to have "the knowledge and experience and competencies" in-house:

> *…a big company, they know what they're doing, they've got the health and safety officers, you had the small companies where a lot of the legislation didn't apply, and in the middle, you'd have those ones that sort of haven't got the help within their organisation, haven't got the expertise and do struggle.* [local authority environmental health officer]

While some suggested improvements in safety practice might spill over from big to small events as workers "move from festival to festival to festival to festival" during the season [Health and Safety Executive officer], reports from others suggested these effects may be limited. One trade body representative explained the time pressures those running small venues face as they keep their operations afloat – as "they're busy cleaning the toilets, rolling in the beer barrels and making sure the artist's got their rider", they might not find time to engage deeply with the full array of regulatory requirements placed on their businesses.

These patterns of proactive enforcement are likely a product of the predominance of a consensus approach within health and safety regulation in England and Wales today. As described in Chapter 2, the consensus approach can be understood as a set of enforcement tactics with specific theoretical underpinnings. Here, regulators and the regulated – as well as the public and workers – are thought to share a "basic 'common interest'" in safety (Tombs & Whyte 2010 p. 47), and relatedly, successful regulation is thought to depend on a good relationship between these parties (Tombs & Whyte 2015). Based on this, there are implications for the kinds of regulatory strategies employed – as corporations are thought to be able to act principally "in a socially responsible manner", it is desirable for regulators to "act as consultants rather than policemen" (Pearce & Tombs 1990 pp. 439, 424). Typically, this sees what has been termed the compliance style of regulatory enforcement associated with this approach, focusing on "persuasion, negotiation, and education" as opposed to options like prosecution (Hutter 1989 p. 153). Crucially here, within this approach, proactive inspection is generally seen as being of minimal utility (Hutter 1986). Indeed, others have noted a general withdrawal of proactive activity amongst health and safety regulators in England and Wales due to this kind of ideological, as well as structural, constraint. Facing reduced budgets and staffing, Tombs (2016) demonstrated how the proactive work of pollution control, food safety, and health

and safety enforcement agencies in Merseyside sharply declined in the decade from 2003/04. Here, proactive activity was limited to such a degree that inspectors had been unable to establish a complete list of the businesses operating in their patch.

Has this consensus approach had further effects beyond small venues? When those I spoke with said teams producing large outdoor events and arenas shows worked safely, what did they mean – what did compliant practice look like? As outlined previously, compliant health and safety practice in the production and operation of live music events is outlined through various layers of legislation and guidance. Broad responsibilities – like guarding the health and safety of employees and the public in a venue's activities "so far as is reasonably practicable" (s 2(1)) – are outlined in The Health and Safety at Work etc. Act 1974, the overarching legislation governing health and safety practice in workplaces. Similarly, a few of those working in venues noted how a licence might broadly cover elements of health and safety practice. For example, one production manager working in a large site explained how the venue's licence included a condition "that you have to follow current [health and safety] codes of conduct". This is supplemented by various pieces of secondary legislation that might contain more directed instruction – as mentioned, the small-scale, independent venue operating without a health and safety policy was in violation of The Management of Health and Safety at Work Regulations 1999. Various British Standards and guidance documentation might further define what it means to work in a way which guards health and safety with respect to specific areas of practice. The current applicable guidance published by the HSE is *The Event Safety Guide*, which covers topics including fire safety, transport management, and structures.

Some working in live music spaces noted how this mix of broad legal duties with more prescriptive guidance could create ambiguity. The same production manager who reported a health and safety condition on their venue's licence explained that the detail included was thin – "there isn't a lot in it about particular specifics like PPE." A front of house manager working in a large, independent venue explained that their venue's licence contained "no really strict licensing stipulations" relating to health and safety. This meant that when it came time to make decisions about stewarding staff and emergency exit procedures, their team needed to determine

what would be compliant practice, by interpreting published Health and Safety Executive guidance alongside the broad requirements of legislation. They described how, due to the venue's layout, following the guidance "right down to the letter of the law" would have created problems in their space:

> *If you take our upper level…you should have seven members of staff and we've only got five entrances into this seating section. So how we kind of look at that, we kind of end up with people serving two purposes and almost getting in the way...*

Many have previously recognised the ambiguity of legislation more broadly and how this can be settled through regulatory enforcement – indeed, as Hawkins describes, it is the activity of regulation that "[gives] substance to the vague aspirations of statute" (1984 p. 16). How then is this ambiguity resolved here, where proactive inspection of these settings and its associated information provision functions is limited? Outside of more consistent direct input from regulators, venue and event teams developed their own understandings of working safely. The front of house manager who described the clash between their venue's layout and Health and Safety Executive guidance explained how they adapted their evacuation plans to address this – "we staff that slightly differently, it's still perfectly safe, and we tested it and had a full house and evacuated, got everyone out in 12 minutes." Smaller scale venue operators spoke often about making health and safety decisions for themselves, using "common sense" rather than with reference to any legislation or guidance documentation. Relatedly, a production manager described how when touring in Scotland, stages of a certain height require inspection from the council – but at times, they would work without this inspection when they judged their own build to be safe:

> *I have to specify a time for an inspector to come from the council and say it's safe or to advise on any defects. This is where it gets a bit moody. No one should be on that stage until it's signed off. If matey boy tells me he's going to come at midday and actually comes at five, I can't wait. I'm going to have people on it. But I know it's safe…*

The Event Safety Advisory Groups discussed previously offer another example of this. As one promoter described, these meetings are held to "[discuss] the system that's in place for keeping everyone safe in and out the site". Here, health and safety arrangements are subject to approval from regulators, but crucially, it is up to promoters to propose necessary health and safety measures for their site, rather than meet a pre-defined standard from the authority.

> *You need to submit a health and safety plan as such that this [ESAG] board approves…So, if what you're presenting is a green light from fire, ambulance, police…et cetera, et cetera, then you get the go ahead...there isn't a tick list…you submit your plans to the [ESAG] board as you feel would work best for your site and they will come back with feedback.*

Indeed, one Health and Safety Executive officer described how health and safety legislation accommodated this approach. The phrase "reasonably practicable" used in the Health and Safety at Work etc. Act 1974 allowed legislation to capture multiple appropriate approaches to the same risk – that "you've dealt with [it] in two completely different ways and both are compliant because the risk has been removed." Others have identified similar approaches in which those regulated develop their own understandings of compliance. Black (2015) describes a regulatory style that reflects this, which they term management-based regulation. Here, "regulators do not prescribe how regulatees should comply" – instead of "generic, prescriptive rules", companies "design systems and processes which are better suited to ensuring compliance within their own organizations" (2015 p. 227). Black notes that this approach "is an important element" of UK health and safety regulatory practice (2015 p. 227). There are also parallels with Braithwaite's notion of responsive regulation, which suggests regulators should take into account "how effectively citizens or corporations are regulating themselves" before engaging in any intervention or escalation (2017 p. 117). As noted previously, what has already been presented of this regulatory landscape aligns with the consensus approach which predominates health and safety regulation in England and Wales today (Tombs & Whyte 2010). Allowing companies to develop their own understandings of compliance and of working safely with minimal prescriptive input from regulators similarly fits with the theoretical underpinnings of this approach. Specifically, the

notion that businesses ought to be allowed to self-govern, while regulators act as "consultants" rather than engaging in strict enforcement (Pearce & Tombs 1990 p. 424; Tombs & Whyte 2010).

The same Health and Safety Executive officer suggested that allowing event and venue teams to devise their own approaches to working safely in this way was advantageous. Flexibility in the legislative framework, they suggested, allowed for "innovation" in safe working practice – that while published guidance might "show you what you need to do…you can do it a different way if you can show that it's equally safe." This approach also allowed regulators to benefit from industry expertise. The guidance published by the Health and Safety Executive for those operating live music events offers an example of this. A venue manager explained how, in the latter part of the 20th century, a document called *The Purple Guide* began to circulate amongst promoters and those working in event production. This guide had been written iteratively by live music workers and detailed the health and safety legislation which applied to live music events, and what this required of organisers.

> *So, the industry wrote it, and for the first few years, it was just passed around. 'You're going to have a festival, this is what we learnt at our festival, you'll need this number of toilets, you'll need this amount of water, you'll need this amount of space, here's how you position your barriers, all that sort of stuff, all the tips and things…they would physically just print the book every festival season...*

This guidance document, they explained, was subsequently adopted by the Health and Safety Executive and published as their own guidance for the industry (*The Guide to Health, Safety and Welfare at Pop Concerts and Other Similar Events*, and then *The Event Safety Guide*) – "basically HSE took it and made it theirs." A Health and Safety Executive officer explained the agency also continue to support *The Purple Guide* publication alongside this, and that this was now maintained by a trade body. They emphasised the role live music workers played here in "[developing] their own systems for compliance" (Black 2015 p. 227):

> *As with a lot of the guidance, the best people to identify, update guidance are those people who know about the industries, who are within the industries…when they do change it or large-scale rewrites, we will look at those areas of the Purple Guide which relate to health and safety and just make sure it remains compliant with the legislation as written at that time.*

As this suggests, this approach to health and safety regulation allows regulators to draw on the experience of those working in live music settings. These actors might be better positioned to identify hazards and craft safety measures that fit with working practices than any regulatory body outside the field. Indeed, one promoter running a city centre multi-venue festival suggested that the local authority had not engaged with their event in the past because they did not "fully understand what a multi-venue festival is", while a venue manager suggested "the Health and Safety Executive are not experts at anything, they're the experts at risk."

However, this approach could also produce disagreement. While a Health and Safety Executive officer noted that "two different ways of solving an issue" did not equate to "poor practice", some reported instances where venue operators, promoters, and others diverged on what they considered to be compliant.

> *…the tour manager arrives and says, woah, I don't like the way that stage is built, you're supposed to have 20 guys in the barrier…you might say, oh yeah, we've not got as many, our capacity is this, we're only going to put 10 in, and that becomes a debating point…* [venue manager]

An example of this was barrier use. This same venue manager explained how they began using barriers at their concerts voluntarily in the 1980s, but now, they understood there to be standards set out, guiding their use. Barriers could be seen in place at major festivals, they explained, "because otherwise potentially the pressure on the person at the front could be a thousand people pushing against them." They also suggested there were detailed specifications for their use, including on their placement, the materials used, and how they are manned. Indeed, *The Event Safety Guide* outlines specifications (including that distances between a front-of-stage barrier and the stage itself should "in no circumstances" be under 1m, and that

design should account for loading in line with limits outlined in *Temporary demountable structures: Guidance on design, procurement and use*) as well as asking promoters and production teams to consider risks of tripping, "trapping points" for hands and feet, and mechanisms to lift crowd members over if required, as relevant to their event (Health and Safety Executive 1999 p. 65). However, one musician explained that they had worked with promoters who deployed barriers in different ways to the venue manager previously described – ways they considered inadequate:

> *They will buy a two-foot barrier when really, they need a strong festival-grade barrier, and people have been hurt. We can see the distress in people's faces when we're on stage. It's no good for them. It's no good for us.*

They explained how, after multiple shows at one venue where barriers provided had not been “enough”, they began to “[stipulate] it in the contract that this wasn't going to happen.”

Given all of this, what did those producing large festival and arena shows who “develop their own systems for compliance” (Black 2015 p. 227) mean when they described working safely? When discussing safe practice, some of those working on these sites talked about ‘sign off’. One production manager working in large-scale outdoor festivals explained how they would seek written confirmation that their planned lighting rigs would hold when they were “maxing out” a stage roof:

> *When I say to the venue, I'm going to hang 45 tonnes of weight out of your roof, I need them to come back to me on email and say, 'Yeah, our beams can take this weight.' And if I haven't got, 'Our beams can take this weight' then it's not going up…it's even worse on a festival stage…it's a heavy structure, I'm much more likely to cover my tracks and say, you're going to sign this and say that your roof can hang.*

Similarly, a sound engineer described how “somebody has to sign off” festival rigging – that “a health and safety official from the organiser” would “[sign] off all the papers”

and that that way if there were accidents “there is the paper, I did everything that I could possibly.” Indeed, in some of the examples shared, achieving sign off could conceivably reduce the risk of accidents or injury. Different contractors and teams would come together to produce arena and large outdoor tours – the same production manager described how they could find themselves working with a venue’s in-house team, artist representatives and technical staff, as well as multiple different contractors hired by themselves and others to build stages and infrastructure or run lighting and pyrotechnics. Here, sign off allowed teams to communicate, and to be assured of the quality of builds in the areas of a site that they did not directly oversee. In this way, sign off could achieve compliance with Regulation 11 of The Management of Health and Safety at Work Regulations 1999, which requires employers to co-ordinate health and safety activity with other employers sharing their site (The Events Industry Forum 2014a).

However, there were other examples which suggest that, at times, sign off was achieved *in place* of an additional safety measure. The production manager who previously recounted waiting for an inspector to approve their stage builds, explained that their team worked on these stages before these received required inspections from the local authority because “my guys have signed it off as safe.” Another musician described how they like to stage-dive at their shows. They explained how they and their team take many informal safety precautions ahead of this, including incorporating a theatrical build up to the jump to ensure members of the crowd who want to move away have plenty of time to do so. However, venue managers and promoters had previously spoken to this musician about their concerns regarding stagediving – but instead of implementing any specific safety measure around this or banning the practice, they transferred liability.

> *A couple of times...I've been forced to sign a contract saying if anything does happen to any audience member or the venue because of my antics, then I'm responsible, and I'm like, 'Of course I'm responsible because I'm the one doing it'. I wouldn't foist that upon you anyway.*

While sign off featured in event and venue teams’ understanding of working safely in this way, other elements of safety practice faded into the background. Under The

Construction (Design and Management) Regulations 2015, those hiring teams to build the stages and sets often seen on large-scale arena tours are required to allocate necessary resources for the project – including time (Health and Safety Executive 2015b). However, some explained the pressure they faced to turn shows around quickly. One lighting technician explained workers could be subject to a site culture of “making people take shortcuts and getting it done by any means”. They linked this directly to “a failure in…the allocation of time to do the project” – that “needing to pull stuff out the bag…desperately” comes from this. A production manager explained how on arena tours it was important to “have a health and safety guy that understands the constraints of what we do” in order to get the job done. They even shared an example of a tour where the sets could not physically be built quickly enough with the manpower allocated – “they couldn't get in and out quick enough.” Even those outside build teams could recognise how quickly some events were pulled together. A Health and Safety Executive officer noted how these sites have “people working to very tight timelines”, while a licensing officer recounted:

> *It is amazing because I've been at festival events before in the morning and I've been like, no, this isn't going to be ready, it's not going to be ready…then when I come back later, it's a completely different set-up, everything's ready, it's all shiny and exciting, and you're like, I'm impressed, guys, really impressed. They certainly know how to throw it together.* [licensing officer]

Many recognised that the risks involved in stage builds for workers and audiences could be reduced with more time and manpower than is allocated at present – “when people start rushing and stuff, that's when you do see people make mistakes and stuff like that” [lighting technician].

It appears that as limited health and safety inspection saw event producers and teams define working safely for themselves, achieving sign off was at times foregrounded ahead of other improvements in practice that might represent safety gains, such as increasing manpower or time scales for builds. It was suggested that such practice is consistent with the consensus approach, dominant in health and safety regulatory enforcement in England and Wales today (Tombs & Whyte 2010).

As Tombs and Whyte (2013) note, the enforcement tactics that typify this approach generally exclude measures like prosecutions – a central feature of criminal justice responses. While careful to avoid any false dichotomy between "self-regulation versus strict enforcement", Tombs and Whyte (2013 p. 759) question the dominance of tactics like persuasion and negotiation at the expense of heavier sanctions. Indeed, some of those interviewed here echoed this – as one lighting technician put it:

> *I guess that it's just generally not as heavily policed as other areas where generators, working at height, moving equipment, plant equipment, access equipment, specialist tools and lots of money are flowing around, you know?*

Despite this, it is possible that event organisers and production teams face deterrence outside of the actions of regulators. Many working in production, engineer, and tour manager roles noted how lucrative live performances – particularly large-scale events – have become in recent years. Tours were described as a "crazy all or nothing" for bands and their teams who "don't make money from record sales anymore" with the investment involved having "gone through the roof" in the last 10 to 15 years [sound engineer]. It was suggested that these profit margins meant that, particularly for large scale arena and festival shows, civil liability loomed large.

> *There's been some really high-profile cases. There was a stage collapse that happened…it was an American festival…a really big lawsuit that happened about 10 years ago. And that was one of the first that was like, 'Oh my God, the promoter's liable, oh my God, we have to pay all this money and we're responsible.'* [production manager]

Indeed, it was clear that for many, civil liability – specifically minimising or otherwise guarding against this – was a central consideration in their work and safety practice. Many noted how they held personal liability insurance for their work [e.g., lighting technician]. Another production manager explained that they met health and safety requirements due to such "repercussions" rather than due to regulatory enforcement

– “I want everyone to be happy, I want everyone to feel looked after, I want to be safe, and I don't want to get sued for millions of pounds.” The sanctioning power of civil liability was not only felt by venue and event teams, but by regulators. A local authority environmental health officer explained that there were events held in the local area which they otherwise would not inspect, but they did because these were held on council land:

> *…if there's any events that are on our property, we have to know that they're being operated safely, because obviously we could be held liable if we're allowing events to go ahead on our land…obviously our insurance get heavily involved with that because, you know, if it goes wrong we are potentially liable, so I tend to do a lot more work on health and safety if it is on our land.*

Conversely, it was suggested that other safety practice improvements like providing necessary time and manpower to complete stage builds were overlooked due to cost. Discussing lax checks on venue electrics, one sound engineer reflected a general reluctance to spend – that “there's always a company behind a venue, it's not a non-profit thing, like 90 percent of the time it's a proper company with budgets and ins and outs.” Regarding builds, a production manager explained, “what should really happen is we should go, 'this is our show, this is going to take me this long to put it in and out” but in current circumstances this “will never happen.” A sound engineer echoed this:

> *There's so much money involved in being able to turn this arena, stadium show around three days in a row…I think that really it's one of those situations where money talks, basically.*

Crucially, event and venue operators can afford not to address these elements of safety practice, as sanctions seem unlikely. First, problems with ongoing working practices like these are not what Hawkins termed “categorical, unproblematic” deviance (1984 p. 6). Instead, whether necessary time and manpower has been allocated for a stage build for example is, to a degree, open to interpretation, and any violation might only affect some future public or workforce in an undetermined

way. These features generally dissuade regulators from pursuing harsh sanctions like prosecutions (Hawkins 1984). But perhaps most importantly, without accidents occurring, violations like these would need to be discovered through inspection or reporting. As has been outlined, proactive enforcement is limited in these settings, meaning those managing live music events can generally expect such practices to go unnoticed. As one venue manager put it, “I'm sure if the health and safety had come and they were in a bad mood, they could have, yeah, you know...”, but crucially, they never did.

Discussion of the driving regulations touring parties are subject to further supports this assessment. For the fieldwork period and many years prior, passenger-carrying tour buses and goods carrying trucks which make up touring parties had to adhere to EU driving regulations within Great Britain and throughout Europe (Gov.uk n.d.-b). These regulations – described as a safety measure intended to reduce road traffic accidents (e.g., Driver and Vehicle Standards Agency 2018) – mandate breaks during drives, total weekly and fortnightly driving hour limits, and daily and weekly rest periods (Driver and Vehicle Standards Agency n.d.; Gov.uk n.d.-e). Some of those working in touring parties explained how these regulations affected their work.

> *…in your tour, you have to plan in, if you're playing in Belgium on a Thursday, you may be in Poland on a Saturday. So, you would plan to get there on the Thursday after the show and park your bus at the venue and leave it stationary on the Friday and Saturday to go within the hours.* [tour manager]

Those who raised these regulations were fluent in their requirements – this same tour manager recited these near perfectly, only mistakenly suggesting driver breaks were required every three and a half hours instead of every four and a half. All emphasised their compliance with these. One sound engineer explained how you “can’t move” a tour bus once “you're in your driving regs” even if you’ve only driven “two hours up the road from Sheffield to Manchester.” A production manager described their adherence to the driver rest periods these regulations outline:

> *If [venue staff]…say you need to move all your trucks because it's in the ambulance parking, it's not happening, move your ambulance parking. My drivers have got to get all of this shit and the 45 people from Stockholm to Germany overnight in a nine-hour drive safely. I'm not going to wake them up.*

One production manager suggested “there's people out there” that do not respect driver rest periods, but this appeared to be a minority position. While some on small-scale tours using splitter vans (exempt from these driving regulations) reported driving tired (“one hand out in the cold air, trying to stay awake” [musician]), those using trucks interviewed here reported careful compliance built into touring schedules. One tour manager described how overnight drives were preferred “because you don't want to hit traffic because that hits your driving hours.” Further, they explained how if restrictions on driving hours do not match up with tour dates, that “you then have to fly another driver in”, which is done despite the costs (“[it’s] more wages, you have to get them to an airport, get them picked up”).

Unlike some other aspects of safe working practice, the consistent compliance with driving regulations is built into the structure of tours, sometimes at significant additional cost. This may be due to record-keeping requirements that make violations easily identifiable, alongside more consistent levels of inspection. Drivers are required to have a tachograph installed in their vehicles continually monitoring their practice, and to travel with 28 days of driving records (Driver and Vehicle Standards Agency n.d.; Gov.uk n.d.-c). This means breaches can be identified by employers (who are also answerable to enforcers) and enforcement officers including the police and Driver and Vehicle Standards Agency (DVSA) officials (Office of the Traffic Commissioner 2016). Data on roadside checks (more than 56,000 DVSA checks conducted on heavy goods vehicles in Great Britain in 2021/22 (Driver and Vehicle Standards Agency 2022)) suggests tours encounter these officials more frequently than the health and safety inspectors discussed previously. Indeed, event teams recognised these differences in monitoring and enforcement. Reflecting on the intense build schedules that were common across the industry, a production manager explained “I don't know too much about how we get away with it,

but we do get away with it." This contrasted with their characterisation of these driving hours requirements as "something that we can't get around".

In summary, while safety practice may have improved at live music events since the late 20th century, the consensus approach and associated lack of proactive activity taken by regulators in this space has seen safety become defined, to a degree, by those regulated. This has meant that, as regulatees have "[developed] their own systems for compliance" in the place of "generic, prescriptive rules" handed down by a regulator (Black 2015 p. 227), commercial interests have often come to be a dominant concern for the promoters and production companies behind festivals and arena tours. Concerns regarding civil liability have dominated, and as such, measures such as achieving sign off for work or decisions have become embedded in understandings of working safely here. At the same time, improvements in health and safety practice that might cut into takings (such as addressing tight tour turnarounds with longer or better staffed stage builds) are disregarded, as rare inspections make sanctions unlikely.

5.5. Part two: Licensing, event security, and live music

While the health and safety regulatory regime previously discussed is broadly focused on safe working practices, the licensing system and the event security measures supporting this are more generally concerned with the safe running of an event or venue – the management of many hundreds or thousands of people converging on one site, drinking or becoming otherwise intoxicated, and making it home 'safely'. This licensing regime specifically states 'public safety' as one of its four objectives (Home Office 2018b); other objectives, including the prevention of crime and disorder, also introduce what many would consider safety concerns. Venue operators and event organisers may be required to deploy event security measures through conditions on their licences, but many more will do so in order to host 'safe' events and comply with this licensing regime more generally. As such, beyond the understandings of 'safe' working practices described in the previous section, there were other ways in which those organising and working in live music considered events to be safe or otherwise compliant with this regime.

Generally, crowds were a major focus of safety concerns for those operating and working in live events and venues. Some discussed capacity, and the risks that could be introduced by overselling an event. A member of production staff described working in event control for an outdoor festival. As they explained, event control "basically [deals] with the management of the site from an operation perspective rather than just production" – often it will be run from "a cabin with different stations" for medics, fire, security, and more. On this particular site, three event control meetings were held each day including updates on current site capacity. A venue manager explained how security were employed on site in part to control capacity, and security staffing decisions were made with reference to expected numbers (that on a "really busy night, we'd up it…just because of the volume of people"). A licensing officer also recognised this. They explained that "[managing] large…and compact crowds" was "very difficult" and suggested that at times venues might "need to reduce capacity numbers a little bit" to prevent things "[going] wrong". Relatedly, some explained that a safe event was one that not only managed crowd numbers but their movements. The same production manager described how they might assign "[someone with] a hi-vis on…to get the public out the way" when they move vehicles around the site. Controlling crowd movement often included getting attendees into and out of the site safely. One promoter who had run a city centre outdoor concert explained how they needed to develop "evacuation plans", while a festival promoter explained how they managed entry and egress including staggering public transport to prevent over-crowding:

> *…how do you get everyone out safely? I mean, coming into a festival, fifty thousand people will come in dribs and drabs, it's not really an issue, people show up when they want, fifty thousand people leaving in one, on a pretty tight residential street, is going to need some planning, right?*

Further, many considered teams running safe events to account for and respond to crowd behaviour. One event, for example, employed a lifeguard as their site had bodies of water [production manager]. Moshing was sometimes mentioned – "a violent form of dancing [involving] crowd surfing, shoving, and moving in a circular rotation" (Milsten et al. 2017 p. 636). While not necessarily a deliberately violent act (Tsitsos 1999), this has occasionally been found to cause injury which can require

hospitalisation at live music events (Milsten et al. 2017). Indeed, one musician described this as “a sanctioned form of ethical and yet communal semi-violence” and a festival promoter explained ‘crowd management’ was necessary in “the pit” – “just managing people that overflow, managing people that are unwell”.

Those managing live music events and venues also raised concerns about a specific crowd behaviour – violence. Some described violent incidents on their sites. One front of house manager explained they saw incidents including “grabbing [a] person's phone and throwing it…[or] knocking over someone's drink.” Another venue manager described a “couple of times it got a bit lairy” in their venue but characterised most of the violence they saw as “just silliness, you know…girlfriend, ex-boyfriend, new boyfriend stuff.” These managers described measures intended to reduce the risk of violent incidents and make events ‘safe’. A front of house manager explained how food and drink sales before concerts made an event “safer”, because this encouraged entry in a staggered fashion, minimising opportunities for violence outside the premises. A venue manager described how their drinks prices had been pitched higher than the “cheaper drinking establishments” in town as a violence prevention measure, and that they ensured their staff regularly cleared glasses and bottles from the venue as “they’re weapons.” Indeed, one police officer described a related licensing policy:

> *…we’re trying to include this more and more, that after a certain time and on a certain day, like say 9 o'clock on a Friday night, then all glassware has to be removed and put the polycarbonates out instead. Or no bottles, beer bottles or whatever have to be decanted into a plastic cup, that sort of thing.*

A few went further suggesting that, at times, event safety meant introducing measures to guard against specific kinds of serious violence, including knife and terrorist violence. One venue operator explained how “a lot of young kids feel the need to…carry bladed things” and that their security team searched gig attendees for weapons like this. Similarly, describing entry and exit procedures at their event, a festival promoter explained how they operated “weapon policies” as well as a “red card” show stop procedure which would shut down a show in progress due to

“severe incidents like in Manchester” – a reference to the 2017 Manchester Arena bombing, in which 22 people were killed and many more injured at an Ariana Grande concert (Dodd et al. 2017). Indeed, some working on larger sites raised their considerations surrounding terrorist violence. The same front of house manager speaking previously explained that they spend “a lot of time” considering how “a terrorist” might “disrupt an event” – this included the use of “explo dogs” to search their venue for explosives. They and the promoter mentioned previously also described the use of ‘hostile vehicle mitigation’ barriers around sites to stop “a madman [driving] his van through a million people” [promoter].

While not all shared these concerns, how did the risk of serious violence become a significant concern for the multiple venue and event operators that did? First, it should be noted that while isolated incidents of serious violence at live music events were described, there was little to suggest that it is an entrenched problem. Only three incidents of serious violence in live music venues had been witnessed by those I spoke with across decades-long careers. One promoter had run a show at which a security guard was stabbed in the leg, while a venue manager reported that the violence they had witnessed in their premises had never involved weapons, but that there was once an incident involving a knife in the alleyway running alongside the venue. A tour manager who had operated a nightclub in the nineties once had a gun pulled on door staff from a car. Instead, other kinds of violent incidents were more commonly described by venue managers and staff – a venue manager described how violent incidents in their venue were almost exclusively connected to their late-night trade after the live music finished and the “weekend warriors” this attracted – but even these incidents were still rare overall. While many venue operators and regulators characterised security staff as a violence prevention measure, in practice these staff were often involved in more benign crowd management tasks, such as organising queues, keeping customers out of traffic as they wait outside, or managing drunk attendees “when they're Weekend at Bernie's with their friends” [member of the public].

Some working in live music spaces had become attentive to risks of serious violence after recent publicised incidents, with a few mentioning attacks against live music venues in Paris and Manchester in recent years (BBC News 2015; Dodd et al. 2017).

However, as discussed previously in relation to health and safety regulation, proactive activity from regulators might go further in explaining why serious violence has become a significant concern for some venue and event operators. Whereas local authority health and safety officers only rarely visited music venues and events, local authority licensing teams and police licensing officers engaged in a greater degree of proactive activity. As described previously, new or amended licence applications for venues or stand-alone events are reviewed by the local authority and shared with a variety of responsible authorities, including the police and local authority environmental health or health and safety teams. These bodies can make objections or suggest amendments to any proposed venue operating plans. One licensing committee member suggested that police and licensing authority officers more often make this kind of proactive intervention than health and safety officers – that the objections to applications they received "would normally be from the licensing authority itself or the police or the licensing authority noise team..." Other licensing professionals emphasised the continued engagement they, alongside police, have with venues after licences have been granted. A local authority licensing team leader described how their officers would "go round and visit" venues with police in late night inspections. Another local authority licensing officer explained how, alongside "weekly meetings with [police] where we discuss a whole array of issues down to applications, [and] any events that we're having", they conduct "a lot of joined [venue] visits" with police and that for larger events "we'll all be out [working] together."

Venue and event operators also described this. The front of house manager for a large venue reported that they maintained "a really strong relationship with the police" who often developed policing plans for individual events with the venue. While the manager of one small venue reported no interaction with the police at their events, the others I spoke with had continued to engage with police after receiving their licence. One manager reported attending PubWatch meetings, a forum for local authority officers and police to share intelligence with licence holders. Here, venues would share their event plans for future weeks and police and local authority licensing officers would present "all the incidents that happened in a week and people who'd got arrested for it".

Venue and event operators explained that these proactive interventions were often concerned with the risk of violence and security measures to counter it. One large venue manager described how police would proactively approach them with intelligence on artists touring the UK, including incidents of knife violence at events. They also described how police advised them on their search procedure – "the police love all of this…anything that's bladed, anything that's sharp." One venue manager described how many of the security measures they had taken in their venue had been guided by engagement with the licensing authority. The local licensing authority had encouraged that they keep records of customers' ID on entry, upgrade their CCTV system to a "better facial recognition system", and made it a condition of the venue's licence that they changed their security company to one which "have this extra badge" – membership to the Security Industry Authority's Approved Contractor Scheme. One front of house manager explained how police had suggested they should be looking for individuals conducting "hostile reconnaissance" – scoping the venue for opportunities for future terrorist attacks – in their door checks. Their teams' liaisons with police further included seeking advice from police counter terror security advisors. Further, analysis of information materials published by one police force for local live music licence holders revealed that serious violence was discussed at length here, as were strategies to address this.

> *We wanted to let you know there is now a key for sale online where the blade is hidden in the key itself. Security should be aware of this and take care if a key looks suspicious.* [police newsletter item]

Regulators also confirmed this focus – for example, that they were less interested in thefts, which they described as common at live music venues, but in "the big crimes" such as assault [police officer].

Proactive engagement from licensing authority officers and police offers repeat opportunities to pass on this kind of learning to those regulated. The local authority licensing team leader who described joint visits with police to venues explained that these "[help] promote best [practice]." Where the local authority health and safety teams described earlier in the chapter had limited opportunities to share guidance with venue and event operators – particularly smaller spaces – police and licensing

officers had greater input. Indeed, the same front of house manager speaking previously who described receiving police advice on ‘hostile reconnaissance’ also explained that they were part of a police-run security network and used a police app giving “weekly bulletins” and training recommendations.

As has been presented, understandings of event safety and attempts to achieve this in compliance with the licensing regime often focused on audience management, and sometimes risk of serious violence. This was established, at least in part, through relatively high levels of proactive engagement from police and licensing authority officers with licensed premises both during the application process and as sites operated. Here, advice on violence prevention was shared. However, it also appears that specific audiences – sometimes defined by audience class and race – became a focus for such ‘safety’ concerns. Certain concerts were thought to be at greater risk of violence than others. Sometimes this was based on genre. For example, according to one front of house manager, venue security decisions were made based on the “types of events” hosted. Some venue managers offered specifics – one described their screening process for events:

> *To be perfectly honest, if someone was doing a folk night I would always say yes. If someone was doing a hip hop night, I would want to know all the acts that are playing. I would watch their videos and I would check out references to violence. I would meet the person and if they were cool, I would do it.*

A small venue manager described drum and bass nights as “nothing but trouble” – after hosting a few they stopped “because most of the time people come up there, they're all coked up…and there was always fights.” Another venue manager suggested that for “a grime night, you might be thinking more about weapons” than for a dance or indie event. They told me that “grime kids and urban kids have got a different behaviour; they like to be in gangs. Indie kids aren't in gangs.” They also mentioned that they had rejected bookings from a drill artist recently and a garage act in the early 2000s, based on concerns surrounding knife and gun violence. It was unclear how frequently these venues would engage with those promoting or performing at these kinds of events, as they did not overwhelmingly programme

these genres, but they volunteered these ‘safety’ considerations, nonetheless. These judgements were reflected in the experiences of one promoter, who told me they were often “[pigeonholed]” as a grime promoter, and so some venues expect “every show that I’m going to run will give them trouble.” These genres suggested to raise risks of violence – grime, drill, garage, drum and bass, and hip hop – were those closely associated with Black artists and audiences. In contrast, a genre more closely linked with white artists and audiences was raised only once as posing a risk of “lairy” behaviour, by a venue manager who said they would avoid anything “too Oasis-ish” (an act associated with working class audiences).

Genre, as many have noted previously, can act as a stand in for audience (e.g., Storey 2018). Still, some operating and working in venues were more direct, explicitly linking audience profiles to risk of violence. Some audiences were considered low risk – for example, one venue manager described how they suspected that their extended opening hours for a night themed around a popular indie band were approved by the local authority because their fans are “all vegetarians…all going to hug each other…[and] will literally be no trouble.” Similarly, a front of house manager described a popular singer’s generally older audience as “very low risk and probably only likely to hurt themselves.” Once more though, these judgements could reference audience class or race, connecting this to risk of violence. A small, independent music venue hosted a series of Notting Hill Carnival parties, running parallel to the main event – they suggested the “middle class” crowd attending these parties were less of a “challenge for police” than the audience of the carnival itself. Notting Hill Carnival’s origins are as “a mainly Afro-Caribbean- and black-led event” and it is now established as “a multicultural mega-event” with significant cultural links to the Caribbean (Burr 2006 p. 84; Chowdhury 2019). Most explicitly, one venue manager simply explained “sometimes we have some traveller funerals in town…a lot of places used to shut down because we get nothing but trouble”.

Sometimes judgements about artists and their audiences were vague. One venue manager, for example, explained how they checked artists’ social media content before making bookings, and that they had judged one act as unsuitable because they were “the kind of person that we would keep out” of the venue as a customer.

Discussing their experiences of the licensing process, another venue manager explained they believed they had little resistance from police and the local authority because “everybody knew” their venue “was a decent venue run by decent folk, and a decent kind of people came up.” But even these looser understandings of some audiences as ‘decent folk’ could mark other audiences out as a risk – as one venue manager explained, when it comes to live music audiences “everyone…is lovely” but “some [are] more lovely than others.” This kind of othering, it has been noted, can adopt a racialised nature (Williams 2015), and here it could be applied to the audiences coming from out of town with prominent Black artists:

> *[The group] were working together, down in London. There were guns, there were knives. And I'm not saying that had anything to do with the artists at all, but they were in the venues. Straightaway, is that the sort of thing we want in here?* [venue manager]

It is also worth considering that the kinds of serious violence these venues appeared most concerned with could be considered to further focus on Black and ethnic minority audiences. The isolated examples of serious violence reported at live music events were certainly troubling, and the impact on those involved should not be dismissed – as one promoter expressed it, “sadly from time-to-time incidents [of serious violence] do happen” at these events. However, as previously noted, there is little to suggest that a focus on the risk of serious violence here is due to some embedded link between live music and these incidents. As Douglas and Calvez (1990) have noted, the dangers we conceptualise as risks, and responses we have to these, are not dispassionate assessments of the world around us, but are shaped by community and cultural forces. Examining the HIV pandemic in late 1980s France, they saw risk judgements loaded with cultural bias; for example, the suggestion a person should ‘stay home’ to avoid illness is not simply an instruction to quarantine but to embed yourself in “a set of relations in a stable group, rooted in the neighbourhood, where good comportment guarantees good health” (1990 p. 459). Indeed, reflecting on the work, Garland notes how “the risks that we identify ‘out there’ reveal as much about us…as they do about the hazards and contingencies in our environment” (2003 p. 6). Public concern surrounding knife violence and terrorism can be said to have become associated with Black and ethnic minority

communities. In recent years, “public anxiety about gun and knife crime within minority ethnic communities” has reached “high levels” (Phillips & Bowling 2017 p. 197). Some suggest public understanding of knife violence has been “distorted by recent media coverage” (Humphreys et al. 2019 p. 3), and that this heightened anxiety has roots in the “explicitly racist crime category” of mugging (Williams & Squires 2021 p. 110). Indeed, Williams and Squries suggest that ‘knife crime’ has today come to represent “connected threats” of “anti-social youth and racial otherness” (2021 p. 145). Alongside this, some suggest “the racialised terrorist” has “become common sense in the post 9/11 world" (Kumar 2020 p. 34) and that the terrorist came to represent the “risky [non-citizen]” in migration policy in this period (Bosworth & Guild 2008 p. 708).

Once again, it is possible proactive activity helped establish these concerns towards specific audiences defined by class and race. One small venue manager explained that they had become concerned about serious violence at hip hop nights because they had seen “stabbings and shootings” at shows “in the paper”. But they also noted that while they “try not to be prejudiced”, their approach to these shows was also shaped by the “pressure from the council” their venue was under more broadly, having gone through a licensing review – that they “couldn't afford any incidents”. They further explained that a council representative had “intimated” that they would need to employ additional security staff if they were to host hip hop nights. Another venue manager explained advice they had received from police:

> *We tried to hire a band once with the word ’guns’ in their name. And it completely kicked off because the police…they were concerned it was going to invite people down…who were into guns, because they thought it was actual guns. It's like, was that actual guns, really? And what if we were putting Guns N’ Roses on, would you not let us put them on because they've got guns?*

They explained that police were concerned these fans may be from Tottenham despite the event taking place outside London – significant, due to the long-standing “history of conflict between police and the local black community” here (Bridges 2012 p. 2; Newburn et al. 2018). As described at the outset, Form 696 is a now-defunct

police risk assessment form which venues and promoters supplied to police ahead of an event, allowing police to advise venues on any risks they felt an event would pose (BBC News 2017a). Venues took any decision to act if a show was assessed as high risk – this at times saw shows pulled entirely by venues (Talbot 2011). Many identified that the deployment of Form 696 by the Metropolitan Police targeted Black musicians and audiences. Talbot (2011), Hadfield and Measham (2009), and Ilan (2012) converged on the idea that the form's use was focused on specific "black and black-inspired" genres (Talbot 2011 p. 87). Indeed, the original version of the form requested the ethnicity of the expected audience (Hancox 2009). One promoter, who promoted hip hop, R&B, and soul amongst other genres, explained that Form 696 had now been replaced by a more informal, venue-led system of categorisation. Venues now used "their own version of that form" to assign events "a low, medium or high-risk policy" based on police intelligence and would seek guidance on security measures from police and licensing officials in response to this, in much the same way as when Form 696 was in operation. Through this, this promoter explained how police had labelled an event high risk because the artist's album had been advertised in what they termed an "active gang neighbourhood" – the event was subsequently cancelled by the venue. It could be argued that here police are using a racialised term which has been invoked in the over-policing of young Black men for many years (e.g., Williams 2015; Amnesty International UK 2018). Similarly, this promoter explained they had a "battle" with police to allow under-18s entry to a festival, as officers were "worried about…gang activity". Others have identified similar influence from regulators – examining the licensing practices in South London, Talbot identified a "racialized view of culture and violence" held by licensing decision makers, with "venues visited by a predominantly black crowd [viewed by police] as being specifically prone to violence" (2006 p. 164).

While police and licensing officials offered this kind of guidance and "intelligence" [promoter] through proactive activity, the security measures in place at events were ultimately left to venue and event managers. The same front of house manager, who previously described how they often sought advice from the police on event security procedures, explained how sometimes police would assign a liaison officer to work with the venue on security plans for a given event. However, there were occasions when the venue felt a liaison officer would be required – that they judged the event to

be particularly high risk – but were instead told by police that “we trust you to manage the event safely.” This particular venue had taken measures against violence into their own hands, “[working] with various different kinds of security services to make sure we are as airtight as possible”, running “feedback exercises” in order to receive “constant learning points and points for review.” In some ways, this mirrors what was previously described with regards to health and safety enforcement, where operators were broadly trusted to self-govern (Tombs & Whyte 2010). However, here, this comes alongside higher levels of proactive activity from police and licensing authorities than those health and safety regulators engaged in, and this appears to have instilled an understanding of safety as preparedness against serious violence.

It is also possible, however, that a more salient sanction further increased the impact of this proactive work. Some emphasised the deterrent effect of the sanction venues might face – losing a licence. Artists, venue operators, and promoters described the damage losing a licence, or even changes in licence conditions, could do to a business. One musician explained how venues where unlikely to take a risk on a booking – if things go wrong, they explained, licences could be lost and “then that's the venue down the toilet.” A promoter echoed these sentiments, and connected this to the weight operators could give licensing or police officer advice:

> *Some [venues] will just book the show anyway. But I think everyone is in a time where they're constantly in fear their licence is going to be taken away. So, if anything seems like it needs to be ran by licensing, they will. Because for them, it's one show, if that one show doesn't happen in their venue, there's 360 more in that year that they will get through.*

Indeed, one venue operator reflected this, explaining that when bookings come into the venue, they weigh this up – “there's certain artists which you just think it's not worth the argument, not going to do it.”

5.6. Conclusion

In the case of health and safety regulation, the lack of proactive activity from regulators – associated with the consensus approach to regulatory enforcement dominant within England and Wales today (Tombs & Whyte 2010) – meant compliance and safety became somewhat defined by those regulated. Those running and working on live music sites "[developed] their own systems for compliance" in the place of "generic, prescriptive rules" handed down by a regulator (Black 2015 p. 227). As sanctions seemed unlikely for health and safety violations discoverable only through inspection, event organisers instead focused on the safety violations that threatened profits through civil liability. Practices like achieving 'sign off' for work became central to understandings of working safely, ahead of other safety practice improvements like providing necessary manpower and time to complete builds. In the case of licensing and event security, efforts to maintain safety through and in compliance with these regimes focused on crowd management, and particularly violence prevention. At times, specific audiences – defined by class and race – became a focus for these 'safety' concerns. While higher levels of proactive engagement from police and licensing officers helped establish this – with their influence solidified further through sanctions including amendments to or even loss of a licence – what it means for an event to be safe was still defined to a degree by venue managers and event organisers. These managers made decisions on the security measures in place at events following guidance from these regulators, in much the same way as they were trusted to self-govern regarding health and safety (Tombs & Whyte 2010). Overall, proactive inspection and deterrence (or an absence of these) appear to have shaped how safety is conceived of and sought after within live music settings through the health and safety, licensing, and event security regimes that apply here. Safety meant different things in different contexts, to different actors and these understandings were co-created with regulators – in their presence or their absence.

CHAPTER 6: EMPLOYMENT REGULATION AND LIVE MUSIC

What a way to make a living – Parton (1980)

Live music is a major employer in the UK, supporting as many as 210,000 full-time positions across the country (Live Music Industry Venues and Entertainment 2020a). As such, many of the sector's activities are subject to the wide variety of employment regulation in place today. Indeed, many aspects of employment regulation are of particular relevance to those working in live music settings, including: restrictions on working hours (as the industry produces late night and all-hours events); the differing rights afforded to employees, workers and those self-employed (as freelance work is a common employment model in the industry (Live Music Industry Venues and Entertainment 2020a)); and rates of pay (e.g., as grey literature suggests working for 'exposure' may be common practice here (Musicians' Union 2012)). As well as this, the controls placed on workers through immigration legislation are also of particular relevance to musicians travelling from outside the UK to perform here. Responding to this, this chapter examines working life and employment regulation in this sector.

Despite the relevance of these aspects on paper, this chapter suggests that employment regulation is in practice only a peripheral feature of live music's regulatory world. Compliance with and enforcement of various elements of employment regulation in these settings appeared limited. Examples included workers not provided with required hearing protection and schedules that may violate working hours regulation. Subjects also reported circumstances in which compliance with employment regulation was technically achieved, but workers still faced exploitative or otherwise negative working conditions, including poor pay and insecure contracts. Migrant workers faced additional precarity, including through the onerous and expensive visa applications necessary for touring artists and their teams.

Building on insights from Chapter 5, this is once again considered in the context of the consensus approach that dominates regulatory practice in England and Wales (Tombs & Whyte 2010). The assumptions that underpin this approach – including that corporations might hold "a primary commitment" to act in the interests of workers

and the wider public (Pearce & Tombs 1990 p. 439) – have been questioned. The examples presented here (particularly those of technical but yet still exploitative compliance) further undermine this.

6.1. Employment regulation and live music

The live music sector is a significant employer in England and Wales. While it is difficult to isolate current employment figures for live music, particularly considering the still unfolding impact of the COVID-19 pandemic restrictions, trade body Live Music, Industry, Venues and Entertainment (2020a) estimates that in 2019 there were as many as 210,000 full-time equivalent positions supported through the UK live music sector. The trade body estimates that as many as 85,000 of these positions in place in 2019 were based in festivals (2020b), while the Mayor of London has estimated that the capital's 94 'grassroots music venues'[23] supported 2,260 full-time jobs in 2016 (Mayor of London 2017). These positions are spread geographically. Analysis of the live music sector through 'snapshot censuses' conducted in 2017 in Glasgow, Newcastle, and Oxford found that the live music sector in these cities employed 2,450, 1,620, and 350 full-time equivalent positions respectively (Webster et al. 2018). Trade bodies also identify a variety of positions these workers occupy – including employment in a live music venue, with a concert promoter, or in any one of the "supply chain of interdependent businesses" serving these events (UK Music 2017a; Live Music Industry Venues and Entertainment 2020a p. 4).

Employment practices in England and Wales are governed by a system of employment regulation covering many aspects of working life. This field of regulation has "expanded considerably" in the last 40 years, moving from a system of collective bargaining to established statutory rights covering many features of the employment relationship including pay, working hours, and dismissal (Dickens 2012 p. 1). Despite this, little is understood as to how this regulation features in live music's regulatory world. There are some elements of employment regulation that might be expected to

[23] Loosely defined by the Greater London Authority here through six tests, including the 'elephant test' – "musicians and audiences in the town, borough or city think that it is the grassroots music venue" (Mayor of London 2017 p. 6).

be of particular relevance to those working in live music – both due to the nature of the work and because of concerns raised surrounding elements of employment practice in the industry – and these are detailed below.[24]

6.1.1. Working hours

Live music events generally take place in the evenings – a small (capacity of 500 and below) premises holding an alcohol licence, for example, will be permitted to host amplified music until 11pm as standard (Home Office 2018b). Live music venues are often described as forming part of the night-time economy, with many hosting late night and all-hours parties. Even those events that begin during the day, such as festival shows, will often extend late into the night. For this reason, regulation surrounding working hours is of particular relevance to workers in this sector.

In England and Wales, working hours are regulated through The Working Time Regulations 1998, which "implement the European Working Time Directive into GB law" (Health and Safety Executive n.d.-h). The working time directive states that the average working week should not exceed 48 hours, where an average is taken over 17 weeks (Gov.uk n.d.-k). These regulations also outline the breaks a worker is entitled to both at work (20 minutes in a shift of six hours or more) and between shifts ("11 consecutive hours rest" for every day at work and a day off each week) (Health and Safety Executive n.d.-g).

Many of those working in live music will be covered by these regulations, with some relevant exceptions. Certain sectors are exempt, including security (Gov.uk n.d.-k). There are also exceptions "where working time is not measured and you're in control" (Gov.uk n.d.-k), which might apply in some situations with self-employed workers. Employees are able to opt-out of this in writing to their employer if they wish, and cannot "be sacked or treated unfairly for refusing to do so" (Gov.uk n.d.-l).

[24] The expansion of employment rights across recent decades has come about "partly through domestic policy and partly through the influence of the European Union" (Dickens 2012 p. 1), and elements of the current system of employment regulation have been drawn from EU legislation. It is unclear how this may change following the UK's exit from the EU. However, experiences of working life and employment regulation detailed in this chapter overwhelmingly took place prior to this.

Night workers (those regularly working three or more hours at night, considered as standard to be between 11pm to 6am) are subject to different limits – these workers cannot work “more than an average of 8 hours in a 24-hour period” and cannot opt out of this regulation (Gov.uk n.d.-p).

These regulations are primarily enforced by the Health and Safety Executive, local authorities, and the Advisory Conciliation and Arbitration Service. The Health and Safety Executive and local authorities enforce weekly and night work limits and the settings in which each does so is outlined in the Health and Safety (Enforcing Authority) Regulations 1998 (Health and Safety Executive n.d.-i). As noted previously, in live music workplaces, this means the Health and Safety Executive are responsible for enforcement associated with the construction taking place before or after an event, while local authorities cover other settings (Health and Safety Executive, 2011). Some other agencies are tasked with this in specific industrial settings – most relevant here is the Driver and Vehicle Standards Agency who would cover touring drivers (Health and Safety Executive n.d.-h). Violations of requirements for breaks between and within shifts can be referred to the Arbitration, Conciliation and Advisory Service (“an executive non-departmental public body, sponsored by the Department for Business, Energy & Industrial Strategy” (Gov.uk n.d.-a)), who can conduct conciliation or arbitration on these matters (Acas n.d.-b; Health and Safety Executive n.d.-h).

6.1.2. Working conditions

As covered in Chapter 5, employers have a “legal duty to protect the health, safety and welfare” of workers through the Health and Safety at Work etc. Act 1974 as enforced by the Health and Safety Executive and local authorities (Health and Safety Executive 2008a p. 1; 2014). Loud noise has been linked to hearing damage in live music settings (Gunderson et al. 1997) – this presents a particular hazard to live music workers due to the long periods of exposure they may be subject to. The Control of Noise at Work Regulations 2005 outlines how workers must be protected from exposure to extreme noise levels in UK workplaces – including introducing maximum daily and peak noise exposure levels (not above 87dBA daily noise exposure or 140dBC peak), and hearing protection and training requirements at

lower thresholds (80dBA daily or 135dBC peak) (Health and Safety Executive 2008b; Barlow & Castilla-Sanchez 2012). These regulations previously covered other workplaces but were recently extended to include live music venues – however, evidence suggests adherence here has been limited (Barlow & Castilla-Sanchez 2012).

Workers are also protected from discrimination at work through the Equality Act 2010 (Gov.uk 2015). The Act protects workers "from being treated less favourably" on the basis of one of nine protected characteristics: "age; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave; disability; race including colour, nationality, ethnic or national origin; religion or belief; sex; sexual orientation" (Government Equalities Office 2011 p. 3). This protection covers the workplace itself, as well as the recruitment process. For example, employers must "make reasonable adjustments to any elements of the job which place a disabled person at a substantial disadvantage" (Government Equalities Office n.d. p. 2) and cannot ask questions about protected characteristics during the hiring process[25] (Gov.uk n.d.-f). Enforcement here is handled by the Equality and Human Rights Commission (n.d.-a) with individual cases decided through employment tribunal (n.d.-b).

6.1.3. Pay and employment status

While regulations concerning pay and the rights afforded to workers under different employment models apply across sectors, there are features of the live music industry which mean this might be especially relevant here. Employment status affects the rights afforded to a worker, with different contract types coming with different protections (see Table 8 for detail). Some protections are afforded to workers of all kinds. Most relevant here are those under the Equality Act 2010 and the various health and safety protections already outlined, although how these must be discharged may differ between different kinds of workers.[26] Employees and

[25] With some exceptions including asking a candidate's age for age-restricted professions.
[26] For example, The Control of Noise at Work Regulations 2005 requires employers to provide hearing protection for all workers, including those self-employed, but these workers only need to be offered "training in the use of all equipment provided to manage the risk to hearing" if they are regularly working with that employer (Health and Safety Executive 2008b p. 54).

workers are entitled to a wider range of benefits from an employer than those self-employed, but these are generally balanced with less flexibility for the worker. It should be noted that employment status is separate from tax status, meaning a person can hold an employment status different from their tax status (e.g., they may be considered self-employed for tax purposes, but their working patterns mean their employment status is that of a worker).

A significant proportion of those working in the live music industry today do so as freelancers (Live Music Industry Venues and Entertainment 2020a), many of whom will hold an employment status of worker or self-employed. Neither of these offer "minimum notice periods" or "protection against unfair dismissal" (Gov.uk n.d.-h). The various rights entitled to different workers were brought into sharp relief during the pandemic, as many saw work evaporate – workers from London's Southbank published an open letter in response to what they described as "a programme of brutal redundancies across the organisation" as well as significant numbers of outsourced and fixed-term staff who were not rehired, many of whom were "from BAME backgrounds" (Southbank SOS 2020).

Table 8: Examples of employment rights by employment status

	Detail	Rights
Employee	This is contracted employment, where the employee is "required to work regularly unless…on leave" (Acas n.d.-a). An employee is under the supervision of a manager of some kind, who "is in charge of…workload and how…work should be done" (Acas n.d.-a).	In addition to those outlined for workers and self-employed: - Leave and pay for maternity, paternity, and adoption. - "Minimum notice periods" for employment ending (Gov.uk n.d.-h). - Protections against unfair dismissal after working for at least two years.
Worker	This work is "more casual" than that of an employee, and may be "less structured or not regular" (Acas n.d.-a). Workers have "very little obligation to make [themselves] available for work, but should do work [they've] agreed to", for example, through a zero-hours contract (Acas n.d.-a).	In addition to health and safety, and discrimination protections: - Limits on working hours and requirements for breaks under The Working Time Regulations 1998. - Pay conditions including holiday pay, and minimum wage under the National Minimum Wage Act 1998. - Written terms of employment.
Self-employed	Those self-employed are "responsible for how and when [they] work" (Acas n.d.-a).	Health and safety protections including those outlined under the Health and Safety at Work etc. Act 1974; protection from discrimination under the Equality Act 2010.

Source: Acas (n.d.-a); Gov.uk (n.d.-i, n.d.-h).

There have also been concerns raised surrounding the pay artists receive for their work in the live music industry, as well as around the use of unpaid interns. Research conducted by the Musicians' Union (2012) – including a UK survey of 2,000 respondents – found that almost two-thirds (60%) of musicians worked for free in the last year, while research from the Sutton Trust found the arts sector (including music) to be one of the most prolific 'employers' of unpaid interns (Cullinane & Montacute 2018). Further, it has been noted that the UK hospitality industry (including licensed clubs and bars) is home to "high numbers (almost 60,000) and [a] high proportion (4%) of jobs paid below minimum wage levels" (French 2018 p. 27).

Rates of pay are protected through the National Minimum Wage Act 1998. The Act outlines a minimum wage which employers must pay to all workers and employees of at least school leaving age; for those aged 23 and over, the Act was amended in 2016 to require employers to pay a higher National Living Wage, currently of £8.91 an hour (Gov.uk n.d.-o). The minimum wage is enforced by HM Revenue and Customs whose powers include "the right to carry out checks at any time and ask to see payment records" (Gov.uk n.d.-n). Sanctions include payment of wages, fines, and government publication of offenders (Gov.uk n.d.-n). There are certain exceptions to who and when this regulation applies – overtime, for example, does not have to be paid but "average pay for the total hours you work must not fall below the National Minimum Wage" (Gov.uk n.d.-q). Of particular relevance in the live music sector, the self-employed are also not entitled to this (Gov.uk n.d.-m). Employment arrangements for interns can mean they are classified as employees or workers (e.g., they are contracted or have some other kind of agreement with the employer, or they work "for money or a benefit in kind, for example the promise of a contract or future work" (Gov.uk n.d.-i)), and so are entitled to the minimum wage (Gov.uk n.d.-g). However, those taking part in work shadowing ("meaning no work is carried out by [an] intern and they are only observing") are not (Gov.uk n.d.-g).

6.1.4. Immigration

Immigration regulation poses both 'internal' and 'external' controls on workers (Hollifield et al. 2014) and these affect those working in the live music sector. Most live music venues hosting amplified music are licensed to serve alcohol (Webster et al. 2018) and the Immigration Act 2016 introduced a right to work check into the personal and premises alcohol licence application process. The Act made the Home Office a responsible authority who must be consulted on all such applications and gave immigration officers power of entry to licensed premises (Home Office & Immigration Enforcement 2017). Further, as outlined within the Immigration Rules, many performers traveling to work in the UK will require prior approval to do so, often in the form of a visa granted by UK Visas and Immigration (Gower 2020; UK Visas and Immigration n.d.).

Table 9: Visa requirements for live music professionals working in the UK by nationality

	Nations eligible	Other requirements
Temporary Worker – Creative and Sporting visa (T5): Allows travel to the UK to work as a creative ("someone who works in the creative industry, for example an actor, dancer, musician or film crew member") for up to twelve months (Gov.uk n.d.-w).	All	- Must "make a unique contribution to the UK labour market, for example you're internationally renowned…" (Gov.uk n.d.-x). - Must have "certificate of sponsorship from a licensed employer" (Gov.uk n.d.-w). - Minimum savings requirement of £1,270 with some exemptions, or support provided by sponsor (Gov.uk n.d.-x). - Application fee of £244 per person (reduced to £55 for certain European countries) (Gov.uk n.d.-w).
Temporary Worker – Creative and Sporting visa (T5) concession: Visa free travel to the UK "to work in the creative or sporting sectors" for under three months (Home Office 2021d p. 22).	Non-visa nationals including European Union citizens (a full list of visa nationals – those ineligible – is accessible through the Immigration Rules (Home Office 2021c).	As with the Temporary Worker – Creative and Sporting visa (T5), except with no application fee (Home Office 2021b).
Permitted Paid Engagement visa: "If you've been invited as an expert in your profession" (Gov.uk n.d.-r) you may apply for this visa to stay for up to one month.	All	As well as requirements not to repeatedly visit through this route in order to reside in the UK, proof is required that you can "support yourself during your trip (or have funding from someone else to support you)" as well as for the return journey (Gov.uk n.d.-s).

6.2. Employment regulation – on the ground

Having established that live music employers are covered in principle by a wide array of employment regulation, this must be examined in practice. Not least, because while some have raised concerns regarding experiences of those working in live music (e.g., lack of pay (Musicians' Union 2012; Cullinane & Montacute

2018)), many areas of working life in this sector remain under-investigated – particularly experiences of production staff and venue teams.

Awareness of the various areas of employment regulation applicable to live music settings appeared limited, amongst employers and workers alike. First, few volunteered examples of employment restrictions when questioned about the kinds of regulation that pertained to the industry's activities. Some employers raised examples of regulation which covered their practices as a business – such as licensing – but it was rare for these subjects to discuss the variety of regulation which related to their employment practices. Workers similarly rarely raised this; in fact, many suggested that legal protections for workers in the industry were limited, implying a lack of awareness of the employment protections which currently apply to them as workers.

As outlined, employers are required to "protect the health, safety and welfare" of workers through The Health and Safety at Work etc. Act 1974 (Health and Safety Executive 2008a p. 1). While some employers and workers discussed various responsibilities to protect both workers and the public under this and associated legislation – as detailed in Chapter 5 – there was poor awareness of some elements of health and safety regulation which exclusively targeted workers. For example, others have previously identified limited awareness of regulation mandating noise protection measures for those working in live music venues in England and Wales (Barlow & Castilla-Sanchez 2012) and this was reflected by those I spoke with. While some recognised the danger that their work posed to their hearing (with one musician explaining "I've been to several gigs recently where I've genuinely feared for my ears"), few were aware employers would be required to provide hearing protection in many cases.[27] One sound engineer reported confusion around the protection they should expect:

[27] For example, one environmental health officer explained how shift patterns might protect a worker from hitting the daily noise exposure limit at which employers are required to provide hearing protection – "that a lot of the shifts of people working in those premises is going to be quite short, it's going to be four hours perhaps." However, while this might apply to some workers like bar staff, it is unlikely to mitigate the exposure of other workers like stage and technical teams based on the working hours they describe, as detailed later in the chapter.

> *I've no idea, you know, if my hearing was damaged now whether I could sue the management, whether it's their responsibility. Probably not because I'm self-employed. So maybe it's my responsibility.*

It was unclear whether employers' understanding of this regulation was much better. While one musician reported seeing "signs everywhere" encouraging the use of hearing protection, only a minority of venue operators interviewed here discussed this with respect to their workforce. One large venue manager explained the requirements of The Control of Noise at Work Regulations 2005 in detail, including threshold values. However, the other small venue manager who did provide hearing protection to workers was not aware of "any legal sort of impetus to provide or make people aware of hearing protection in venues."

It is possible awareness is hampered by a lack of proactive regulator activity. As outlined in Chapter 5, proactive work like inspection can serve a variety of functions for regulators, including "educating the regulated" (Hutter 1986 p. 123). Not only did Chapter 5 detail how inspection from local authority health and safety or environmental health officers (who would have responsibility for enforcing this regulation in these sites) was rare, but one environmental health officer specifically reported limited focus on The Control of Noise at Work Regulations 2005 in the minimal proactive work that they did conduct. Discussing their own work regarding noise levels in workplaces, they explained, "I'll be brutally honest, it's probably an area of work that needs more looking at…it's not been a very proactive thing."

There was a minority of workers, however, who had a much fuller understanding of the risks of noise exposure and the protections they could expect from their employers. While no-one reported engaging with regulators on this or receiving the kind of training that could be mandated through The Control of Noise at Work Regulations 2005, [28,29] these better-informed subjects described how they had

[28] The venue manager for a large, independent site that was previously described as reporting the requirements of these regulations did, however, report that they offered training on this to their workers.

[29] Indeed, one lighting engineer described how some friends in the industry had only become aware that they might need to wear hearing protection "having watched *The Sound of Metal*" (a 2019 movie about a drummer who loses their hearing).

gained their knowledge through other means – from work or other experiences outside of the industry. For example, a sound engineer I spoke with explained they were only aware that regulation existed to protect workers' hearing because of their time working in "factories and things" where, unlike the venues they had worked in, "they were very strict about that sort of thing". These workers could be seen to share safety information with their colleagues, where training from employers or regulator engagement was otherwise absent. For example, this sound engineer explained that they – rather than their employer – had alerted bar staff that they might need to wear ear plugs to protect their hearing.

These subjects could be an example of what Tombs and Whyte term "workers as regulators" (2013 p. 759). As they explain, workers perform everyday regulatory functions in their own workplaces (e.g., identifying "harms to which they may be exposed" as demonstrated in the example of this sound engineer alerting colleagues to the need for hearing protection (2013 p. 757)). This, they suggest, can act as a key "countervailing [interest] to corporate power" (2013 p. 758). Tombs and Whyte note, however, that declining enforcement and inspection activity has limited the effectiveness of this employer-regulator-worker dynamic – particularly as limited inspection "sends a message" of "impunity" to employers (2013 p. 758). As described, withdrawal of proactive enforcement has also limited the awareness amongst live music workers of the employment protections that they are entitled to. As a result, worker-regulators in this sector are few and far between, further minimising their capacity to "[guarantee] regulatory outcomes" (2013 p. 757).

Given the minimal awareness of various elements of employment regulation amongst employers and workers, it is somewhat unsurprising to find that compliance with this was also limited. Violations of The Working Time Regulations 1998, for example, were common. As outlined in Chapter 5, many of those working in production roles described how tour and festival schedules could hinge around tight turnarounds for stage and set builds. This could violate requirements to "make suitable arrangements for managing a project" including allocating necessary manpower and time, under The Construction (Design and Management) Regulations 2015 (Health and Safety Executive 2015b pp. 6-7). Some described how this could lead to poor health and safety practice (e.g., "when people start rushing and stuff,

that's when you do see people make mistakes" [lighting technician]). This could also, however, lead to violations of The Working Time Regulations 1998. One production manager explained it was simply not possible to complete some of these builds without working extreme hours:

> *…the only way I can execute what we do is that I will load in, on a big show, ten trucks at 5am. I'll work solid all day. I won't get to sleep. Get out at 2am if we're lucky. I then get back up at 5am, do the same again. I then get back up at 5am, do the same again. So, three days in a row…I'm lucky if I've had nine, well, six hours sleep in three days.*

These intense schedules, however, were not only a feature of stage and set builds – this was a much wider problem across the industry. Many I spoke with raised long days as a feature of working life in live music. One sound engineer described how long days were common on festival sites, with staff "working 20-hour days" and that "by the time you're on day four or five of the festival…everyone's exhausted". Workers might need to flex around artists' schedules which could mean working into the early hours of the morning, one production manager explained. Another lighting technician reported, "I've done 18-hour days, I think I've done a couple over 20 hours in the past…they will have been on festival sites somewhere, probably, like the hardest work I've ever done". A touring musician described regular student night gigs they played and the intense hours these involved as "just completely bonkers" – "[arriving] there to set up at 5pm and you don't go on until 1am in the morning…you come away at like 4am". These long days, some explained, could come with minimal rest in-between. Indeed, while a tour manager told me how touring life for their artists and their teams could be well-regimented, including regular days off, it appears these experiences are far from universal – they themselves noted how it was common for "rubbish" managers to book tours without consideration of driving distances. As one musician explained, figures like managers and booking agents could "have you doing seven gigs, seven nights"; they reported how they push back on these kind of schedules – "I physically can't do it anymore". Similarly, a sound engineer described how "one of the biggest things that you see all the time is people not being given enough time to sleep and rest between shifts" on festival sites. Some were not able to take breaks within shifts either. The same lighting technician who

described 18-hours days suggested breaks in these were rare – that “even if you've gone for a rest, if someone needs something, then your radio will go off and you'll be expected to go and deal with it”. A union representative explained how this could be a common experience for venue staff:

> *…in terms of the actual breaks in the shift, one of my members was like it's either fag or toilet? You have to make your decision. You can't have both. And often if a band comes late, you may miss your break unless you're going to be really firm with them, and be like no, you missed your sound check, tough shit…But I mean, it's so rare to hear a technician say that…but that's the reality of it, they have a small window of time between the soundcheck finishing and the doors opening. Sometimes that isn't very long.*

Though these working schedules could be reflected on favourably (“to get away for the weekend, play two or three gigs, hang around with professional musicians… that's kind of the reason we do it” [show producer and musician], or as a way “to get more fans and earn a bit of money as well” [musician]), many more suggested they considered these long hours and weeks harmful. Reflecting on the story of a group of musicians who had sadly died following a car accident on tour, one sound engineer noted how “you can be put in a situation where you are expected to drive, mix the show, tour manage the show, run the merch, and I mean…it's dangerous...”

While limits on working hours only apply to some employment contract types, it seems unlikely that such ubiquitous practice is never in violation of The Working Time Regulations 1998 – especially considering that many of the freelance technical staff who are employed in the industry will hold the employment status of worker, and that a significant volume of work in the industry takes place at night. It is possible that such practices flourish under the consensus approach (which dominates health and safety regulation here today (Tombs & Whyte 2010)), and the enforcement tactics commonly associated with this (a compliance style of regulatory enforcement). As discussed in Chapter 5 in relation to health and safety enforcement more broadly, the kind of regular proactive inspection that would be necessary to identify violation of The Working Time Regulations 1998 is rarely pursued within this

approach. This is underpinned by consensus approach assumptions including that we might expect employers to share a "basic 'common interest'" with regulators to protect worker and public safety (Tombs & Whyte 2010 p. 47), or that "the corporation can have a primary commitment to act in a socially responsible manner" (Pearce & Tombs 1990 p. 439). Businesses are therefore generally trusted to self-govern while regulators act as "consultants" ahead of engaging in strict enforcement (Pearce & Tombs 1990 p. 424; Tombs & Whyte 2010). Some have questioned these assumptions, however. As touched upon in Chapter 2, Pearce and Tombs suggest the notion of a primarily socially responsible corporation overlooks "the very rationale of the corporation and the nature of the existing economic system" (1990 p. 425), while Tombs and Whyte (2015) note how many businesses are legally obliged to act in the interests of shareholders, as opposed to workers or the public.

Indeed here, while one production manager suggested that "there's a lot more care now" to make sure that teams are not "working really long hours", many others explained how financial interests shaped working patterns. One production manager explained how they were aware that working hours directives applied to themselves and their team, but that it was simply not possible to achieve what was required of them in the time this allowed – that "in terms of working hours, we don't get near it…" They shared the financial drivers behind these schedule decisions, describing how they "[have] to bend round the rules…to make the show happen for 'this much' money". These financial pressures came from higher levels of management:

> *It gets to a level above us, and I won't name departments or names, but the only concern is the finance. The figure. This tour is going to make me this much money. And when that figure gets compromised, that's when things start getting nasty.*

Similarly, a sound engineer explained how long working hours often "[come] from companies…undercutting":

> *…it usually comes from money…they want the job, so they quote it for really cheap and then in order to make that work they, instead of having like a crew working during the day and then another crew working at night*

to take over from them, they just get one person to do all of that. And all of a sudden, you've got people being really tired.

Discussing tour schedules, a musician similarly described how, despite their team being “on [their] side”, that “the ultimate goal is for everybody to earn money and make their percentage…so they do try and put in as many gigs as they can”. Even where workers built these schedules themselves, they could be shaped by the financial interests of their various employers. One union representative explained how those working in venues might find themselves needing to “pack in more shifts” because “they're not paid brilliantly”.

As described so far, despite the relevance of various aspects of employment regulation to live music settings on paper, employment regulation is in practice only a peripheral feature of the industry’s regulatory world. Awareness of the relevant regulation amongst employers and workers alike – such as The Control of Noise at Work Regulations 2005 – appears mixed at best. Compliance with regulation including The Working Time Regulations 1998 is similarly limited. It was suggested this could be explained, at least in part, with reference to the consensus approach to workplace health and safety regulatory enforcement which prevails in England and Wales (Tombs & Whyte 2010). Indeed, the tactics of enforcement this approach engenders – like “persuasion, negotiation, and education” ahead of more severe punishment (Hutter 1989 p. 153) – as well as the minimal levels of proactive inspection associated with the approach (Hutter 1986) might mean few expect sanctions for these working patterns. This all raises concerns regarding the working conditions of some employed in the industry. However, there were also instances reported in which compliance with employment regulation was technically achieved, but workers still faced what might be considered exploitative or otherwise negative conditions. As will be outlined, this compliant but potentially harmful conduct might further undermine the assumptions the consensus approach is based on – including that corporations might hold “a primary commitment” to act in the interests of workers and the wider public or more broadly as a “socially responsible” corporation (Pearce & Tombs 1990 p. 439).

Pay appeared to be an area of live music working life where regulation is followed to the letter but not the spirit, with adverse consequences for workers. Musicians' pay – or a lack of it – was raised by many interviewed. While some promoters reported offering 80/20 splits in favour of their performers, musicians at different stages in their careers shared that they had been asked to play shows for free or low fees – fees not covering expenses and travel for example. Despite securing arena show support slots and playing large outdoor festivals, a musician playing with a touring band for the last decade explained that for their performances, they are paid either a percentage of ticket sales or a fixed fee "which for the majority of bands is at most £100 to £250". When compared to reports from others, these fees appeared almost generous – some artists reflected how it could be "a real struggle to even get somebody to consider paying you travel expenses" or others explained that artists would be asked to play for free in exchange for exposure or experience. Some even reported cases of artists *paying* to play. Artists playing free shows could be pressured to bring along certain numbers of audience members in order to secure bookings, but in some cases, artists were given a minimum number of tickets they would be required to personally sell in order to book a slot. One artist described how they were recently approached by a promoter looking to book them for a performance and told "you have to sell a minimum of 10 tickets, and after that, any tickets you sell, you get like two pounds per ticket". The touring artist mentioned previously explained how such an arrangement was once enforced:

> *Because we haven't sold enough tickets, we were made – like forcibly made – to pay the venue back. So, there was basically three people there and we were only kids who were 15 or 16 and they saw an opportunity to exploit somebody and they went 'No, you owe us money, you owe us £60 for the tickets you didn't sell.'*

These poor pay practices affected other live music workers as well. While a union representative explained that ticketing or bar staff might not "[be] paid loads" but some might at least get the "living wage", others reported crew and technicians working for free or low pay. A lighting technician explained how some festivals offer free tickets in exchange for crew – that "people working for fucking free tickets for the weekend… build it and then take it down…[and] their payment is they get to hang

out". Some described how prevalent interns and other kinds of work experience were in the industry. A sound engineer suggested this was common for those starting their careers – that "sound engineers, lighting engineers, [and] AV techs" would work for free early on. The only exception they could call to mind were the local crew loading shows in and out who they explained would be unlikely to work for free "because they're so badly paid anyway". This sound engineer reflected warmly on their own interning experience (that they were "quite lucky" to work for someone who became "a bit of a mentor" who "would always make sure [they] got at least 50 quid"), but they recognised that this was "part of the industry" – that "it happens everywhere…if you want to get into the industry, you've got to do some work for free. I did it. I don't know anyone that's not done it…"

Some of the examples presented here may violate minimum wage legislation. The need to "do some work for free" to enter the field likely captures some violation – interns are classed as workers and must be paid minimum wage if they work based on "the promise of a contract or future work" (Gov.uk n.d.-i). Some examples shared, however, may be technically compliant with this legislation. Minimum wage legislation carves out exemptions for those who are self-employed, and some of the musicians described may hold this employment status.[30] Whether these poor pay conditions violate or achieve technical compliance with minimum wage legislation, some expressed the difficulties this created. At times, their fees might not stretch to leave performers with something "to live off":

> *When it is your livelihood, it can be very, very difficult to accept a show knowing that it's going to be great for your profile, but you're not going to make any money. In fact, you're going to make a loss on this.* [musician]

[30] It is not possible to firmly establish the employment status of all the musicians encountered or described in interviews in this work. While some examples may be clearer cut than others, "a worker's employment status…can ultimately only be determined by the courts following consideration of the particular facts" (Health and Safety Executive n.d.-i). It is reasonable to consider, however, that some of the musicians described here could be classed as self-employed. As case law has established, musicians working in other settings may be workers or self-employed, depending on their working practices including whether they use their own equipment and the flexibility they have over the content of the work they do (Farrer & Co. 2015). Others interviewed here reported operating a limited company, which would similarly class their employment as self-employed.

This could mean personal investment was needed to support a live music career. As one musician explained, “it's getting really, really difficult for anyone without…big personal investment to go into original music” – that the “musicians coming out of the conservatoires” are either “living at home” or have heavily invested themselves. A lighting technician echoed this, explaining that while there were “working class [routes]” into entertainment sectors, poor pay in live music was a barrier to entry compared with a better paid sector like theatre.

These pay conditions may be an example of what Passas terms the “lawful but awful” – a kind of “corporate [practice]…within the letter of the law and yet [having] multiple adverse social consequences” (2005 pp. 773, 771). Passas notes (in concert with critical criminologists more broadly (e.g., Hillyard & Tombs 2007)) that a focus on acts defined as crime or illegality can divert attention from industry practice which, while technically legal, poses “serious threat” (2005 p. 772). This includes industries which produce “legal and widely desirable goods” but which generate “socially undesirable consequences” through their production, with the petrochemical and farming industries shared as examples (2005 p. 776). While live music may not produce the chemical pollutants that these industries do, the “Wild West” payment conditions [musician] could be considered socially harmful. Individually, musicians and others not paid adequately for their labour are struggling, finding it difficult to make a living. Collectively, those from working class backgrounds are prevented from entering the industry entirely because these technically legal pay conditions can allow promoters and venues to pass “the real cost of their product” on to these workers (2005 p. 777).

These pay conditions may undermine the model of the “socially responsible” corporation which the consensus approach to regulatory enforcement is based upon (Pearce & Tombs 1990 p. 439). Some venues and promoters were turning minimal profit, with one small venue manager reporting that they never took a wage in the close to 10 years that they ran their space. Other small venue managers explained how they needed to open late on weekends to supplement the income from live music events or had to close altogether on unprofitable nights early in the week. However, musicians were not only subject to poor pay conditions in small spaces with slim margins. One artist described being offered support slots with “big acts” by

promoters who claimed not to “have the budget” for fees. They explained how they would have to weigh up the fans a show like this could attract alongside “how am I going to get to this venue, how am I going to feed myself, how am I going to move forward and pay my bills?” If employers were to hold “a primary commitment” to act in the interests of workers (Pearce & Tombs 1990 p. 439; Tombs & Whyte 2010), it might be expected for this commitment to be visible throughout their business practices. However, these pay conditions call this into question – when self-governing here, these employers are allowing “socially undesirable” pay conditions to stand (Passas 2005 p. 776).

Examples were also identified in which live music workers did not receive rights which their employment status entitled them to, as well as of workers facing precarity created through the “lawful but awful” conditions associated with their employment arrangements (Passas 2005 p. 773). Many working in the live music industry do so on a self-employed basis – for example, some musicians invoicing venues or promoters for performances or who may operate as a limited company [musician]. Technicians and production workers may operate as self-employed for tax purposes, but their employment arrangements with venues and event organisers often will mean their employment status is that of a worker.

Those self-employed are entitled to minimal employment rights (including the protections outlined under The Health and Safety at Work etc. Act 1974, as well as protection from discrimination through the Equality Act 2010 (Acas n.d.-a)) and so the contract held with a venue or promoter is crucial in outlining what is agreed between and owed to each party. Written terms of employment – as guaranteed to workers (Acas n.d.-a) – could also outline any condition of a worker’s employment beyond the rights they are entitled to as standard. For example, contracts could provide protection against cancellations or last-minute changes. One musician described how when a show was cancelled as they were “sat in the van…all set to go”, their agent was able to “just fully [turn] around” a promoter refusing to pay cancellation fees, with recourse to their contract. However, agreements in place between employers and workers could be vague – at times, working only under “a general unsaid agreement” [sound engineer]. Indeed, one musician explained, “I've

been in the same band for a long time, and I've never signed anything". This could leave workers in difficult positions after cancellations or changes:

> *No contracts. No terms and conditions…So, for example, if a gig is cancelled less than 24 hours before I'm actually booked…there's no breach in contract, so it's very difficult.* [sound engineer]

This sound engineer explained how this could affect receiving payment for their work ("there's no contract so you can't mention in an invoice, 'invoice due end date'…it depends on how the employer wants to pay and when he wants to pay you"). Indeed, some workers reported more general struggles to enforce payment terms. Sharing experiences of their peers and union members who had been left with unpaid invoices, the same sound engineer explained "sometimes they magically don't pay". Economists have long noted how late payments are a "common cash management policy" for firms, who use this practice as "an important source of external financing" (Chuk et al. 2021 p. 1). The Small Business, Enterprise and Employment Act 2015 imposed requirements on large businesses[31] to report their payment practices (Chuk et al. 2021). While many live music venues and other employers in this sector will not meet the threshold for these requirements, some do. Table 10 details the payment practices as reported by the members of the Concert Promoters Association who are subject to these reporting requirements.[32] These data suggest late payment of suppliers is a common practice in the sector.

[31] "[Exceeding] at least two of the following three size thresholds on both of their last two balance sheet dates: (i) £36 million in annual sales, (ii) £18 [million] in total assets, and (iii) 250 employees" (Chuk et al. 2021 p. 1).
[32] Excluding Jockey Club Racecourses Ltd and Jockey Club Racecourses (Holdings) Ltd whose primary business activities expand beyond the live music sector.

Table 10: Percentage of invoices due but not paid within agreed terms as reported under the Small Business, Enterprise and Employment Act 2015 for members of the Concert Promoters Association

	Jan-June 2018	July-Dec 2018	Jan-June 2019	July-Dec 2019	Jan-June 2020	July-Dec 2020
Academy Music Group Ltd[33]	34%	16%	21%	29%	54%	70%
DHP Family Ltd	44%	Not reported	44%	42%	58%	63%
Live Nation (Music) UK Ltd	37%	32%	35%	46%	55%	68%

Membership details taken from The Concert Promoters Association (n.d.); payment data taken from Gov.uk (2021c).

These reporting measures were introduced as a regulatory mechanism to reduce the time taken for firms to pay suppliers, and indeed, Chuk et al. (2021) found that firms required to report payment practices reduced the time taken to pay invoices by 8.8% following the Act's introduction, compared to similar firms in the same period. While data on payments prior to the introduction of this regulation are not available for these live music sector businesses – and three firms is a limited sample even if it were – it appears that regular late payment persists here. Even prior to the introduction of COVID-19 restrictions, which may have significantly affected business practices here, there were reporting periods in which major promoters such as Live Nation were making almost half (46%) of their payments late.

Despite these difficulties, some freelancers reported the benefits associated with their employment status. As noted, those who are self-employed are "responsible for how and when [they] work" while workers have "very little obligation to make [themselves] available for work" (Acas n.d.-a). One union representative described how some workers might work intense schedules earlier in the year in order to take long periods of time off later – indeed, one sound engineer explained "I love going on holiday and I can go on holiday whenever I want". Sometimes, however, this

[33] Both Academy Music Group Ltd and DHP Family Ltd published two reports for the same period, for July to December 2019 and January to June 2019 respectively. In both cases, this duplicate reported no payments which were required to be reported were undertaken in these months. This table presents the data from the report which did detail payment information for the period.

flexibility was eroded. One freelance sound engineer explained that they spent as much as half of their working week with one venue:

> *…you're a freelancer, so you work whenever you want, you can pick and choose, but it's not like that, especially when you have employers that treat you like an employee…I'm given one specific time, one specific date.*

Indeed, a union representative suggested some freelance technicians see their employment status miscategorised by their employer – that these workers are treated as self-employed, while their working patterns entitle them to the rights afforded a worker or even an employee.[34] These freelancers found themselves providing their employer with the consistency that comes with an employee, while gaining none of the benefits they might expect with such a position. For example, this sound engineer reported not receiving holiday pay, despite describing their working patterns as that of a worker or employee who would be entitled to this (Gov.uk n.d.-h).

Further to this, there were other aspects of live music employment arrangements which introduced insecurity for workers, whether experienced legally or through miscategorisation of their working status. Workers and the self-employed are not entitled to a minimum period of notice or to protections from unfair dismissal (Gov.uk n.d.-h) and some explained this meant "life is pretty precarious" [sound engineer]. This sound engineer described how they spent nights worrying that they had "said something wrong to the promoter or said something wrong to the band" and that this would see bookings dry up. Indeed, another sound engineer explained how one company fired them "for complaining about a health and safety breach which was a really dangerous one". For some, the COVID-19 pandemic highlighted this insecurity, with one musician telling me the pandemic had left them feeling that "hard work doesn't pay" after tours were cancelled and they received little government support. Some musicians "lost [their] income overnight" [member of public] while a sound engineer needed to temporarily switch industries, characterising the period as "pretty shite". Scenarios that some presented suggested that this easy firing could

[34] Personal communication

facilitate employment discrimination. A musician described how they underwent surgery for what they suspected was a repetitive strain injury caused by their work. Through this, they had been in contact with other musicians who shared similar injuries – “maybe five or six others messaged me like, oh, I feel this pain as well”. They suggested these musicians can feel “like they're a bit disposable” and that while they were “feeling the pain for many years” that they “didn't do anything about it because it was like, oh God, what if I can't actually do my job and earn money?” In another particularly egregious example, a sound engineer reported how a fellow engineer “didn’t get a tour” after becoming pregnant.

The informal networks through which employment is secured could also establish these discriminatory patterns. Many have noted the important role networks play for those working in the industry (e.g., BBC News 2020), and those I interviewed echoed this. Hiring practices were said to be based heavily on reputation and relationships. One musician described how bookings can depend on “who you know” and reported an agent said to operate a ‘blacklist’ of promoters they would no longer work with after one too many cancellations. A production manager explained that, because only some workers in this industry hold professional qualifications, they needed informal networks to make hiring decisions – "I have to trust people...I have to use guys that I know". Some bookings happened through “an old boys’ network” – a sound engineer explained that the industry could look like “the same people recommending the same people, ringing the same people for the same jobs over and over again…a closed circle”. A union representative suggested that “[bringing] in people they know” like this could create unintentional imbalances – reaching out to contacts means “you're more likely to bring in someone who's like you, white, male.” Indeed, Stone has noted how, in workplaces without hierarchical or more structured hiring and promotion practices, “covert discrimination” can flourish (2004 p. 166). Stone suggests without “visible power structure, the invisible structures” such as ‘cliques’ dominate, meaning it becomes hard for applicants to either identify or respond to discrimination (2004 p. 166). Not only are hiring practices in the live music sector sometimes “informal and decentralized” – for example, with many freelance roles filled by sub-contractors working for (sometimes multiple layers of) contractors [trade body representative] – but the centrality of relationships and networks here appears to create the “invisible structures” Stone describes (2004 p.

166). Indeed, one musician explained how they followed “unspoken, unwritten regulations” in order to protect their reputation in the industry. The Equality Act 2010 provides protection to all workers, including the self-employed, from discrimination in the workplace and recruitment. Stone posits such equality legislation would provide a corrective to the discriminatory patterns identified here – "[injecting] an external order into the otherwise private and often anarchic domain of the workplace" (2004 p. 168). However, while the Equality and Human Rights Commission (n.d.-b) have successfully supported a self-employed worker claiming disability discrimination in an employment tribunal, the union representative I spoke with felt many workers may be reluctant to pursue such a claim in case this damaged their reputation with other employers and they lost work[35] – that this might breach the “unspoken, unwritten regulations” the musician previously described.

These “lawful but awful” (Passas 2005 p. 773) (and sometimes unlawful and awful) pay and contractual arrangements might be, at least in part, explained by capital imbalances. For example, because workers might feel it necessary to build up contacts to book work [union representative], new entrants to the industry might seek to develop social capital through unpaid work in order to establish themselves. One promoter described how some might choose to work for themselves, sometimes earning very little, in order to establish themselves – for example, managing a friend’s band. Indeed, an established musician – touring professionally for around 15 years, playing in small, medium and large sized venues, including large festival and arena slots – explained that it was their industry position that allowed them to be selective about fees.

> *I guess for us, if the fee is too low, we have the privilege to just say no because we know something else will be around the corner. I guess younger bands, I don't mean younger in terms of age, I mean younger in terms of age of the band, how long it's been going, I guess they get maybe taken for a ride a little bit.*

[35] Personal communication.

However, these conditions might also remain untroubled as a result of ineffectual regulatory intervention. Tombs and Whyte tell us that measures such as the late payment reporting requirements established under The Small Business, Enterprise and Employment Act 2015 align with a neoliberal perspective on regulation – in which protections are "secured not through legal regulation and its more adequate enforcement, but through the natural, invisible, disciplining hand of the market" (2007 p. 158). The market mechanism through which these measures are expected to work is that, armed with knowledge of an employer's payment practices, freelancers can consider whether or not they wish to work for them, which may prompt employers to change their behaviour if they begin to struggle to book the freelancers they wish to (Chuk et al. 2021). Tombs and Whyte have levelled criticism towards such models of employment regulation, not least because "the need to earn a living, combined with lack of choice and intense competition in job markets" limits capacity to decline any work (2007 p. 159). Such criticism might be especially applicable in the live music sector, where competition for work can be fierce and certain employment opportunities come with unique kudos, making workers willing to accept otherwise unfavourable conditions (e.g., Glastonbury Festival (BBC News 2017b)).

Further, however, it is possible that once again "the key counter-veiling force" (Tombs & Whyte 2013 p. 759) of the worker-regulator which could push back against these employment practices has been minimised. Alongside the everyday regulatory functions workers can perform, Tombs and Whyte also recognise the role "active and well-organized collective representation" plays in the "amelioration of harms" in workplaces (2013 p. 757). Tombs and Whyte explain how many regulatory regimes and standards in place today were "established only after long and bitter struggles" by unions and other campaigns (2015 p. 151). Indeed, a union representative shared an example of successful union pushback on a "lawful but awful" practice (Passas 2005 p. 773) in an adjacent industry – film and TV.

> *…the sparks, the electricians' branch…they've got really good rate cards set up, they've got their little mobile phone that they call the Bat Phone, that if a job is being offered that's not the right rate, they'll send round a text and be like remember that's not the right rate, you shouldn't take that job.*

This role of the unions is even recognised within the consensus approach[36] – that unions are "assigned" a "pressurizing role" as a necessary partner to the "external pressure" delivered by regulators in order to address instances of non-compliance (Tombs & Whyte 2010 p. 47).

Reflecting on the potential Equality Act 2010 violations described previously, the same union representative who described the victory for film and TV workers expressed that they felt that individuals bringing employment tribunal claims had limited effect – that "most individuals don't actually change the system, there are very few Erin Brockovichs in this world…what really changes the system is when a lot of people get together in a room and say, we're not going to put up with this anymore." This representative had experience to support this, as they discussed their work during COVID-19, including how "though a lot of campaigning" with other unions the Self-Employment Income Support Scheme providing payment to freelancers who were unable to work "came into existence".

While some in the live music industry recognised the power unions could wield (one sound engineer felt their union membership meant "you can get somewhere" in regulatory disputes with employers), membership was generally lower than in comparable industries like film and TV. These industries were "more unionised and…further ahead in their…freelance unionising journey", the same union representative explained. There was also little to suggest this might change soon. While some were attempting to quash practices like working for exposure (for example, on job posting pages "every now and again some idiot will come up and ask for someone to come and work for experience or exposure and they'll just get torn to fucking pieces" [sound engineer]), others were more generally resigned to the poor pay conditions common in the industry. Many touring musicians compared their experiences in England and Wales to those in Europe, particularly that pay for shows was better on the continent. Indeed, a sound engineer suggested that they had encountered international artists "surprised" not to be paid for their performances here ("people who've done tours, they always said the UK was the worst place to

[36] This is despite the approach's theoretical basis generally underplaying the role of the "long and bitter struggles" towards present day regulatory standards described previously (Tombs & Whyte, 2015 p. 151).

play”). Artists connected this better pay for live acts in Europe to better funding for venues and the arts in general, including government support for artists to tour internationally. However, despite this model prevailing in other countries, there was a general acceptance of the state of affairs in England and Wales. Indeed, the kind of pay musicians might be due as workers could be seen as aspirational – speaking about a guideline figure put forward by a union for live performances, one musician reflected that “the amount is amazing”. The feasibility of guaranteed pay levels was questioned by another musician – that “it would be good if there was some kind of pay brackets or something” but “does that sound crazy?”

Tombs and Whyte note how “macro economic factors…play an important role in shaping inspectors' world-views” and that this guides regulatory officials’ responses to infractions (2007 p. 164). The response (or lack of) from worker-regulators to these poor pay conditions may be similarly shaped by these forces. Indeed, the musicians interviewed here considered their poor pay a feature of the market. One musician reflected that a “saturated” live music market made “a fairer deal” impossible, because “the numbers don't add up”. Talking about a living wage, another musician explained “venues don't turn over enough profit from shows to pay artists that kind of money.” Similarly, a sound engineer connected a lack of pay for musicians to the high rents some venues pay. One took this further, suggesting any regulatory action to improve pay was simply incompatible with today’s economic model – that they “completely understand why it can't be regulated, especially in the free marketplace. You know, it's just not going to happen”.

The influence of the worker-regulator might be further minimised here as live music workers appeared not only accepting of their precarious employment conditions, but sometimes even unable to recognise themselves as workers. A sound engineer who had had a long and clearly dedicated career reflected on their job, suggesting “it beats working for a living.” Some described venues and promoters not as businesses with responsibilities as their employers, but as organisations operating not “necessarily for profit, but for the sake of art” [musician]. These (mis)understandings of live music work came from outside the industry too – as one venue manager put it, many outside the industry see this work as “quite a mystical thing.” One lighting engineer reported that their “non-magical friends” could be

blinded by the “mystique of behind the curtain”, seeing their work as leisure. They described meeting friends at a festival they were working:

> *…they were like, OK, so did [the band] pay for your ticket, and I was like, what do you mean, I'm working…I'm being paid to be here, and they were like what, you're being paid to be here?*

As Jaffe notes, under late capitalism, the creation of art has become separated from the concept of work – with artists themselves positioned as "people who reject the concept of "work" as we know it" (2021 p. 189). Reflecting on the practice of modding – in which gamers “create their own games using the tools provided by the games' manufacturers” – Kücklich (2005) notes how despite games manufacturers profiting from ‘mods’, the work of the gamer is uncompensated. They suggest this continues because of “the perception of modding as a leisure activity, or simply as an extension of play” leading them to term such activity as “playbour”. Reductions in regulator activity in live music settings may have contributed to this blurring of the concept of labour here. As has been noted, the recent withdrawals of health and safety inspection and enforcement activity in UK workplaces has been suggested to signal “impunity” to employers (Tombs & Whyte 2013 p. 758). Tombs and Whyte suggest this message is also “heard resoundingly by workers and their representatives” (2013 p. 758). It is possible workers interpret impunity as irrelevance – that their workplaces are not subject to these inspections because they are not workplaces, and they are not workers.

There is a class of workers engaged in the live music sector, however, who face added layers of precarity – migrant workers. This is introduced for these workers through the additional aspects of employment regulation they are subject to; namely, right to work checks and requirements for work visas. The vast majority of live music venues hosting amplified music are licensed to serve alcohol, and much of their income is drawn from this (Webster et al. 2018). The Immigration Act 2016 introduced a right to work check into the alcohol licence application process, made the Home Office a responsible authority who must be consulted on all such applications, and gave immigration officers power of entry to licensed premises (Home Office & Immigration Enforcement 2017). These new powers represent a

marked expansion of the employment regulation applicable within live music. All those applying for new or variations to premises or personal alcohol licences are now "required to include documentary evidence of their lawful immigration status and entitlement to carry out work in a licensable activity" which is checked by local authorities (Home Office 2017 p. 2; Hinckley & Bosworth Borough Council 2020), while Home Office Immigration Enforcement "must be fully notified of applications and are entitled to make representations" against these (Home Office 2017 p. 2; 2018a).

However, despite this expansion, this aspect of employment regulation was never raised in interviews. Further, data received through Freedom of Information requests placed with licensing authorities across and around City A suggest these powers are used relatively rarely (see Table 11). Responses received show only five alcohol premises licences have been objected to by Home Office Immigration Enforcement since the Act's introduction. Inspections were more common, but still these occurred at a rate of fewer than three a year for those authorities which replied to this item.

Table 11: Immigration Act 2016 powers as enacted by sample of licensing authorities from 2017 to 2020

	Representations from Home Office Immigration Enforcement against personal licences[37]	Representations from Home Office Immigration Enforcement against premises licences[38]	Inspections by licensing officers accompanied by immigration officers[39]
2017 to 2020	0	5	220

For sample information, see *Freedom of Information requests* section in Chapter 3.

These data are difficult to interpret in isolation. This could reflect the compliance style of enforcement seen elsewhere in this thesis – where more severe sanctions like prosecution, or in this case licence objections, are rarely deployed (Hutter 1989).

[37] Based on responses from 27 licensing authorities.
[38] Based on responses from 27 licensing authorities. I was provided with the dates these representations were heard by the authorities' licensing committees. From this information, I was able to explore the material held regarding each case online by the local authority. Three of the representations which were reported did not concern an alcohol licence and these were not included in this count. It was unclear from this material if all of the remaining five were representations made by Home Office Immigration Enforcement, or instead proceedings in some other way initiated by them. These instances have not been excluded from this count.
[39] Based on responses from 21 licensing authorities.

However, the introduction of this regulation (and these enforcement patterns) might reflect state needs for exploitable workers. Analysing experiences of irregular migrants in Greece in the early 1990s and beyond, Cheliotis explains how "purportedly exclusionary approaches to irregular migration control may be imperfect by design"; this prevents loss of an "exploitable workforce" whose precarity is heightened by the symbolic work exclusionary policies do, marking these workers out for public stigmatisation and even violence (2017 p. 78). The powers enacted here through the Immigration Act 2016 undoubtedly perform such a symbolic function, as these form part of the wider, extensive system of control facing migrants living and working in the UK – the hostile environment (Goodfellow 2019; Qureshi et al. 2020; Griffiths & Yeo 2021). These powers contribute to a wider network of "everyday, everywhere bordering" (Bhattacharyya et al. 2021 p. 21) and potentially mark these workers out for harassment in the ways Cheliotis (2017) describes.

More workers still are caught up in the effects of this hostile environment – international touring artists and their teams. Here, agents, tour managers, and promoters arranging worker visas described what could be an onerous and expensive process. Artists were required to collect their visas in person from a Visa Application Centre located in a British embassy, where they were interviewed as if by "the police" [agent]. One promoter told me they felt the system was staffed by "a lot of jobsworths who see it as their duty to provide obstacles". Some explained how difficult it was to talk to an official about an application, and when applications were rejected "it gets so difficult because you can't go in and complain…it's almost impossible to get hold of them" [agent]. The rejection of visas here was not simply an administrative headache for musicians and their teams but could be disastrous. This had seen shows "lost completely" [promoter] or tours derailed as passports were held in consulates. One agent described how express visa processing – which might be necessary in order to reapply after a rejection – was as much as £1000 per person and could be too costly for most tours. While international touring had been halted for as much as a year at the time of these discussions due to COVID-19 restrictions, those I spoke with on this subject expected the UK's withdrawal from the European Union to negatively affect their operations and worsen barriers to international artists entering the country.

Artists from the Global South, however, already experienced heightened barriers to entry. Some artists were able to travel without a visa, under the Temporary Worker – Creative and Sporting visa concession programme (Home Office 2021d). Navigating entry through this, one agent explained, involves minimal administration (such as ensuring passports are stamped at the border) and is inexpensive. However, this concession programme is restricted to certain nationalities only – including most European nations, the US, Canada, New Zealand, and Australia, or as one agent sardonically put it, our "white friends". The costs artists faced for alternative visas or permits could be prohibitive to artists and promoters hoping to perform or arrange shows in small venues, where visa processing costs could not be recouped through a high volume of ticket sales ("you couldn't spend that on visas because you'd have nothing to pay for travel, hotels, the band's fees, catering, anything else" [promoter]). Further, barriers to entry for artists from the Global South were often worsened through practical constraints. While visas must be collected in person from a Visa Application Centre in a British Embassy, some countries (including many in Africa, Latin America and the Caribbean [promoter]) do not have a British Embassy capable of issuing these visas. This means artists from these countries must travel to another country to find an embassy where they can collect their visa documents. One agent explained this is often built into tour schedules, at great cost. Speaking on the experiences of Malian musicians they work with, they explained how:

> *In Bamako there is no Visa Application Centre…you either have to go to Senegal or the Gambia – which is a nightmare because…all the musicians have to turn up in person. Can you imagine, they might have to travel and stick around for a week or two…it's a torturous kind of process, not to mention expensive.*

All of this suggests that not only is precarity engendered for many working in the live music sector through limited compliance with and enforcement of various aspects of employment regulation (not to mention the many "lawful but awful" practices catalogued (Passas 2005 p. 773)), but that this precarity is heightened through the hostile environment for both migrant workers based in the UK, and touring artists and their teams – particularly those coming from the Global South.

6.3. Conclusion

Essentially, the picture presented here does little to suggest employment regulation is crafted or enforced in the live music industry in a way which provides significant protection to workers. Only limited awareness of relevant regulation – such as The Control of Noise at Work Regulations 2005 – was identified amongst employers and workers alike. Compliance appeared to be inconsistent, with repeat violations of The Working Time Regulations 1998 identified. Some also reported examples of practices technically compliant with employment regulation, but through which workers still faced exploitative or otherwise negative working conditions, including poor pay and insecure contracts.

As has been detailed, it is possible to account for much of what has been presented here with reference to the consensus approach taken to this regulation and the compliance style of regulatory enforcement this entails. Contained in this approach are key assumptions that the likes of Pearce, Tombs and Whyte ask us to question; whether we can expect employers to share the goals of regulators and workers, or if "the corporation can have a primary commitment to act in a socially responsible manner" (Pearce & Tombs 1990 p. 439; Tombs & Whyte 2010). Indeed, the examples presented here – of employers choosing to "get away with" legal but adverse pay and contract conditions for workers [musician] – further undermine any model of the "socially responsible" company (Pearce & Tombs 1990 p. 439).

The withdrawal of proactive inspection, undermining the influence of the worker-regulator, was suggested to leave workers vulnerable to non-compliant and otherwise exploitative practices. This also has implications for hopes of making further gains for workers through changes to employment regulation. As noted, Tombs and Whyte (2015) have highlighted the role conflict plays in the formation and enforcement of regulation – between workers, trade unions, employers, state actors and beyond. Much of the employment regulation examined in this chapter, they suggest, should be considered "as a product of inter- and intra-class conflict" (2015 p. 155) but it is hard to imagine such conflict arising from a workforce who do not fully recognise the unfairness in current practices. Despite this bleak picture, a few

are seeking change. A sound engineer shared the story of the formation of their union branch.

> *Theresa May…repealed the Trade Union Act. And I was like, fuck this, I'm starting a union. And that's how it happened…I was reading BBC News and I saw that, and was like fuck, I've had enough of this, went into work and was like right, let's do it. So, [we] organised the first meeting.*

Not everyone is ready to accept the gig as part of the ‘gig’ economy just yet.

CHAPTER 7: CONCLUSION

This thesis has examined various elements of live music's regulatory landscape, giving insight into this industry and the forces acting upon it. Three areas of this regulatory landscape were investigated, each of which shape and affect this industry. Chapter 4 outlined how planning disputes surrounding new or existing live music venues often centred on noise, but that this appeared to be a proxy for what was in fact at stake in these deliberations – how space can be used and by who. Making successful claims to space was found to depend in part on participants' economic, cultural, and social capital. In Chapter 5, safety was found to mean different things in different contexts, to different actors. Limited health and safety inspection saw event producers and teams define working safely for themselves, with commercial interests often coming to be a dominant concern (e.g., 'signing off' work to minimise civil liability). Efforts to comply with event security and licensing regimes often focused on crowd management, with specific audiences – sometimes defined by audience class and race – becoming a focus for 'safety' concerns. Finally, Chapter 6 outlined how compliance with and enforcement of various elements of employment regulation in live music settings appeared inconsistent. Examples included workers not provided with required hearing protection and schedules that appeared to violate working hours regulation. Subjects also reported circumstances in which compliance with employment regulation was technically achieved, but workers still faced exploitative or otherwise negative working conditions, including poor pay and insecure contracts.

Most straightforwardly, these chapters offer new understanding of how live music is regulated. Live music's regulation was examined across two sites (Cities A and B). These sites were selected to capture: the many regulatory areas that live music is subject to; different kinds of live music venues and events; as well as a wide range of live music operators and actors of different kinds and with different characteristics. This enabled questions regarding how different parties navigate these regulatory systems, and who and what is targeted within them, to be explored. However, this examination also reveals how the regulatory landscape has come to shape today's live music industry. This chapter suggests that elements of today's growing and evolving live music industry have been shaped through engagement with various regulatory systems, through the productive power of regulation (e.g., Rose 1999).

Specifically, it is suggested that live music's regulation has helped to embed three patterns across this industry – that a) large scale actors dominate, b) profits are prioritised as public and worker safety and welfare are undermined, and c) the racial and class hierarchies found in society more broadly are reproduced. This chapter argues that, when considered together, these patterns suggest that the productive power of regulation has contributed to the development of a live music industry formed in the image of neoliberalism.

7.1. The productive power of regulation

As has been touched upon previously, the regulation of live music can be considered to restrict practice. Hae (2011), for example, chronicled changes in licensing practices targeting nightlife venues in New York City in the late 20th century. While these jazz clubs and discos thrived under a permissive licensing regime in the 1970s, the 1980s and 90s saw policing of these spaces become increasingly punitive (including sanctioning businesses for the "casual rhythmic movement" of their patrons without holding the cabaret licence necessary to host 'social dancing' (2011 p. 3459)), contributing to the closure of prominent live music spaces like the Wetlands and CBGB's.

However, regulation is not only restrictive, but productive. As has been covered in Chapter 2, Rose explains that regulation is not applied to "a pre-existing thought world" (1999 p. 31) but that practices and targets (e.g., the concept of a population) must be defined and delineated before they can be subject to regulatory interventions. Another product of regulatory action is the "modern autonomous individual" (Lemke 2002 p. 2). Reflecting on the work of Foucault and others, Rose suggests that an understanding of society today as "programmed, colonized or dominated by ''the cold monster'' of the State is profoundly limiting" (2006 p. 145). Unlike the liberalism of the 19th and earlier part of the 20th centuries, Rose suggests that power today is instead felt through "the rationales, devices and authorities" governing everyday settings such as "bedrooms, factories, shopping malls, children's homes, kitchens, cinemas, operating theatres, [and] classrooms" (2006 p. 145). These governmental practices produce this autonomous individual, who self-governs and further reproduces social life in this image (Lemke 2002). An example of this

kind of productive power might be seen in modern conservation efforts. Some suggest conservation work today can be considered as "'green' governmentality" or "environmentality" as efforts are made "to inculcate an environmental ethic" in subjects, in the hope that they might then "self-regulate…in conservation friendly ways" (Fletcher 2010 p. 175). Fletcher suggests practices like conservationist education programmes represent such 'environmentality' as "norms intended to encourage in situ natural resource preservation are advocated" through "decentralised institutions" including schools and NGOs (2010 p. 175).

7.2. Producing neoliberal order?

As Harvey explains, neoliberalism describes:

> *…a theory of political economic practices that proposes that human well-being can be best advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. (2007 p. 2)*

While there is some disagreement on the exact contours of the concept, many agree that this set of political economic arrangements has established certain patterns in our social world – patterns that we might describe as neoliberal order. First, the neoliberal age is characterised by the "[concentration] of corporate power" – that neoliberal economic policy has enabled "the largest corporations to accumulate profits and to expand their political and social influence" (Tombs & Whyte 2015 p. 6). This has seen many industries, both nationally and internationally, dominated by only a handful of companies (Tombs & Whyte 2015). Second, central to neoliberal order is the notion that industries function best when unburdened with 'red-tape', and are instead guided by the "natural, invisible, disciplining hand of the market" (Tombs & Whyte 2007 p. 158). While it would be reductive to consider this period as marked straightforwardly by deregulation (Tombs & Whyte 2015), the degradation of regulatory standards and enforcement that this ideology has supported has damaged public and worker safety, with regulators left only able to "offer little more than a symbolic response to the problem they are charged with monitoring and controlling" as it is estimated that as many as 50,000 workers are killed due to their

work in the UK every year (Tombs & Whyte 2013 p. 753). This, alongside economic shifts including the globalization of labour markets (e.g., Standing 2012), has also contributed to an erosion of employment security for workers. Indeed, in their study of Atlantic City casino workers, Mutari and Figart reflect on the precarious nature of employment in a neoliberal political economy – that workers "are surrounded by risk– the risk of losing our jobs, losing our benefits, losing our homes, losing our credit ratings, and losing our economic footing" (2015 p. xv). Finally, some have identified class and racial exclusions that are typical of – and integral to the continued functioning of – neoliberalism. While class and racial inequality has history beyond the birth of neoliberalism (e.g., Fryer 2018), Wacquant (2009) describes how the over-policing of lower class and ethnic minority groups under these political economic conditions serves key functions in their maintenance – including to warehouse those members of a population considered surplus to its functioning and to encourage those employed under precarious conditions to accept these against the alternative of this over-policing. The exclusion of lower-class groups from quasi-public consumption spaces based on their spending capacity has also been said to provide temporary stability in the face of the "precariousness of being" characteristic of the period (Bauman 2004; Young 2007 p. 3; Ferrell 2012).

From one perspective, regulation's productive power can be considered to contribute to the production and reproduction of this neoliberal order. Many instances of the "conduct of conduct" (Rose 1999 p. 19) take place each day, at times appearing in the "most mundane practices of everyday life" (LaMarre et al. 2019 p. 239). While these "little regulatory instances" might appear administrative, such activities can be connected to the political (Rose 2006 p. 160). As Rose explains:

> *The strategies of regulation that have made up our modern experience of ''power'' are…assembled into complexes that connect up forces and institutions deemed ''political'' with apparatuses that shape and manage individual and collective conduct in relation to norms and objectives but yet are constituted as "non-political".* (2006 pp. 144-145)

In this way, governmentality allows "neoliberal control and power" to be exercised across social worlds, "[reproducing] culturally privileged…understandings and ways

of being" (LaMarre et al. 2019 pp. 240, 239). LaMarre et al. (2019) suggest psychotherapy offers such an example of neoliberal reproduction, identifying various neoliberal discourses promulgated in these practices. One example is the 'normal self' – "autonomous, freely choosing subjects continuously involved in self-improvement" (2019 p. 244). It is suggested that, when faced with distress created by neoliberal structures – such as through precarity – the 'normal self' sees individuals self-govern into subjects who manage their own responses to this distress (e.g., by working on "expectations, distressing reactions, and communication skills" (2019 p. 245)) rather than resist those neoliberal structures that caused this.

Similarly, Guthman discusses food labelling schemes, including produce marked as organic or fairtrade, suggesting these "produce and reproduce neoliberal forms, spaces of governance, and mentalities" (2008 p. 1171). As these labels "inscribe" certain purchasing behaviours (through a responsibility to "[know] where your food comes from" and "[vote] with your dollars" (2008 p. 1176)), Guthman suggests these embed neoliberal order into the food market through the "devolution of regulatory responsibility to individual consumers" (2008 pp. 1176-1177). The introduction of the 1998 American Fisheries Act in the US offers another example of the production and reproduction of neoliberal order. Mansfield argues that the Act attempted to address the "distorted market" replete with "inefficiency and rent dissipation" that a free or public ocean represented (2004 p. 579). Such privatization needed to be created – as Mansfield notes, "such institutions [require] rules and regulations" (2004 p. 579). Consequently the Act began to establish the privatized ocean through various regulatory powers granted to the fishing industry, including "allocation, monitoring, and enforcement duties" (Mansfield 2004 p. 565).

Regulators engaging with the live music industry will have shaped it in similar ways, embodying political forces and ideology. Though the live performance of popular music has a long and rich history (e.g., Brewster & Broughton 2006; Haslam 2015; Frith et al. 2016), the live music industry is a modern development (Frith et al. 2021). Whilst past live music practices may have been commercial (e.g., Haslam 2015), it is only in recent decades that the live music industry has taken the form many recognise today. What follows begins to explore this, describing patterns that the regulation of live music has helped to establish across this industry.

7.3. Large scale actors dominate

As was discussed in detail in Chapter 2 (see *The Live Music Industry* section), the last 30 to 40 years has seen major structural changes in the live music landscape in England and Wales. One prominent shift has been in the corporate make-up – now, a significant proportion of the live music produced, housed, and promoted here is done so by a few large companies, a shift from earlier decades when smaller scale operators had a greater stake. Indeed, some in the field raised examples of mergers that took place in recent decades – of a multi-national promoter absorbing smaller operations, and of multiple venues being built or brought under the same corporate umbrella – bringing such smaller operators together with others.

Engagement with regulatory systems has contributed to this dominance of large-scale actors in this industry. Across the regulatory systems investigated in this thesis, examples were presented that suggest the size of an organisation might affect their navigation of the various regulatory systems they must engage with, and that generally, large companies fared well in these encounters. Large, international operators received planning permission for new sites, while another global brand was successful in securing protections for their city centre nightclub after planning proposals were lodged for a neighbouring residential development. Similarly, large promoters were granted alcohol and performance licences by local authorities to host festivals in their parks, receiving these ahead of competing bids from other operators.

Many examples were presented that suggest this transpired because larger companies are better equipped to navigate live music's regulatory landscape, due to the economic, social, and cultural capital at their command. Festival promoters offered additional events for the local community (that the local authority might not otherwise be able to afford to host) as part of their applications to host their events in local authority parks. Festival promoters would require significant economic capital to offer these, meaning this could disadvantage first time or independent promoters, and see larger operators dominate. Within the planning system, the economic, social, and cultural capital of large corporations helped them to successfully protect their venues threatened by neighbouring development or to open new sites. Cultural

capital (such as an understanding of the planning system's norms) and social capital (for example, in the form of connections with local policy makers) supported those resisting applications that might threaten their existing venues or selling their proposals for new venues to the various planning decision-makers they encountered. Economic capital was also shown to pay for a host of activities in support of or in opposition to an application – including the services of planning lawyers or consultants who might bring further cultural and social capital of their own. Examples were covered of venue proposals from multi-national corporations that included promises to develop community resources alongside the proposed venue – including plans for an additional small music venue offered by developers seeking to build an arena site. This aligns with the expectations set out in the literature review – that larger operators could be reasonably expected to possess greater economic capital, and potentially social and cultural capital also, and that this would affect their regulatory outcomes. Comparatively, it was found that those running smaller scale, independent operations struggle to protect themselves against competing planning applications. While small venues might hold significant social and cultural capital within their own local scenes (Whiting 2021), these activities do not provide the same capital position within the various regulatory fields encountered in this thesis. These operations also do not command the same profits as their larger counterparts.

That these regulatory systems could be navigated more successfully in possession of the cultural, social, and economic capital large operators wielded has meant these systems have served to reproduce and reinforce broader trends of vertical integration and amalgamation in the industry. For example, the planning system, at its heart, is about what can exist where – can venues be built or, in some cases, demolished? This meant that, despite many venues operating without ever engaging with this system, for those that did, impacts could be existential. The Centre, described in Chapter 4, has been levelled after an application for flats on their land was approved, with no alternative site secured for the music venue. As larger operators are better equipped to navigate the planning system, and smaller operators struggle to respond to applications threatening their spaces, a shift in the make-up of live music venues in England and Wales might occur. This is only accelerated as, in one example described previously, a large operator included a smaller performance space in an application for a larger site. It is not necessary for

any shift to take place in a one-to-one fashion,[40] but patterns identified here could slowly see the same large operators increasingly run the small sites performers begin careers in, as well as the stadiums they may end up headlining. Similar consolidations have been seen in ticketing, through mergers and acquisitions joining companies promoting and arranging artist tours with those selling tickets in primary and secondary markets (Behr & Cloonan 2020). While qualitative work is not well-equipped to evaluate the extent of any shift in the make-up of the live music venues operating or events held across the country, what has been presented here suggests the dominance of large companies has been enhanced through engagement with the planning system and other regulatory regimes.

7.4. Profits are prioritised as public and worker safety and welfare are undermined

Live music today is a hugely profitable industry. As discussed in detail in Chapter 2 (see *The Live Music Industry* section), at the same time as large-scale operators increased in dominance in this space, profits from live music grew substantially – in Britain, overtaking those from recorded music in 2008 (Frith et al. 2021). Indeed, in 2020/21, the sector was estimated to have contributed £3.1 billion to UK GDP (UK Music 2021). Examining the health and safety and employment practices taking place on live music sites, however, it appears these profits can at times be prioritised over public and worker safety and welfare.

Generally, the awareness of and compliance with health and safety regulation reported by those working on live music sites was mixed. Patterns were identified within this more general picture, including that on large sites, a particular understanding of what it meant to work ‘safely’ emerged. Amongst the production and technical managers and teams working on these (often highly profitable) larger sites (e.g., arena shows, outdoor festival events), civil liability was a central consideration, and to work safely could mean working in a way which minimised liability. One example of this is the way in which ‘sign off’ was sought for builds and other work – the practice of having your work in some way ok-ed, on paper. This

[40] Although Hancox (2018) has demonstrated how closely tied these openings and closings can be, chronicling the closure of the formative grime spaces Club EQ and pirate radio station Deja Vu’s studio, replaced with the Olympic Park within five years on the same site.

included a production manager getting the maximum weight a stage structure could hold confirmed over email ahead of a tour, before moving forward with their planned lighting rig. Such liability concerns were connected to concert profitability by some subjects – “I want to be safe, and I don't want to get sued for millions of pounds” [production manager]. Measures to minimise liability in this way could be pursued while other more concrete safety improvements were neglected. Builds often lacked the necessary manpower to be constructed safely in the time allocated, and many workers connected a reluctance to supply additional time or staff with the cost associated with these measures.

As well as this, these teams and other workers were also subject to various employment regulation violations, as well as otherwise negative and exploitative employment conditions across all kinds of live music workplaces. Some workers were not supplied with the hearing protection equipment required by law and others reported working schedules that violated working hours regulation. Others reported how, at times, technical compliance with employment regulation was achieved but workers were still subject to harmful or exploitative employment practices. This included poor pay and insecure contracts. The period of fieldwork for this thesis meant effects of the COVID-19 pandemic were particularly raw, and many live music workers demonstrated their precarious working lives by describing how their employment evaporated as lockdown measures were announced in March 2020. These conditions benefit employers and protect profits. Insecure contracts mean a worker can be let go when their activity is no longer profitable (e.g., in a slow season). The poor pay conditions musicians and others face shield their employers, to a degree, from the economic risk involved in running a business – particularly those promoting live music events with uncertain returns. Protection equipment is a cost, as is the hiring of more staff to ease the working schedules of existing teams, as already discussed briefly.

It is suggested that the regulatory tactics deployed – those in line with a consensus approach to regulation – through both the health and safety and employment regulatory regimes were central to creating these employment conditions and the health and safety practices described. As described previously, a consensus approach to regulation is characterised by a specific set of enforcement tactics –

often termed as a compliance style of regulatory enforcement, which includes negotiation and persuasion, as well as a general aversion to high levels of proactive inspection (e.g., Hutter 1986). As Chapters 5 and 6 detailed, minimal levels of proactive inspection were seen here from regulators. For example, local authority health and safety teams are responsible for the enforcement of much of the health and safety regulation which applies to a live music event or venue, as well as some elements of employment regulation (e.g., the limits on working hours) but as a local authority environmental health officer put it, “years ago, we would go to every single pub…we'd inspect every single one…now, no, we just don't do it.” More frequent proactive approaches might have revealed, for example, the gaps in manpower and time needed to complete builds safely or the absence of required hearing protection for staff, and led to sanctions from a regulator, but inspections rarely occurred, and so this practice continued. At the same time, measures intended to limit liability, including achieving sign off for work, became central to understandings of working safely, as the external sanction of losing profits through a lawsuit loomed large.

As discussed in Chapter 2, critical scholars have raised questions about the effectiveness of the compliance style of regulatory enforcement associated with the consensus approach. For example, Gunningham’s work identified failures to protect workers from asbestos exposure in the New South Wales mining industry, suggesting this was, at least in part, a result of the compliance style of regulatory enforcement the Inspectorate pursued – that they “[failed] to use their powers” in the face of “persistent evidence of non-compliance” (1987 pp. 80-81). The examples presented in this thesis strengthen these criticisms as here, as in Gunningham’s investigation, an enforcement approach that involved minimal proactive inspection shaped (and was detrimental to) safety practice.

These findings also troubled the theoretical underpinnings of the consensus approach. As described in Chapter 2, the consensus approach, and the decisions to deploy the associated enforcement tactics, are underpinned by ideas including that: corporations are actors which can first and foremost “act in a socially responsible manner” (Pearce & Tombs 1990 p. 439); corporations, workers, and regulators share a “basic ‘common interest’” in protecting workers and the public (Tombs & Whyte 2010 p. 47); and as such, corporations can be trusted to generally self-govern

(Tombs & Whyte 2010). Findings from Chapters 5 and 6 suggests this to be faulty. When subject to the kind of limited inspection or minimal enforcement activity this approach prescribes, companies chose to pass 'externalities' – like the illness and injury that might be associated with extreme working hours – onto their workers (Pearce & Tombs 1991). Indeed, the overall finding that profits were at times prioritised over public and worker safety and welfare is in direct contradiction with consensus theorists' assertions that corporations can act in the interest of workers and the public ahead of their legal obligation to shareholders (Tombs & Whyte 2015).

Further to this, there is another mechanism by which the regulatory tactics deployed here create an industry in which profits are prioritised ahead of safety and welfare – that a lack of proactive inspection might undermine the role of "workers as regulators" (Tombs & Whyte 2013 p. 759). What is presented here might extend previous criticism of the consensus approach, providing novel examples of the ways that this approach and the associated low levels of inspection and minimal enforcement activity might craft a self-governing citizen who does not advocate for what is owed to them in their working lives.

As outlined previously, Foucault and others have described how the exercise of power today looks different from that of previous periods. Today, the "conduct of conduct" sees a wide variety of techniques work to produce self-governing citizens (Rose 1999 p. 19). Discussing the example of the regulation of working life, Rose notes how while "the whistle at the end of the shift [manages] time externally" other regulatory techniques like "the beeping wrist watch" manage the subject through "self-control" (1999 p. 31). The withdrawal of inspection and enforcement activity in live music workplaces has similar self-disciplining consequences within England and Wales's live music industry. Tombs and Whyte (2013) have noted the everyday regulatory functions workers can perform in their workplaces, including identifying dangerous practice. However, as Chapters 5 and 6 outline, in the live music settings investigated, regular inspection that might have provided workers with opportunities to learn what was owed to them (e.g., Hutter 1986) – breaks in shifts or the hearing protection their employers needed to supply, for example – was broadly absent. Tombs and Whyte (2013) argue that limited inspection and enforcement in this way "sends a message" of "impunity" to employers which workers themselves absorb

(2013 p. 758). Indeed, many workers were broadly resigned to their conditions, explaining poor pay away as a feature of the market or suggesting regulation of this was not possible in a 'free market'. Some even appeared to interpret their employers' impunity as their own irrelevance – that their workplaces were not inspected because, in some sense, they were not workers. This could not only normalise exploitative practices and more straightforward employment regulation violations for individuals, but could undermine the capacity of unions to alter the situation. Tombs and Whyte (2013) emphasise the role organised labour has played in securing safety regulation and ensuring its enforcement. However, in the live music industry, union membership was reported to be comparably low.

7.5. The racial and class hierarchies found in society more broadly are reproduced

As outlined in Chapter 2, through what limited work has taken place in this space, a broad theme began to emerge – that across the various areas of regulation that live music practice is subject to, more power is held by some and not others, and that this depends (at least in part) on how they are racialised and their class position. Examples included the policing of artists and their audiences (e.g., the exclusion of "flawed consumers" (Bauman 2004 p. 38) from live music sites through door management practices that "[keep] the rubbish out" (Monaghan 2002 p. 415)). Because of this, it was expected that regulatory practices and outcomes observed in fieldwork would reflect this – for example, differing to some degree across audience profile and genre, or between venues associated with these.

The findings outlined in Chapters 4, 5, and 6 extended this theme, to a degree which suggests that the racial and class inequalities found in society more broadly are reproduced and reinforced across the live music industry through engagement with various regulatory systems. Chapter 5 outlined how efforts to maintain safety through and in compliance with the licensing and event security regimes focused on crowd management – in particular, violence prevention. Specific audiences, defined by class and race, were at times a focus for these 'safety' concerns and regulator activity helped to establish this. Venue operators reported relatively high levels of proactive engagement from police and licensing officers who passed information to them on performers as well as more general safety guidance, which could focus on

Black and ethnic minority artists, or the genres associated with these. While the detail of this engagement might vary between different venue and event types (e.g., some larger sites reported proactive engagement from police on the risk of terrorist violence), this was reported by event and venue operators of different sizes and models. While venue managers and event organisers took final decisions surrounding safety measures in place at their events, or indeed whether to hold an event at all, the influence of this proactive work from police and licensing officers was solidified because of the sanction a venue might receive – that venues expected to face amendments to or even loss of a licence if incidents of violence did take place.

The findings presented here question a distinction between 'regulator' and 'regulatee', where venue operators are seen to fulfil both roles. Venue operators are the primary, or nominal, target of the licensing regulatory system. As described in Chapter 5, almost every live music venue and open air event in England and Wales is subject to this regime, through which they are required to hold a licence to host live performance, serve alcohol, or both, as granted by their local authority (Home Office 2018b). In order to maintain these licences, venue operators must ensure their sites comply with any conditions the licensing authority has outlined (e.g., closing times) and otherwise do not fall foul of the four objectives of the Licensing Act 2003 (including public safety and the prevention of crime and disorder) (Home Office 2018b).

To achieve this compliance, however, venue operators regulate their audiences. Some of this is done directly, for example, through measures such as door supervisors; as one venue manager explained in Chapter 5, they staffed their sites in response to expected audience numbers (on a "really busy night, we'd up it…just because of the volume of people"). Some of this is done indirectly, through the measures venue operators were shown to deploy that shape their audience; taking a different approach to different genres ("If someone was doing a hip hop night, I would want to know all the acts that are playing" [venue manager]) or artists ("there's certain artists which you just think it's not worth the argument, not going to do it" [venue manager]) in their programming for example. To some extent, these acts of regulation are required of venues, directed by licensing authorities and the police; the venue manager who had been encouraged to install a CCTV system with "better

facial recognition” for example. Others are pursued under a more general sense of obligation or pressure – for example, the same venue manager explained that they took some measures because they “couldn't afford any incidents”. This is not inconsistent with what others have found in similar settings, including work reviewed in Chapter 2. Measham and Hadfield, for example, highlighted how dress codes, marketing, and programming decisions functioned to discourage “attendance by minority ethnic and working class communities” for club managers who assumed these audiences to be more prone to disorder (2009 p. 374).

It is also notable that these findings, alongside those presented previously of a hands-off approach taken to health and safety regulatory enforcement, align with the expectation established in the literature review that the enforcement tactics applied to businesses would differ from those directed towards individuals, in line with the work of critical scholars (e.g., Pearce & Tombs 1990; Hillyard & Tombs 2007; Tombs & Whyte 2007). Here, the (minimal) enforcement of health and safety regulation reported can be contrasted with the more proactive and sanctioning tactics police and licensing officers encouraged venue and event operators to direct at audiences (e.g., CCTV). This might further embed class-based power differentials, as businesses and employers are freer in their activities than individuals.

A further example of the reproduction of racial and class inequalities was present in Chapter 6. This chapter described the visa system international artists and touring teams must engage with to perform in the UK – a system which appeared to disadvantage those coming from countries in the Global South. The ‘Temporary Worker – Creative and Sporting’ visa concession programme allowed some artists to travel to and perform in the UK cheaply and with minimal administration. But this programme was only open to some nationalities including most European nations, the US, Canada, New Zealand, and Australia. Further, only some countries have a British Embassy capable of issuing the kinds of visas needed to travel to the UK. This excluded many countries in the Global South, including many in Africa, Latin America and the Caribbean. While artists performing larger scale shows were those generally reported to be affected by engagement with this system, it was noted that the prohibitive costs involved excluded artists looking to perform at smaller scale events altogether. Others have reported similar difficulties in the press, including

artists from the Global South scheduled to play a major UK music festival, Womad, being rejected at the border (Hutchinson 2018).

Other regulatory systems investigated also contributed to these patterns. As discussed, the cultural associations of a venue and its clientele could affect decisions taken within the planning system – The Centre was located, and its audience drawn, from a deprived area and this was suggested to affect recognition of its cultural value by planners and others. This, along with other factors, limited the venue's ability to protect itself from a competing planning proposal and the venue is now closed. Along with this, discriminatory practices in hiring and firing were allowed to flourish with little to no regulatory intervention. As recruitment took place through closed networks, and workers were vulnerable to losing work for reasons including injury and pregnancy, an industry characterised as white and male was maintained. The poor pay conditions, similarly unchecked, also excluded those from low-income backgrounds who hoped to enter the industry.

7.5.1. 'High' and 'low' culture

It is necessary to consider the scope of this project in context of the finding discussed here – that the racial and class hierarchies present in society more broadly are reproduced within the live music industry, in part, through its regulation. As outlined in Chapter 2 of this thesis, this project focused on the regulation of live 'popular' music, excluding what might be termed classical or 'art music' (Frith et al. 2016). This drew a broad distinction between 'high' and 'low' culture, and as discussed briefly in Chapter 2, this decision was taken in part to manage the scope of the project.

Within popular music, there exists a spectrum of artists and audiences of different class backgrounds which this project captured. There are also some venues discussed in this work which could be thought of as 'crossover' spaces – hosting a mix of performers including some classical, jazz, or world artists that some might classify as 'high culture'. However, it is reasonable to assume that the inclusion of explicitly high culture sites in this project's scope could have altered, or added further detail, to this finding in relation to the effect of class. Specifically, it is possible that

the findings relating to class outlined here could have been even more pronounced had dedicated high culture sites and performers been included in the scope of this project and its fieldwork. One way this might have emerged is through the opportunities for performers to break into the industry, and how poor pay conditions and insecure contracts affect these. In this work – in 'low culture' spaces – some reported how poor (or no) pay for musicians meant live music careers were unsustainable without personal investment. One musician, for example, described accepting opportunities to perform which they knew would see them "make a loss" after travel and other expenses were accounted for. Another suggested this created disparities – that it was "getting really, really difficult for anyone without…big personal investment to go into original music". Such a situation may be amplified in high culture sites, where we might expect musicians to require a higher degree of formal training (e.g., in classical performances). Here new or emerging musicians would need not only to support themselves, but also pay for the experience and qualifications (e.g., conservatoires as one musician in this work suggested) that they require to enter or maintain their place in the industry.

7.6. Differences in the productive effects of regulation

As this chapter has detailed, there are patterns seen in the productive effects of regulation across the regulatory fields of planning, employment, licensing and event security, and health and safety. However, the planning system is in some ways distinctive, when compared with these other parts of live music's regulatory landscape. This is due in part to the focus of planning regulation – making and managing decisions about land use (Cullingworth & Nadin 2002). Specifically, three main contrasts are drawn between the impacts of the planning system and other elements of live music's regulatory landscape, based on a) the immediacy of impact; b) the ease with which effects can be reversed; and c) how reactive each regime is.

First, the impacts of the planning system on the live music landscape are felt more gradually than that of other areas of its regulation. Planning's focus on the built environment means that decisions taken here can have a long lag time. For example, where planning permission is granted for a new live music venue, time is needed for this to be built, and even more for it to begin operating and become an

established site. As seen in Chapter 4, the ability for an actor to make a claim to space within the planning system depended in part on their cultural, social, and economic capital. This contributed to larger operators dominating the music venue landscape – but crucially this impact would be gradual. Planning officers spoke about some live music venues forming part of regeneration projects spanning years, if not decades, which intended to "stitch" areas together. In contrast, effects of other areas of live music's regulatory landscape were likely to be felt much more immediately. As discussed in Chapter 5, a lack of proactive inspection from health and safety officials allowed for the practice of stage and set builds on tight turnarounds and without the necessary manpower. A change to enforcement practices (a programme of increased inspections for example) could change this fairly swiftly – immediately on the sites inspected, and more widely over a matter of months as it became embedded understanding within the industry.

Second, the fact that planning deals with the built environment necessarily means its effect can be long-lasting and hard to reverse. Live music venues have been used as focal points for regional regeneration plans (Kolioulis 2018), as recognised by subjects here. Through such projects, these venues might quickly become entangled in infrastructure, housing and business sites that are built around them, meaning an initial planning decision has knock-on effects that would make it hard to unpick. This contrasts with other aspects of live music's regulation, where decisions may be more easily reversed. For example, one planning officer drew a comparison with licensing decision-making, suggesting that the option to revoke licences was an important difference between their and their licensing colleagues' work. This is not to say that the shaping effects of other areas of regulatory life cannot be long-lasting, only that this is typical of the planning system.

Finally, of all the regulatory fields examined in this thesis, the planning system is arguably the least reactive. The bulk of the work that planning regulators engaged in was the consideration of planning applications – deciding what can and cannot proceed regarding sites that have yet to be built or modified. Enforcement of unapproved development, on the other hand, made up a much less prominent part of the work they described, and indeed, no planning figure interviewed here provided an example of this in relation to a live music site. Not only this, but as Chapter 4

outlined, through the planning applications they engage with, planning regulators encounter most, if not all, of the planning proposals that might alter live music's physical landscape. This less reactive nature allows for a greater degree of contact between interested parties – members of the public and sometimes venues – and regulators.

In contrast, other parts of live music's regulatory landscape were more reactive. For example, local authority health and safety teams could engage in some work with event organisers ahead of an event (e.g., potentially taking part in event safety advisory groups for some larger scale events) but this was limited, and many of the live music events described in the thesis proceeded without explicit say so from these officers. One production manager, for example, described how the licence for the large venue they work for simply included a condition "that you have to follow current [health and safety] codes of conduct". As noted in Chapter 5, this could leave those regulated with little guidance as to their regulatory responsibilities. One local authority environmental health officer described the "reams" of published guidance event operators might be expected to read, which they saw as likely to be a "problem for the average event person".

As described, planning is less reactive, and consequently characterised by a greater degree of contact between parties, than other regulatory regimes. This likely influenced the fortunes of the least powerful in these different regulatory sites. While individual members of the public or those running small, independent music venues might have limited cultural, social, and economic capital here, they did have the opportunity to put their case to regulators, and as Chapter 4 discussed, some were able to successfully protect their spaces from competing applications. Without regular inspection and other engagement from regulators, workers on live music sites not only lost opportunities to raise concerns with regulators but to even learn what they should have concerns about (e.g., missed breaks or extreme hours) and consequently to advocate regarding this.

7.7. A neoliberal industry

It is argued that when considered together these patterns suggest that the productive power of regulation has contributed to the development of a live music industry formed in the image of neoliberalism. The dominance of large corporations seen in today's live music industry – in part a result of their ability to more easily navigate various regulatory systems – is a "fact of life" of neoliberal political economies more broadly (Tombs & Whyte 2015 p. 1). Indeed, it is recognised that corporations have "been allowed to grow to sizes previously considered anti-competitive" under neoliberal economic and regulatory conditions (Hathaway 2020 p. 331). Others have noted how in the live music industry, global promoters like Live Nation have come to prominence, accounting for a significant proportion of the live events taking place in England and Wales each year (Frith et al. 2021), with some even suggesting the live music industry can be considered an oligopoly (Brennan 2011). This work has further established how the favourable position these corporations occupy within various regulatory regimes has contributed to their dominance here. Regulatory systems like the planning and licensing regimes might be considered neutral tools of administration, but these inject the political (Rose 2006). Here, these regulatory systems could be said to transmit and replicate the dominant position these large corporations hold as they move through our political and social world more broadly.

The live music industry is one in which, at times, profits are prioritised as public and worker safety and welfare are undermined. As noted, neoliberal order is characterised by a general withdrawal of the "capacity or will to enforce existing regulation of business" which has allowed companies to pass the social costs of their activity onto workers and the broader public (Tombs 2020 p. 294). This was reflected in the live music industry as, in the absence of proactive approaches from regulators, operators developed their own understandings of working safely which were responsive to their profits. Similarly, this withdrawal increased the precarity of workers in the industry, at a time of heightened precarity more generally. Standing describes the recent emergence of the precariat, a global "class-in-the-making" of "flexible and insecure" workers, defined by precarity in employment (2012 p. 588). While some have questioned the historical and global situation of this concept (e.g., Scully 2016), many have responded to this classification, finding examples of such

workers across industries and locations (including the recent proliferation of 'gig economy' workers (Friedman 2014)). Standing explains how neoliberal ideology has seen the "risks and insecurity" of capital and corporations gradually "[transferred]… onto workers and their families" (Standing 2011 p. 1). Today's live music industry is one characterised by such worker precarity. A general absence of proactive employment and health and safety regulatory practice have created a workforce here in the image of the precariat, where risks faced by corporations are increasingly shifted onto workers. While descriptions of working life in live music settings in earlier decades do not suggest this has at any time been particularly secure employment, a professionalisation has taken place in recent years and this was an opportunity for the form of employment in this industry to change or improve. Instead, through regulator activity, or lack of it, a model in which workers shield employers from risk has been baked in. For example, the musicians facing poor pay conditions are asked to shield promoters and venues from some of the economic risks involved in hosting live music events of uncertain returns.

Finally, it was demonstrated how racial and class hierarchies found in society more broadly are reproduced in the live music industry through engagement with various regulatory systems. As noted previously, such inequalities have a long history beyond neoliberalism, but crucially they are integral to its continued functioning – for example, the exclusion of the "flawed consumer" (Bauman, 2004, p. 38) acts as a stabilising force for individuals faced with the "instability of work, the family, community, [and] the uncertainty of income" that this political economy produces (Young, 2007, p. 10). These inequalities were replicated and embedded in this live music industry, at least in part, through engagement with regulatory systems, including the exclusionary practices audiences and artists from lower socioeconomic and Black and ethnic minority groups are subject to through the licensing and event security regimes, and the visa system which appeared to disadvantage artists and touring teams coming from countries in the Global South.

A live music industry formed in the image of neoliberalism has been produced through engagement with its regulatory landscape. Is this formation inevitable – or can changes to its regulation contribute to an alternative industry?

7.8. An alternative

> *…the ultimate, hidden truth of the world is that it is something that we make, and could just as easily make differently.* (Graeber 2015 p. 97)

So many of those I spoke with in researching this thesis made it clear just how much live music means to them. A musician described the “transcendence” they experienced when they performed – “being like an individual that's part of something greater than themselves”. One person told me how they would converge with friends from across the country to see punk bands at a much-loved venue and how they were “devastated” when it closed down – “you become attached to those sort of places, I guess.” It would also be impossible for me not to reflect on what these spaces and experiences have meant and continue to mean to me. When one lighting technician told me they had “seen some life changers,” I knew exactly what they meant. All of this encourages me to reflect on how live music might be better – how the issues identified in this thesis could be overcome.

While night-time economy or planning literature might at times discuss live music venues “in a relatively anonymous and quantitative fashion” (Bennett & Rogers 2016 p. 491), these spaces can be highly meaningful for those who attend. They are “imbued” with “emotional attachment…and collective memories” (Bennett & Rogers 2016 p. 499). Whiting (2021) suggests live music venues hold intrinsic value – that these are spaces for scenes to develop, places where artists can hone their craft and begin careers – and while this may not be easily separable from their economic value, the value these sites hold is not simply reducible to revenue. The planning decisions surrounding live music sites are complicated, but they should take account of this value.

It was clear that the musicians, technical staff, venue operators, and production teams I spoke with loved live music. While it may be the case that they would “do it anyway, even if it doesn't pay” (Welch & Rawlings 2001), musicians and live music workers deserve proper payment for their labour. There are fine margins involved in running small-scale live music venues and events and many working in these spaces recognised this. But these were not the only sites in which poor pay occurred.

Further, without broader employment protections and adequate pay, some will be shut out of this industry. The other side of this is the need for experimentation and fun – for friends to be able to come together and play music for music's sake outside of commercial concerns.

What would it mean for a live music event to be 'safe'? Unpacking what this term meant in different contexts and to different actors revealed what it left out. While discussions of safety through licensing regimes focused on serious violence, consideration of other kinds of safety were generally absent. Can we consider a live event 'safe' without safe access for those music fans who are disabled or who otherwise may be excluded from existing live music spaces? One musician, for example, raised concerns that they encounter venues on tour with no disabled access or gender-neutral toilets, and no spaces for those who want to smoke outside to do so safely away from traffic. Do experiences of sexual harassment in live music spaces enter into safety calculations? A representative from a charity training venue staff to respond to these incidents described reports of up-skirting, airdropping nudes, and groping in venues. These concerns may be out of scope or an unsuitable focus (e.g., Phipps 2020) for the regulatory regimes like licensing traditionally concerned with safety in these spaces, but they need to be addressed.

While not naïve to the limits of regulatory intervention (that unions and other organised labour groups have never "argued that state regulation—or the credible threat of law enforcement—is enough to protect them" (Tombs & Whyte 2013 p. 758)), can changes to regulatory practice go some way to addressing any of what has been described here? As the productive power of regulation has been shown to shape today's live music industry, could it not as easily shape it differently? Examining regulatory practice in other fields, others have explored alternative approaches. Pearce and Tombs (1990) for example, explore a system of factory licensing as an alternative approach to the enforcement of health and safety regulation, similar to MOT certificates and driving licences managing safety on the roads. Such a system could not only expand the range of sanctions available to regulators (including less-burdensome options for regulators who could previously only issue warnings or prosecute, e.g., "fixed/discretionary fines, fixed/discretionary

penalty points, endorsement, disqualification" (1990 p. 434)), but could shift costs of regulation onto producers:

> *…the state could either establish its own teams of inspectors to examine workplaces, the services of which (that is, basic inspection and advice) would be paid for in addition to a standard fee for the licence, if ultimately granted; or the state could itself sub-contract the work to private inspection agencies in much the same way that the Ministry of Transport does with private garages which carry out MOT testing.* (1990 p. 435)

Such an approach could make improvements to health and safety and employment standards in live music settings. Consider outdoor events and the temporary structures they contain; event organisers could be required to pay for a dedicated health and safety licence before opening. Not only could the structural integrity of stages and other builds be inspected, but it could be necessary for time sheets to be supplied to inspectors before doors can open.

However, it is important to remember that the regulatory landscape described in this thesis is neither apolitical nor administrative – these activities are "linked up to a ''political'' apparatus" (Rose 2006 p. 145). While standards for workers and attendees alike could be improved through mechanisms that see live music operators shoulder more of "the real [cost] of their activity" (Pearce & Tombs 1990 p. 436), we must recognise this can only ever be of limited effectiveness while the broader neoliberal landscape remains unchanged.

More radical change might include action to remove venues from the market – as one trade body representative suggested. Perhaps we should advocate for live music venues as libraries – spaces up and down the country where people can play, hear, and create live music, funded by government or even mutual aid. Removing the profit motive from a well-funded live music venue might allow spaces to prioritise safe working practices and decent employment conditions. It might also protect them from the whims of the market – like rising rents and falling bar sales. While there is always room for tensions between live music venues and neighbours, this model would at least mean venues would not become financially unviable if they found

themselves closing an hour earlier. As Gilmore has noted (in Ware 2022), the library – as a space to meet, learn, and debate – can be a site for organising. Could live music venues in this model even become sites of resistance to the neoliberal forces that they are so shaped by at present? Realistically, such a world feels far off. It hurts, but to borrow a phrase from one lighting technician, “that's the gig isn't it, sometimes.”

REFERENCES

Academy Music Group. (2023). *Our venues*. Retrieved 10 May 2023 from https://www.academymusicgroup.com/venues

Acas. (n.d.-a). *Checking your employment rights*. Retrieved 1 April 2021 from https://www.acas.org.uk/checking-your-employment-rights

Acas. (n.d.-b). *What we do*. Retrieved 5 September 2022 from https://www.acas.org.uk/about-us/what-we-do

Agnew, J. (2011). Space and place. In J. Agnew & D. Livingstone (Eds.), *The SAGE Handbook of Geographical Knowledge* (pp. 316-331). London: Sage.

Amnesty International UK. (2018). *Trapped in the Matrix: Secrecy, stigma, and bias in the Met's Gangs Database*. London: Amnesty International UK.

Anti-social Behaviour Act 2003, c. 38.

Anti-social Behaviour, Crime and Policing Act 2014, c. 12.

Atkinson, R. (2003). Domestication by cappuccino or a revenge on urban space? Control and empowerment in the management of public spaces. *Urban studies*, *40*(9), 1829-1843.

Ayres, I., & Braithwaite, J. (1992). *Responsive regulation: Transcending the deregulation debate*. New York: Oxford University Press.

Bailey, P. (1996). Breaking the sound barrier: A historian listens to noise. *Body & Society*, *2*(2), 49-66.

Baldwin, R., Cave, M., & Lodge, M. (2012). *Understanding regulation: theory, strategy, and practice*. Oxford: Oxford University Press.

Baldwin, R., Scott, C., & Hood, C. (1998). Introduction. In R. Baldwin, C. Scott, & C. Hood (Eds.), *A reader on regulation* (pp. 1-56). Oxford: Oxford University Press.

Banton, M. (1964). *The policeman in the community*. London: Tavistock Publications.

Barlow, C., & Castilla-Sanchez, F. (2012). Occupational noise exposure and regulatory adherence in music venues in the United Kingdom. *Noise and Health*, *14*(57), 86-90.

Barrile, L. G. (1993). A soul to damn and a body to kick: Imprisoning corporate criminals. *Humanity & Society*, *17*(2), 176-199.

Bauman, Z. (2004). *Work, consumerism and the new poor*. Maidenhead: Open University Press.

Baxter-Moore, N., & Kitts, T. M. (2016). The live concert experience: an introduction. *3*(1), 1-4.

BBC Four. (2014). *The Joy of the Guitar Riff*. Retrieved 24 August 2020 from https://www.bbc.co.uk/programmes/b049mtxw

BBC News. (2015). *What happened at the Bataclan?* Retrieved 3 August 2021 from https://www.bbc.co.uk/news/world-europe-34827497

BBC News. (2017a). *Form 696: 'Racist police form' to be scrapped in London*. Retrieved 27 September 2019 from https://www.bbc.co.uk/news/uk-41946915

BBC News. (2017b). *Glastonbury pays bands 'less than 10%' of what they'd earn elsewhere*. Retrieved 24 April 2021 from https://www.bbc.co.uk/news/entertainment-arts-40273111

BBC News. (2019). *Glastonbury Festival: World-famous music event in numbers*. Retrieved 17 January 2022 from https://www.bbc.co.uk/news/av/uk-england-somerset-48722413

BBC News. (2020). *Taking on the 'boys' club' of the music business*. Retrieved 22 April 2021 from https://www.bbc.co.uk/news/newsbeat-53478809

Beaumont-Thomas, B. (2019). *Ed Sheeran breaks U2's record for highest-grossing tour ever*. Retrieved 21 February 2022 from https://www.theguardian.com/music/2019/aug/02/ed-sheeran-breaks-u2-record-for-highest-grossing-tour-ever

Behr, A., & Cloonan, M. (2020). Going spare? Concert tickets, touting and cultural value. *International Journal of Cultural Policy*, *26*(1), 95-108.

Bennett, A., & Rogers, I. (2016). In the scattered fields of memory: Unofficial live music venues, intangible heritage, and the recreation of the musical past. *Space and Culture*, *19*(4), 490-501.

Berglund, B., Lindvall, T., & Schwela, D. (1999). *Guidelines for community noise*. Geneva: World Health Organization.

Bernstein, M. H. (1955). *Regulating business by independent commission*. Princeton: Princeton University Press.

Bhattacharyya, G., Elliott-Cooper, A., Balani, S., Nişancıoğlu, K., Koram, K., Gebrial, D., El-Enany, N., & de Noronha, L. (2021). *Empire's Endgame: Racism and the British State*. London: Pluto Press.

Bittner, E. (2004). Florence Nightingale in pursuit of Willie Sutton: A theory of the police. In T. Newburn (Ed.), *Policing: key readings* (pp. 150-172). Cullompton: Willan.

Black, J. (2002). *Critical reflections on regulation*. CARR Discussion Papers (DP 4). London: Centre for Analysis of Risk and Regulation, London School of Economics and Political Science.

Black, J. (2015). Regulatory styles and supervisory strategies. In N. Moloney, E. Ferran, & J. Payne (Eds.), *The Oxford handbook of financial regulation* (pp. 218-253). Oxford: Oxford University Press.

Bodnar, J. (2015). Reclaiming public space. *Urban studies*, *52*(12), 2090-2104.

Bosworth, M., & Guild, M. (2008). Governing through migration control: Security and citizenship in Britain. *The British Journal of Criminology*, *48*(6), 703-719.

Bourdieu, P. (1986). The Forms of Capital. In J. Richardson (Ed.), *Handbook of Theory and Research for the Sociology of Education* (pp. 241–258). Westport, CT: Greenwood.

Bourdieu, P. (1990). *The logic of practice*. Redwood City: Stanford University Press.

Bourdieu, P., & Wacquant, L. J. (1992). *An invitation to reflexive sociology*. Chicago: University of Chicago Press.

Braithwaite, J. (2017). Types of responsiveness. In P. Drahos (Ed.), *Regulatory theory: foundations and applications* (pp. 117-132). Canberra: ANU Press.

Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative research in psychology*, *3*(2), 77-101.

The Breaching of Limits on Ticket Sales Regulations 2018, No. 735.

Brennan, M. (2011). Understanding Live Nation and its impact on live music in the UK. Situating Popular Musics: IASPM 16th International Conference, Grahamstown.

Brewster, B., & Broughton, F. (2006). *Last night a DJ saved my life: The history of the disc jockey*. London: Headline Book Publishing.

Bridges, L. (2012). Four days in August: the UK riots. *Race & Class*, *54*(1), 1-12.

British Phonographic Industry. (2017). *Is Grime set to clean up as it shifts to the mainstream?* Retrieved 13 February 2022 from https://www.bpi.co.uk/news-analysis/is-grime-set-to-clean-up-as-it-shifts-to-the-mainstream/

British Standards Institution. (2017). *Fire extinguishing installations and equipment on premises. Commissioning and maintenance of portable fire extinguishers. Code of practice*. London: British Standards Institution,.

Brown, D. M. (2013). Young people, anti-social behaviour and public space: The role of community wardens in policing the 'ASBO generation'. *Urban studies*, *50*(3), 538-555.

Bryman, A. (2016). *Social research methods*. Oxford: Oxford University Press.

Burr, A. (2006). The freedom of slaves to walk the streets: Celebration, spontaneity and revelry versus logistics at the Notting Hill Carnival. In D. Picard & M. Robinson (Eds.), *Festivals, tourism and social change: Remaking worlds* (pp. 84-98). Clevedon: Channel View Publications.

Cabinet Office. (2019). *Organising a voluntary event: a 'can do' guide*. Retrieved 28 June 2021 from https://www.gov.uk/government/publications/can-do-guide-for-organisers-of-voluntary-events/the-can-do-guide-to-organising-and-running-voluntary-and-community-events#part-3-how-do-i-keep-organisers-volunteers-and-participants-safe

Carlin, P. A. (2013). *Bruce*. New York: Simon & Schuster.

Centre for Disease Control and Prevention. (2019). *What Noises Cause Hearing Loss?* Retrieved 22 September 2022 from https://www.cdc.gov/nceh/hearing_loss/what_noises_cause_hearing_loss.html

Chan, J. (1996). Changing police culture. *The British Journal of Criminology*, *36*(1), 109-134.

Cheliotis, L. K. (2017). Punitive inclusion: The political economy of irregular migration in the margins of Europe. *European Journal of Criminology*, *14*(1), 78-99.

Chowdhury, T. (2019). Policing the 'Black party': racialized drugs policing at festivals in the UK. In K. Karam (Ed.), *The War on Drugs and the Global Colour Line* (pp. 48-65). London: Pluto Press.

Chuk, E., Lourie, B., & Yoo, I. S. (2021). The check is in the mail: Can disclosure reduce late payments to suppliers? *Available at SSRN: http://dx.doi.org/10.2139/ssrn.3775656*.

Clean Neighbourhoods and Environment Act 2005, c. 16.

Cloonan, M., & Street, J. (1997). Politics and popular music: From policing to packaging. *Parliamentary Affairs*, *50*(2), 223-235.

Cochrane, A. (2020). In and beyond local government: making up new spaces of governance. *Local Government Studies*, *46*(4), 524-541.

Cohen, S. (1985). *Visions of social control: Crime, punishment and classification*. Cambridge: Polity Press.

Coleman, R., Sim, J., Tombs, S., & Whyte, D. (2013). Introduction: State, Power, Crime. In R. Coleman, J. Sim, S. Tombs, & D. Whyte (Eds.), *State, Power, Crime*. London: Sage Publications.

Collin, M. (1997). *Altered state: The story of ecstasy culture and acid house*. London: Serpent's Tail.

Competition and Markets Authority. (2021). *Secondary ticketing: Recommendations to government for improving consumer protection*. London: Competition and Markets Authority.

The Construction (Design and Management) Regulations 2015, No. 51.

Consumer Data Research Centre. (2021). *Index of Multiple Deprivation 2019*. Retrieved 14 February 2021 from https://maps.cdrc.ac.uk/#/geodemographics/imde2019/default/BTTTFFT/7/-1.7722/52.8016/

Consumer Rights Act 2015, c. 15.

The Control of Noise at Work Regulations 2005, No. 1643.

Copyright, Designs and Patents Act 1988, c. 48.

Cornish, F. (2020). Communicative generalisation: Dialogical means of advancing knowledge through a case study of an 'unprecedented' disaster. *Culture & Psychology*, *26*(1), 78-95.

Cresswell, T. (2009). Place. In R. Kitchin & N. Thrift (Eds.), *International encyclopedia of human geography* (pp. 169-177). Amsterdam: Elsevier.

Criminal Damage Act 1971, c. 48.

Criminal Justice and Public Order Act 1994, c. 33.

Crown Prosecution Service. (2019). *Intellectual Property Crime*. Retrieved 27 September 2022 from https://www.cps.gov.uk/legal-guidance/intellectual-property-crime

Cullinane, C., & Montacute, R. (2018). *Pay as you go? Internship pay, quality and access in the graduate jobs market*. London: The Sutton Trust.

Cullingworth, B., & Nadin, V. (2002). *Town and Country Planning in the UK*. London: Routledge.

Danielsen, A., & Helseth, I. (2016). Mediated immediacy: the relationship between auditory and visual dimensions of live performance in contemporary technology-based popular music. *Rock Music Studies*, *3*(1), 24-40.

Davies, H. (1998). Continuity and Change: the evolution of the British planning system, 1947-97. *The Town Planning Review*, *69*(2), 135-152.

Department for Business Energy & Industrial Strategy. (2019). *Duty to report on payment practices and performance*. London: Department for Business Energy & Industrial Strategy.

Department for Communities and Local Government. (2000). *The Control of Fly-posting: a Good Practice Guide*. London: Department for Communities and Local Government.

Department for Communities and Local Government. (2006). *Fire Safety Risk Assessment: theatres, cinemas and similar premises*. London: Department for Communities and Local Government.

Department for Communities and Local Government. (2007a). *Fire Safety Risk Assessment: Open Air Events and Venues*. London: Department for Communities and Local Government.

Department for Communities and Local Government. (2007b). *Regulatory Reform (Fire Safety) Order 2005: Guidance Note No. 1: Enforcement*. London: Department for Communities and Local Government.

Department for Communities and Local Government. (2015). *Plain English guide to the Planning System*. London: Department for Communities and Local Government.

Department for Communities and Local Government. (n.d.). *A short guide to making your premises safe from fire*. London: Department for Communities and Local Government.

Dickens, L. (2012). *Making employment rights effective: Issues of enforcement and compliance*. Oxford: Bloomsbury Publishing.

Digital Culture Media and Sport Committee. (2019). *Live Music*. London: Digital Culture Media and Sport Committee.

Digital Economy Act 2017, c. 30.

Dodd, V., Pidd, H., Rawlinson, K., Siddique, H., & MacAskill, E. (2017). *At least 22 killed, 59 injured in suicide attack at Manchester Arena*. Retrieved 21 June 2021 from https://www.theguardian.com/uk-news/2017/may/22/manchester-arena-police-explosion-ariana-grande-concert-england

Douglas, M. (2002). *Purity and Danger: An analysis of the concepts of pollution and taboo*. London: Routledge.

Douglas, M., & Calvez, M. (1990). The self as risk taker: a cultural theory of contagion in relation to AIDS. *The Sociological Review*, *38*(3), 445-464.

Driver and Vehicle Standards Agency. (2018). *Drivers' hours: changes to fines for commercial drivers*. Retrieved 3 September 2022 from https://www.gov.uk/government/news/drivers-hours-changes-to-fines-for-commercial-drivers

Driver and Vehicle Standards Agency. (2022). *Vehicle enforcement checks at roadside and operators' premises*. Retrieved 30 September 2022 from https://www.gov.uk/government/statistical-data-sets/vehicle-enforcement-data-for-great-britain

Driver and Vehicle Standards Agency. (n.d.). *Drivers' hours: Bus and coach driver basics*. Bristol: Driver and Vehicle Standards Agency.

The Electricity at Work Regulations 1989, No. 635.

Entertainments (Increased Penalties) Act 1990, c. 20.

Environmental Protection Act 1990, c. 43.

Equality Act 2010, c. 15.

Equality and Human Rights Commission. (n.d.-a). *Equality Act FAQs*. Retrieved 1 April 2021 from https://www.equalityhumanrights.com/en/equality-act/equality-act-faqs

Equality and Human Rights Commission. (n.d.-b). *Self-employment: protecting the equality rights of self-employed people*. Retrieved 9 September 2022 from https://legal.equalityhumanrights.com/en/case/self-employment-protecting-equality-rights-self-employed-people

Ericson, R. V., & Haggerty, K. D. (1997). *Policing the risk society*. Oxford: Oxford University Press.

Etzioni, A. (2009). The capture theory of regulations—revisited. *Society*, *46*(4), 319-323.

Farrer & Co. (2015). *School Peripatetic Staff - Employed or Self-employed?* Retrieved 12 September 2022 from https://www.farrer.co.uk/news-and-insights/blogs/school-peripatetic-staff--employed-or-self-employed/

Farrimond, H. (2013). *Doing ethical research*. Basingstoke; New York: Macmillan International Higher Education.

Fatsis, L. (2019a). Grime: Criminal subculture or public counterculture? A critical investigation into the criminalization of Black musical subcultures in the UK. *Crime, Media, Culture*, *15*(3), 447-461.

Fatsis, L. (2019b). Policing the beats: The criminalisation of UK drill and grime music by the London Metropolitan Police. *The Sociological Review*, *67*(6), 1300-1316.

Fatsis, L. (2021). Policing the union's black: The racial politics of law and order in contemporary Britain. In F. Gordon & D. Newman (Eds.), *Leading Works in Law and Social Justice* (pp. 137-150). Abingdon-on-Thames: Routledge.

Ferrell, J. (2012). Outline of a Criminology of Drift. In S. Hall & S. Winlow (Eds.), *New Directions in Criminological Theory* (pp. 241-256). London: Routledge.

Fisher, H., & Measham, F. (2018). *Night Lives: Reducing Drug-Related Harm in the Night Time Economy*. London: All-Party Parliamentary Group for Drug Policy Reform, Durham University, The Loop, and Volteface.

Fletcher, R. (2010). Neoliberal environmentality: towards a poststructuralist political ecology of the conservation debate. *Conservation and society*, *8*(3), 171-181.

Flyvbjerg, B. (2006). Five misunderstandings about case-study research. *Qualitative inquiry*, *12*(2), 219-245.

Foster, J., & Charalambides, L. (2016). *The Licensing Act (2003): its uses and abuses 10 years on*. London: The Institute of Alcohol Studies.

Frank, G. (2007). Discophobia: Antigay prejudice and the 1979 backlash against disco. *Journal of the History of Sexuality*, *16*(2), 276-306.

French, S. (2018). Between globalisation and Brexit: Migration, pay and the road to modern slavery in the UK hospitality industry. *Research in Hospitality Management*, *8*(1), 23-31.

Friedman, G. (2014). Workers without employers: shadow corporations and the rise of the gig economy. *Review of Keynesian Economics*, *2*(2), 171-188.

Frith, S. (1996). *Performing rights: evaluating popular music*. Cambridge, Massachusetts: Harvard University Press.

Frith, S., Brennan, M., Cloonan, M., & Webster, E. (2021). *The History of Live Music in Britain, Volume III, 1985-2015*. Abingdon-on-Thames: Routledge.

Frith, S., Brennan, M., & Webster, E. (2016). *The History of Live Music in Britain, Volume I: 1950-1967: From Dance Hall to the 100 Club*. Abingdon-on-Thames: Routledge.

Fryer, P. (2018). *Staying power: the history of black people in Britain*. London: Pluto Press.

Garland, D. (2003). The rise of risk. In A. Doyle & R. Ericson (Eds.), *Risk and Morality* (pp. 48-86). Toronto: University of Toronto Press.

Gilroy, P. (2013). *There ain't no Black in the Union Jack: the cultural politics of race and nation*. Abingdon-on-Thames: Routledge.

Goffman, E. (1990). *The presentation of self in everyday life*. London: Penguin.

Goodfellow, M. (2019). *Hostile Environment: How Immigrants Became Scapegoats*. London: Verso Books.

Goodman, S. (2012). *Sonic warfare: Sound, affect, and the ecology of fear*. Cambridge: MIT Press.

Gov.uk. (2015). *Equality Act 2010: guidance*. Retrieved 1 April 2021 from https://www.gov.uk/guidance/equality-act-2010-guidance

Gov.uk. (2017a). *2018 to be a great year for music and sport fans as Government bans the ticket tout "bots"*. Retrieved 25 September 2022 from https://www.gov.uk/government/news/2018-to-be-a-great-year-for-music-and-sport-fans-as-government-bans-the-ticket-tout-bots

Gov.uk. (2017b). *Noise nuisances: how councils deal with complaints*. Retrieved 27 September 2022 from https://www.gov.uk/guidance/noise-nuisances-how-councils-deal-with-complaints

Gov.uk. (2018a). *Fixed penalty notices: issuing and enforcement by councils*. Retrieved 27 September 2022 from https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils

Gov.uk. (2018b). *Litter and refuse: council responsibilities to keep land clear*. Retrieved 27 September 2022 from https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear#dealing-with-litter-from-businesses

Gov.uk. (2019). *Council powers to control leafleting causing a litter problem*. Retrieved 27 September 2022 from https://www.gov.uk/guidance/council-powers-to-control-leafleting-causing-a-litter-problem

Gov.uk. (2021a). *Alcohol licensing*. Retrieved 27 September 2022 from https://www.gov.uk/guidance/alcohol-licensing

Gov.uk. (2021b). *Licensing bodies and collective management organisations* Retrieved 27 September 2022 from https://www.gov.uk/guidance/licensing-bodies-and-collective-management-organisations#what-is-a-collective-management-organisation

Gov.uk. (2021c). *Payment practices*. Retrieved 24 April 2021 from https://check-payment-practices.service.gov.uk/export

Gov.uk. (2022). *Trading Standards successes 2021 - 2022*. Retrieved 27 September 2022 from https://www.gov.uk/government/publications/trading-standards-successes-2021-to-2022/trading-standards-successes-2021-2022

Gov.uk. (n.d.-a). *Advisory, Conciliation and Arbitration Service*. Retrieved 5 September 2022 from https://www.gov.uk/government/organisations/acas

Gov.uk. (n.d.-b). *Drivers' hours*. Retrieved 8 November 2021 from https://www.gov.uk/drivers-hours

Gov.uk. (n.d.-c). *Drivers' hours - EU rules*. Retrieved 9 November 2021 from https://www.gov.uk/drivers-hours/eu-rules

Gov.uk. (n.d.-d). *Drivers' hours - Exemptions from EU law*. Retrieved 8 November 2021 from https://www.gov.uk/drivers-hours/exemptions-from-eu-law

Gov.uk. (n.d.-e). *Drivers' hours and tachographs: goods vehicles*. Retrieved 8 November 2021 from https://www.gov.uk/guidance/drivers-hours-goods-vehicles/1-eu-and-aetr-rules-on-drivers-hours#exemptions-and-derogations

Gov.uk. (n.d.-f). *Employers: preventing discrimination*. Retrieved 1 April 2021 from https://www.gov.uk/employer-preventing-discrimination/recruitment

Gov.uk. (n.d.-g). *Employment rights and pay for interns*. Retrieved 8 September 2022 from https://www.gov.uk/employment-rights-for-interns

Gov.uk. (n.d.-h). *Employment status: Employee*. Retrieved 8 April 2021 from https://www.gov.uk/employment-status/employee

Gov.uk. (n.d.-i). *Employment status: worker*. Retrieved 8 April 2021 from https://www.gov.uk/employment-status/worker

Gov.uk. (n.d.-j). *Get a licence to play live or recorded music*. Retrieved 25 September 2022 from https://www.gov.uk/licence-to-play-live-or-recorded-music

Gov.uk. (n.d.-k). *Maximum weekly working hours*. Retrieved 18 February 2021 from https://www.gov.uk/maximum-weekly-working-hours

Gov.uk. (n.d.-l). *Maximum weekly working hours: Opting out of the 48 hour week*. Retrieved 18 February 2021 from https://www.gov.uk/maximum-weekly-working-hours/weekly-maximum-working-hours-and-opting-out

Gov.uk. (n.d.-m). *The National Minimum Wage and Living Wage*. Retrieved 1 April 2021 from https://www.gov.uk/national-minimum-wage/who-gets-the-minimum-wage

Gov.uk. (n.d.-n). *The National Minimum Wage and Living Wage: Employers and the minimum wage*. Retrieved 1 April 2021 from https://www.gov.uk/national-minimum-wage/employers-and-the-minimum-wage

Gov.uk. (n.d.-o). *National Minimum Wage and National Living Wage rates*. Retrieved 1 April 2021 from https://www.gov.uk/national-minimum-wage-rates

Gov.uk. (n.d.-p). *Night working hours*. Retrieved 18 February 2021 from https://www.gov.uk/night-working-hours

Gov.uk. (n.d.-q). *Overtime: your rights*. Retrieved 1 April 2021 from https://www.gov.uk/overtime-your-rights

Gov.uk. (n.d.-r). *Permitted Paid Engagement visa*. Retrieved 26 March 2021 from https://www.gov.uk/permitted-paid-engagement-visa

Gov.uk. (n.d.-s). *Permitted Paid Engagement visa - Eligibility*. Retrieved 26 March 2021 from https://www.gov.uk/permitted-paid-engagement-visa/eligibility

Gov.uk. (n.d.-t). *Resolving neighbour disputes*. Retrieved 27 September 2022 from https://www.gov.uk/how-to-resolve-neighbour-disputes/complain-about-noise-to-the-council#:~:text=Penalties,else%20face%20further%20legal%20action

Gov.uk. (n.d.-u). *Street trading licence (England and Wales)*. Retrieved 27 September 2022 from https://www.gov.uk/street-trading-licence

Gov.uk. (n.d.-v). *Temporary Events Notice (England and Wales)*. Retrieved 27 September 2022 from https://www.gov.uk/temporary-events-notice

Gov.uk. (n.d.-w). *Temporary Worker - Creative and Sporting visa (T5)*. Retrieved 26 March 2021 from https://www.gov.uk/temporary-worker-creative-and-sporting-visa

Gov.uk. (n.d.-x). *Temporary Worker - Creative and Sporting visa (T5) - Eligibility*. Retrieved 26 March 2021 from https://www.gov.uk/temporary-worker-creative-and-sporting-visa/eligibility

Government Equalities Office. (2011). *Equality Act 2010: What do I need to know? A quick start guide to using positive action in recruitment and promotion*. London: Government Equalities Office.

Government Equalities Office. (n.d.). *Equality Act 2010: Duty on employers to make reasonable adjustments for their staff*. London: Government Equalities Office.

Gower, M. (2020). *The new points-based immigration system*. London: House of Commons Library.

Graeber, D. (2015). *The utopia of rules: On technology, stupidity, and the secret joys of bureaucracy*. Brooklyn: Melville House.

Griffiths, M., & Yeo, C. (2021). The UK's hostile environment: Deputising immigration control. *Critical Social Policy*, *41*(4), 1-24.

Guest, T. (2009). *Fight for the right to party*. Retrieved 18 September 2022 from https://www.theguardian.com/music/2009/jul/12/90s-spiral-tribe-free-parties

Gunderson, E., Moline, J., & Catalano, P. (1997). Risks of developing noise-induced hearing loss in employees of urban music clubs. *American journal of industrial medicine*, *31*(1), 75-79.

Gunningham, N. (1987). Negotiated non-compliance: A case study of regulatory failure. *Law & Policy*, *9*(1), 69-96.

Guthman, J. (2008). Neoliberalism and the making of food politics in California. *Geoforum*, *39*(3), 1171-1183.

Hadfield, P. (2008). From threat to promise: Nightclub 'security', governance and consumer elites. *The British Journal of Criminology*, *48*(4), 429-447.

Hadfield, P. (2015). The night-time city. Four modes of exclusion: Reflections on the Urban Studies special collection. *Urban studies*, *52*(3), 606-616.

Hadfield, P., Lister, S., & Traynor, P. (2009). 'This town's a different town today' Policing and regulating the night-time economy. *Criminology & Criminal Justice*, *9*(4), 465-485.

Hadfield, P., & Measham, F. (2009). Shaping the night: How licensing, social divisions and informal social controls mould the form and content of nightlife. *Crime Prevention & Community Safety*, *11*(3), 219-234.

Hae, L. (2011). Dilemmas of the nightlife fix: Post-industrialisation and the gentrification of nightlife in New York City. *Urban studies*, *48*(16), 3449-3465.

Hall, S., Critcher, C., Jefferson, T., Clarke, J., & Roberts, B. (2013). *Policing the crisis: Mugging, the state and law and order*. Basingstoke: Palgrave Macmillan.

Hamnett, C., & Whitelegg, D. (2007). Loft conversion and gentrification in London: from industrial to postindustrial land use. *Environment and Planning A*, *39*(1), 106-124.

Hancox, D. (2009). *Public enemy no 696*. Retrieved 12 April 2020 from https://www.theguardian.com/culture/2009/jan/21/police-form-696-garage-music

Hancox, D. (2018). Pirates and Olympians: Deja Vu FM and the Copper Box Arena. In A. Duman, D. Hancox, M. James, & A. Minton (Eds.), *Regeneration Songs: Sounds of Investment and Loss from East London* (pp. 191-202). London: Repeater Books.

Hancox, D. (2019). *Revealed: creeping privatisation of London parks in summer*. Retrieved 13 February 2022 from https://www.theguardian.com/cities/2019/jul/05/revealed-how-london-parks-are-partly-privatised-festivals-wireless-finsbury-park

Harrison-Pepper, S. (1990). *Drawing a Circle in the Square: Street Performing in New York's Washington Square Park*. Jackson: University Press of Mississippi.

Harvey, D. (2007). *A brief history of neoliberalism*. Oxford: Oxford University Press.

Haslam, D. (2015). *Life after dark: A history of British nightclubs & music venues*. London: Simon and Schuster.

Hathaway, T. (2020). Neoliberalism as corporate power. *Competition & Change*, *24*(3-4), 315-337.

Hawkins, K. (1984). *Environment and enforcement: Regulation and the social definition of pollution*. Oxford: Oxford University Press.

Hawkins, K. (1990). Compliance Strategy, Prosecution Policy, and Aunt Sally-A Comment on Pearce and Tombs. *The British Journal of Criminology*, *30*(4), 444-466.

Hawkins, K. (1991). Enforcing regulation-more of the same from Pearce and Tombs. *The British Journal of Criminology*, *31*(4), 427-430.

Hawkins, K., & Hutter, B. M. (1993). The response of business to social regulation in England and Wales: an enforcement perspective. *Law & Policy*, *15*(3), 199-217.

The Health and Safety (Enforcing Authority) Regulations 1998, No. 494.

Health and Safety at Work etc. Act 1974, c. 37.

Health and Safety Executive. (1999). *The event safety guide*. London: Health and Safety Executive.

Health and Safety Executive. (2008a). *Managing work-related violence in licensed and retail premises*. London: Health and Safety Executive.

Health and Safety Executive. (2008b). *Sound advice: Control of noise at work in music and entertainment*. London: Health and Safety Executive.

Health and Safety Executive. (2011). *Appendix: Health and Safety (Enforcing Authority) Regulations 1998: A-Z guide to allocation*. Retrieved 20 September 2022 from https://www.hse.gov.uk/foi/internalops/og/og-00073-appendix1.htm

Health and Safety Executive. (2014). *Regulation of health and safety at work*. London: Health and Safety Executive.

Health and Safety Executive. (2015a). *Enforcement Policy Statement*. London: Health and Safety Executive.

Health and Safety Executive. (2015b). *Managing health and safety in construction: Construction (Design and Management) Regulations 2015*. London: Health and Safety Executive.

Health and Safety Executive. (n.d.-a). *The Construction (Design and Management) Regulations 2015*. Retrieved June 2021 from https://www.hse.gov.uk/construction/cdm/2015/index.htm

Health and Safety Executive. (n.d.-b). *Enforcement action*. Retrieved 19 July 2021 from https://www.hse.gov.uk/enforce/enforcement.htm

Health and Safety Executive. (n.d.-c). *Health and Safety at Work etc Act 1974*. Retrieved 28 June 2021 from https://www.hse.gov.uk/legislation/hswa.htm

Health and Safety Executive. (n.d.-d). *Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)*. Retrieved 21 June 2021 from https://www.hse.gov.uk/work-equipment-machinery/loler.htm

Health and Safety Executive. (n.d.-e). *Reporting accidents and incidents at work*. Retrieved 19 July 2021 from https://www.hse.gov.uk/pubns/indg453.htm

Health and Safety Executive. (n.d.-f). *Volunteers*. Retrieved 14 September 2022 from https://www.hse.gov.uk/event-safety/volunteers.htm

Health and Safety Executive. (n.d.-g). *What breaks am I entitled to under the working time regulations?* Retrieved 18 February 2021 from https://www.hse.gov.uk/contact/faqs/workingtime.htm

Health and Safety Executive. (n.d.-h). *The Working Time Regulations*. Retrieved 18 February 2021 from https://www.hse.gov.uk/contact/faqs/workingtimedirective.htm

Health and Safety Executive. (n.d.-i). *The Working Time Regulations 1998: Guidance on the legislation*. Retrieved 22 September 2022 from https://www.hse.gov.uk/foi/internalops/ocs/001-099/1_6-apendices/index.htm

Hennink, M., Hutter, I., & Bailey, A. (2020). *Qualitative research methods*. London: Sage.

Highways Act 1980, c. 66.

Hill, A. (2002). Acid house and Thatcherism: Noise, the mob, and the English countryside. *The British Journal of Sociology*, *53*(1), 89-105.

Hill, A. (2003). Acid house and Thatcherism: contesting spaces in late 1980s Britain. *Space and polity*, *7*(3), 219-232.

Hillyard, P., & Tombs, S. (2007). From 'crime' to social harm? *Crime, law and social change*, *48*(1-2), 9-25.

Hinckley & Bosworth Borough Council. (2020). *Guidance notes*. Retrieved 25 March 2021 from https://www.hinckley-bosworth.gov.uk/info/860/alcohol_and_entertainment_licences/1527/licensing_act_2003_-_right_to_workimmigration_status

Hobbs, D., Hadfield, P., Lister, S., & Winlow, S. (2003). *Bouncers: Violence and governance in the night-time economy*. Oxford: Oxford University Press.

Hollifield, J., Martin, P. L., & Orrenius, P. (2014). *Controlling immigration: A global perspective*. Redwood City: Stanford University Press.

Holt, F. (2010). The economy of live music in the digital age. *European Journal of Cultural Studies*, *13*(2), 243-261.

Home Office. (2017). *Policy equality statement: Prevention of illegal working in licensed premises for the sale of alcohol and late night refreshment*. London: Home Office.

Home Office. (2018a). *Alcohol licensing*. Retrieved 25 March 2021 from https://www.gov.uk/guidance/alcohol-licensing

Home Office. (2018b). *Revised Guidance Issued Under Section 182 of the Licensing Act 2003*. London: HM Government.

Home Office. (2021a). *Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers*. London: Home Office.

Home Office. (2021b). *Immigration Rules Appendix T5 (Temporary Worker) Creative or Sporting Worker*. Retrieved 26 March 2021 from https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-t5-temporary-worker-creative-or-sporting-worker

Home Office. (2021c). *Immigration Rules Appendix Visitor: Visa national list*. Retrieved 7 April 2021 from https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-visitor-visa-national-list

Home Office. (2021d). *T5 (Temporary Worker)*. London: Home Office.

Home Office & Immigration Enforcement. (2017). *New powers to tackle illegal working in licensed premises*. Retrieved 2 August 2020 from https://www.gov.uk/government/news/new-powers-to-tackle-illegal-working-in-licensed-premises

Humphreys, D. K., Degli Esposti, M., Gardner, F., & Shepherd, J. (2019). Violence in England and Wales: does media reporting match the data? *Bmj*, *367*(l6040).

Hutchinson, K. (2018). *What the Womad visa fiasco tells us about live music in Brexit Britain* Retrieved 7 August 2020 from https://www.theguardian.com/global/2018/aug/02/womad-visa-fiasco-brexit-britain-live-music-festival

Hutter, B. M. (1986). An inspector calls: The importance of proactive enforcement in the regulatory context. *The British Journal of Criminology*, *26*(2), 114-128.

Hutter, B. M. (1989). Variations in regulatory enforcement styles. *Law & Policy*, *11*(2), 153-174.

Hutter, B. M. (1997). *Compliance: Regulation and environment*. Oxford: Oxford University Press.

Ilan, J. (2012). 'The industry's the new road': Crime, commodification and street cultural tropes in UK urban music. *Crime, Media, Culture*, *8*(1), 39-55.

Ilan, J. (2020). Digital Street Culture Decoded: Why Criminalizing Drill Music is Street Illiterate and Counterproductive. *The British Journal of Criminology*, *60*(4), 994–1013.

Immigration Act 2016, c. 19.

Intellectual Property Act 2014, c. 18.

Jaffe, S. (2021). *Work Won't Love You Back: How Devotion to Our Jobs Keeps Us Exploited, Exhausted, and Alone*. London: C. Hurst & Co.

Jones, D. (2012). *The biggest rock tour in history: Behind U2's gigantic £450 milllion live performances*. Retrieved 3 May 2023 from https://www.dailymail.co.uk/home/moslive/article-2212936/U2s-450-million-tour-Behind-groups-gigantic-360-degrees-concerts.html

Jones, G. S. (1985). Class expression versus social control? A critique of recent trends in the social history of 'leisure'. In S. Cohen & A. Scull (Eds.), *Social Control and the State: Historical and Comparative Essays* (pp. 39-49). Oxford: Basil Blackwell.

Jones, T., & Newburn, T. (1998). *Private security and public policing*. Oxford: Clarendon Press.

Jordanoska, A. (2019). Regulatory enforcement against organizational insiders: Interactions in the pursuit of individual accountability. *Regulation & Governance*, *15*(2), 298-316.

Knowles, T. (2017). English Folk Law: A Brief Introduction to Pub Licensing. *The International Journal of Traditional Arts*, *1*(1), 1-4.

Kolioulis, A. (2018). More day in the night? The gentrification of London's night-time through clubbing. *Bollettino della Società Geografica Italiana*, *1*(2), 207-218.

Konch. (2022). *Konch*. Retrieved 13 September 2022 from https://www.konch.ai/

Koop, C., & Lodge, M. (2017). What is regulation? An interdisciplinary concept analysis. *Regulation & Governance*, *11*(1), 95-108.

Kücklich, J. (2005). FCJ-025 Precarious Playbour: Modders and the Digital Games Industry. *Fibre Culture Journal,* (5).

Kumar, D. (2020). Terrorcraft: empire and the making of the racialised terrorist threat. *Race & Class*, *62*(2), 34-60.

Kvale, S., & Brinkmann, S. (2015). *Interviews: Learning the craft of qualitative research interviewing*. Los Angeles: Sage.

LaMarre, A., Smoliak, O., Cool, C., Kinavey, H., & Hardt, L. (2019). The normal, improving, and productive self: Unpacking neoliberal governmentality in therapeutic interactions. *Journal of Constructivist Psychology*, *32*(3), 236-253.

Legislation.gov.uk. (2005). *Clean Neighbourhoods and Environment Act 2005, Chapter 16, Explanatory Notes*. Retrieved 27 September 2022 from https://www.legislation.gov.uk/ukpga/2005/16/notes

Lemke, T. (2002). Foucault, Governmentality, and Critique. *Rethinking Marxism*, *14*(3), 49-64.

Licensing Act 2003, c. 17.

The Lifting Operations and Lifting Equipment Regulations 1998, No. 2307.

Lin, B., & Li, X. (2011). The effect of carbon tax on per capita CO2 emissions. *Energy policy*, *39*(9), 5137-5146.

Live Music Act 2012, c. 2.

Live Music Industry Venues and Entertainment. (2020a). *UK live music: At a cliff edge*. London: Live Music Industry Venues and Entertainment.

Live Music Industry Venues and Entertainment. (2020b). *Valuing Live Entertainment*. London: Live Music Industry Venues and Entertainment.

Live Nation. (2007). *Live Nation acquires significant stake in Academy Music Group*. Retrieved 10 May 2023 from https://www.livenationentertainment.com/2007/03/live-nation-acquires-significant-stake-in-academy-music-group-2/

Live Nation (Music) UK Limited. (2020). *Annual report and financial statements for the year ended 31 December 2019*. London: Live Nation (Music) UK Limited.

Live Nation & Ticketmaster. (2010). *Live Nation and Ticketmaster entertainment complete merger*. Retrieved 3 August 2022 from https://www.sec.gov/Archives/edgar/data/1335258/000119312510012287/dex991.htm#:~:text=(NYSE%3A%20LYV)%20and%20Ticketmaster,Live%20Nation%20and%20Ticketmaster%20stockholders.

Live Nation Entertainment. (2006). *Live Nation reports fourth quarter and full-year 2005 financial results*. Retrieved 30 April 2023 from https://www.livenationentertainment.com/2006/02/live-nation-reports-fourth-quarter-and-full-year-2005-financial-results-2/

Local Government (Miscellaneous Provisions) Act 1982, c. 30.

Local Government Association. (2021). *Licensing Act 2003 - Councillor's handbook (England and Wales)*. London: Local Government Association.

Localism Act 2011, c. 20.

London Assembly Planning and Spatial Development Committee. (2008). *Who gains? The operation of section 106 planning agreements in London*. London: Greater London Assembly.

Makkai, T., & Braithwaite, J. (1992). In and out of the revolving door: Making sense of regulatory capture. *Journal of Public Policy*, *12*(1), 61-78.

The Management of Health and Safety at Work Regulations 1999, No. 3242.

Mansfield, B. (2004). Rules of privatization: contradictions in neoliberal regulation of North Pacific fisheries. *Annals of the Association of American Geographers*, *94*(3), 565-584.

Mayor of London. (2015). *An A-Z of Planning and Culture*. London: Greater London Authority.

Mayor of London. (2017). *London's Grassroots Music Venues: Rescue Plan*. London: Greater London Authority.

Mayor of London. (2019). *London sees rise in grassroots music venues*. Retrieved 27 October 2020 from https://www.london.gov.uk/press-releases/mayoral/london-sees-rise-in-grassroots-music-venues

McNamara, L., & Quilter, J. (2016). Street music and the law in Australia: Busker perspectives on the impact of local council rules and regulations. *Journal of Musicological Research*, *35*(2), 113-127.

McWilliams, A., & Siegel, D. (2001). Corporate social responsibility: A theory of the firm perspective. *Academy of management review*, *26*(1), 117-127.

Measham, F., & Hadfield, P. (2009). Everything starts with an 'E': Exclusion, ethnicity and elite formation in contemporary English clubland. *Adicciones*, *21*(4), 363-386.

Melville, C. (2002). *A carnival history*. Retrieved 4 April 2020 from https://www.opendemocracy.net/en/article_548jsp/

Melville, C. (2019). *It's a London thing: How rare groove, acid house and jungle remapped the city*. Manchester: Manchester University Press.

Metropolitan Police Authority. (2009). *Review of promoted events assessment form 696*. Retrieved 27 September 2019 from http://policeauthority.org/metropolitan/committees/cep/2009/090910/07/index.html

Millie, A. (2013). What are the police for? Re-thinking policing post-austerity. In J. Brown (Ed.), *The future of policing* (pp. 82-93). Abingdon-on-Thames: Routledge.

Milsten, A. M., Tennyson, J., & Weisberg, S. (2017). Retrospective analysis of mosh-pit-related injuries. *Prehospital and disaster medicine*, *32*(6), 636-641.

Ministry of Housing Communities and Local Government. (2019a). *Enforcement and post-permission matters*. Retrieved 10 February 2021 from https://www.gov.uk/guidance/ensuring-effective-enforcement#Enforcement-Notice

Ministry of Housing Communities and Local Government. (2019b). *National Planning Policy Framework*. London: Ministry of Housing, Communities and Local Government.

Minton, A., Duman, A., James, M., & Hancox, D. (2018). *Regeneration songs: Sounds of investment and loss in East London*. London: Watkins Media Limited.

Miren, F. (2014). *Are UK Nightclubs Breaking Data Laws by Storing Your IDs and Fingerprints?* Retrieved 19 July 2021 from https://www.vice.com/en/article/qb5ppp/are-nightclubs-breaking-data-laws-by-storing-your-ids-and-fingerprints

Misuse of Drugs Act 1971, c. 38.

Monaghan, L. F. (2002). Hard men, shop boys and others: embodying competence in a masculinist occupation. *The Sociological Review*, *50*(3), 334-355.

Moody, J. L., & Dexter, P. (2017). The Rise of the Concert Lighting Field. In *Concert Lighting: The Art and Business of Entertainment Lighting*. Abingdon: Routledge.

Music Venue Trust. (2018). *After 4-Year Campaign Agent of Change is Here*. Retrieved 9 August 2020 from http://musicvenuetrust.com/2018/08/4-year-campaign-agent-change/

Music Venue Trust. (2023). *Annual report 2022*. London: Music Venue Trust.

Musicians' Union. (2012). *The Working Musician*. London: Musicians' Union.

Mutari, E., & Figart, D. M. (2015). *Just one more hand: Life in the casino economy*. Lanham: Rowman & Littlefield.

National Minimum Wage Act 1998, c. 39.

National Police Chiefs' Council. (2019). *Counter Terrorism Policing asks music fans to #BeSafeBeSound this summer*. Retrieved 15 July 2021 from https://news.npcc.police.uk/releases/counter-terrorism-policing-asks-music-fans-to-besafebesound-this-summer

National Trading Standards. (2020). *Pair jailed for secondary ticketing fraud*. Retrieved 25 June 2020 from https://www.nationaltradingstandards.uk/news/pair-jailed-for-secondary-ticketing-fraud/

Neocleous, M. (2000). *A critical theory of police power: The fabrication of the social order*. London: Pluto Press.

Newburn, T., Diski, R., Cooper, K., Deacon, R., Burch, A., & Grant, M. (2018). 'The biggest gang'? Police and people in the 2011 England riots. *Policing and society*, *28*(2), 205-222.

Newcastle City Council. (n.d.). *Fly-posting*. Retrieved 27 September 2022 from https://www.newcastle.gov.uk/services/environment-and-waste/environmental-health-and-pollution/fly-posting#:~:text=Fly%2Dposting%20is%20a%20criminal,Act%201980%20is%20also%20committed

NME. (2018). *Watch music legends protest at Westminster to save UK's small live music venues*. Retrieved 10 February 2021 from https://www.nme.com/news/music/music-legends-protest-westminster-save-uk-small-live-music-venues-2216957

Noise Act 1996, c. 37.

Norwich City Council. (2022). *Development management policies: DM23 Supporting and managing the evening and late night economy*. Retrieved 11 September 2022 from https://www.norwich.gov.uk/info/20199/adopted_local_plan/1457/development_management_policies/23

Office of the Deputy Prime Minister. (2005). *ODPM Circular 05/2005*. London: Office of the Deputy Prime Minister.

Office of the Traffic Commissioner. (2016). *Drivers' hours: staying on track*. Retrieved 9 November 2021 from https://movingon.blog.gov.uk/2016/03/15/drivers-hours-staying-on-track/

Pailey, R. N. (2021). *Development, (Dual) Citizenship and its Discontents in Africa: The Political Economy of Belonging to Liberia*. Cambridge: Cambridge University Press.

Paoletti, D. (2010). 99% Noise In *99% Invisible [podcast]*. https://99percentinvisible.org/episode/99-invisible-01-99-noise-by-roman-mars-this/transcript

Parkes, S., & Rafaeli, J. S. (2014). *Live at the Brixton Academy*. London: Serpent's Tail.

Parton, D. (1980). 9 to 5. On *9 to 5 and Odd Jobs*. RCA.

Passas, N. (2005). Lawful but awful: 'Legal corporate crimes'. *The journal of socio-economics*, *34*(6), 771-786.

Pearce, F., & Tombs, S. (1990). Ideology, hegemony, and empiricism: Compliance theories of regulation. *The British Journal of Criminology*, *30*(4), 423-443.

Pearce, F., & Tombs, S. (1991). Policing Corporate Skid Rows-A Reply to Keith Hawkins. *The British Journal of Criminology*, *31*(4), 415-426.

Phillips, C., & Bowling, B. (2017). Ethnicities, racism, crime and criminal justice. In A. Liebling, M. Shadd, & L. McAra (Eds.), *The Oxford handbook of criminology* (pp. 190-212). Oxford: Oxford University Press.

Phipps, A. (2020). *Me, not you: The trouble with mainstream feminism*. Manchester: Manchester University Press.

Planning Portal. (2022). *Use Classes*. Retrieved 11 September 2022 from https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes

Policing and Crime Act 2017, c. 3.

Pope, C., Ziebland, S., & Mays, N. (2000). Analysing Qualitative Data. *Bmj*, *320*(7227), 114-116.

PPL PRS United for Music. (2022). *Live Music, Festivals & Concert Venues*. Retrieved 27 September 2022 from https://pplprs.co.uk/business/live-music-festivals-concert-venues/

Private Security Industry Act 2001, c. 12.

Proceeds of Crime Act 2002, c. 29.

PRS for Music. (2021). *Popular Music Concerts: Tariff 'LP'*. Retrieved 27 September 2022 from https://3egrg52h4do72flc0a1td2xc-wpengine.netdna-ssl.com/wp-content/uploads/LP-2021-07-Tariff.pdf

PRS for Music. (2022a). *Do I need a licence?* Retrieved 27 September 2022 from https://www.prsformusic.com/what-we-do/licensing-music/do-i-need-a-licence

PRS for Music. (2022b). *PPL*. Retrieved 27 September 2022 from https://www.prsformusic.com/what-we-do/who-we-work-with/ppl

QSR International. (2019). *NVivo 12*.

Qureshi, A., Morris, M., & Mort, L. (2020). *Access denied: The human impact of the hostile environment*. London: Institute for Public Policy Research.

Regan, A. (2021). *Bloodstock festival: Heavy metal fans thrilled at event's return*. https://www.bbc.co.uk/news/uk-england-derbyshire-58201043

Registered Designs Act 1949, c. 88.

The Regulatory Reform (Fire Safety) Order 2005, No. 1541.

Reiner, R. (2010). *The politics of the police*. Oxford: Oxford University Press.

Reiner, R. (2016). *Crime, the mystery of the common-sense concept*. Oxford: Polity Press.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013, No. 1471.

Rigakos, G. (2008). *Nightclub: Bouncers, risk, and the spectacle of consumption*. Montréal: McGill-Queen's University Press.

Robson, C., & McCartan, K. (2016). *Real world research*. Chichester: Wiley.

Rose, N. (1999). *Powers of freedom: Reframing political thought*. Cambridge: Cambridge University Press.

Rose, N. (2006). Governing “advanced” liberal democracies. In S. Aradhana & A. Gupta (Eds.), *The anthropology of the state: A reader* (pp. 144-162). Malden: Blackwell Publishing.

Saunders, J. (2021). *Manchester Arena Inquiry Volume 1: Security for the Arena*. London: Manchester Arena Inquiry.

Savage, J. (2011). *England's dreaming*. London: Faber & Faber.

Scully, B. (2016). Precarity north and south: A southern critique of Guy Standing. *Global Labour Journal*, *7*(2), 160-173.

Security Industry Authority. (2020a). *Find out if you need an SIA licence*. Retrieved 30 June 2021 from https://www.gov.uk/guidance/find-out-if-you-need-an-sia-licence#licensable-activities

Security Industry Authority. (2020b). *Learn how we enforce SIA regulation*. Retrieved 30 June 2021 from https://www.gov.uk/guidance/learn-how-we-enforce-sia-regulation

Security Industry Authority. (n.d.). *About us*. Retrieved 30 June 2021 from https://www.gov.uk/government/organisations/security-industry-authority/about

Shammas, V. L., & Sandberg, S. (2016). Habitus, capital, and conflict: Bringing Bourdieusian field theory to criminology. *Criminology & Criminal Justice*, *16*(2), 195-213.

Shaw, R. (2015). 'Alive after five': Constructing the neoliberal night in Newcastle upon Tyne. *Urban studies*, *52*(3), 456-470.

Small Business, Enterprise and Employment Act 2015, c. 26.

Smith, A., & von Krogh Strand, I. (2011). Oslo's new Opera House: Cultural flagship, regeneration tool or destination icon? *European urban and regional studies*, *18*(1), 93-110.

Smith, M. (1996). Traditions, stereotypes, and tactics: A history of musical buskers in Toronto. *Canadian Journal for Traditional Music*, *24*(6), 6-22.

Social Research Association. (2001). *A Code of Practice for the Safety of Social Researchers*. London: Social Research Association.

Southbank SOS. (2020). *#SouthbankSOS*. Retrieved 8 April 2021 from https://saveoursouthbank.com/

Standing, G. (2011). *The Precariat - The New Dangerous Class*. London: Bloomsbury Academic.

Standing, G. (2012). The precariat: from denizens to citizens? *Polity*, *44*(4), 588-608.

Stewart, A., & Stanford, J. (2017). Regulating work in the gig economy: What are the options? *The Economic and Labour Relations Review*, *28*(3), 420-437.

Stone, K. V. (2004). *From widgets to digits: Employment regulation for the changing workplace*. New York: Cambridge University Press.

Storey, J. (2018). *Cultural Theory and Popular Culture. An Introduction.* Abingdon: Routledge.

Struening, K. (2016). Walking While Wearing a Dress: Prostitution Loitering Ordinances and the Policing of Christopher Street. *Stanford Journal of Criminal Law and Policy*, *3*(2), 16-54.

Swartz, D. (2012). *Culture and power: The sociology of Pierre Bourdieu*. Chicago: University of Chicago Press.

Swyngedouw, E., Moulaert, F., & Rodriguez, A. (2002). Neoliberal urbanization in Europe: large–scale urban development projects and the new urban policy. *Antipode*, *34*(3), 542-577.

Talbot, D. (2006). The Licensing Act 2003 and the problematization of the night-time economy: planning, licensing and subcultural closure in the UK. *International Journal of Urban & Regional Research*, *30*(1), 159-171.

Talbot, D. (2011). The juridification of nightlife and alternative culture: two UK case studies. *International Journal of Cultural Policy*, *17*(1), 81-93.

The Concert Promoters Association. (n.d.). *Our members*. Retrieved 24 April 2021 from https://concertpromotersassociation.co.uk/our-members/

The Events Industry Forum. (2014a). *The Purple Guide: 1. Health & Safety Legislation*. Retrieved 21 June 2021 from https://www.thepurpleguide.co.uk/index.php/the-purple-guide/105-1-health-safety-legislation?showall=&start=0

The Events Industry Forum. (2014b). *The Purple Guide: 1. Health & Safety Legislation Page 2*. Retrieved 21 June 2021 from https://www.thepurpleguide.co.uk/index.php/the-purple-guide/105-1-health-safety-legislation?showall=&start=1

Tombs, S. (2002). Book Review: Understanding Regulation? *Social & legal studies*, *11*(1), 113-133.

Tombs, S. (2016). Making better regulation, making regulation better? *Policy Studies*, *37*(4), 332-349.

Tombs, S. (2020). Making Local Regulation Better? Marketisation, Privatisation and the Erosion of Social Protection. In K. Albertson, M. Corcoran, & J. Phillips (Eds.), *Marketisation and Privatisation in Criminal Justice* (pp. 293-308). Bristol: Policy Press.

Tombs, S., & Whyte, D. (2007). *Safety crimes*. Cullompton: Willan Publishing.

Tombs, S., & Whyte, D. (2010). A deadly consensus: worker safety and regulatory degradation under New Labour. *The British Journal of Criminology*, *50*(1), 46-65.

Tombs, S., & Whyte, D. (2013). The myths and realities of deterrence in workplace safety regulation. *The British Journal of Criminology*, *53*(5), 746-763.

Tombs, S., & Whyte, D. (2015). *The corporate criminal: Why corporations must be abolished*. Abingdon: Routledge.

Town and Country Planning Act 1990, c. 8.

Tsitsos, W. (1999). Rules of rebellion: Slamdancing, moshing, and the American alternative scene. *Popular music*, *18*(3), 397-414.

UK Music. (2017a). *Measuring Music 2017 Report*. London: UK Music.

UK Music. (2017b). *Venues to go silent to remember victims of Manchester attack*. Retrieved 15 July 2021 from https://www.ukmusic.org/news/venues-to-go-silent-to-remember-victims-of-manchester-attack/

UK Music. (2020). *Music By Numbers 2020*. London: UK Music.

UK Music. (2021). *This Is Music 2021*. London: UK Music.

UK Visas and Immigration. (n.d.). *About us*. Retrieved 23 March 2021 from https://www.gov.uk/government/organisations/uk-visas-and-immigration/about

Violent Crime Reduction Act 2006, c. 38.

Wacquant, L. (2009). *Punishing the poor: The neoliberal government of social insecurity*. Durham: Duke University Press.

Wakefield, A. (2012). *Selling security*. London: Willan.

Walker, K., & Wan, F. (2012). The harm of symbolic actions and green-washing: Corporate actions and communications on environmental performance and their financial implications. *Journal of business ethics*, *109*(2), 227-242.

Ware, J. (2022). "Everybody Changes In The Process Of Building A Movement" - Ruth Wilson Gilmore on Abolition Geography In *Millennials Are Killing Capitalism [podcast]*. https://millennialsarekillingcapitalism.libsyn.com/everybody-changes-in-the-process-of-building-a-movement-ruth-wilson-gilmore-on-abolition-geography

Webster, E., Brennan, M., Behr, A., Cloonan, M., & Ansell, J. (2018). *Valuing live music: The UK live music census 2017 report*. Edinburgh: Musicians' Union, Music Venue Trust, UK Music.

The Weights and Measures (Intoxicating Liquor) Order 1988, No. 2039.

The Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order 2011, No. 2331.

Welch, G., & Rawlings, D. (2001). Everything Is Free. On *Time (The Revelator)*. Acony.

Whiting, S. (2021). The value of small live music venues: Alternative forms of capital and niche spaces of cultural production. *Cultural Sociology*, *15*(4), 558-578.

Williams, E., & Squires, P. (2021). *Rethinking Knife Crime: Policing, Violence and Moral Panic?* Cham: Springer Nature.

Williams, P. (2015). Criminalising the other: Challenging the race-gang nexus. *Race & Class*, *56*(3), 18-35.

Winlow, S., & Measham, F. (2016). Doing the right thing: some notes on the control of research in British criminology. In M. Cowburn, L. Gelsthorpe, & A. Wahidin (Eds.), *Research Ethics in Criminology and Criminal Justice: Dilemmas, problems and issues* (pp. 204-219). Abingdon-on-Thames: Routledge.

Winter, G. (2016). *Comparison of the planning systems in the four UK countries*. Cardiff: National Assembly for Wales.

Yeomans, H. (2011). What did the British temperance movement accomplish? Attitudes to alcohol, the law and moral regulation. *Sociology*, *45*(1), 38-53.

Young, J. (2007). *The vertigo of late modernity*. London: Sage Publications.

Appendix 1: Example interview schedule questions

Prepared for interview with a venue operator.

Research questions	Interviewer questions
All	Warming up options: Can you tell me about your time at [venue]? E.g., what you did there, how you became involved? Tell me about [venue]; what were the shows like, what kind of music did you host, who tended to be the audience?
All	Can we talk first about how the venue opened? Were you involved in that? How did it happen? Do you know any of the history before you were involved? Where you aware of any regulations you had to comply with? *Prompts: E.g., licensing, health and safety, planning, security, noise, environmental health, ticket sales.* How did this work? Who did you interact with? Now thinking about how the venue ran – day to day and shows: What regulations applied to your shows, and generally the running of the venue? Thinking about this, who did you interact with, and how? *Prompts:* *People: police, local council, venue staff, security services* *Stages: planning, entry, during shows* *What are their concerns? Are there some problems these people are concerned with more than others?*

	What are you involved in? *Prompts: E.g., security, sound etc.* Have you ever had restrictions of any kind placed on the venue or a show or some kind of sanction afterwards? What do you think this was meant to achieve? Why do you think this happened? Have you ever had a show cancelled? Have you ever been involved in 'unregulated' shows? What did you and your team try to control during a show and why? *Prompts: Formally or informally. People you chose to work with or avoid, how a show is marketed etc. Why?* Could you tell me about how the venue came to close? Prompts: *E.g., who was involved (council, police), what were their concerns/motivations, how did you interact with them (formally, informally), how did it begin (one incident or series?), why do you think this happened?*
How do different actors navigate the regulatory systems live music is subject to?	Does what you've told me differ between events? *Prompts: E.g., types of event, genres, different audiences, artists.* Do you know if your experiences compare to other venue operators? *Prompts: E.g., location, branding, chain vs independent.* Did you avoid or favour any artists, promoters or others for these reasons? Thinking about working with regulators: Did you always comply? Why? How do those enforcing encourage you to? Are you ever able to solve problems outside a formal system? Have you ever gotten around any regulatory procedures?

Who and what is targeted within the regulatory systems live music is subject to? / How is the live music industry shaped by its regulation?	Thinking of the regulators we've spoken about *[prompt: police, council, etc.]*, how do you think they make their decisions?
All	Thinking of your time at [venue], did anything change about the regulation you experienced? Are there any times you thought a wrong decision was made? Are there problems that you think are overlooked or overregulated? Are there ways you think regulation of any kind has benefited live music or performers?

Adapted from Kvale and Brinkmann (2015 p. 158).