

SPEAKERS PANEL (LIQUOR LICENSING)

25 October 2022

Commenced: 10.15am

Terminated: 1.20pm

Present: Councillors Drennan (Chair), Quinn and Colbourne

In Attendance:

Mike Robinson	Regulatory Services Manager, TMBC
Rebecca Birch	Regulatory Compliance Officer, TMBC
Ashleigh Melia	Solicitor, TMBC
Daniel Oliver-Grant	Applicant
Cavan Slate	Vice-President, Hyde Festival Theatre
Clare Pascoe	Treasurer, Hyde Festival Theatre
Jem Marshall-Ayre	Committee Member, Hyde Festival Theatre
Persons submitting representations	

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. MINUTES

That the Minutes of the meetings of the Speakers' Panel (Liquor Licensing) held on 5 September 2022 be approved as a correct record.

9. VARIATION OF A PREMISES LICENCE – HYDE FESTIVAL THEATRE, CORPORATION STREET, HYDE. SK14 1AB

Mr Robinson, Regulatory Services Manager, presented the report to the Panel and outlined the key legislation and policy guidance under Section 34 of the Licensing Act 2003, which set out the procedure for an application to the Licensing Authority for the variation of a premises licence.

Mr Robinson identified the steps available to the Panel in determining the application. He informed the Panel of the brief background to the application as set out in the report and summarised the representations received.

It was reported that Hyde Festival Theatre, Corporation Street, Hyde SK14 1AB had been a Licensed Premises since 22 August 2006. The Applicant had been the Premises Licence Holder since 16 November 2020. There were currently no enforceable conditions within the Operating Schedule of the Premises Licence.

An application for a full variation of the Premises Licence on 8 August 2022.

Licensable Activity	Current Licensable Activities		Licensable Activities Applied for	
Play	Mon - Sat	12:00 – 23:30	Mon – Sun	09:00 – 00:00
	Sun	12:00 – 23:00		
Live Music	Mon – Sat	12:00 – 23:30	Mon – Thurs	09:00 – 23:30
	Sun	12:00 – 23:00	Fri – Sun	09:00 – 00:00

Recorded Music	Mon – Sat	12:00 – 23:30	Mon – Thurs	09:00 – 00:00
	Sun	12:00 – 23:00	Fri – Sun	07:00 – 01:00
Performances of Dance	Mon – Sat	12:00 – 23:00	Mon – Thurs	09:00 – 23:00
	Sun	12:00 – 22:30	Fri - Sun	07:00 – 23:00
Sale of Alcohol	Mon – Sat	12:00 – 23:00	Mon – Thurs	12:00 – 00:00
	Sun	12:00 – 22:30	Fri	12:00 – 01:00
			Sat	10:00 – 01:00
			Sun	10:00 – 00:00
Films			Mon – Sun	09:00 – 00:00
Indoor Sporting Events			Mon – Sun	07:00 – 00:00
Boxing or Wrestling Entertainment			Mon – Thurs	12:00 – 23:00
			Fri – Sat	12:00 – 23:30
			Sun	10:00 – 22:00
Opening Hours	Mon - Sat	12:00 – 23:30	Mon - Thurs	09:00 – 00:00
	Sun	12:00 – 23:00	Fri - Sun	07:00 – 01:00

Seasonal variations

Licensable Activity	Licensable Activities Applied for – seasonal variations			
Live Music			Christmas Eve	09:00 – 01:00
			Christmas Day	09:00 – 01:00
			Boxing Day	09:00 – 01:00
			New Years Eve	09:00 – 01:00
			Sundays into Bank Holiday	09:00 – 01:00
Recorded music			Christmas Eve	09:00 – 01:00
			Christmas Day	09:00 – 01:00
			Boxing Day	09:00 – 01:00
			New Years Eve	09:00 – 01:00
			Sundays into Bank Holiday	09:00 – 01:00
Films			Not specified	
Entertainment of a similar description			Christmas Eve	09:00 – 01:00
			Christmas Day	09:00 – 01:00
			Boxing Day	09:00 – 01:00
			New Years Eve	09:00 – 01:00
			Sundays into	09:00 – 01:00

			Bank Holiday	
Opening hours			Christmas Eve	Extended upto 1 hour
			Christmas Day	Extended upto 1 hour
			Boxing day	Extended upto 1 hour
			New Years Eve	Extended upto 1 hour
			Sundays into a Bank Holiday	07:00 – 02:00

Mr Robinson informed the Panel that representations from two users of the theatre had been submitted by the Applicant on 24 October 2022 (the day before the hearing) in support of the application and the objectors agreed to their inclusion at the hearing.

Mr Robinson also informed the Panel that prior to the end of consultation, discussions had taken place between the Licensing Authority and the Applicant, which resulted in a comprehensive list of conditions being agreed. These conditions were listed at **Appendix 5** to the report.

The following submissions were made by the Applicant in support of the application:

- The Applicant set out the history of the theatre dating back to the early 1900s and had been a registered charity for several decades, accepting donations from the community and grant funding organisations which makes up a significant amount of the theatre's income.
- The Applicant explained the theatre was run by unpaid volunteers and was the largest theatre and receiving house in Tameside, providing a safe space for children, families, the vulnerable and the disadvantaged in the area.
- The theatre was run by a committee of 16, consisting of 6 local organisations who performed shows at the theatre, 6 individual members, 3 honorary members and a representative from the newly established Youth Council. The Committee met monthly on a voluntary basis.
- The theatre hired out its premises to local organisations, groups and societies at an affordable price (£225 per day) so they were able to stay local and showcase their work locally which ensured ticket prices were low for their families, friends and families in the community.
- In 2020 the theatre relaunched the Alexandra Picture House as a community cinema, showing educational and family oriented films for as little as £1 per seat, serving affordable bar snacks and drinks for uninflated prices families which forms another part of the theatre's income. This ensured they were affordable for lower income families.
- As the theatre was in a deprivation area, it provided opportunities for local residents and children for their personal development, confidence, social skills and mental health wellbeing. In addition to this, local families experiencing financial hardship or exceptional pressure are able to redeem donated tickets for the family pantomime, Cinderella, through the theatre's 'Theatre Access Ticket Scheme' which ensured children living in exceptional circumstances did not miss out on traditional family experiences.
- The theatre had 39 registered volunteers on its volunteer programme that was founded in 2021 and were trained by officers on bar operations and front of house management. Additionally, Tameside College students were able to assist with make-up, staging and creative design and admin/business management to advance their personal skills, development and experience.
- The Applicant referred to the statement in support of the application provided by the theatre group that hired the theatre, which stated
 - 45% of the members had additional health or educational needs
 - 60% have mental health struggle

- extending the opening hours would allow the organisation to keep fees lower and provide a safe space for longer hours as the majority of the adult members and families were struggling with the impact of Covid.
- The Applicant explained that the theatre relied heavily on local support, local demand and grant funding and that a significant amount of its income came from bar sales; in 2021 the theatre was open to the public for 87 performances over 62 days which equated to 17% of the calendar year.
- The theatre was in discussions with a nationwide company to bring UK dance competitions to Tameside and they would like to start from the early morning and run late at night further adding Hyde and Tameside to the map on a national level. The theatre was currently restricted from performing regulated entertainment outside of the deregulated and permitted hours.
- Several local organisations had requested to put on morning relaxed performances for those in the community who had anxiety about attending the theatre or for those who had additional needs and wouldn't be suitable to attend a regular performance. The theatre was currently unable to provide this without a temporary event notice.
- In relation to extending the licence later, the Applicant stated:
 - By extending the licence later would open up more opportunities for the arts in Tameside, add to the theatre's programme and allow the theatre to be hired to more groups and productions to aid its income.
 - Every person who attends the theatre was either a cast member, volunteer or patron with a paid ticket as they were not open to the public for anyone without a ticket.
 - Opening the bar later will allow volunteers, cast members and crew to have a later drink with their family and friends; presently, by the time they have finished their after show tasks, they only have the opportunity for one drink on the current licence. It was hoped that by extending the licence, theatre users would be able to stay longer with their family and friends which will add vital additional income to the theatre when funds were already limited.
- The Applicant then provided details about the theatre's bar income:
 - At the end of the financial year ending in June 2021, the bar income was £1,493 and the profit was £619.
 - In the financial year ending 2022, the income was £16,764 averaging £1,397 a month and the annual profit was £6,297, averaging a monthly profit of £524.75.
- The Applicant confirmed the bar profit made up 8% of the theatre's annual income and that by adding additional hours to the bar, it was hoped it would generate more revenue so the theatre could keep prices affordable instead of inflating its fees, charges and prices.
- The Applicant explained that the theatre worked with local organisations including ASDA Foundation, Morrisons Hyde, the Duchy of Lancaster, Action Together, Manchester Forever, The Rotary Club, POP CIC and the theatre had received funding this year from Tameside Council's adult services to deliver a community project as a part of the Winter Pressures funding.
- In relation to the representations made against the full variation application, the Applicant stated:
 - The representations came from one local organisation who were the theatre's direct neighbours
 - There had been disputes between Hyde Festival Theatre and the organisation over shared access at the rear of the premises and was believed to be the reason the representations had been submitted.
 - The theatre's directors were also contacted by a solicitor representing the individuals from the Hyde Islamic Resource Centre wanting to purchase the theatre's building to which the directors declined.
 - Since taking over as chairman in 2019, a good level of communication had begun with one of the committee members and the relationship has improved.
- The Applicant confirmed no representations had been made from responsible authorities including the police, environmental health and fire.

- The Applicant stated that he was unaware of any anti-social behaviour occurring from patrons from the theatre; the theatre had robust policies and procedures in place including signs on the exit saying please respect our neighbours and a robust reporting system to record any incidents or accidents. The theatre had its own voluntary safeguarding officer position as part of the theatre management.
- The Applicant informed the Panel that volunteers were trained to complete a checklist prior to the house opening for every performance and again before they leave after every performance which included a litter inspection of the front and back of the theatre. The outside of the theatre was checked at the start of every performance. After every performance, the front of house volunteers cleaned the auditorium of rubbish and picked up and dispose of rubbish. Rubbish was then disposed from the first floor in the theatre's bins at the rear of the theatre and the alleyway was inspected when the theatre closed.
- In response to questions from Mr Robinson in relation to the sale of alcohol for consumption off the premises, the Applicant confirmed the following:
 - Volunteers finished around 10.45pm and the current licence only allowed the theatre to serve alcohol until 11pm which allowed for one drink at the end of a performance.
 - The theatre was unable to sell alcohol to cast members for them to take to their friends at the end of the night.
 - They wanted to be able to offer the facility to sell alcohol for consumption off the premises on a need by need basis to allow flexibility.
 - The theatre was requested to take alcohol off the premises once every 6 productions; on 10 occasions out of 62 productions.
- When asked by Mr Robinson if he was on site when the licensable activities were taking place, the Applicant confirmed:
 - He was on site 80% of the time
 - The other 20% of the time there was another officer of the committee or a team member of the bar trained to a high level to that of an officer.
 - The theatre had CCTV and access to safe and personal information as and when requested.
 - The theatre had a challenge book to log any incidents and there had been no incidents to his knowledge since being the Chair.
- Mr Robinson asked the Applicant about littering to which he replied
 - He was happy to have a condition they take everyone's litter before they left the premises and ensured the premises were clear before patrons arrived however he wanted to ensure the theatre didn't become a dumping ground and they had to clean up after everyone.
 - He would be happy to have a condition that a member of staff collects litter on the days they were trading and to keep a log; the theatre spent £35,000 on the front of the premises in the last few months and did not want the theatre to look untidy

The Applicant also answered questions from persons submitting representations, present at the meeting and Panel Members and confirmed that the theatre currently didn't sell for consumption off the premises and they had bar staff, CCTV cameras, challenge 25 policy and a policy around drunk and disorderly behaviour, not selling to anyone who has consumed excess alcohol.

He further confirmed that there would be age restrictions in place for adult performances and challenge 25 checks on the door. It was also stated they would not be advertising selling off sales and it would just be an opportunity for the theatre.

Persons submitting representations were invited to address the Panel and raised the following:

- Representations were made as a community member of Hyde and objections related to off sales and extension of hours of alcohol.

- Alcohol consumption could be supervised on site and taking off site could open a can of worms; there had been no issues in the past and the concern was for the future so why risk it.
- Adults and children attended the mosque late at night and there was no guarantee attendees from the theatre would go to the local park around the corner to drink which was already a hub for anti-social behaviour.
- The Applicant and the Panel agreed to the reading out of statistics from a Home Office report that had not previously been submitted which reported the statistics of hate crimes.
- One of the persons submitting representations responded to a question from the Chair, stating that he had been the victim of hate crimes in the past but not by theatre goers.

Further issues were raised by persons submitting representations as follows:

- They had good relations with the theatre and had no issues and hope they had the same from them.
- Representations related to extending the hours for the sale of alcohol.
- Having no experience of alcohol, he checked Home Office statistics which showed violent crimes and disorder take place when alcohol was consumed and spiked at the hours requested to be extended. Reference was also made to an American journal and its statistics of crimes of violence and disorder.
- In response to these submissions, the Applicant stated behaviour changing due to later alcohol consumption was more likely to happen in Manchester City Centre, that they would not allow their customers to get that intoxicated and the theatre also had a duty of care and must safeguard everyone in their building which they already did.
- It was confirmed that children attend the Majid for classes between the ages 5-18, 98% attendees are local, arrive by car or by walking from all directions and that they sometimes have lectures at 11.30pm.
- In response to questions from the Chair, it was explained there had been one incident next to the mosque where someone tried to stab someone with a knife and a person was detained and arrested by the police. This was around 3 years ago just before the pandemic and it was not alcohol related.
- A lot of issues had been reported in the park, not always alcohol related but sometimes was. The police had been informed. Some disputes were between white ethnicity and the Bengali community and sometimes gang fights.

The Panel then heard brief closing submissions on behalf of the Applicant, Licensing Authority and Interested Parties.

Members of the Panel then retired to carefully consider the written submissions, representations and questions and answers during the hearing in addition to all the information provided. The Panel were accompanied by the Legal Representative and the Principal Democratic Services Officer who provided legal and procedural advice only and took no part in the decision making process.

DECISION/REASONS

In determining this matter, the Panel has had due regard to:

- the report to Panel
- the application and representations received
- all oral and written evidence and submissions
- the Council's Statement of Licensing Policy,
- the relevant sections of the Licensing Act 2003 and Regulations made thereunder
- the Guidance issued by the Secretary of State under section 182 of that Act.

The Panel determined the application pursuant to section 34 of the Act having regard to the relevant representations and the requirement to take such steps as it considered appropriate to promote the licensing objectives.

The key points identified by the Panel were as follows:

1. the variation application seeks
 - a. To additional licensable activities
 - i. Films
 - ii. Indoor sporting events
 - iii. Boxing and wrestling entertainment
 - iv. Entertainment of a similar description (including adult performances such as burlesque)
Supply of alcohol for consumption off the premises
 - b. To extend the opening hours
 - i. Opening hours Monday to Thursday 09:00 to 00:00
 - ii. Opening hours Friday to Saturday 07:00 to 01:00
 - c. To extend the current licensable activities
 - i. Plays – Monday to Sunday 09:00 to 00:00
 - ii. Live music – Monday to Thursday 09:00 to 23:30, Friday to Sunday 09:00 to 00:00
 - iii. Recorded music – Monday to Thursday 09:00 to 00:00, Friday to Sunday 07:00 to 01:00
 - iv. Performances of dance – Monday to Thursday 09:00 to 23:00, Friday to Sunday 07:00 – 23:00
 - d. To extend the hours for the sale of alcohol
 - i. Monday to Thursday 12:00 to 00:00
 - ii. Friday 12:00 to 01:00
 - iii. Saturday 10:00 to 01:00
 - iv. 10:00 to 00:00
 - e. Seasonal variations of the opening hours and licensable activities
 - i. Licensable activities 09:00 to 01:00
 - ii. Opening hours extended up to one hour
 - iii. Sundays into bank holidays 07:00 to 02:00
2. The Panel noted that no representations had been made by Greater Manchester Police, the Licensing Authority, Trading Standards, Public Health or any other relevant authority.
3. The Panel also noted there had been no reports of the licensing objectives being undermined having been received by the licensing authority or the Police.
4. Conditions had been agreed between the licensing authority and the Applicants appended to the report at Appendix 5.
5. The Panel noted that the Applicant, during his submissions, proposed that he would agree to a condition regarding litter control.
6. The Panel noted the objections to the application related only to extending the hours for the sale of alcohol and the sale of alcohol for consumption off the premises.
7. The Panel were satisfied the licensing objectives could be upheld if they granted the variations that had been requested including the sale of alcohol longer and off the premises, provided that alcohol taken off the premises was in sealed containers only.
8. The Panel noted the concerns raised by the members of the public in attendance at the hearing in relation to anti-social behaviour in the area generally, however the Panel were satisfied there was no evidence that this behaviour was directly linked to patrons of the Theatre.

9. The Panel were very sympathetic of the objectors' experiences of hate crimes and understood their concerns regarding possible future risks, however the Panel could only impose stringent conditions based upon the evidence it had before it.

The Panel considered all available options.

On balance, having carefully considered all of the available information, the Panel concluded that the premises licence should be varied subject to the imposition of conditions agreed prior to today's hearing and further conditions were to be imposed.

STEPS TAKEN PURSUANT TO S18(4) LICENSING ACT 2003

The step that the Panel considered appropriate to promote the licensing objectives was to grant the application for a premises licence subject to conditions agreed prior to today's hearing together with two further conditions as follows:

- **Off Sales**
All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. Any open vessels of alcohol purchased for consumption on the premises must be consumed on the premises and under no circumstances be taken off the premises.
- **Litter Control**
The Designated Premises Supervisor must ensure that a member of staff collects all litter from the curtilage of the premises before and at the conclusion of trading. A written log must be kept of the areas checked and made available to responsible authorities for inspection on request.

The Panel would like to thank those attending the hearing for their contribution and assisting the Panel in reaching its decision.

RESOLVED

That the application for a variation to the premises licence be approved subject to conditions agreed prior to the hearing, together with two further conditions as follows:

- **Off Sales**
All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. Any open vessels of alcohol purchased for consumption on the premises must be consumed on the premises and under no circumstances be taken off the premises.
- **Litter Control**
The Designated Premises Supervisor must ensure that a member of staff collects all litter from the curtilage of the premises before and at the conclusion of trading. A written log must be kept of the areas checked and made available to responsible authorities for inspection on request.

CHAIR