

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Friday, 8 July 2022

**Present:** Councillor Grimshaw – in the Chair

**Councillors:** Flanagan and Riasat

#### **LACHP/21/53. Summary Review of Premises Licence - Mesob , 97 Princess Road, Manchester, M14 4TH**

Consideration was given to the report of the Head of Planning, Building Control and Licensing regarding a Summary Review of the premises licence at Mesob, 97 Princess Road, Manchester, M14 4TH.

The summary review was requested by GMP following an incident at the premises which took place on Sunday 3 July 2022. The application was made under section 53(B) of the Licensing Act 2003.

The Hearing Panel considered the written papers, oral representations of all parties as well as the relevant legislation.

At the opening of the proceedings, the Sub-Committee Hearing Panel's Legal adviser dealt with a request to adjourn the hearing, by request of the Premises Licence Holder's (PLH's) solicitor who could not make the hearing at short notice. The Legal adviser read out the emails sent by the PLH's solicitor. The PLH also confirmed that he would like an adjournment to afford his representative the opportunity to attend. The Legal advisor explained the nature of Interim Measures hearings 48 hour timeframe to have the hearing dealt with from the time of the City Council receiving GMPs representations to the PLH. GMP explained that there have been many other previous occasions where an Interim Measures hearing is arranged for the following day and asked that the request for an adjourned be rejected. The Legal adviser informed the PLH of their right to submit an appeal, should any of the 4 steps outlined in the report be taken by the Hearing Panel.

The Hearing Panel broke for a short adjournment and considered this request.

The decision was to reject the solicitor and PLH's request for an adjournment due:

- to the short time frame in which they must hear these cases, Section 53 B (2) which states "The consideration may take place *without* the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority" (noting that the PLH *will* be given the chance to make their own representations)
- the PLH's right to appeal any decision made by the Hearing Panel at the close of the hearing
- considering the serious disorder that had broken out at the premises and the need to consider steps as soon as possible.

GMP addressed the Hearing Panel and stated that they had CCTV footage to show but requested that the public were removed from the hearing for this as there were

ongoing criminal investigations that may be prejudiced if shown in public, referring to regulation 14 of the Hearing Regulations. .

The Hearing Panel accepted the evidence given by GMP that if the footage was shown to the public, it was likely to prejudice the investigation.

The respondent did not object to CCTV footage being shown in private to the Hearing Panel. Also, no other attendees objected to the footage being shown in private.

The Hearing Panel went into a private session to view the CCTV footage and then the public were re-admitted to the hearing.

GMP addressed the Hearing Panel and gave details of the reasons for their review application, believing that a serious disorder had taken place at the premises. GMP stated that, at 05:04 of Sunday 3 July 2022, Manchester City Council CCTV department contacted GMP to inform them that a brawl had broken out between 10-15 males, some of whom were using roadside barriers and rubble from nearby building works as weapons and that one male had been knocked out on Princess Road, halting traffic flow. Another call at 05:08 from a member of the public, passing in a taxi, also informed GMP of the brawl and stated that a male had been injured by being thrown into railings. GMP noted that the shutters were going up and down during the brawl with people leaving the premises to join in the affray. GMP informed the Hearing Panel that LOOH had attended later on Sunday 3 July 2022 to obtain CCTV from the premises and were told that there was no footage available, which was a breach of Licensing Conditions. GMP were deeply concerned about this as well as the fact that there were attendees of the premises at 05:00, that this occurred in a residential area, that the brawl spilled out onto one of the busiest thoroughfares of the city and was a breach of the Licensing Objectives with regards to Crime & Disorder and Public Safety. GMP requested that the Hearing Panel suspend the licence.

During questions to GMP from the PLH, GMP stated that they did not know where the males came from but they had been clearly seen exiting the premises at around 05:00.

In responding to the Hearing Panel, GMP stated that no call was received from the premises, no known explanation had been given for the lack of CCTV footage but it transpired that CCTV would cease at the close of licensable activities, therefore there would be no footage following 01:00.

The premises licence holder of Mesob addressed the Hearing Panel and stated that the bar was closed on the night in question and there were 5-6 staff on the premises cooking and cleaning. 15 people turned up from a party elsewhere at around 04:00 and proceeded to bang on the shutter asking to come in to continue their partying. The PLH stated he had lifted the shutter to tell them no and asked them to leave. One of the males held the shutter up at this point, other people entered the premises and a fight broke out some time later. The PLH stated that a work colleague called the police, the fight goes out onto the street and then a colleague followed the fight outside. The PLH then claimed that the brawl did not start at his premises and that earlier CCTV footage preceding 05:00 will prove this. The PLH stated that some of

the perpetrators arrived in a taxi and some from another bar 10 doors down the road. The PLH informed the Hearing Panel that the incident was reported in a local newspaper with an interviewee stating that Mesob was not involved in this incident. The PLH concluded by stating that the people involved in the disturbance were 100% not drinking at his bar and that further CCTV footage from Great Western Street will prove his point.

In responding to questions from GMP and the Hearing Panel, the PLH stated that CCTV footage up to 01:00 would be made available, that the people trying to gain entry to Mesob at 04:00 were not the same people involved in the disturbance, that there were some others on the premises at 04:00; staff members and a couple who were seeking refuge away from the other fight 10 doors down the road and these were the only people on the premises at 05:00, that they had ceased serving alcohol at 01:00 and cleared the premises at 01:20, that he could think of no particular reason that people would turn up at 04:00 to try to enter the premises, that the PLH knew the people who forced their way in but they had not been on the premises earlier that day, that he didn't hear any sirens or hear the police knocking on the shutter after the fighting ceased, that the side shutter is also an entrance to the premises and there is another side door to the apartment above the bar/restaurant, that he was unable to call the police whilst tussling with people trying to enter via forcing the shutter and that none of these people were left inside after closing the shutter, that only staff were on the premises between 04:00 and 05:00, that the fight may have started at 04:00 and the police arrived at 05:00, that no staff left the premises to assist in moving the perpetrators away.

At this point it was pointed out to the PLH that their licence allowed them to serve alcohol until 00:30 and to have cleared the premises by 01:00. The PLH stated that the premises had different hours for weekends and the Legal advisor stated that this was incorrect, and it was an offence for the premises to sell alcohol after 00:30.

The PLH did not give any summary of his case.

GMP summed up their case stating that the CCTV footage had shown people leaving the premises at 05:00, there was no intervention by the premises or calls to GMP, the PLH is in breach of his licence in selling alcohol beyond the terminal hour, that there will have been people on the premises at 01:20 with CCTV ceasing at 01:00, that it was difficult to believe that there were only staff members on the premises between 04:00 and 05:00 and that it was likely that unlicensed activities were taking place. GMP concluded that there were further issues they wished to discuss and disclose at the full Summary Review.

In their deliberations, the Hearing Panel considered that the PLH did not respond to the police but seemed to be concerned and offering shelter to others from some other nearby disturbance, that the PLH's case did not make sense and he was not giving a full account of what occurred on the night, adding that it appeared to them that the PLH was not in control of what happened on their premises.

## **Decision**

To suspend the premises licence with immediate effect, pending full review to be heard on 3 August 2022.