

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Wednesday, 3 August 2022

Present: Councillor Riasat – in the Chair

Councillors: Evans and Flanagan

LACHP/21/58. Summary Review - 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(A) of the Licensing Act 2003.

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

GMP addressed the Hearing Panel, informing them that the Licence was issued to the PLH on 23 December 2019. Referring to the Interim Measures hearing on 8 July 2022 where the footage commenced at 05:00, GMP stated that there was now additional CCTV footage from the same Manchester City Council street camera from 01:00 to 05:00 and noted the list of occurrences of over 40 people coming and going from the premises between these hours. This additional CCTV footage was then shown at high speed covering the timeframe and showing the comings and goings of people at the premises. GMP then referred to the incident which triggered the Summary Review, stating 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 belts, 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 in the road. GMP showed the footage from the Manchester City Council street camera from 05:00 to expose the extent of the brawl and show that people involved in the brawl had exited from the premises, long after their terminal hour. The PLH could be clearly seen at times, exiting onto the street and trying to break up arguments and then returning into the premises. A male in yellow was seen to follow another male onto Princess Road and proceeded to knock him out and leave him in the middle of the road, one of Manchester's busiest thoroughfares, who was then dragged back to the pavement by friends whilst oncoming cars were forced to stop. It was noted that no-one from the premises called GMP to alert them to the incident and also that the PLH did not answer when GMP arrived and knocked on the shutter at around 05:09. By this time the crowd had dispersed, most probably alerted by the police sirens. GMP noted that the time of the incident was 4 hours after Mesob's

licence states that it should be closed to the public. In addition, it was noted that the layout of the premises licensable area had been altered and no variation had been submitted and approved, which made the current licence null and void. Furthermore, at the Interim Measures hearing on 8 July 2022, the PLH stated that he had been serving patrons up to 01:00 and then customers left at 01:30. GMP confirmed that the licence allowed serving of alcohol up to 00:30 and closing time at 01:00, meaning that the PLH was in breach of his licence by 30 mins for both activities. GMP had asked for CCTV footage from inside the premises from 22:00 to 01:00 via 4 emails and 2 calls. 1 call was returned and it was agreed for GMP to collect this on the following Monday, after the CCTV engineer had been to assist with this task. When GMP arrived on the Monday, the shutters were down and there was no answer from the premises. GMP expressed that these incidents demonstrated that the PLH was not properly capable of running a licenced premises.

In responding to questions from the PLH's agent, GMP stated that he was not aware of any previous issues at the venue, that there was a mixed demographic of ethnicities in the area where the premises was based, that the ages of people in the footage was approximately 20-40, that GMP believed that the fight would not have occurred if people weren't allowed to remain on the premises after the terminal hour, that the undisclosed new layout (on its own) would not have lead to a revocation of the licence and that any CCTV footage from the premises would technically only have to cover the licensable hours.

In responding to questions from the Hearing Panel, GMP stated that they would have expected to be provided with CCTV up until closing time from the night in question, that the PLH's claim at the previous hearing of 7 staff on site after closing time had been shown to be untrue with the new CCTV footage, that the male wearing yellow did not appear in any earlier footage so must have been at the premises prior to 01:00 and may be a member of staff, that the PLH would have been better off calling the police rather than attempting to break up the fighting on his own, that it seemed that other people knocking on the shutter had been allowed in but GMP were ignored when they arrived and that CCTV from the premises would have been likely in assisting GMP investigations.

The PLH's agent addressed the Hearing Panel and stated that she would ask the PLH a series of questions, to which the PLH answered: That there had been no previous incidents since acquiring the licence in 2019, that the new layout had been approved by the Planning Team at Manchester City Council (MCC), that the function room had moved upstairs above the bar and the previous function room at the rear ground floor area was now a hairdresser, that the tenants of the upstairs apartments use the same set of stairs that are used to access the function room, that the PLH thought that Planning and Licensing teams would inform each other of issues relating to the layout change and he was not trying to hide anything from MCC, that Mesob have 7 staff to bake injera bread for the premises and community, that the CCTV footage showed members of the community who work night shifts (taxi and delivery drivers) use Mesob as a community space and to play cards in the early hours, that he did not foresee any trouble on the night in question, that the PLH asked a female member of staff to call the police when the fight broke out, that sometimes people call others already on the premises overnight to gain access, that he did not hear GMP knocking at 05:09 as he was in the back

area, that the CCTV engineer told him that the hard-drive was broken and then the PLH's son was ill on the Monday so was not available to meet GMP, that the CCTV system had now had a full repair and was operational, that he was only aware of the fault after the CCTV engineer's visit, that he knew no-one should be on-site after 01:00 but the community have their own traditions and friends of staff are welcome and that the PLH would employ security for Friday and Saturday shifts and that there would be no more occurrences of people remaining after hours and that these measures would address any potential future problems.

In responding to questions from GMP, the PLH stated that he was aware of the 4 licensing objectives and agreed that they had not been upheld on 3 July 2022, he did not know that he was in breach of his licence for not officially declaring the layout change, that he had attended a licence holder's course and that the male in yellow was not a member of staff.

In responding to questions from the Hearing Panel, the PLH stated that he had misunderstood the licensable hours for alcohol sales and closing time, he admitted that the public had been allowed to remain on the premises after the closing time, he accepted that there was a breach of condition regarding CCTV, that children were not permitted in the bar, that himself and staff were opening the shutters to the public between 01:00 and 05:00 in the CCTV, he agreed that the fight was unlikely to have occurred if he had closed to the public at the proper time, that he did not normally have 40 people coming and going on other nights and it was busier due to a wedding earlier that day, that he did not check with his staff whether they had successfully contacted the police during the fight and that he felt he usually had control of patrons and his premises but that he did not on the 3 July 2022.

A community leader who attended with the PLH was given the opportunity to speak. He stated that Mesob had been a good community meeting place for many organisations and that the PLH had supported these with food and money. Mesob was described as being supportive and had never known any trouble previously. People in the community work shifts across 24 hours so they needed somewhere to go and relax and talk about matters of concern. In his final words, the community leader stated that it was unfortunate that the fight broke out.

There were no questions put to the community leader.

The agent summed up by stating that the PLH had breached various conditions on his licence but implored with the Hearing Panel to accept that this was due to a lack of understanding and not for any unlawful reasons or aims. The PLH was a figurehead in his community who was offering his premises as an open house to refugees and asylum seekers. The PLH did not wish to create problems in his community but to alleviate or help in any way he could. He would not breach his licence in future and would put proper measures in place to uphold the Licensing Objectives. The agent suggested a 3 month suspension of the licence to give the PLH time to get all measures properly set up before trading with their licence again.

GMP summed up by stating that it was clear that the PLH had no regard for the Licensing Objectives. Breaches had been evident in regard of licensable hours, closing time, CCTV, layout of the premises as well as the violent incident which

triggered the Summary Review. GMP had no faith in the PLH adhering to any extra conditions due to their inability or unwillingness to follow current conditions. It was noted that the PLH had altered their version of events from previous statements made at the Interim Measures hearing and concluded by highlighting that the fight had broke out 4 hours after closing time. GMP requested that the Hearing Panel revoke the licence.

Summary of the Reasons-

In their deliberations, the Hearing Panel had no confidence in the PLH to manage the premises effectively and uphold the Licensing objectives. The Hearing Panel noted that he had changed his version of events from the previous hearing and was therefore not trustworthy. The Hearing Panel were convinced he could not adhere to any further conditions following his lack of adherence to many of the conditions already in place. Regarding the incident, the Hearing Panel felt certain that this would not have occurred had the premises closed to the public at the terminal hour on the licence.

Decision

To revoke the premises licence with immediate effect on the grounds of the prevention of crime and disorder and public safety.

Review of Interim Steps

The agent for the PLH requested that the suspension be lifted, pending any potential appeal.

GMP requested that the suspension remain in place.

Review of Interim Steps Decision

The Hearing Panel felt that, bearing in mind the decision to revoke the premises licence and for reasons of the prevention of crime and disorder, and public safety, it was necessary to not modify or withdraw the interim step of suspension of the premises licence.