



Licensing Sub Committee Hearing Panel

Date: Wednesday, 3 August 2022

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

There is no public access from any other entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Evans, Flanagan and Riasat

Agenda

- 1. Urgent Business**
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Temporary Event Notice - Richie and Nickie Superstore, 159 Princess Road, Manchester, M14 4RE** 5 - 26
The report of the Director of Planning, Building Control and Licensing is enclosed.
- 5. Summary Review - Mesob, 97 Princess Road, Manchester, M14 4TH** 27 - 58
The report of the Head of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Ian Smith
Tel: 0161 234 3043
Email: ian.hinton-smith@manchester.gov.uk

This agenda was issued on **Tuesday, 26 July 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 3 August 2022

Subject: Richie and Nickie Superstore, 159 Princess Road, Manchester, M14 4RE - ref: LTN277892

Report of: Director of Planning, Building Control & Licensing

Summary

Submission of a temporary event notice where an objection notice has been given.

Recommendations

That the Panel consider the objection notice(s) and give a counter notice where it considers it appropriate.

Wards Affected: Moss Side

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth	
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Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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 Position: Principal Licensing Officer
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Name: Chloe Tomlinson
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Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 On 20 July 2022, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Richie and Nickie Superstore, 159 Princess Road, Manchester, M14 4RE in the Moss Side ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. The Notice

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is Harold McKenzie.
- 2.3 The description of the event is 'extension of hours for carnival weekend.'
- 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
- 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
- 2.3.3 The premises is subject to a premises licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
- 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3. Objection Notice(s)

- 3.1 An objection notice was received from GMP in respect of the TEN (**Appendix 3**). The personal details of all members of the public have been redacted.

Original copies of these objections will be available to the Panel at the hearing.

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	<p>GMP objects to the grant of this Temporary Event Notice on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. The dates of the application coincide with those of the Manchester Caribbean Carnival which takes place across the road in Alexandra Park.</p> <p>The local policing team have unfortunately had serious issues with on street drinking after recent carnival events have finished which has led to large numbers of complaints from residents and seen episodes of anti-social behaviour on the streets close to this premises.</p> <p>Therefore, GMP are seriously concerned that an increase in the availability of alcohol in this area will exacerbate the problems and fuel the street drinking even further.</p>	Serve a counter notice

4. Key Policies and Considerations

4.1 Legal Considerations

4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

4.2 New Information

4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

4.3 Hearsay Evidence

4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

4.4 The Secretary of State's Guidance to the Licensing Act 2003

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

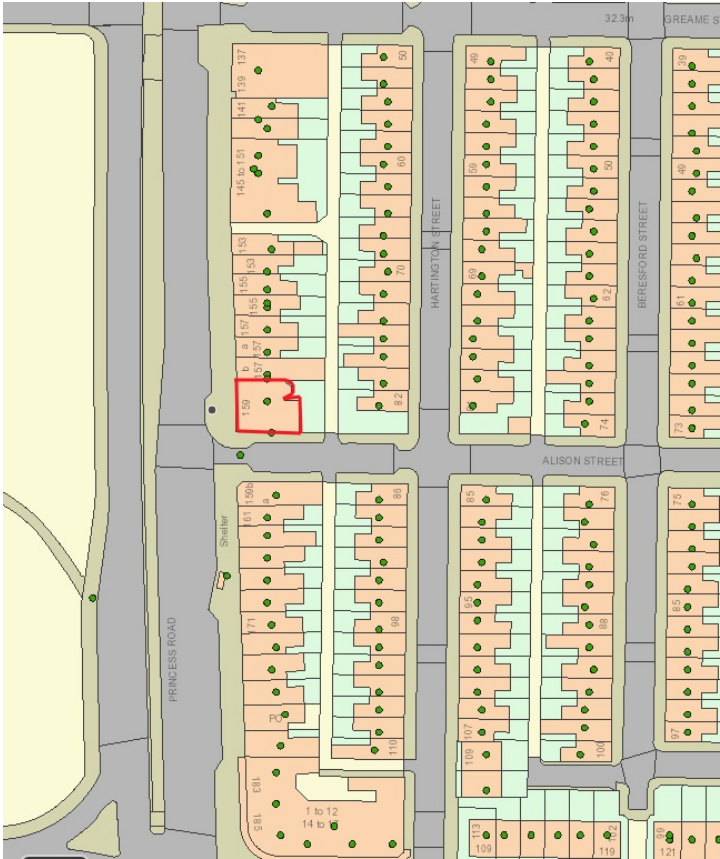
4.5 **Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licensing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.
- 4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and

- the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
6. **The Panel is asked to determine the temporary event notice.**



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Temporary Event Notice

Payment Transaction number:- SSES00400202 | Form Reference number EF1/501536

Premises User Information

Title

Mr

If other please state

n/a

Surname

Harold

Forenames

McKenzie

Previous names (Please enter details of any previous names or maiden names, if applicable)

████████

Your date of birth

██████████

Your place of birth

██████████

National Insurance Number

██████████

Your current address (We will use this address to correspond with you unless you complete the separate correspondence box)

██████████████████

██████████

██████████

Telephone

██████████

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[Redacted]

Address

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Telephone

[Redacted]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

Please give the name and address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

Nikki and Ritchies
159 Princess Road
Manchester
M14 4RE

Premises licence number

262775

Club premises certificate number

n/a

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.

Ground floor only

Please describe the nature of the premises

The premise is a convenience store

Please describe the nature of the event

to extend the operating hours for the Retail sale of alcohol

Licensable activities

The sale by retail of alcohol

Yes

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

n/a

The provision of regulated entertainment

n/a

The provision of late night refreshment

n/a

Are you giving a late temporary event notice?

n/a

Please state the dates on which you intend to use these premises for licensable activities.

13/08/2022 to 14/08/2022

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).

23.59 to 01.30

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (maximum 499).

off sales only

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both

Off

Please state if the licensable activities will include the provision of relevant entertainment.

No

If yes selected, please state the times during the event period that you propose to provide relevant entertainment.

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

██████

Licence Number

██████

Date of Issue

n/a

Date of Expiry

n/a

Any further relevant details

n/a

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

4

a) ends 24 hours or less before; orb) begins 24 hours or less afterthe event period proposed in this notice?

No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

If answering yes, please state the total number of temporary event notices your associate have given for events in the same calendar year

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less afterthe event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less afterthe event period proposed in this notice?

No

Declaration and Payment New

Name

[REDACTED]

Capacity in which you are making this application

agent for applicant

Additional information

I understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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GREATER MANCHESTER POLICE



To: Manchester City Council
Licensing Unit
Manchester Town Hall Extension
Lloyd Street
Manchester

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

22nd July 2022

Dear Sir

Please accept this letter as formal notification that Greater Manchester Police wish to object, under Section 104(2) of the Licensing Act 2003, to the **TEMPORARY EVENT NOTICE** detailed below, as we are satisfied that granting the application under these circumstances would undermine the Licensing Objectives.

PREMISES NAME:	Ritchie and Nikki's
ADDRESS:	159 Princess Road Manchester M14 4RE
DATE OF EVENT:	14/08/22 – 15/08/22
TIME OF EVENT:	0000– 0130 hrs

GMP objects to the grant of this Temporary Event Notice on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The application is seeking to allow the premises to extend alcohol sales until 0130 hours on 2 consecutive nights.

The premises is situated in a heavily residential area and is in extremely close proximity to the nearest residential dwellings.

The dates of the application coincide with those of the Manchester Caribbean Carnival which takes place across the road in Alexandra Park and this event finishes at 8pm each evening.

GREATER MANCHESTER POLICE

The local policing team have unfortunately had serious issues with on street drinking after recent carnival events have finished which has led to large numbers of complaints from residents and seen episodes of anti-social behaviour on the streets close to this premises.

There have serious ASB issues in particular on Roseberry Street which has led to a community meeting in attempt to tackle the issues, and a number of the residents stated that they are dreading the prospect of carnival weekend and the on-street issues it brings.

Therefore, GMP are seriously concerned that an increase in the availability of alcohol in this area will exacerbate the problems and fuel the street drinking even further.

To allow this event to take place would cause an unnecessary level of disturbance to the local residents and would therefore impinge on their quality of life.

As such we ask that this TEN application is refused.

Signed:.....PC 17659 Isherwood..... (rank/pin/name)

Date/Time 22nd July 2022 0800 hrs

.....



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	262775
Granted	04/10/2021
Latest version	As above

Part 1 - Premises details

Name and address of premises
Richie and Nickie Superstore 159 Princess Road, Manchester, M14 4RE
Telephone number
To be confirmed

Licensable activities authorised by the licence
1. The sale by retail of alcohol*.
* All references in this licence to "sale of alcohol" are to sale by retail.

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0600	0600	0600	0600	0600	0600	0600
Finish	2400	2400	2400	2400	2400	2400	2400
The sale of alcohol is licensed for consumption off the premises only.							
Seasonal variations and Non standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0600	0600	0600	0600	0600	0600	0600
Finish	2400	2400	2400	2400	2400	2400	2400
Seasonal variations and Non standard Timings:							
None							

Part 2

Details of premises licence holder	
Name:	Harold Mckenzie and Nickeysha Alecia McKenzie
Address:	[REDACTED]
Registered number:	Not aplicable

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol**Name:** Mrs Nickeysha Alecia McKenzie**Address:** [REDACTED]**Personal Licence number:** [REDACTED]**Issuing Authority:** [REDACTED]**Annex 1 – Mandatory conditions****Door Supervisors**

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$

where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

1. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - (a) all crimes reported to the venue, or by the venue to the Police
 - (b) all ejections of patrons
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.
2. The management and staff shall ensure that the premises and the area immediately surrounding the exterior of the premises are cleaned on a regular basis and remain free from debris and litter.
3. The licence holder shall ensure that all staff are trained in the operation of the Challenge 25 scheme.

Annex 3 – Conditions attached after hearing by the licensing authority

1. A CCTV system (which will include facial recognition) capable of providing evidential quality images in all lighting conditions shall be used covering the interior and the immediate exterior (entrance) of the premise. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of [31] days with the date and time stamping. Cameras will cover the full interior of the premises with no blind spots, and directly to the front outside area of the premises. A CCTV monitor will be positioned near the entrance to the premises so that staff are able to monitor the images. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/ burn CCTV images upon reasonable request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player.

2. All employees will be vigilant and monitor the area immediately outside the shop to ensure that members of the public do not cause annoyance by congregating.
3. Staff will monitor the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept or washed, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements. The area will be checked at the start & finish of the working day, and periodically throughout the day.
4. Deliveries to the premises shall be conducted in a manner that will not cause a nuisance to the occupiers of any residential properties surrounding the delivery address and deliveries shall be made at a time which will not lead to any public nuisance.
5. In addition to any other training, the premises licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, recognising signs of drunkenness & refusing the sale, complying with licence conditions, maintain the refusals log, and that they monitor staff to ensure their training is put into practice.
6. All training will be documented, signed and dated and refreshed at least every 6 months, and will be made available to authorised officers upon request.
7. A log shall be kept at the premises to record all refused/ challenged sales of alcohol. The log shall record the date and time of the refusal/ challenge, reason for challenge/ refusal and the name of the member of staff dealing. The log will be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.
8. Staff will monitor the outside area to identify any potential proxy purchasing concerns.
9. The premises will display prominent notices in the premises explaining the law in relation to purchasing alcohol on behalf of persons under 18 and the penalties involved.
10. The premises shall display prominent signage indicating at any point of sale that it is an offence to sell alcohol to anyone who is drunk.
11. All staff will be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop available for inspection.
12. Spirits will be kept behind the counter and not available for self-service by customers. Incidents of crime and disorder at the premises, witnessed by staff, will be recorded in an incident book kept at the shop, this book will be available for inspection.
13. A notice advising customers of the refusals policy shall be on display.
14. Notices will be on display in the shop asking customers to leave the shop quietly.
15. The licence holder shall ensure that anyone who appears to be under 25 who attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.
16. A refusals register (for the sale of alcohol) will be kept and maintained and be made available for inspection by responsible authorities.
17. Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age. A due diligence checklist (aimed at preventing any underage sales) will be kept and be available for inspection by responsible authorities.
18. A documented training scheme shall be used for all staff authorised to sell alcohol. The training will emphasise the importance of preventing under age sales and complying with licence conditions. Refresher training shall be provided annually, records will be kept and be made available to responsible authorities upon request.

Annex 4 – Plans

See attached

**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 3 August 2022

Subject: Mesob, 97 Princess Road, Manchester, M14 4TH (Summary Review of Premises Licence, App ref: 277263)

Report of: Head of Planning, Building Control & Licensing

Summary

Review of the premises licence under s53C of the Licensing Act 2003

Recommendations

That the Panel consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken.

Wards Affected: Moss Side

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities

	suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: fraser.swift@manchester.gov.uk

Name: Ashia Maqsood
Position: Technical Licensing Officer
Telephone: 0161 234 4139
E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2018
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 On 07/07/2022, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for Mesob, 97 Princess Road, Manchester, M14 4TH in the Moss Side ward of Manchester.
- 1.2 A location map and photograph of the premises is attached at **Appendix 1**.
- 1.3 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast track licence review.
- 1.4 A 10 working-day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application published on the Council's website.
- 1.5 Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application.
- 1.6 Following the review under section 53C, the licensing authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The application for a summary review was submitted on the grounds that the premises is associated with crime and serious disorder
- 2.3 The incident that triggered this summary review is as below:

In the early hours of 03/07/2022, GMP were contacted by Manchester City Council CCTV operatives, stating that there were a group of 10-15 males fighting outside the premises.

A member of the public also called GMP to state that males were fighting and that an individual had been injured by being thrown into railings.

When GMP officers attended the scene, they witnessed males running from the scene of violence. GMP officers knocked on the shutters of Mesob restaurant, however there was no response.

CCTV shows that there are a group of people outside the premises and several people duck under the shutters and leave the premises, some of whom start fighting. As the footage continues further people are seen exiting from a side door of the premises who also become involved in the fighting

Licensing and out of hours officers have attended the premises to be told that there is no CCTV footage from inside the premises, which is a breach of the licence conditions.

GMP state that the incident occurred at 05:00 which is 4 hours after the premises should have closed.

2.4 Interim Steps pending the review

- 2.4.1 Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.
- 2.4.2 On 08/07/2022, a Licensing Sub-Committee Hearing Panel held a hearing to consider taking such interim steps and the decision of the Panel was to suspend the licence with immediate effect.
- 2.4.3 The decision of the panel is included as **Appendix 3**.
- 2.4.4 The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s53B of the Licensing Act 2003 the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- 2.4.5 At the time of preparing this Committee Report no representations have been received against the interim steps taken by the licensing authority. Please note that representations may be received at any time prior to the date of the review hearing.
- 2.4.6 On the date of the review hearing, the licensing authority is required to review any interim steps that are in place and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

3. Current Premises Licence

- 3.1 A copy of the current licence and dispersal policy is attached at **Appendix 4**.
- 3.2 The premises licence holder is Kidane Mokonen who has held the licence since 23/12/2019.
- 3.3 The designated premises supervisor is Kidane Mokonen who has held this position since 23/12/2019
- 3.4 The licensable activities permitted by the licence are:

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	10:00	10:00	10:00	10:00	10:00	10:00	10:00
Finish	00:30	00:30	00:30	00:30	00:30	00:30	00:30
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non standard Timings:							
None							

Recorded music;							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	12:00	12:00	12:00	12:00	12:00	12:00	12:00
Finish	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	10:00	10:00	10:00	10:00	10:00	10:00	10:00
Finish	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations and Non standard Timings:							
None							

4. **Relevant Representations**

- 4.1 Representations may be made by any person or 'responsible authority' during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be relevant to one or more of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 4.2 No relevant representations have been received in respect of this application

5. **Additional information**

- 5.1 At the time of preparing this Committee Report, no additional information has been received from any party to the application.

6. **Key Policies and Considerations**

6.1 **Legal Considerations**

- 6.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

6.2 **New Information**

- 6.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations

or notice either before the hearing or, with the consent of all parties, at the hearing.

6.3 Hearsay Evidence

- 6.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

6.4 The Secretary of State's Guidance to the Licensing Act 2003

- 6.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 6.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 6.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

6.5 Manchester Statement of Licensing Policy

- 6.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 6.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 6.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 6.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants
- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises and address any local factors relevant to their premises.

Having regard to this application, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

Section 8: Manchester's standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol

- MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises
- MS5 Prevent on-street consumption of alcohol
- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies
- MS7 Maintain a safe capacity
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (eg beer gardens, smoking areas, table and chair areas on the highway)
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS11 Ensure the wellbeing of children on the premises
- MS12 Prevent underage sales of alcohol, including proxy sales

7. **Conclusion**

- 7.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 7.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 7.3 The Panel must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, any relevant representations, and review the interim steps already taken (if any).
- 7.4 In making its final determination, the steps the Panel can take are:
- a) To modify the conditions of the premises licence
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) To remove the designated premises supervisor from the licence;
 - d) To suspend the licence for a period not exceeding 3 months; and
 - e) To revoke the premises licence.
- 7.5 The conditions of the licence, with the exception of mandatory conditions in Appendix 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.

- 7.6 All licensing determinations should be considered on the individual merits of the application.
- 7.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 7.9 **The Panel is asked to determine what steps, as set out in 7.4 above, are appropriate for the promotion of the licensing objectives.**

Review of the interim steps

- 7.10 The Panel's determination of the review does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged.
- 7.11 To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the final review hearing. This is to be done immediately after the determination of the review under s53C. In reaching its decision, the panel must consider any relevant representations made.
- 7.12 The steps available to the Panel are:
- a) To modify the conditions of the licence;
 - b) To exclude the sale of alcohol by retail from the scope of the licence;
 - c) To remove the designated premises supervisor from the licence;
and
 - d) To suspend the licence.
- 7.13 **Upon the determination of the licence review, the Panel is asked to review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.**

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PREMISE NAME:	Mesob
PREMISE ADDRESS:	97 Princess Road, Manchester, M14 4TH
WARD:	Moss Side
HEARING DATE:	03/08/2022

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ANNEX B

Greater Manchester Police
Central Park
Northampton Road
Manchester

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

Mesob Restaurant
97 Princess Road
Manchester
M14 4TH

Premises licence number (if known): 239469

Name of premises supervisor (if known): Kidane Mokonen

I am a Superintendent ³ in the Greater Manchester police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the extreme violence which has occurred at the premises and the lack of action from the premises.

Greater Manchester Police (GMP) will say that the premises are associated with Serious Disorder. Therefore due to the Serious Disorder which has taken place at the premises GMP feel that it is necessary for an expedited review to take

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

place.

The premises are situated on Princess Road in the Moss Side area of Manchester and the premises licence was issued on 23rd December 2019. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Kidane Mokonen who has held this position since the licence was issued.

The incident which has triggered this Summary Review is as follows:

At 0504 hours on Sunday 3rd July 2022 GMP were contacted by Manchester City Council CCTV stating that there was a group of 10-15 males fighting outside Mesob Restaurant and were using roadside barriers as weapons. The call went on to say that some of the males were using bricks as weapons and that the staff at Mesob were putting the shutters down. After about 5 minutes the CCTV operator stated that the males were dispersing and running away from the location.

At 0508 Hours GMP received another call from a member of the public who stated that they had just passed the location in a taxi and she had seen males fighting and one male had been injured by being thrown into some railings.

At 0509 Hours GMP officers arrived at the location and saw males running from the scene but that there was no fighting ongoing so they knocked on the shutters at Mesob Restaurant but got no reply.

The CCTV has since been seized and viewed and it shows that at 0500 hours there are a group of people outside the premises and several people duck under the shutters and leave the premises. As this is happening fighting breaks out between several of the people and this fighting carries on for several minutes during which plastic road barriers, bricks, belts and bottles are used as weapons.

One of the males who is seen exiting the premises at 0500 hours is seen to punch another male in the middle of Princess Road, knocking him out cold on a main road.

As the footage continues further people are seen to exit from a side door of the premises and some also become involved in the fighting. A male can be seen going back inside the premises about 2 minutes before the police officers arrive but despite the officer knocking at the shutters no one opened the premises and spoke to them.

Manchester City Council Licensing and Out of Hours officers have since attended the premises and been told that there is no CCTV footage from inside the premises on the morning of the incident which is a direct breach of their licensing conditions.

A report of Crime for Violent Disorder has since been submitted and enquiries to trace the offenders continue.

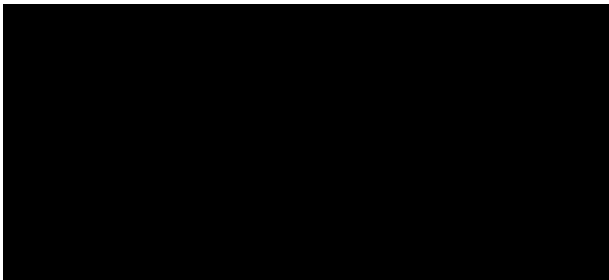
What makes this whole incident all the more concerning is that it occurred at 0500 hours which is 4 hours after the premises should have been closed and 4 and a half hours after licensable activity should have stopped, in the middle of a residential area and on one of the main thoroughfares in Greater Manchester.

There are other concerns regarding the premises from both GMP and Manchester City Council which will be disclosed at the subsequent full hearing.

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to Serious Disorder.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Disorder has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further violence will occur at the premises and the licensing objectives will be further undermined. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take. There are serious concerns as to the serious level of violence that has occurred. Greater Manchester Police believe that Serious Disorder has occurred at the premises.



07/07/22

(Date)

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

ANNEX C

[Insert name and address of relevant licensing authority and its reference number (optional)]

Manchester City Council

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Alan Isherwood [on behalf of] the chief officer of police for the Greater Manchester police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Mesob Restaurant
97 Princess Road**

Post town: Manchester

Post code (if known): **M14 4TH**

2. Premises licence details:

Name of premises licence holder (if known): Kidane Mokonen

Number of premises licence holder (if known):

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the extreme violence which has occurred at the premises and the lack of action from the premises.

Greater Manchester Police (GMP) will say that the premises are associated with Serious Disorder. Therefore due to the Serious Disorder which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

The premises are situated on Princess Road in the Moss Side area of Manchester and the premises licence was issued on 23rd December 2019. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Kidane Mokonen who has held this position since the licence was issued.

The incident which has triggered this Summary Review is as follows:

At 0504 hours on Sunday 3rd July 2022 GMP were contacted by Manchester City Council CCTV stating that there was a group of 10-15 males fighting outside Mesob Restaurant and were using roadside barriers as weapons. The call went on to say that some of the males were using bricks as weapons and that the staff at Mesob were putting the shutters down. After about 5 minutes the CCTV operator stated that the males were dispersing and running away from the location.

At 0508 Hours GMP received another call from a member of the public who stated that they had just passed the location in a taxi and she had seen males fighting and one male had been injured by being thrown into some railings.

At 0509 Hours GMP officers arrived at the location and saw males running from the scene but that there was no fighting ongoing so they knocked on the shutters at Mesob Restaurant but got no reply.

The CCTV has since been seized and viewed and it shows that at 0500 hours there are a group of people outside the premises and several people duck under the shutters and leave the premises. As this is happening fighting breaks out between several of the people and this fighting carries on for several minutes during which plastic road barriers, bricks, belts and bottles are used as weapons.

One of the males who is seen exiting the premises at 0500 hours is seen to punch another male in the middle of Princess Road, knocking him out cold on a main road.

As the footage continues further people are seen to exit from a side door of the premises and some also become involved in the fighting. A male can be seen going back inside the premises about 2 minutes before the police officers arrive but despite the officer knocking at the shutters no one opened the premises and spoke to them.

Manchester City Council Licensing and Out of Hours officers have since attended the premises and been told that there is no CCTV footage from inside the premises on the morning of the incident which is a direct breach of their licensing conditions.

A report of Crime for Violent Disorder has since been submitted and enquiries to trace the offenders continue.

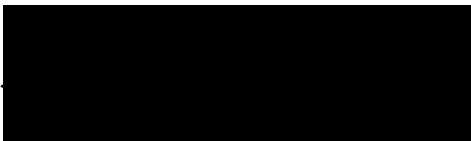
What makes this whole incident all the more concerning is that it occurred at 0500 hours which is 4 hours after the premises should have been closed and 4 and a half hours after licensable activity should have stopped, in the middle of a residential area and on one of the main thoroughfares in Greater Manchester.

There are other concerns regarding the premises from both GMP and Manchester City Council which will be disclosed at the subsequent full hearing.

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to Serious Disorder.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Disorder has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further violence will occur at the premises and the licensing objectives will be further undermined. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take. There are serious concerns as to the serious level of violence that has occurred. Greater Manchester Police believe that Serious Disorder has occurred at the premises.

Signature of applicant: 
Date: 7/7/22
Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:
Manchester Town Hall Extension
Lloyd Street
Manchester
M2 5DB

Telephone number(s): 0161 856 6017

Email: 

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

A Summary Review – Application under Section 53 (A) of the Licensing Act 2003 brought by GMP

Name of the premises: Mesob, 97 Princess Road, Manchester, M14 4TH
Premises Licence Holder: Kidane Mokonen
Date: 08/07/2022

The committee has listened to and considered the representations made by

Body/ individual

GMP	X
Licensee	X
Written presentations:	X

and has taken both the written and oral representations into account.

The Committee has also considered section 53 B of the Licensing Act 2003, section 182 guidance, and the summary review guidance.

-

The Hearing- via Zoom

An application was made to adjourn the hearing by the Respondent- Regulation 12 of The Licensing Act 2003 (Hearing Regulations) 2005

The Legal adviser read out the emails which have been received from the Respondent's solicitor approximately an hour before the hearing which sought an adjournment. Mr Mokonen in person confirmed to the Committee he sought an adjournment.

GMP- objected to the application for an adjournment. They confirmed the evidence replied on for this hearing had been served on the Respondent yesterday. It was submitted by GMP they are ready to proceed today, and it is the legislation that places the tight time restrictions on these applications. Further they submitted that it

is the “norm” for such application to be heard the next day after service of the papers.

The Committee considered the emails sent by the Respondent solicitor and the submissions made by GMP and they decided to proceed with the hearing.

Firstly, the Committee, considered the strict time limits imposed on these applications. The Committee remind themselves they must be heard within 48 hours upon receipt of the application. (This is unlike any other time limit imposed in Licensing matters.) The papers were served on the Respondent yesterday afternoon and set out clearly GMP’s position. The Committee note GMP do not seek to rely on large bundles of evidence, there is a standard certificate and a copy of the premises licence submitted which is put into a committee report. There has been sufficient time for the Respondent to consider the material provided. As these are licensing matters there is no “advance disclosure” (like criminal matters) as suggested in the solicitor’s email.

Secondly, the Committee reminded themselves of 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.” However, the Committee in this case will allow the Respondent to make full representations.

Thirdly, there is an appeal provision under section 53B (6) Licensing Act 2003 which requires the authority upon receipt of representations to the interim steps imposed to hold a hearing within 48 hours from receipt of the application where they can determine if they need to modify or withdraw the steps.

Fourthly, the Committee note the ‘serious disorder’ which has taken place at this licensed premises and therefore the Committee need to hear the matter promptly.

Finally, the Committee conclude for all the reasons above the Respondent will have a fair hearing and Article 6 has not been breached.

The Legal adviser went through the papers with the Applicant and explained the nature of the application.

CCTV- Footage Application under regulation 14 The Licensing Act 2003 (Hearing Regulations) 2005 for the public to be excluded

During the hearing GMP made an application to show the Committee footage from the night in questions that had been provided by Manchester City Council. GMP

confirmed this had not been served on the Respondent at this stage, as there is an ongoing criminal investigation and they do not wish it to be prejudiced. GMP therefore made an application under regulation 14 of The Licensing Act 2003 (Hearing Regulations) 2005 for all members of the public to be excluded including the Respondent.

Regulation 14 states:

Hearing to be public

14.—(1) Subject to paragraph (2), the hearing shall take place in public.

(2) The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

(3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

Having heard from all parties the Committee considers that the public interest in excluding the public including the Respondent outweighs the public interest in that part of the hearing being heard in public. The Committee accepted the evidence given by GMP that if the footage was shown to the public, it is likely to prejudice the investigation.

The Committee note that the Respondent confirmed he did not object to GMP showing the footage to the Committee.

Decision

To suspend the premises licence pending the full review to be heard on the 3rd of August 2022 at 10.00am and the suspension is to take immediate effect.

The Committee considered all the options available to them but felt it was necessary and appropriate to suspend the licence at this time.

Reasons

The Committee accept the evidence given by Greater Manchester Police which shows that the premises is associated with serious disorder. This is evidenced by the CCTV footage shown by GMP and the submission made by GMP.

The evidence presented by GMP shows the prevention of crime and disorder licensing objective is being undermined.

The Committee is shocked to see a group of 10-15 males fighting outside a licensed premises using roadside barriers as weapons.

The Committee agree “what makes this whole incident all the more concerning is that it occurred at 0500 hours which is 4 hours after the premises should have been closed and 4 and a half hours after licensable activity should have stopped, in the middle of a residential area and on one of the main thoroughfares in Greater Manchester.”

The Respondent evidence was not credible and was inconsistent when explaining events that occurred that night. The Respondent accepted in evidence that he was serving alcohol until 1.00am and closed at 1.20am which is beyond his permitted hours.

The Committee also noted that it was MCC’s CCTV room who alerted the police and not anyone from the premises about the incident.

The Committee concluded from the evidence presented by GMP that it is **necessary**, to suspend the Premises Licence pending the final review hearing with this decision to take effect immediately.

For the purpose of section 53B(5)(b) of the Licensing Act 2003, immediate notice of this decision is given orally now to GMP and the Premises Licence Holder.

Full Review Hearing Date: 3rd August 2022 at 10.00am



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	239469
Granted	23/12/2019
Latest version	As above

Part 1 - Premises details

Name and address of premises
TBC 97 Princess Road, Manchester, M14 4TH

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol* 2. The provision of regulated entertainment, limited to: Recorded music; <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	10:00	10:00	10:00	10:00	10:00	10:00	10:00
Finish	00:30	00:30	00:30	00:30	00:30	00:30	00:30
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non standard Timings:							
None							

Recorded music;							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	12:00	12:00	12:00	12:00	12:00	12:00	12:00
Finish	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	10:00	10:00	10:00	10:00	10:00	10:00	10:00
Finish	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations and Non standard Timings:							
None							

Part 2

Details of premises licence holder	
Name:	Kidane Mokonen
Registered number:	Not Applicable

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Kidane Mokonen
Personal Licence number:	215317
Issuing Authority:	Manchester City Council

Annex 1 – Mandatory conditions

Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$
 where –
 - (i) P is the permitted price,

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

8. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Annex 2 – Conditions consistent with the operating schedule

1. The premises licence holder shall ensure regular cleaning of the pavement and exterior of the premises
2. All staff will be properly trained to ensure compliance with the licensing objectives
3. The premises will not be used for any other purpose other than that of a restaurant
4. The premises are to operate an effective CCTV system which is to be maintained in good working order at all times the premises is open for business. The recording medium (e.g. disks/tapes/hard drives etc.) and associated images are to be retained and securely stored for a minimum of 28 days and be made available to the police/authorised officers of the Licensing Authority upon request. The premises licence holder or DPS is to provide the police with the contact details of at least 2 members of staff or other persons who are trained and familiar with the operation the equipment and that they are able to check the equipment is operating properly. They will also be able to provide of data upon request with no more than 24 hours from the time of the request.
5. The premises licence holder or the DPS will notify the Licensing authority of the police in the event of CCTV malfunction or breakdown as soon as it is reasonable practicable in any event within 24 hours.
6. Staff training shall take place on the licensing act and objectives upon commencement of employment and every 6 months thereafter. A written record is to be maintained and made available to the Police and any authorised officer of the council for inspection on request.
7. The floor of the premises will be well maintained and kept clean and free from tripping obstacles.
8. Staff will be trained to remove empty glasses regularly and to clear any spillages.
9. Fire risk assessments will be carried out regularly and any directives implemented.
10. Entrance and exits will be properly lit and kept free of obstructions
11. No smoking, including electronic cigarettes will be allowed on the premises
12. Drinks shall not be allowed to be removed from the premises
13. Music and associated noise sources (e.g. DJs and amplified voices) shall not be generally audible outside the premises at any time.
14. The DPS or member of staff is to carry out noise level checks of the surrounding outside area whenever recorded music is being played and taking action to reduce noise levels where a potential for nuisance is caused,
15. All external doors and windows are to be kept closed when live entertainment or recorded music is

in progress.

16. The outside area is not to be used for licensable activities or for the consumption of alcohol.
17. The Challenge 25 scheme will be operated and clear signage of this policy is to be prominently displayed within the premises. Persons who appear to be under the age of 25 shall provide, for thorough scrutiny by staff, documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.
18. The premises is to maintain a refusal /incident book to record details of incidents/descriptions of individuals whenever members of staff have refused the sale of alcohol to persons suspected of being under the age of 18. The book will be made available to the Police or authorised officers of the licensing authority on request.

Annex 3 – Conditions attached after hearing by the licensing authority

1. The Premises Licence Holder or the Designated Premises Supervisor (DPS) must develop and operate a dispersal policy for clientele leaving the premises. This should include links to the taxis and other transport providers.
2. Prominent and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly
3. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance

Annex 4 – Plans

See attached

GENERAL DISPERSAL POLICY

97 Princess Road, Manchester, M14 4TH

The Proprietor of this restaurant is keen to maintain close relationships with the local residence and the premises will be run and managed accordingly. The premises manager will deal with any complaints from the local residents in a prompt manner. If a satisfactory conclusion cannot be resolved, management will hold a meeting with the residents with a view to reaching an amicable solution.

The staff of the restaurant will ensure a close working relationship with the Police and Local Authority to ensure that they are kept abreast of all local issues.

Mr Mokonen, as the Designated Premises Supervisor will operate the following dispersal procedure to ensure that the restaurant and its patrons operate within the area in a neighbourly fashion:-

1. Music will be played at a level which ensures that it is a minor influence within the premises so that to ensure that patrons are not completing with it.
2. Patrons will not be permitted to take glasses out of the premises.
3. Appropriate signage will be displayed at the premises asking patrons to have due consideration for the neighbours upon their departure.
4. A strong staff management and staff presence in the customer area during closing will ensure that patrons leave quietly.
5. Staff members will be tasked with ensuring that the patrons leave in a quiet manner at the end of trading.
6. Staff will ensure that the doors of the restaurant are not left open.
7. Staff will remind patrons to leave the premises in a quiet fashion.
8. Staff will call taxis for and on behalf of patrons so as to ensure that they are not left loitering on the street.
9. Staff will advise patrons of the local transport links upon request.
10. A 30 minute eating and drinking up time will assist with the gradual dispersal of patrons from the premises.
11. The lights will be brightened and music will cease so as to prepare patrons for their imminent departure.

12. Staff will conduct a daily clean up to remove any rubbish present on the premises and in the area immediately surrounding the premises. This will ensure that the aesthetic look of the area is maintained.

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