

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.

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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