



Licensing Sub Committee Hearing Panel

Date: Tuesday, 1 September 2020

Time: 10.00 am

Venue: Virtual Meeting - https://manchester.public-i.tv/core/portal/webcast_interactive/504322

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

To attend this meeting it can be watched live as a webcast. The recording of the webcast will also be available for viewing after the meeting has concluded.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Lyons, Hewitson and T Judge

Supplementary Agenda

5. **Summary Review of Premises Licence - Mahiki, 1 Central Street, Manchester, M2 5WR** 3 - 84
- Further documents to be considered are now enclosed
Appendix 6 – City Council Licensing Documents
Appendix 7 – Greater Manchester Police Documents.

Further Information

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

Ian Hinton-Smith
Tel: 0161 234 3043
Email: i.hintonsmith@manchester.gov.uk

This supplementary agenda was issued on **Tuesday 25 August 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

COVID 19 RISK ASSESSMENT 2020.

<u>WHAT ARE THE HAZARDS</u>	<u>WHO MIGHT BE HARMED</u>	<u>CONTROLS REQUIRED</u>	<u>ADDITIONAL CONTROLS</u>	<u>ACTION BY WHO</u>	<u>A B V</u>
<p>Spread of COVID-19 Coronavirus</p>	<ul style="list-style-type: none"> • Staff • Visitors to your premises • Cleaners • Contractors • Commuting to work • Anyone else who physically comes in contact with you in relation to your business 	<p><u>Hand Washing</u></p> <ul style="list-style-type: none"> • Hand washing facilities with soap and water in place • Stringent hand washing taking place. • See hand washing guidance • https://www.nhs.uk/live-well/healthy-body/best-way-to-wash-your-hands/ • Drying of hands with disposable paper towels. • https://www.nursingtimes.net/news/research-and-innovation/paper-towels-much-more-effective-at-removing-viruses-than-hand-dryers-17-04-2020/ • https://www.nhs.uk/conditions/emollients/ • Gel sanitisers in any area where washing facilities not readily available <p><u>Cleaning</u> Frequently cleaning and disinfecting objects and surfaces that are touched regularly particularly in areas of high use such as door handles, light</p>	<p>Employees to be reminded on a regular basis to wash their hands for 20 seconds with water and soap and the importance of proper drying with disposable towels. Also reminded to catch coughs and sneezes in tissues – Follow Catch it, Bin it, Kill it and to avoid touching face, eyes, nose or mouth with unclean hands. Tissues will be made available throughout the workplace.</p> <p>Encourage staff to report any problems and carry out skin checks as part of a skin surveillance programme https://www.hse.gov.uk/skin/professional/health-surveillance.htm</p> <p>To help reduce the spread of coronavirus (COVID-19) reminding everyone of the public health advice - https://www.publichealth.hscni.net/news/covid-19-coronavirus</p> <p>Posters, leaflets and other materials are available for display https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19</p>		

COVID 19 RISK ASSESSMENT 2020.

		<p>switches, reception area using appropriate cleaning products and methods</p> <p><u>Social Distancing</u> Social Distancing -Reducing the number of persons in any work area to comply with the 1 metre gap where appropriate raising to 2 metres where possible as recommended by Governing Bodies</p> <p>Taking steps to review work schedules including start & finish times/shift patterns, working from home etc. to reduce number of workers on site at any one time. Also relocating workers to other tasks</p> <p>Redesigning processes to ensure social distancing in place.</p> <p>Conference calls to be used instead of face to face meetings.</p> <p>Ensuring sufficient rest breaks for staff.</p> <p>Social distancing also to be adhered to in canteen area and smoking area.</p> <p><u>Wearing of Gloves</u> This Risk Assessment identifies wearing of gloves as a requirement of the job, an adequate supply of these will be provided. Staff will be instructed on</p>	<p>Rigorous checks will be carried out by line managers to ensure that the necessary procedures are being followed</p> <p>Staff to be reminded daily of the importance of social distancing both in the workplace and outside of it. Management checks to ensure this is adhered to.</p>	
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COVID 19 RISK ASSESSMENT 2020.

		<p>how to remove gloves carefully to reduce contamination and how to dispose of them safely.</p> <p>PPE <i>Public Health guidance on the use of PPE (personal protective equipment) to protect against COVID-19 relates to health care settings. In all other settings individuals are asked to observe social distancing measures and practice good hand hygiene behaviours</i></p> <p>Where PPE is a requirement for risks associated with the work undertaken the following measures will be followed-</p> <p><i>Tight-fitting respirators (such as disposable FFP3 masks and reusable half masks) rely on having a good seal with the wearer's face.</i></p> <p>Symptoms of Covid-19 If anyone becomes unwell with a new continuous cough or a high temperature in the workplace <i>they will be sent home and advised to follow the stay at home guidance.</i></p>	<p>Staff to be reminded that wearing of gloves is not a substitute for good hand washing.</p> <p>To minimise the risk of transmission of COVID-19 during face-fit testing the following additional measures should be carried out –</p> <p>Both the fit tester and those being fit tested should wash their hands before and after the test.</p> <p>Those being fit tested with non-disposable masks should clean the mask themselves before and immediately after the test using a suitable disinfectant cleaning wipe (check with manufacturer to avoid damaging the mask). Test face pieces that cannot be adequately disinfected (e.g. disposable half masks) should not be used by more than one individual.</p>	
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OPERATIONAL PLAN FOR JULY 2020 REOPENING

BELOW IS A RUN DOWN OF HOW THE REOPENING WILL BE APPROACHED IN LIGHT OF THE COVID-19 PANDEMIC, AND UNTIL RESTRICTIONS ON FULL LATE ECONMY TRADING ARE LIFTED CLOSER TO SEPTEMBER 2020.

THE SITE WILL BE TREATED AND OPERATED AS THE FOLLOWING UNTIL WE ARE OTHERWISE ADVISED BY THE AUTHORITIES

THE VENUE WILL BE OPERATING AS A LATE-NIGHT BAR, WITH TABLE SERVICE, SOCIALLY DISTANCED TABLES, AND BACKGROUND MUSIC UNDER A REDUCED CAPACITY

THE FLOOR PLAN HAS BEEN REVISITED WITH A NEW SUGGESTED ACAPACITY OF 66 IN THE BAR ROOM AND 40 IN THE CLUB ROOM, MAKING THE TOTAL CAPACITY ACROSS 2 ROOMS 106

WE WILL USE THE FOLLOWING TOOLS TO REDUCE THE SPREAD OF COVID-19 AND TO PROTECT THE HEALTH & WELL BEING OF STAFF AND CUSTOMERS OF THE VENUE

- HAND SANITISATION STATIONS POSITIONED THROUGHOUT THE VENUE
- STAFF BRIEFING AND TRAINING TO MAKE NEW OPERATIONAL PROCEDURES THE NEW NORM
- USE OF MASKS AND GLOVES DURING SERVICE WHERE APPROPRIATE
- EMPLOYING THE NHS TEST & TRACE GUIDELINES
- SOCIAL DISTANCING, REDUCED CAPACITIES, AND MINIMAL CONTACT POINTS
- TABLE SERVICE ONLY WITH SOCIALLY DISTANCED TABLE
- CONTACTLESS PAYMENT, AND PRE-PAID/PRE-BOOKED TABLES ENCOURAGED
- PAPER DISPOSAL MENUS
- HAND SANITISER AVAILABLE ON ALL TABLES
- USE OF TOILET ATTENDANTS
- COVID-19 RELEVANT SIGNAGE



STAFF GUIDELINES JULY 2020 RE-OPENING RE COVID-19

Hi All,

Welcome back to Mahiki Manchester, in light of the recent COVID-19 pandemic, we as a business have had to make changes to the way we do business, to meet government guidelines, and to safeguard the health and safety of both staff and customers alike.

Yourselves, as the face of the business are key to keeping each other and the customers, safe and preventing the spread of COVID-19, by adhering to and upholding the below guidelines.

- Face masks and gloves to be worn at all times on shift where appropriate
- Although at times this may not be possible, wherever applicable, maintain a distance of at least 1m between colleagues and customers
- In staff communal areas please maintain social distancing and limit the number of staff in this area to no more than 6 persons
- Regular washing of hands for a 20 second period will need to become a new part of your daily work routine
- Signing in and out of work is mandatory, it isn't just to meet fire regulations or to get paid, but is also part of the government's NHS TRACK & TRACE guidelines, which we have been advised to adhere to
- If you believe that you are coming down with any of the below symptoms, please advice your line manager, as you may need to be relieved of duty for the safety of others and yourself

-A new continuous cough

-A high temperature

-A loss of, or change in, your normal sense of taste or smell (anosmia)

- Where passing others must take place, please ensure back to back to minimise face to face interaction and the spread of COVID-19
- All surfaces that experience a high volume of contact must be wiped down periodically, before, during, and after service
- Relaying to customers when they are not adhering to the new guidelines in place, where appropriate, to uphold them
- Making sure unless otherwise specified that doors are left open, to reduce the number of high contact surfaces
- Making sure that confined spaces are as well ventilated as possible

Print name of member of staff

Date

Signed



JULY 2020 RE-OPENING

PROPOSED CHANGES TO PROTECT PEOPLE WHO ARE AT RISK

The venue will be operating as a late-night bar, with table service, socially distanced tables, and background music, under a reduced capacity

- Lowering capacity
- Reconfiguring floor plans with socially distanced tables for bookings
- Arranging one-way travel
- Staggering entry lines and managing outside queues to avoid risks to customers
- Track & Trace Data Collection on entry to the premises
- Making customers aware of measures in place and encouraging compliance
- Providing both written and verbal guidelines to staff and customers
- Hand Sanitisation sites throughout the venue available to all customers
- Keeping facilities well ventilated and, and leaving doors open to reduce contact points, in general reducing the number of surfaces customers and staff alike come in contact with
- Minimised the contact between the front of house workers and customers where appropriate eg, table service, no service at the bar, contactless payment encouraged as the main method of payment
- Table and group bookings no bigger than 6 persons
- Increasing the frequency of rubbish collection and providing more waste facilities
- Clear guidelines on the use of toilets
- Use of toilet attendants to regulate the level of contact with multiple surfaces and number of persons in a confined space, maintaining social distancing
- Staff brief on procedures before the re-opening of the venue
- Staff to wear face masks and gloves during service
- Meeting with Licensing to make sure that all measures have been put in place and that the business is compliant



NHS TRACK & TRACE FORM

DATE:

FULL NAME	TIME	CONTACT TEL	SIGNED MNGT

NB, NHS TEST AND TRACE MAY REQUEST THAT THIS INFORMATION BE SHARED WITH THEM CONCERNING COVID-19, MAHIKI MANCHESTER THANKS YOU FOR YOUR CO-OPERTAION

Manchester City Council**Statement of Witness**

Statement of: Mikolaj Czechanowski

Age of Witness: Over 18

Occupation: Licensing and Out of Hours Officer

This statement consists of 5 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a **Neighbourhood Compliance Officer in Licensing and Out Of Hours Team (LOOH)**. Parts of my duties include the enforcement of Licensing Act 2003 in relation to the offence of undermining the Licensing Objectives and breach of conditions attached to Premises Licence.

On the 18 July 2020 (Saturday) I visited Mahiki premises located at 1 Central Street, Manchester, M2 5WR alongside PC Christine McIntosh from Greater Manchester Police Licensing Unit and Chris, Police officer from volunteering Specials Unit. We arrived at the premises at 21:40 and upon entering we spoke to manager on duty and person in charge of the venue who introduced herself as Michelle.

PC McIntosh informed Michelle that the purpose of the officer's visit was to collect the CCTV footage requested by Ben Spencer (LOOH Neighbourhood Compliance Officer) on Tuesday (14 July 2020) and to speak to the Designated Premises Supervisor (DPS).

Michelle responded that Gabriel left while ago and that she will try to call him to check if he is going to return soon.

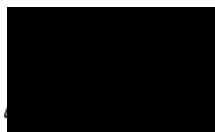
I then asked Michelle if, as the person in charge of the premises, she could operate the CCTV camera's system and record the footage for us. Initially Michelle advised that Gabriel should be back tonight so we could speak to him about it. I then repeated the question again, she confirmed that she was not trained on use of the CCTV system.

We deemed this to be a first breach of the Condition 4 in Annex 2 stipulating:

"Any person left in charge of the premises shall be trained in the use of any such CCTV equipment"

Michelle then called Gabriel who confirmed that he is 5 minutes away.

Signed:



Date: 15th August 2020

Manchester City Council

Statement of Witness

Statement of: Mikolaj Czechanowski

Age of Witness: Over 18

Occupation: Licensing and Out of Hours Officer

Gabriel arrived at 21:43. PC Christine McIntosh introduced officers present and informed him that they would like to collect the CCTV footage requested by Ben Spencer on Tuesday. Gabriel promptly responded that this was not a problem and led officers to the back office. Upon entering he informed us that the reason why the CCTV was not yet recorded for Ben Spencer was caused by not having the password to the system. He then demonstrated to PC McIntosh that the CCTV is in working order and began recording the footage onto a USB stick. He disclosed that the system is very slow due to the data size and advised that it will take approximately 3 hours to download.

I then asked Gabriel where Ahmed Fathalla was tonight. Gabriel looked unsure what I am asking for so I repeated the question. Gabriel responded that he did not know who this person is. I then asked if he has ever met him before. Gabriel responded: No.

PC Christine McIntosh asked who the current DPS of the premises is. Gabriel replied that he is. PC Christine McIntosh asked if he ever signed the DPS declaration form to become the DPS. Gabriel informed that he has done it when he started working for the company back in January 2020.

To verify this information I called the LOOH office, spoke to Mitchell McPherson (my line manager) and asked if he could check the records for any pending DPS Transfer Applications for Mahiki. Mitchell McPherson advised that he could not see any. When I hung up I advised PC McIntosh accordingly.


PC McIntosh asked Gabriel to see their full Premises Licence. Their version of the licence still had Ahmed Fathalla listed as the DPS. She then asked Gabriel to keep recording the CCTV footage onto the drive and we will wait outside.

At 22:00 whilst officers stood outside Mahiki male arrived and introduced himself as Adam Karim (owner of the business) PC Christine McIntosh explained the issues with CCTV and the request that was made on Tuesday, referring him to Condition 2 in Annex 2:

“Recorded CCTV images shall be maintained and stored for a period of thirty-one days and shall be produced to the Police or Licensing Authority upon request.”

She then asked if he thinks 5 days is a reasonable time frame to provide the CCTV footage to officers following a clear request.

Signed:



Date: 15th August 2020

Manchester City Council

Statement of Witness

Statement of: Mikolaj Czechanowski

Age of Witness: Over 18

Occupation: Licensing and Out of Hours Officer

Mr Karim understood and admitted that this should have been provided much sooner but password to the CCTV system was changed and they could not access it. I then asked Mr. Karim if Ahmed Fathalla is still involved with management of Mahiki. Mr. Karim advised that he is looking after two other premises on Deansgate. I explained to Mr. Karim that role of the DPS is that he or she should be actively involved in day to day management of the premises. I also added that Gabriel confirmed to us that he does not know who Ahmed Fathalla is and never met him before, which is concerning given that Gabriel started working in January.

Mr. Karim advised that he also thought that Gabriel was the DPS of Mahiki. I advised Adam Karim that this clearly suggests that neither himself nor Gabriel have regard to the Premises Licence and furthermore not even read the licence to realise that Ahmed Fathalla is still appointed as the DPS, not to mention conditions that area attached to it. Mr. Karim then advised that "nobody reads the licences anymore". I responded that this statement itself is very concerning.

PC Christine McIntosh then explained the role and responsibilities of the DPS and asked Mr Karim if there is a Letter of Authority at the premises? Adam confirmed that the letter is hung on the wall by the entrance. We then proceeded into the premises to check on the CCTV progress and verify some other conditions on the premises licence.

I noticed the Letter of Authority with Kuits logo was displayed on the wall by the rear door. Gabriel's name was listed as the DPS of the premises with staff signatures underneath. There were no names printed by the signatures so it was impossible to determine the staff identity or if they are still employed at the premises. This document was not signed nor dated by Gabriel.

PC Christine McIntosh asked Gabriel to see the Licensing Act 2003 staff training records as per Condition 9 and Condition 35 in Annex 2 of their Premises Licence:

"Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives. Staff shall be trained in the laws relating to under age sales and the sale of alcohol to intoxicated persons; identification of customers who have consumed excessive alcohol; the problems associated with the spiking of drinks; and how to deal with incidents of disorder within the premises. This training shall be documented and repeated at 6 monthly intervals."

Signed:



Date: 15th August 2020

Manchester City Council**Statement of Witness****Statement of:** Mikolaj Czechanowski**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

“Staff training shall include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff shall receive refresher training every 6 months.”

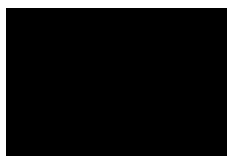
Gabriel returned from the office shortly after presenting number of documents to us. Upon closer inspection I realised that the training records provided related only to Health & Safety in workplace. None of the documents were remotely related to Licensing Act 2003. When questioned about this Gabriel now advised that those are stored on the computer.

PC Christine McIntosh and I followed Gabriel back into the back office. After few minutes of searching Gabriel showed us some blank training documents related to Licensing Act 2003. None of them were completed or signed by any member of staff. I explained to Gabriel that this does not demonstrate at all that the staff were trained and they are at least familiar with the Licensing Objectives. Gabriel responded that everyone was trained and advised now that the documents are stored in the Head Office.

PC Christine McIntosh asked Gabriel if he knew what the 4 licensing objectives were. He could not name any of them.

After losing faith in the competency of the management PC McIntosh and I proceeded downstairs into the venue and spoke to Michelle (female who greeted us upon arrival) and asked her the same question. She could not name any of the licensing objectives neither which demonstrated to us that she was not trained.

When we returned Adam Karim was on the phone with Ahmed Fathalla (DPS) and passed the phone to PC McIntosh who introduced herself instantly. She switched the phone on loud speaker and asked Ahmed Fathalla if he knew any of the licensing objectives. She then provided him with the first one (Prevention of Crime and Disorder) as a clue so he knows what is she asking for. He also could not name any of the others.

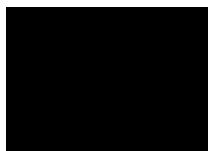
Signed:Date: 15th August 2020

Manchester City Council**Statement of Witness****Statement of:** Mikolaj Czechanowski**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

PC McIntosh then advised Mr. Karim that based on the licence breaches we witnessed and the uncertainty if the DPS is still involved with Mahiki, she have no alternative but to serve Section 19 Closure Notice.

She explained to Mr. Karim that Section 19 Notice does not mean that they have to close the premises but have to stop serving alcohol.

Mr Karim advised that they only have 3 or 4 tables occupied and that he will close the venue. He then advised one of the staff not to let anyone else into the venue and wait until the remaining customers finish their drinks. We left the premises at approximately 23:00.

Signed:Date: 15th August 2020

Mahiki Manchester
@MahikiManchester

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Liked Following Share ...

Write a comment...
Press Enter to post.

Mahiki Manchester
25 August at 08:23 · 🌐

Tonight the boys from @25nuage are bringing the boho vibes to Mahiki!!
We're their official after party from 10pm!! 🍷
Last minute guestlist 📧 bdm@mahikimanchester.com

Mahiki – continued use of external promoters after Warning letters and meeting at the Town Hall Extension



MAHIKI MANCHESTER PRESENTS...

ACES
Ready to play?

RESERVATIONS@MAHIKIMANCHESTER.COM
WWW.MAHIKIMANCHESTER.COM | CENTRAL STREET, MCR, M2 5WR



mahikimcr_ • Following Mahiki

mahikimcr_ Mahiki presents 'ACES' launching 02.11.19 every Saturday from 8pm till late! ☑
Party in polynesian paradise until the early hours of the morning, at Manchester's freshest new night time destination! 🌟

With live entertainment, Manchester's best Dj's & atmosphere like no other, are you ready to party like the good ole days? 🍸

For Dinner & Drinks reservations please email bdm@mahikimanchester.com or contact us direct @mahikimcr_ #readytoplay?



Mahiki Manchester
Yesterday at 11:35 · 🌐

MAHIKI MANCHESTER PRESENTS...  BOOK NOW 0161 660 8377

ACES
Ready to play?

RESERVATIONS@MAHIKIMANCHESTER.COM
WWW.MAHIKIMANCHESTER.COM | CENTRAL STREET, MCR, M2 5WR

Joel Benjamin Seymour updated his cover photo.
Yesterday at 11:31

Already becoming one of Manchesters hottest places to go; you can dine, drink and now dance into the early hours...

Mahiki Manchester will now be working alongside ACES and Six15 providing that additional firepower in the form of the very best Sax and Percussionists out there.

Grab Your FREE Entry Tickets Here; skiddle.com/e/13675905

For all Table Requests and Guestlist drop; Joel Benjamin Seymour || Jay Smedley a DM



acesevents

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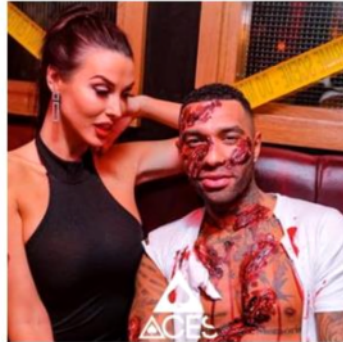
5,692 posts 20.7k followers 7,502 following

ACES

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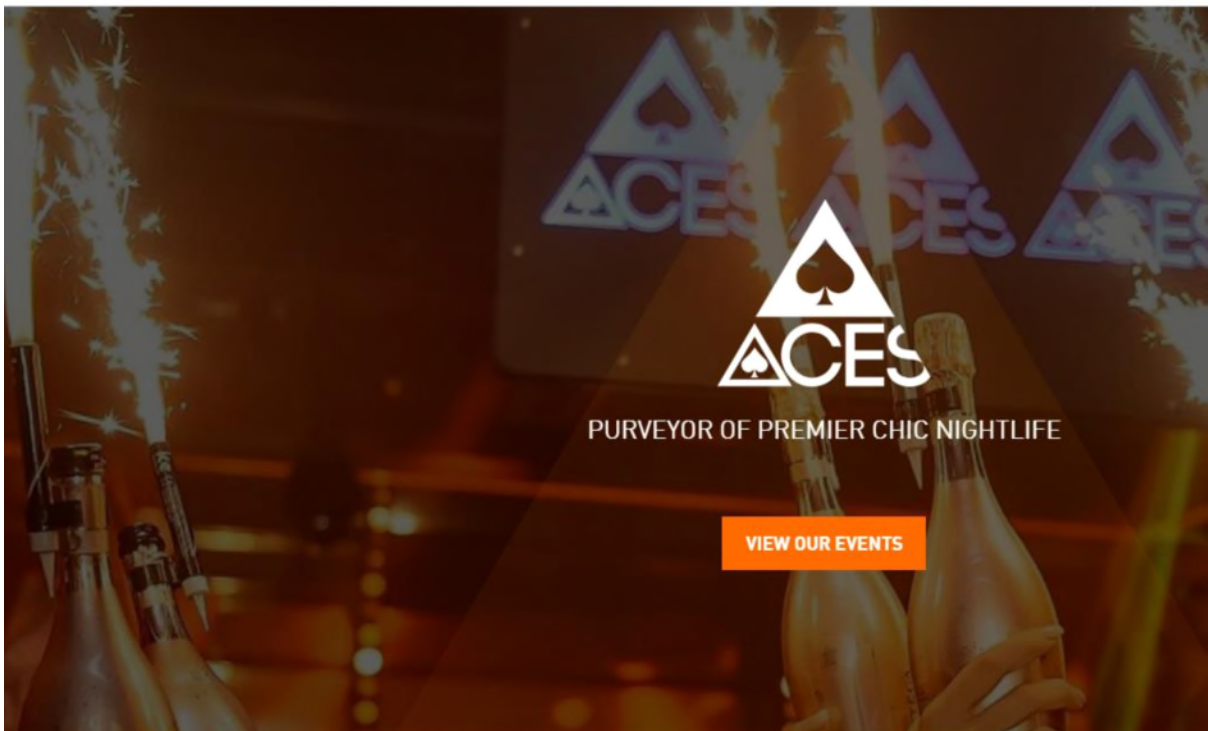
Followed by mahikimcr_ and 25nuage

POSTS IGTV TAGGED

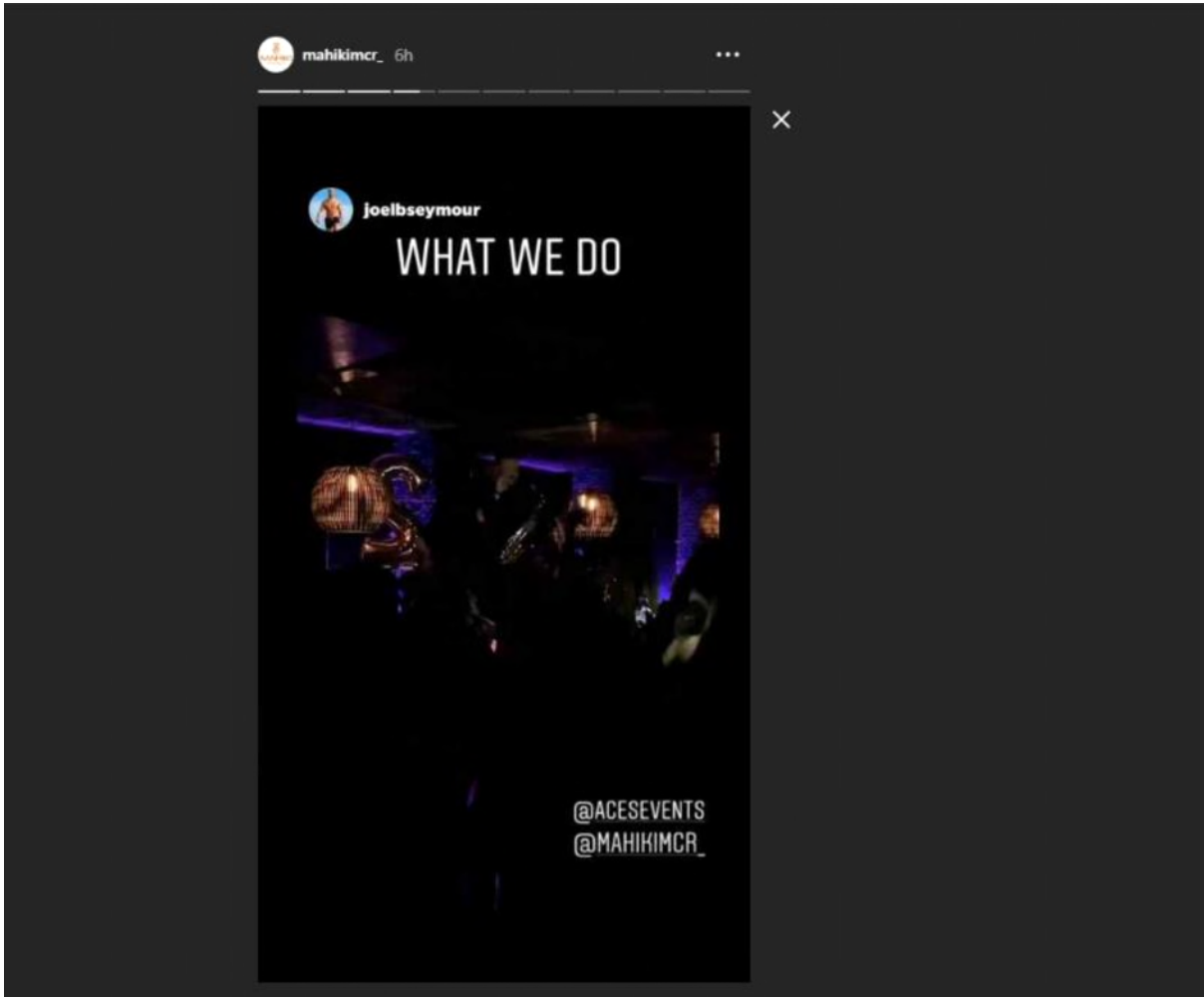


acesevents.co.uk

Intranet Home Manchester City Co... Google Maps Login - mi learning Companies House s... E-CINS - Home Land Registry Quick... SIA Facebook



NEW EVENTS COMING UP



This is a promotional poster for an event. At the top, it reads 'LA SOIRÉE EVENTS x KANDI KULTURE' and 'MAHIKI MANCHESTER'. The event is titled 'CRAZY SEXY COOL' and is described as '90S & 00S HIP HOP AND R&B'. The date is 'FRIDAY 14TH FEB' from '10PM - 4AM'. The word 'TONIGHT' is written in large, bold letters over a heart-shaped graphic made of red roses. The poster includes social media handles '@CRAZYSEXYCOOLMCR | @KANDIKULTURE' on the left and 'TICKET/G.LIST EVENT | £5 B4 11 & £10 AFTER' on the right. It also lists 'MUSIC BY T.O. GIRLS | DJ OMAR B' and 'skiddle'. At the bottom, it provides 'VIP TABLES / G.LIST : 07538622446 & 07387844373' and the venue address 'MAHIKI, 1 CENTRAL ST, MCR, M2 5WR | WWW.MAHIKIMANCHESTER.COM'. The poster is decorated with pink hearts and logos for 'MAHIKI' and 'kandi Kulture'.

LA SOIRÉE EVENTS
LA SOIRÉE EVENTS x KANDI KULTURE
MAHIKI MANCHESTER
PRESENT
CRAZY SEXY COOL
90S & 00S HIP HOP AND R&B
FRIDAY 14TH FEB
10PM - 4AM
TONIGHT
@CRAZYSEXYCOOLMCR | @KANDIKULTURE
TICKET/G.LIST EVENT | £5 B4 11 & £10 AFTER
MUSIC BY
T.O. GIRLS | DJ OMAR B
skiddle
VIP TABLES / G.LIST : 07538622446 & 07387844373
MAHIKI, 1 CENTRAL ST, MCR, M2 5WR | WWW.MAHIKIMANCHESTER.COM

This is a screenshot of an Instagram post from the user 'mahikimcr_'. The post is a text-based announcement. It says: 'Show time single and no valentines? then slide right into our DMs and get yourself on the guestlist for tonight. We're looking like a sell out demand has been crazy so if you want to come secure your place ASAP'. There are icons for a location pin, a person, and a speech bubble. The post has 12 likes and was posted 9 hours ago. The user's profile picture and name 'mahikimcr_ • Following Mahiki' are visible at the top. At the bottom, there are icons for a heart, a comment, a share, and a bookmark, along with the text 'Add a comment...' and 'Post'.

mahikimcr_ • Following Mahiki
mahikimcr_ Show time single and no valentines? then slide right into our DMs and get yourself on the guestlist for tonight. We're looking like a sell out demand has been crazy so if you want to come secure your place ASAP
12 likes
9 HOURS AGO
Add a comment... Post



Like Comment Share ...

 Mahiki Manchester

7 7 comments 3 shares

138 views · about a month ago

🍷 Competition time! 🍷

WIN our unlimited drinks package for x4 people this Friday! 🍷 90 mins of unlimited pornstar martinis, fizz, wine, spirits and bottled beers! 🍷🍷

To enter:

- 1) Tag 3 mates!
- 2) Like this post!
- 3) Share this post for an extra entry! 😊

T&Cs apply

Chat



MAHIKI

It's Complicated

EVERY FRIDAY FROM 5PM
'UNLIMITED DRINKS' 5-9PM £25pp

UNLIMITED DRINKS MENU

- PORNSTAR MARTINI
- SINGLE HOUSE SPIRIT (RUM, VODKA, GIN) & MIXER
- BOTTLED BEERS
- GLASS OF FIZZ
- GLASS OF HOUSE WINE

Book Now

Mahiki, 14 Central Street, Manchester

1. Section 33 Environmental Protection Act 1990 (EPA) 1990 Fly tipping offence 20 April 2019

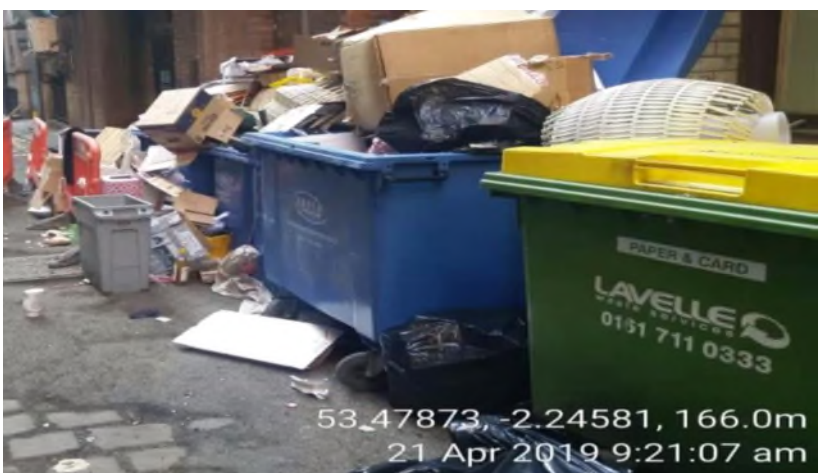


Exhibit JP 01

Mahiki, 14 Central Street, Manchester

2. Section 33 Environmental Protection Act 1990 (EPA) 1990 Fly –tipping offence, escape commercial waste by using another premises waste container. 28 May 2019



Mahiki, 14 Central Street, Manchester

3. Served with a Section 87 E.P.A. Fixed Penalty Notice for Littering. 9 June 2019.



Mahiki, 14 Central Street, Manchester

4. Section 47 Environmental Protection Act 1990 (EPA) 1990. 27 July 2019



Mahiki, 14 Central Street, Manchester

5. Breach of Section 47 EPA Notice, Fixed Penalty Notice Served.



6. 2nd Breach of Section 47 E.P.A. Notice. Fixed Penalty Notice Served. 18 November 2019.



Manchester City Council**Statement of Witness****Statement of: John Power****Age of Witness: Over 18****Occupation: Neighbourhood Compliance Officer**

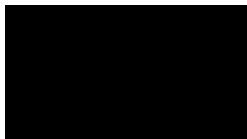
This statement consists of 1 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a Neighbourhood Compliance Officer, covering the City Centre area of the city. Parts of my duties include the enforcement of the provisions of the Environmental Protection Act 1990 (EPA) in relation to waste and I am an authorised officer for the purposes of enforcing that legislation.

I am providing this statement in relation to a premises Mahilki of Central Street who store their waste on County Street in Manchester City Centre. Over the past two years I have dealt with the premises management in regards to the issues we have had with the mismanagement of their commercial waste.

The Commercial Compliance officers, have both spent a lot of time intervening and advising the premises on their responsibilities around their duty of care and management of their commercial waste. This has resulted in environmental enforcement action against the premises licence holders/ business owner of Mahiki.

I exhibit photographic evidence and list of offences committed under the EPA since the current Premises Licence Holder took over the management of the premises. Exhibit into evidence **JP01**.

Signed:

Date: 19 August 2020

Manchester City Council**Statement of Witness****Statement of:** Margaret Lewis**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

This statement consists of 1 page signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a Compliance Officer for Licensing and Out of Hours Team. Parts of my duties include the enforcement of the provisions of Licensing Act 2003

In the early hours of Sunday 20 October 2019, whilst carrying out our duties with colleague Ben Spencer, we were passing Mahiki at 1 Central Street Manchester M2 5WR, on arrival we observed a vulnerable male on the floor to the left of the front door, being attended to by what appeared to other customers. He was in the recovery position but appeared to be fitting and then went into a spasm.

Although there were staff in the outside area, the staff from the venue did not interact with the vulnerable male on the floor. After officers made their presence known, 2 of the SIA door staff in the area then proceeded to call for an ambulance.

While waiting for the emergency services to arrive the SIA staff spoke openly about it being as a result of "Ket" and how it had never affected him like this before.

A first responder paramedic arrived on scene in a car and assessed the vulnerable male on the floor, while they were trying to carry out the assessment, another male arrived in a car, where one of the SIA informed him about the drug taking and he was not happy, and was trying to engage with the unconscious male on the floor, He asked, "What have you given him ?"

The male in the car was not happy and stated the vulnerable male on the floor was breathing and said, " let's just put him in the car !". The male known to officers as the head door man was heard saying, "He is usually alright he has never reacted to it like this before !"

Shortly after an ambulance arrived and he was assessed on board and taken to hospital.

Signed: Date: 14th August 2020

Manchester City Council**Statement of Witness****Statement of:** Gareth Hall**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

This statement consists of 3 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am employed by Manchester City Council as as a Licensing Officer covering licensing compliance in the Commercial area of Manchester City Centre. Parts of my duties include the enforcement of Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 in relation to controlling the spread of Covid-19 in Greater Manchester and the enforcement of the Licensing Act 2003.

On Saturday 11 July 2020 at approximately 2200Hrs I Visited the premises known as Mahiki along with Jonathan Mathers & Alan Isherwood Greater Manchester Police (GMP) approx 20 customers on premises, table service only, primarily bookings however accepting walk ins from their sister sites. A male who identified himself as the designated premises supervisor Gabriel RODRIGUEZ informed me that Details were being taken for track and trace inputted on a form and cross referencing with sister premises for walk ins. Gabriel RODRIGUEZ stated they are planning to open until 0200Hrs with a view to close at 0100 Hrs if quiet or premises unable to ensure social distancing by customers. Gabriel RODRIGUEZ provided copies of covid risk assessment (exhibit GH/MH1 refers), operational plan (exhibit GH/MH2 refers), staff training (exhibit GH/MH3 refers), and test and trace form (exhibit GH/MH4 refers).

Sunday 12 July 2020 0230 Hrs Arrived outside premises excessive loud amplified music was clearly audible from premises Mahiki. Gabriel RODRIGUEZ was at front gate allowing customers to leave. I asked Gabriel RODRIGUEZ why the music was at such a high volume and reminded him of my earlier visit where he stated they would be closing at 0200 Hrs and earlier if customers were not adhering to premises and covid guidance they would close earlier. Gabriel RODRIGUEZ could offer no explanation shut the gates and said he had to attend to the premises and clear customers.

Signed:  _____Date: 24.08.2020

Manchester City Council**Statement of Witness****Statement of:** Gareth Hall**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

0235 Hrs GMP officers arrived and entered the premises. I walked onto the dance floor and I could see customers vertical drinking and dancing, I also saw

Gabriel RODRIGUEZ speaking to the DJ the music was off and I heard Gabriel RODRIGUEZ say to the DJ 'Keep it off or there will be issues' The premises Owner Adam KARIM appeared and repeatedly told the DJ to 'turn the music back on', I then went into a quieter area to speak with Gabriel RODRIGUEZ, as I was having to raise my voice to be heard over the music. We moved to a quieter bar area near the stairwell to the entrance. I advised Gabriel RODRIGUEZ that current covid regulations meant that there was to be no vertical drinking, customers should remain seated and not be dancing on the dancefloor. Gabriel RODRIGUEZ again offered no explanation and stated 'I know'. I advised Gabriel Rodriguez that I required a copy of the CCTV from the time of my earlier visit at 22:46 Hrs until 0230 Hrs. The GMP officers then entered the bar area where we were followed by a male of large build who was shouting,. A short time later Adam KARIM entered the room and demanded my name which I gave to Adam KARIM I also pointed out the male shouting advising that this should not be allowed to happen due to the increased risk of spreading the virus. Adam KARIM replied 'he is in the same bubble as the other customers with him' I advised that I was not of the same bubble and neither were the GMP officers in the same room Adam KARIM 'they are of the same bubble' I repeated my earlier statement 'I am not and neither are the GMP officers, the male shouting is increasing the risk to us and you should not allow it, That is what the covid guidance and your risk assessment is in place for to minimise the risk of the virus spreading, that is why music should be no louder than background levels' We were then Joined by my colleague Jonathan Mathers at which point Adam KARIM said to Gabriel RODRIGUEZ 'any request they make you tell me everything comes through me'. I then advised Adam KARIM that I was requesting a copy of the CCTV from tonight. Adam KARIM Asked why and I advised that I believed there had been breaches of covid legislation on the premises since my visit on Friday 10 July 2020 at 2200 Hrs.

At 0245 Hrs Fellow LOH Officer Jonathan Mathers, the GMP officers and I left the premises, the volume of the music had been lowered however it was still above

Signed:  _____Date: 24.08.2020

Manchester City Council

Statement of Witness

Statement of: Gareth Hall

Age of Witness: Over 18

Occupation: Licensing and Out of Hours Officer

background level and customers were still not seated when we left. I took the collar number of PC 18039 as the Officer had bodycam footage of the visit.

Signed:  _____

Date: 24.08.2020

Manchester City Council**Statement of Witness****Statement of:** Jonathon Mathers**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

This statement consists of 3 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a Compliance Officer for Licensing and Out of Hours Team. Parts of my duties include the enforcement of the provisions of Licensing Act 2003

On Saturday 11th July 2020, I conducted a licensed premises visit to Mahiki with my colleague Gareth Hall (GH) of the Licensing Out of Hours Team(LOOHT) and Alan Isherwood from Greater Manchester Police (GMP). Mahiki is a premises that primarily operates and promotes itself as a Nightclub, however due to COVID19 restrictions, the opening of nightclubs was prohibited on this date. The premises submitted a request that stated they were planning on opening, but as a bar only.

We visited the premises at approximately 2200hrs and on arrival were met by a male who identified himself as the designated premises supervisor (DPS), Gabriel Rodriguez. When we arrived, there were approx. 20 customers on the premises all seated at tables. Mr Rodriguez informed my colleague GH that the premises were working as a table service only, and details were being taken for track and trace. Mr Rodriguez then explained that they were planning to open until 0200hrs with a view to close at 0100hrs, if quiet or if premises were unable to ensure social distancing by customers.

Mr Rodriguez then went into the management office on site together with GH, whilst I surveyed the premises. I then left the premises at 2210hrs with Alan Isherwood and waited for GH to finish his discussion with Mr Rodriguez. We then left the area.

At 0225hrs, I received a phone call from LOOHT lead, Ben Moran, who advised me whilst he was walking past Mahiki, he could hear excessively loud music emanating from the premises with the windows vibrating. Ben requested GH and I to conduct a premises visit.

GH and I returned to Mahiki and arrived outside the premises at approx. 0230hrs. We could clearly hear loud amplified music emanating from inside the premises. The

Signed: _____  **Date:** 15/8/20

Manchester City Council**Statement of Witness****Statement of:** Jonathon Mathers**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

DPS Mr Rodriguez was at the front gate of the premises allowing customers to leave. GH asked Mr Rodriguez why the music was at such a high volume and reminded him of our earlier visit where he stated that they would be closing at 0200hrs and earlier if customers were not adhering to the regulations.

Mr Rodriguez could offer no explanation to this request and simply shut the gates stating he had to attend to the premises and clear the customers. Mr Rodriguez then went down into the premises, he did not seem too concerned by the questions being asked and did not seem interested in us being there.

At around 0235, following a request from Ben Moran and five GMP officers arrived on scene outside the premises. I briefed the officers on the reason for our visit before entering the premises together via the gate Mr Rodriguez had closed earlier. There were no SIA present on the gate as we made our way down the stairs into the premises. As I walked towards and onto the dance floor the sound level of the music was very high, I could see customers in the middle of the dance floor congregating within close proximity to each other and social distancing guidelines were not being followed.

Due to the dance floor entrance being crowded with patron stood up and mismanaged I walked around a crowd of people to the front of the DJ booth with the aim of speaking with the DJ requesting that he turn the music off as it was at an unacceptable level and in breach COVID19 restrictions. Before I could reach the DJ, The Music stopped as the DJ became aware of the GMP and our presence. As I faced the DJ, Mr Rodriguez walked up to the DJ and told the DJ, 'Keep it off or there will be issues'

A male then appeared who later identified himself to me as Mr Adam Karim the owner. Mr Karim appeared frustrated and annoyed at the presence of the GMP and ourselves and repeatedly told the DJ to turn the music back on even after he was told otherwise by Mr Rodriguez and I. The DJ was confused and shrugged his shoulders perplexed. Mr Karim appeared hostile and aggressive in his tone when pointing at the DJ and repeatedly demanding for the music to be turned back on.

Mr Karim then spoke with me next to the DJ area, after Mr Karim had a brief conversation with the Police which I did not hear. The music level had now been reduced to a level which would be classed as background noise. Mr Karim and I

Signed: _____  _____ **Date:** 15/8/20

Manchester City Council**Statement of Witness****Statement of:** Jonathon Mathers**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

engaged in a short conversation, I told Mr Karim that the music level was unacceptable and I asked why when we visited the premises earlier, it was being managed well, but on our return the music could be heard from street level vibrating the windows, customers were on the dance floor and the music was at an unacceptable volume. Mr Karim appeared nonchalant and was argumentative during my questioning. He reiterated the music was not being switched off and that the music is now set at a level that's in line with the government guidance. I agreed with Mr Karim that the volume level at present was now in accordance with the guidance but again questioned him as to when we arrived, why was the music at a higher volume.

Mr Karim could not give a satisfactory answer or explanation for this. He agreed that the music was at an unacceptable volume when we arrived but stated it was now not therefore he was not turning it off. I then asked Mr Karim why people were on the dance floor when it should be table seated service only. Mr Karim acknowledged that people had been on the dancefloor when we arrived and said he would sort it and make sure it doesn't happen again. Mr Karim then asked if I was from Licensing for which I stated was. He then asked for my name, phone number and email all of which I provided.

Due to non-compliance and no satisfactory explanation for why Mr Karim was breaching COVID restrictions I advised Mr Karim that we would be leaving, and that we would be in further contact and that the music level should not change again.

As I exited the dancefloor I joined my colleague Gareth Hall who was talking with Mr Rodriguez. I pointed out to Mr Rodriguez that their attitude this evening in relation to the COVID19 restrictions was appalling. Mr Rodriguez simply agreed and just replied ' I know but I'm not Adam' - Mr Karim then noticed we were speaking with Mr Rodriguez and quickly joined us. He then proclaimed and directed his comment towards Mr Rodriguez and ourselves which was 'any request they make you tell me, everything comes through me'

At this point I walked away from Gareth, Mr Karim and Mr Rodriguez to make a phone call to my team lead to provide an update. Following the call I made Mr Karim aware that we were now leaving and we would be in touch if necessary. GMP, GH and I, then left the premises, the volume of the music was reduced but still questionable. Customers were still not seated when we left.

Signed:  _____ **Date:** 15/8/20

Ben Spencer <ben.spencer@manchester.gov.uk>

14 Jul
2020,
12:16

to Anthony, Adam

Hi Gabriel,

I understand officers attended at 02:30 on Sunday morning and raised concerns with how the premises was operating.

I believe they requested your CCTV footage from 22:46 to 02:30. Please let me know when I can collect the above at the earliest opportunity.

Kind regards

Ben

Ben Spencer
Licensing & Out of Hours Compliance Officer

Licensing & Out of Hours Compliance - City Centre
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Tel: 0161 234 1220
Email: ben.spencer@manchester.gov.uk

Location Address: Level 1, Town Hall Extension, M60 2LA
Postal Address: Manchester City Council, PO Box 532, Town Hall, Manchester, M60 2LA
Web: <http://www.manchester.gov.uk>

Adam Karim 

14 Jul
2020,
12:42

to Anthony, me

Hi Ben,

Yes they did and we will get that for you.

Can you advise how we are to make complaints as we were very unhappy at attitude and concerned of the threats made and language used towards our management.

Regards

Adam

iPhone. iTypos. iApologise

Sent from my iPhone

Ben Spencer <ben.spencer@manchester.gov.uk>

14 Jul
2020,
14:35

to Adam, Anthony

Hi Adam,

Thank you for coming back to me.

I will be working everyday this week so please let me know the best time to collect the CCTV.

I am sorry to hear you are unhappy with the conduct of the officers attending, please see the link below in order to make an official complaint:

<https://manchester.infreemation.info/forms/complaints>

Kind regards

Ben

Ben Spencer
Licensing & Out of Hours Compliance Officer

Licensing & Out of Hours Compliance - City Centre
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Tel: 0161 234 1220
Email: ben.spencer@manchester.gov.uk

Location Address: Level 1, Town Hall Extension, M60 2LA
Postal Address: Manchester City Council, PO Box 532, Town Hall, Manchester, M60 2LA
Web: <http://www.manchester.gov.uk>

Anthony Mahiki 

15 Jul
2020,
03:44

to me, Adam

Hi Ben,

Apologies for the tardy response, I have been out of manchester due to a family bereavement

I can have the cctv ready for you by late Thursday, say by 6pm, please advise if it will be picked up from the premises or if you would like me to drop it off.

Regards

Gabriel Roderiques
 General Manager
 T: 07521938746
 E: [REDACTED]
 W: mahikimanchester.com
 Mahiki, 1 Central Street, M2 5WR
 @mahikimcr_

Ben Spencer <ben.spencer@manchester.gov.uk>

16 Jul
 2020,
 14:50

to Anthony, Adam

Hi Gabriel,

I am sorry to hear that, all the best.

Would it be possible to meet you at the premises tomorrow evening around 6pm to collect the CCTV footage and we can discuss the opening last Saturday?

Kind regards

Ben

Adam Karim <[REDACTED]>

17 Jul
 2020,
 15:42

to Anthony, me

Hi Ben,

I am unable to meet later this evening.

Can we change to tomorrow early evening?

Regards

Adam

iPhone. iTypos. iApologise
Sent from my iPhone

Ben Spencer <ben.spencer@manchester.gov.uk>

17
Jul 2020,
20:33

to Robert, Adam, Anthony

Hi Adam,

I can meet tomorrow, would 6pm be ok?

Following the visits carried out on Saturday 11th July and the issues council and GMP officers encountered, we are issuing the attached prohibition notice. I wanted to deliver this to you today rather than tomorrow to give you more notice, but will bring the paperwork with me when we meet.

Kind regards

Ben

Ben Spencer
Licensing & Out of Hours Compliance Officer

Licensing & Out of Hours Compliance - City Centre
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Tel: 0161 234 1220
Email: ben.spencer@manchester.gov.uk

Location Address: Level 1, Town Hall Extension, M60 2LA
Postal Address: Manchester City Council, PO Box 532, Town Hall, Manchester, M60 2LA
Web: <http://www.manchester.gov.uk>

Attachments area

Adam Karim <[REDACTED]>

17 Jul
2020,
22:08

to me, Anthony, Robert

Hi Ben,

No I don't agree with this notice and it has been incorrectly issued.

We are not a club. We operate a bar and have a bar licence. We also have the necessary safeguarding in place as shown in our manuals on site.

We will be opening tomorrow unless we are provided by you of further compelling and safety/security concerns and/or reasons provided why we should not.

Regards

Adam

iPhone. iTypos. iApologise
Sent from my iPhone
<Mahiki COVID 19 Prohibition Notice.pdf>

Adam Karim <[REDACTED]>

18
Jul 2020,
19:36

to me, Anthony, Robert

Hi Ben,

Following our meeting at Don Giovanni this evening, we discussed your concerns and how to move forward.

Your concern is that the venue is operating as a night club. However, this is and will definitely not be the case. But I shall be making the following changes/adaptations to ensure that the guidelines are strictly followed:

- No vertical drinking
- No dance floor
- No bar service
- No DJ
- No charge on the door
- Table service only
- Stop serving at 2am. 30 minutes for dispersement
- Music volume background only, at a level where customers do not need to raise their voice to speak

Of the above listed, only the vertical drinking and music volume was of concern of your colleague who attended the venue with GMP at approximately 2:40am last Saturday.

As a venue, we are minded to be respectful of the Licencing team and GMP of Manchester. We take your concerns on board and work to immediately resolve the issues. We want to ensure you that we will be operating as a nightclub and not as a bar.

I invite you come to the venue at any time this evening to check that the above is being carried out. We open at 8pm. You have my mobile number and email should you need me for anything further.

Kind Regards

Adam Karim

Don Giovanni Restaurant, Est. 1984
A Multi Award Winning Italian Restaurant

T: +44161 228 2482

E: [REDACTED]

W: www.dongiovanni.uk.com

The information contained in this document is strictly confidential and may be legally privileged. If you have received it in error, please fax, e-mail or telephone us and then destroy this fax/e-mail. You are not entitled to read its contents and any disclosure, distribution or copying of all or any part of the contents is prohibited Please hand to the addressee indicated above. If any part of this transmission is incomplete, please telephone us immediately on the number above.

From: Ben Spencer <ben.spencer@manchester.gov.uk>

Date: Friday, 17 July 2020 20:33

To: Adam Karim <[REDACTED]>

Cc: Anthony Mahiki <[REDACTED]>, Robert Mason
<r.mason@manchester.gov.uk>

Subject: Re: Mahiki - Saturday 11/07/2020 - CCTV

Hi Adam,



Attachments area

Ben Spencer <ben.spencer@manchester.gov.uk>

18 Jul
2020,
20:15

to Adam, Anthony, Robert

Hi Adam,

Thank you for emailing over the above, points noted.

Following the meeting at Don Giovanni we visited Mahiki to collect the CCTV requested on Tuesday. The General Manager, Gabriel, has advised that the password has changed and was unable to provide the CCTV. I will probably not be

in tonight as I am on an early shift, but officers may visit throughout the night. Please can you make sure the CCTV is ready to collect when licensing/GMP officers visit.

Kind regards

Ben

Ben Spencer
Licensing & Out of Hours Compliance Officer

Licensing & Out of Hours Compliance - City Centre
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Tel: 0161 234 1220
Email: ben.spencer@manchester.gov.uk

Location Address: Level 1, Town Hall Extension, M60 2LA
Postal Address: Manchester City Council, PO Box 532, Town Hall, Manchester, M60 2LA
Web: <http://www.manchester.gov.uk>

Adam Karim <[REDACTED]>

18 Jul
2020,
20:28

to me, Anthony, Robert

Hi Ben,

No problem.

Regarding the CCTV, as Gabe has shown you the CCTV is recording, but the password has for some reason changed. I have raised it with the company and will update you once I hear from them. I assume this will be Monday though.

Regards

Adam

iPhone. iTypos. iApologise
Sent from my iPhone

Manchester City Council**Statement of Witness****Statement of:** Adele Officer**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

This statement consists of 3 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a Compliance Officer for Licensing and Out of Hours Team. Parts of my duties include the enforcement of the provisions of Licensing Act 2003

On Saturday 18 July 2020 I started my shift from Manchester Town Hall at 14:00hrs. Whilst carrying out my duties with Robert Mason, he took a telephone call and advised me that we needed to meet Ben Spencer as he was meeting with the owner of Mahiki to serve a prohibition notice.

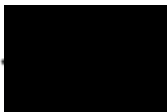
At 18:08 Officers arrived at Don Giovannis, Peter House, Oxford Street, Manchester. Officers were met by Mr Adam Karim. He started the conversation by asking Ben Spencer to explain why our team is unhappy with how the premises are operating.

Ben Spencer advised that under the current covid-19, the premises cannot operate as a nightclub the concerns were in relation to:

- Vertical drinking
- Dancing
- Loud amplified music

Adam Karim agreed that there was vertical drinking in the premises but disputed that anyone was dancing and he believed they were not operating as a nightclub as nightclubs charge an entry fee and Mahiki do not. Adam Karim went on to explain that the reason for people being stood up was because the booths (seating) are so tight.

Adam Karim was unhappy that he was being given a notice without being given the opportunity to rectify the issues as he wants to work with the Council. Ben Spencer advised on the actions reported by Licensing & Out of Hours Officers

Signed:

Date: 19 August 2020

Manchester City Council**Statement of Witness****Statement of:** Adele Officer**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

from the previous weekend.

Adam Karim went on to explain that he only refused to comply with the request on the night in question because Greater Manchester Police had told him to turn the music off and he said no to that but was happy to turn the music down.

Adam Karim reiterated that he wants to work with the Council and would even be happy to agree to an earlier closing time.

Robert Mason advised that the notice has been served and is in place, Robert Mason advised that Adam Karim seek legal advice on the notice. Adam Karim stated that Mahiki would be opening tonight and would be operating as a bar and he was happy for the Council to visit and make checks.

Robert Mason advised that now the notice has been served any further nightclub activity may lead to prosecution.

Ben Spencer advised that we were going to Mahiki to collect the requested CCTV.

Officers arrived on Central Street at 18:35 and met with Gabriel Roderiques, General Manager who was outside. He explained that he was aware that we had just come from a meeting with Adam Karim.

Gabriel Roderiques explained that last weekend everything was going well and during the first three visits no concerns were raised. It wasn't until later on that things started to go wrong. He asked officers what he needed to as he needed to protect his licence too.

Ben Spencer and Robert Mason advised Gabriel Roderiques that he is not the DPS on Mahiki's licence. Gabriel Roderiques looked shocked by this. When asked who he thought was currently the DPS he made reference to Anthony last being on the licence and explained that he had completed all the necessary paperwork to become the DPS.

Officers also advised Adam Karim stated that they would be opening tonight, Gabriel Roderiques was also unaware that he would be opening tonight. Ben Spencer asked if the CCTV was ready for collection, Gabriel Roderiques went inside to get

Signed: 

Date: 19 August 2020

Manchester City Council**Statement of Witness****Statement of:** Adele Officer**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

the footage.

A short time later Gabriel Roderiques returned outside and confirmed that they were opening later following a phone call he had just had with Adam Karim. He went on to explain that the passwords for the CCTV system have been changed and he has not been given the new password. He advised Ben Spencer that he would email him as soon as the footage is ready for collection, Ben Spencer advised that if it's not ready before the end of his shift he would ask the Night shift or GMP to collect it later.

On Saturday 1 August 2020 I started my shift at 20:45, which runs until 04:30 the following day (Sunday 2 August 2020). Manchester had been placed into further Covid-19 restrictions on 31 July 2020.

Upon approaching the premises from Central Street, bass music could be heard at Street level emanating from the premises. At 01:06 Sunday 2 August officers entered the premises, from the Southmill Street entrance the lighting within the premises was very dark and the music was much louder than background level.

Officers conducted a walk around the premises, immediately upon entering two females were dancing unchallenged near to the entrance / exit of the premises. Although the premises capacity was not at pre-covid levels not all customers were seated, customers were also seen embracing each other.

Officers left the premises and joined Robert Mason who was standing on Central Street talking to Gabriel Rodrigues, General Manager. I advised Gabriel Rodrigues that people were dancing inside the premises and showed him the video footage on my phone. He said he could only see one person dancing and did not see a problem with this.

Robert Mason advised that he would require the CCTV footage from the evening.

Signed: 

Date: 19 August 2020

Manchester City Council**Statement of Witness**

Statement of: Niall Johnson
Age of Witness: Over 18
Occupation: Licensing and Out of Hours Officer

This statement consists of 3 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a Licensing Officer. Parts of my duties include the enforcement of Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 in relation to controlling the spread of Covid-19 in Greater Manchester and the Licensing Act 2003.

I was made aware earlier in the evening on 1st August 2020 that the premises may be operating as a nightclub, following previous visits made by GMP and Manchester City Council.

I visited the premises alongside two uniformed GMP Officers, my colleague Steve Harrison and manager Rob Mason at approximately 01:45hrs on Sunday morning 2nd August 2020. Prior to entering the premises we walked past the entrance on Southmill Street and it was closed, however raised voices and loud amplified music could be clearly heard at street level, strongly suggesting the premises was still operating.

On entering the premises and walking into the rear main room I noted that there were approx. 10 tables with customers seated and customers walking around, stood up, vertical drinking and "table hopping". The bulk of the discussion between the venue management and LOOH was undertaken by Rob Mason but at 01:50hrs I walked through to the fire exit for that area of the club and observed that it was bolted top and bottom and secured with a steel bar (**See Exhibit NJ01**). This was a very serious concern as the premises was still fully operating and the fire exit had been secured. I asked the security personnel that was following me to immediately unlock and open the fire exit as it was currently an imminent risk to life.

Signed: 

Date: 17th August 2020

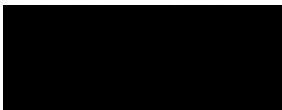
Manchester City Council**Statement of Witness****Statement of:** Niall Johnson**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

During the time in the venue no attempts were made to manage the customers that were vertical drinking and moving between tables, despite Rob Mason raising the concern as soon as we entered.

A DJ was also observed mixing tracks in the booth that we were talking in front of, although this was at a level that required myself to raise my voice significantly whilst speaking to the manager about the locked fire exit.

We left the venue at approx. 01:55hrs as the manager advised us that they were closing at 2am.

It is my professional opinion that the premises was operating as a night club, and potentially as a "lock-in" due to the entrance on Southmill Street being locked. The venue music was far too high, resulting in customers having to raise their voices, adding to the already loud atmosphere; the live DJ should not have been in the premises and there was no control of the venue throughout the visit regarding persons being seated.

Signed:

Date: 17th August 2020

Manchester City Council

Statement of Witness

Statement of: Niall Johnson

Age of Witness: Over 18

Occupation: Licensing and Out of Hours Officer

Exhibit: NJ01



Photo taken @ 01:50hrs – 2nd August 2020. Side fire exit from basement floor of Mahiki to Southmill Street. Locked, bolted top and bottom and secured with a steel bar.

Signed:

[Redacted Signature]

Date: 17th August 2020

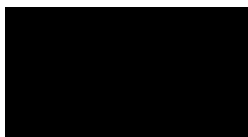
Manchester City Council**Statement of Witness****Statement of:** Robert Mason**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Team Lead

This statement consists of 6 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am employed by Manchester City Council as the Team Lead covering licensing compliance in the Commercial area of Manchester City Centre. Parts of my duties include the enforcement of Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 in relation to controlling the spread of Covid-19 in Greater Manchester and the enforcement of the Licensing Act 2003.

On the 18th July 2020 I attended Don Giovanni's restaurant with Ben Spencer and Adele Officer. The purpose of this visit was to issue a Prohibition notice on Mr Karim who is the owner of Mahiki nightclub on Central Street in Manchester City Centre. The notice was served after LOOH officers had attended Mahiki and deemed the premises to be operating as a nightclub despite this being illegal under current Covid legislation. During this meeting Mr Karim denied Mahiki was operating as a nightclub and we attempted to explain why we believed it was and why we were serving the notice. Mr Karim was unhappy with the notice saying he hasn't been given the chance to put things right first. We explained that we have had numerous meetings prior to the premises re-opening and that he was fully aware before opening about what he could and couldn't do. A discussion also took place around Mr Karim refusing to comply with requests from LOOH officers and GMP to turn the music down on the night in question. Mr Karim denied this accusation despite this refusal being captured on police body cam. Mr Karim stated he has always worked with the Council which at the time I found quite a surprising statement to hear as my experience of Mahiki management was the polar opposite of this. It is clear from both licensing officers statements and waste compliance officers statements that Mr Karim's comment about 'always working with the Council' doesn't really marry up with our team's experience.

On 31st July 2020, Manchester was placed on additional Covid 19 lockdown measures due to an increase in infection rates with Manchester Council declaring a 'major incident'. On 1st August 2020 I was on shift visiting licensed premises to ensure that these new restrictions were being adhered to at the city centre's licensed premises. At 01:05 (now the early hours of 2nd August) I approached Mahiki with my

Signed:

Date:

19th August 2020

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Manchester City Council**Statement of Witness****Statement of:** Robert Mason**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Team Lead

colleagues Adele Officer and Bob Cain and could hear deep bass and music from street level on Southmill Street. At 01:06 we entered the premises and it was immediately clear that not only was this premises disregarding the additional lockdown measures that had been implemented, they were also operating as they would have done before any Covid 19 restrictions were in place. There was not only a clear disregard for any lockdown measures, it was also a very clear breach of the Prohibition notice that had been served on them two weeks earlier preventing them from operating as a nightclub.

The first thing I noticed upon entering Mahiki was the loud music that was equivalent to the level one would expect to hear in a nightclub. I then noticed a lot of people stood mingling around tables completely ignoring social distancing. As I walked around the venue I came across the DJ booth and could see the DJ mixing music (as opposed to playing music) which would be classified under Covid legislation as 'live entertainment' and therefore not allowed. Next to the DJ booth I could see the dance floor and no attempt had been made to block this off or restrict access. Furthermore I observed a number of people on the dance floor dancing to the music. One female couple were in an embrace whilst dancing which is not something I expected to see so blatantly in a licensed premises during additional lockdown. Again, having an available dance floor and allowing people to dance is against Covid legislation. The way this premises was operating was by far the worst example of a disregard for the rules I have seen since Covid restrictions came into force. I can say this with confidence as I have visited the majority of the city centre premises over the last few weeks.

I asked to speak with the manager, Gabriel Rodrigues who came from behind the bar. After initially beginning our conversation inside the premises, Mr Rodrigues said we will have to go outside to hear each other, referring to the noise from inside the premises. This gives some idea how loud the music and shouting actually was and also for me shows an admission by the management that the premises was too loud. Myself and Mr Rodrigues then went outside to continue our conversation. Mr Rodrigues objected to my suggestion that the music was too loud making reference to Impossible bar and Peaky Blinders on Peter Street having the same volume of music. I explained that I had actually just come from Impossible and at the time of my visit Impossible was operating within guidelines, everyone was seated and that the music was nowhere near as loud as it was in Mahiki. Mr Rodrigues said we will have to agree to disagree on my assessment of Impossible. I explained to Mr Rodrigues that I was shocked and extremely disappointed that despite all the work we had done with the venue and all the reassurances we had been given by both him

Signed: 

Date:

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Manchester City Council**Statement of Witness****Statement of:** Robert Mason**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Team Lead

and Mr Karim, the venue management had just completely ignored this and wilfully gone against both the Council's advice and the Government's instruction. They have also completely disregarded their own Covid risk assessment plan. I then told Mr Rodrigues that we had tonight witnessed a breach of the Prohibition notice and that we would be in touch during the week to discuss next steps. I then said that he needs to go inside and sort everything out as currently everyone inside, both staff and customers are being put at serious risk from transmission. Mr Rodrigues agreed to do this. Before leaving I asked Mr Rodrigues to start getting the CCTV prepared from the evening as the licensing officer Ben Spencer would be collecting it in the week.

Having then left the venue and updating the GMP Sergeant on shift that night of our findings he advised that we should visit the premises again with uniformed Police officers to see if the premises had in fact listened to our earlier advice and brought the premises under control.

At 01:45 myself and two officers from the LOOH team, Niall Johnson and Steve Harrison arrived at the entrance of the premises with two GMP officers. Upon arriving I observed that the front door and main entrance to the club on Southmill Street was now closed. I took a photograph of this which I exhibit as RM1. This initially led us to believe that following our previous visit the manager had decided to close the premises. However, we then walked down the side of the club along Central Street and noticed that the smoking area was still open with people outside smoking. I could also hear raised voices and music coming through the windows of the club which are situated at and below ground level along Central Street. I approached the roped off area within the smoking area and showed my identification to the doorman. I was advised by the member of security that I could not enter that way and that I would need to go round to the entrance on Southmill Street. I then explained to the doorman that I would do that ordinarily but the entrance was closed and therefore I explained that we would be proceeding to enter the club this way. The doorman seemed confused that the main entrance was locked but removed the barrier and allowed us to enter via what is usually the exit from the venue.

When entering the club I was once again taken aback that the venue was still operating in exactly the same way as before and as though our previous visit hadn't even taken place. The majority of customers were stood up and mingling around tables and the music was still far too loud under current restrictions. The premises were once again found to be operating as a nightclub even despite our visit only 30 minutes earlier. I walked over to the DJ booth and a female member of staff ran over

Signed:

Date:

19th August 2020

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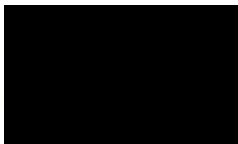
Manchester City Council**Statement of Witness****Statement of:** Robert Mason**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Team Lead

to the booth and without seeing me she said to the DJ 'Quick, the Council, turn it down'. I commented to the female that she was too late in this request as we had already witnessed the music volume at which point she walked off towards the bar. This was a clear sign to me that the premises were fully aware that they were breaking the law but had chosen to continue with this style of operation believing we wouldn't return. Moments later Mr Rodrigues came from behind the bar and seemed to be pleased with himself. He commented that the music had been lowered since our last visit and there was now no one dancing. I explained that the music was still far too loud when we entered the club and that a member of his own staff had as good as confirmed this by asking the DJ to turn the music down for our benefit when we arrived. I then pointed out a number of people who were standing up and mingling around tables and asked Mr Rodrigues why this was being allowed to happen. Mr Rodrigues's response was that he had been behind the bar so had been unable to enforce this as he was busy. I pointed out that he has a number of security staff and bar staff walking around the premises and that they should have been briefed to do this.

In reference to the music levels Mr Rodrigues again name dropped other premises whom he perceived were also breaching Covid legislation by playing loud music this time referring to Cirque nightclub and Peaky Blinders. He continued along this line explaining that the DJ he had on had actually gone straight to Mahiki from Peaky Blinders and was playing music at exactly the same level he had been playing at Peaky Blinders. I told Mr Rodrigues that we are talking about his premises right now and that a perceived breach at another premises does not mean he can ignore the law and blame others for his actions. I reiterated that we had spoken to Mahiki more than any other venue in the city centre about what is and what isn't acceptable and have tried to work with them tirelessly since their opening night. I told Mr Rodrigues that I have visited all the other venues he had made reference to and that Mahiki was by far the loudest and worst venue I had come across for breaching Covid restrictions. At this point Mr Rodrigues shrugged his shoulders and said that he disagreed with this.

Throughout the conversation I had to keep removing my mask to be heard. I pointed out to Mr Rodrigues that not only did this put me at risk but it also showed the volume was still at a level within the premises that was way over the background level it was supposed to be.

I then asked Mr Rodrigues if everyone sat together at the tables were from the same household, pointing out one particular bench that had people sitting very tightly to

Signed:

Date:

19th August 2020

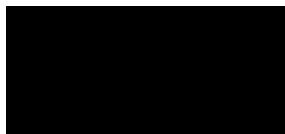
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Manchester City Council**Statement of Witness****Statement of:** Robert Mason**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Team Lead

accommodate them all. Mr Rodrigues then said that he definitely knows for a fact that everyone is from the same household and began pointing out each table. He referred to one table as 'the models' another table as 'their Spanish' and to a group of males in the corner as 'Cheetham Hill'. I believe this was a reference to Cheetham Hill gang members by both the way they were dressed and by the way Mr Rodrigues lowered his voice to insinuate that he was either embarrassed to say this in front of the two police officers or because he didn't want the people he was referring to as 'Cheetham Hill' to hear. Another reason my mind instantly assumed them to be gang members was because I had heard from other people and other premises in the industry about the clientele that Mahiki allowed in. Before lockdown the management at another club in the City centre even commented to me 'Please don't ever close Mahiki, since that place opened it's so much easier to manage our own doors as all the shit goes there instead'. Admittedly this is only hearsay but I feel it important to mention this both because of Mr Rodrigues comments and also to explain my own thinking when reaching my conclusion as to who these individuals inside Mahiki were.

The conversation then turned to the main door to the club being locked. My colleague Niall queried this with Mr Rodrigues who explained to Niall that they always do this when they have stopped letting customers in. A discussion took place between them about fire safety and how by locking this door with a steel bar was putting his customers at risk in the event of a fire. I put it to Mr Rodrigues that I had never noticed them do this before and that I believed he had done this to give the impression to us and GMP that the premises was closed essentially operating as a lock in to stay off the radar. Mr Rodrigues denied it was a lock in adding 'well someone might say it is, someone else might say it isn't'. I interjected to say that as a Licensing Officer, in my professional opinion I would say that it was a lock in. At this point Mr Rodrigues shrugged his shoulders. Mr Rodrigues then advised that they were shutting anyway now and I said that we would be in touch and left the premises at 01:55hrs.

The following week I was made aware by Ben Spencer, whom I manage, that he had received an email from Mr Karim stating that I had continually sworn at Mr Rodrigues throughout my visit on 2nd August. This was not the first time Mr Karim had made such accusations against Council staff. Following a visit on 11th July Mr Karim had emailed Ben Spencer to ask how to make a complaint against Council staff because he was 'concerned of threats made and language used towards our management' by two other members of Council staff. Having on the first occasion referred Mr Karim to the Council's official complaints procedure, which at the time of writing have not

Signed:

Date:

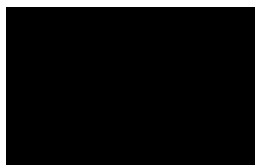
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Manchester City Council**Statement of Witness****Statement of:** Robert Mason**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Team Lead

received either complaint, I took the complaint made about myself and other officers to be a malicious effort to intentionally discredit Council officers. By knowing that during my visit I certainly did not 'continually swear' at Mr Rodrigues, I would even go so far as to say that such accusations are a blatant attempt to make the Council back down. I know the previous two officers from the first complaint and I know that they would definitely not have threatened anyone and I can also say now, under oath, that the accusations that I 'continually swore at Mr Rodrigues' during my visit are completely untrue and completely fabricated. I have never received such an accusation before in all my years working for the Council and to hear such a false statement, despite knowing it is nothing more than a poor attempt to discredit me, it is both upsetting and highly frustrating to be on the receiving end of such an accusation.

It is my opinion that the relationship with this venue has now completely broken down and it is clear the premises management are unwilling and unable to comply with both Licensing requirements and Covid restrictions and I recommend that the Licence for this premises is revoked. I can see no other outcome suitable given that the DPS who is also the owner of this venue is central to all the problems at this premises.

Signed:

Date:

19th August 2020

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Ben Spencer <ben.spencer@manchester.gov.uk>

Wed, 5
Aug,
14:16

to Adam, Anthony

Hi Adam/Gabriel,

I understand officers visited the premises on Saturday 1st/Sunday 2nd August and have requested the CCTV footage.

I have your USB ready to drop off, please let me know when I can drop it off and collect the latest footage at the earliest opportunity.

Kind regards

Ben

**Ben Spencer
Licensing & Out of Hours Compliance Officer**

Licensing & Out of Hours Compliance - City Centre
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Tel: 0161 234 1220
Email: ben.spencer@manchester.gov.uk

Location Address: Level 1, Town Hall Extension, M60 2LA
Postal Address: Manchester City Council, PO Box 532, Town Hall, Manchester, M60 2LA
Web: <http://www.manchester.gov.uk>

Adam Karim

Wed, 5
Aug,
14:55

to Anthony, me

Hi Ben,

Yes officers attended the site on the weekend.

I have a statement from Gabriel the GM where he was repeatedly swore at by one said officer- he was with you when I met you at Don Giovanni. Can you provide his name and number for our records?

Regarding the Saturday- I have a statement from the person (who would normally be classed as a DJ) but due to the Secretary of State ruling no live music, his job was to simply obey volume levels and ensure the music was not 'party'.

He was at Peaky Blinders in the hours before he arrived at Mahiki, where he played at the same volumes and was visited by licensing without any issues whatsoever. I feel we are being singled out as a venue.

When we sat in DG, I advised there wouldn't be a DJ, I felt that with us introducing food plus the other measures in my email at the time, alongside opening at 6pm, we were not sitting in or purporting to be, a club.

I attach our NHS social tracing forms and a form from each table confirming they are not from multiple households. I feel as a venue we are doing more than most to protect the public and our staff whilst respecting the guidance issued from the Secretary of State.

Can I ask of the most recent CCTV received, was there any issues you wish to discuss or was everything viewed acceptable?

There was an issue at some point on Sunday with the building electrics, possibly due to the refurbishment works upstairs, which seem to have had a knock on effect on the CCTV, as at the time of writing this the CCTV is not available for the weekend. However, it was recording over last weekend and it is working now and this can be checked by you personally if you wish. Will update you once I have more details, I am trying to find out if the recordings are saved on the cloud and if so, providing you a copy won't be an issue.

Regards

Adam

iPhone. iTypos. iApologise
Sent from my iPhone

Ben Spencer <ben.spencer@manchester.gov.uk>

Fri,
7 Aug,
09:42

to Adam, Anthony

Hi Adam,

Rob Mason, LOOH manager, would be who visited the premises on Saturday. We do not have collar numbers like GMP.

There are certainly concerns with the footage from the 11/12th, and officers have reported what they witnessed this weekend would amount to a breach of the prohibition notice served. I will be at the hearing this morning.

Please let me know if you are able to retrieve this weekends footage.

Kind regards

Ben

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IN THE MANCHESTER CITY TOWN HALL

BETWEEN:

THE CHIEF CONSTABLE
OF GREATER
MANCHESTER POLICE

APPLICANT

AND

MAHIKI

RESPONDENT

-

INDEX TO BUNDLE
OF DOCUMENTS

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2	Exhibit Reference AEI/1 and AEI/2 – Crime Report and Incident Report	5-12
3	Statement of PC James Boyd dated 14/08/20	13-16
4	Summary Review Certificate signed by Superintendent Dexter	17-24
5	Summary Review Request signed by PC Isherwood	25-28

RESTRICTED (when complete)

MG11

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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of: **Alan Isherwood**

Age if under 18: 18+ (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

Date: 25/8/20

Check box if witness evidence is visually recorded (supply witness details on last page)

I am Police Constable 17659 Isherwood of the Greater Manchester Police, Licensing Officer for the City of Manchester Division, currently based in the Licensing Team at Manchester Town Hall Extension.

Part of my remit as licensing officer is to oversee all of the licensed premises on the City of Manchester Division. The objective of the role is to promote and maintain the 4 licensing objectives at licensed premises, those being the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

Mahiki

The premises are situated on Central Street in Manchester city centre and the premises licence was issued on 03/08/2005. The Premises Licence Holder (PLH) since April 2019 is Central Street Leisure (Manchester) Ltd whose sole director is Adam Karim and the Designated Premises Supervisor (DPS) is also Adam Karim who has held this position since July 2020.

Incidents and Visits to the Premises

There is a low number of incidents which have been reported to GMP in relation to the premises and this could either mean that very little has occurred there or that incidents are simply not being reported by the premises. The following 2 incidents occurred at the premises and neither of them was reported to GMP by the premises.

At 0030 hrs on Saturday 7th September 2019 a female was at the premises when a male threw a glass which hit her in the face causing a cracked tooth. A report of crime for Causing Grievous Bodily harm was later submitted. I now submit a copy of this crime report as exhibit AEI/1 and this can be found at pages 5-8 of the bundle.

At 0254 hrs on Friday 15th February 2020 GMP were contacted by a member of the public who informed us that there was a fight taking place outside the premises. Patrols attended and witnessed the end of the fight and all parties were separated. MCC LOOH have footage of this incident which they are going to show at the hearing. An incident log of this incident is included in the bundle at pages 9-12 and I now submit this as exhibit AEI/2.

Mahiki as with all licensed premises in the UK was subject to closure under the Coronavirus legislation in March 2020.

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Signature:

Signature witnessed by:

2006/07 (1)

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MG11

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In the interim period, amongst other easing of restrictions some licensed premises were permitted to reopen in accordance with the updated government regulations and guidelines but nightclubs were not permitted to reopen and at the time of this Review application hearing this remains the position.

The premises remained closed until July 2020 and on 6th July and 11th July 2020 the premises were visited by Manchester City Council Licensing and Out of Hours (MCC LOOH) officers to give them up to date advice prior to them reopening on the night of 11th July 2020.

On the night of 11th July 2020 the premises were visited again by MCC LOOH officers and a GMP Licensing officer and at during this visit the premises were found to be operating in the style of a bar, with low level music, patrons all seated and social distancing being observed. The premises were not particularly busy and the LOOH officer inspected their risk assessment.

At 0230 hours on the morning of 12th July 2020 LOOH and GMP again visited the premises and found that it was now operating in the style of what would be viewed as a nightclub, with patrons dancing, high volume music from the DJ, vertical drinking and customers ordering drinks at the bar. The officers also noted that there was an issue with the conduct of the DPS when he was spoken to regarding these issues. CCTV from the premises was requested during this visit by LOOH. Body worn video footage of this visit was recorded by PC James Boyd and this footage is now submitted as exhibit JB/1 and will be shown at this hearing. There is audio on the footage and parts of it are easy to make out but for ease of the committee the following conversation takes place during the clip after MCC LOOH had told the DJ to turn the music off:

DPS - " Turn it on, Turn it on right now, We'll keep it to a level where you can still speak. Turn it on right now, forget what he says, Right what's your problem ?"

MCC LOOH - " There's loud music, people on the dance floor, not sitting at tables "

DPS - " Fantastic. OK the music is now to a level that we can speak but sometimes DJ's get a bit excited"

MCC LOOH - " OK well I've just asked his to turn it off."

DPS - " It's not going off, It's not going off , it is going to be kept at a decibel level where the government guidance says people can still speak. Anything else?"

MCC LOOH - " When I came in people were dancing and they shouldn't have been."

DPS - " Agreed they shouldn't have been."

MCC LOOH - " What's your name?"

DPS - "Adam Karim, What's your name?"

MCC LOOH - " John "

DPS - " I'll just make some notes cause I've had a couple of drinks "

At 1800hrs on 18th July 2020 MCC LOOH served a Prohibition Notice under the Coronavirus legislation which prohibited the premises from operating in the style of a nightclub. The operators stated that it was their intention to open that night and operate in the style of a bar.

Signature:

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..... Signature witnessed by:

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At 2140hrs on 18th July 2020 LOOH and GMP visited the premises again to obtain the CCTV footage that was requested on 12th July but staff were unable to download the footage so because of this breach of their licence and other issues identified a Section 19 Closure Notice was issued by PC McIntosh and the premises took the decision to close.

At 2300hrs on 25th July 2020 the premises were visited by LOOH and GMP and the premises were found to be quiet with few customers and no issues were identified at this time.

At 0145hrs on 2nd August 2020 the premises were visited by LOOH and GMP and there were approximately 80 customers inside. Music could be heard from outside the premises and inside the premises there was vertical drinking taking place, music from the DJ was being played at a very loud level, customers were moving between tables and not social distancing, customers were shouting to converse with one another and it was found that a fire escape exit was locked. The premises were operating very much in the style of a nightclub and were in breach of the Prohibition notice served on the 18th July 2020. There is body worn video footage of this visit recorded by PC Brundrett which I now submit as exhibit LB/1 and will be shown at the hearing. It is abundantly clear that from viewing the footage that customers are shouting to each other and moving between tables and social distancing is clearly not being managed.

On Wednesday 5th August 2020 I applied for a Summary Review of the Premises Licence on the grounds that the Premises were associated with Serious Crime. Public Nuisance includes, historically, the risk of infections spreading as a result of activities carried out on land. Causing Public Nuisance is a serious criminal offence under Common Law and is punishable with a maximum life sentence so the serious crime threshold is met. The certificate was signed by Superintendent Dexter.

Interim Steps Hearing

The Interim Steps hearing took place on Friday 7th August 2020 at Manchester Town Hall where GMP outlined our concerns regarding the premises and showed the body worn video footage and CCTV to the committee. We asked the committee to suspend the Premises Licence pending the outcome of the full review hearing and, after deliberation; the committee took the decision to suspend the Premises Licence pending the full review hearing on Tuesday 1st September 2020.

Conclusion

It is clear that despite the risk to customers and staff from the spread of Covid 19 and the regulations issued by the government which prohibit nightclubs operating, and the issuing of a Prohibition Notice by MCC the premises are either unwilling or unable to restrict their style of operation to that of a bar.

The threat of the spread of Covid 19 is still very much at concerning levels and this has been shown by the restrictions recently imposed on North West regions including Greater Manchester by the government.

The premises have clearly been operating in a manner which increases the threat of the spread of this deadly virus and they have had ample opportunity and warnings to operate in a safe, Covid secure manner. They have failed to do this and as such we see no solution, which can guarantee that they don't continue to operate in this dangerous way, if they are allowed to continue to trade as licensed premises.

It is rare that GMP ask for a full revocation of a Premises Licence, however, the lack of control and cooperation from the operators gives us no confidence that the premises will trade in a safe manner if allowed to reopen.

Signature:

Signature witnessed by:

2006/07 (1)

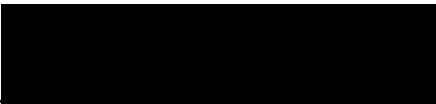
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As such GMP would strongly urge the committee to revoke the Premises Licence forthwith.

Signature:



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Signature witnessed by:

2006/07 (1)

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EXHIBIT A-1/1

PC17659 ISHERWOOD
 Tuesday 25 August 2020 09:10:58

Crime Record

details **no** **investigation plan** **log** **tasks** **victim/witness** **suspect/accused** **police employees** **associated people** **locations** **objects** **markers** **documents** **linked events**

Reference: CU106AA/0002035/19
 State: Closed
 Stage: Initial Investigation
 Crime Status: Master
 Classification: Wounding or inflicting grievous...

Division: City of Manchester Division
 Investigating Officer: NPO Sergeants - A2 - C Group
 Access: Client
 Master:
 Final Classification: Crime

26.14.43017

initial details qualifiers flags final classification

Initial Classification: Crime Incident Non-Crime Incident

Incident Description: (A2) Occ 07/09/19 00:30 inf was in the club with her friend when a man tried to throw a glass at her friend and she got in the way and it hit her in the face cracking her tooth. The man is called [redacted] and his [redacted]

Victim Based Crime: Yes No

Recording person: CIV 71044 MURPHY

Investigating Team: NPO Sergeants - A2 - C Group

How notified to police: Mem Emergency Telephone Call 1101

Source Reference: log 2269-2709-19

Incident Reported Date/Time: 27/09/2019 17:06 BST

Date/Time Recorded: 27/09/2019 17:06 BST

Committed: On On or ahead On or before Between

Committed Start: 07/09/2019 00:30 BST

Save

- Feedback
- Add to Favourites
- Actions
- Create Linked Event
- Copy Crime
- Manage Linked Investigators
- Link Event
- Send for Supervision
- Re-open Event Record
- Visualisation
- View Network Diagram

Navigation icons: home, back, recent, history, ROLE, search, reports, reports, case search, search, create case, my tasks

Crime Record

2614-43017

details mo investigation plan log tasks victim/witness suspect/accused police employees associated people locations objects markers documents linked events

Reference: CU10644/202009519
 State: Closed
 Stage: Initial Investigation
 Crime Status:
 Classification: Wounding or inflicting grievous...

Division: City of Manchester Division
 Investigating Officer: NPO Sergeants - A2 - C Group
 Accused:
 Victim:
 Marker:
 Final Classification: Crime

Witnesses: 1
 Suspects: 1
 Accused: 0

?

initial details qualifiers flags final classification

- e-bookbook
- Add to e-bookbook
- Actions
- Create Linked Event
- Copy Crime
- Manage Linked Investigations
- Link Event
- Send for Supervision
- Re-open Start Record
- Validation
- View Network Diagram

Source Reference	log 2269-270919		
Incident Reported Date/Time	27/09/2019	17:05	BST
Date/Time Recorded	27/09/2019	17:05	BST
Committed	On	On or about	On or before
Committed Start	07/09/2019	00:30	BST
Committed End			BST
Incident Location	1, CENTRAL STREET MANCHESTER MANCHESTER M2 5WR		
THOR			
THOR Rationale			
Date/Time Assessed			BST
Force	Greater Manchester Police		
Division			

SAVE

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EXHIBIT AET/2

PC117691 SHERRWOOD
Tuesday, 25 August 2020 10:57:46

Incoming Report

2614-43017

details log subjects police employees locations objects documents linked events

Reference: 669457-15020000

Investigation Officer:

Category: Incident

Access Level: Open

Stage: Closed

Events
0

details qualifiers closure

- ✚ Add to favourites
- ✚ Add
- ✚ Create linked Event
- ✚ View Station
- ✚ View Network Diagram

Description

Fighting arose male on the line saying that there is a fight going on outside this address
line cleared
retailed number male answered then said it had cleared down and cleared again

Reporting Person

CIV 23461 PENDER

Receiving Person

Investigating Officer

Emergency Telephone Call (999)

How notified to police

Notifier's phone number

07854891203

Notifier's email address

Customer Demand

Navigation icons: Home, Back, Search, History, FOLE, Search, Add, Reports, Reports, Add, Search, Create Case, My Cases

PC1765915HERM001
Thursday, 25 August 2020 10:58:30

Incoming Report

261443017

[details](#)
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[subjects](#)
[police employees](#)
[locations](#)
[objects](#)
[documents](#)
[linked events](#)
Events **0**

Reference: 609457-15022020 Investigation Officer:
 Category: Incident Access Level: Over
 Stage: Closed

[details](#)
[qualifiers](#)
[closure](#)

- References [+](#)
- Add to favourites [+](#)
- Activities [+](#)
- Create Linked Event [+](#)
- View Network Diagram [+](#)

Reporting Person: []

Recording Person: CIV 23451 PENNER

Investigating Officer: []

How notified to police: Emergency Telephone Call (999)

Notifier's phone number: 07854891233

Notifier's email address: []

Date/Time Reported: 15/02/2020 02:54 GMT

Occurrence: On On or about On or before Between

Occurrence Start: [] BST

Occurrence End: [] BST

Incident Location: 1 CENTRAL STREET MANCHESTER

Incident Type: CO1

Grade: 2

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WITNESS STATEMENT

Criminal Procedure Rules r 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

URN :

[Empty box for URN]

Statement of: James Boyd

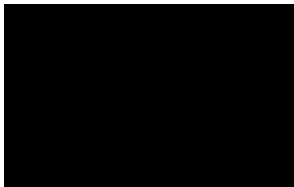
Age if under 18: Over 18

(if over 18 insert 'over 18') Occupation: Police Constable

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence. I Shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

Date: 14/08/2020



Check box if witness evidence is visually recorded (supply witness details on last page)

I am PC 18039 JAMES BOYD of the GREATER MANCHESTER POLICE, and I am currently based at WEST DIDSBURY POLICE STATION.

On Saturday 11th JUNE 2020, I was on duty with PC 13118 CARTER & PC 14337 KEPPEL on Operation CUSTODIA, working 21:00hrs-05:00hrs under call sign ACF28. CUSTODIAN is a high visibility patrol, ensuring people feel safe and preventing drunk disorderly behaviour & Anti-Social Behaviour in the City Centre.

At around 02:30, we were tasked by our COMMS operators to go to CLUB MAHIKI on 1 CENTRAL STREET, MANCHESTER, M2 5WR, with reports they were operating the venue like a nightclub.

Upon arrival, we met with Town Hall Licensing, who explained what was going on. When outside the club, the gates appeared to be closed even though he lights were on. At this point, I activated my Body Worn Camera footage.

I went down the stairs with the licensing, where you could immediately hear the loud music, like it was a nightclub. Upon going downstairs people were milling and coming out of the bathroom – they were not obeying social distancing, nor did it appear that social distancing was being enforced – in my opinion there



RESTRICTED (when complete)



MG11

Page 2 of 3

was no bouncers on the door.

Licensing asked the DJ to turn down the music so they could speak – a male who I believe was the manager repeatedly barked at the DJ

“TURN IT ON”

“TURN IT ON, NOW”.

The DJ instantly turned the music back on again, this time at a louder level blaring ‘Sing It Back’, which I felt was a jibe at the fact we were in the club and telling him to lower the music.

Licensing explained to a male, who I believe to be manager/management, about the music being too loud. The male was incredibly rude, argumentative and in my opinion appeared to be drunk. It seemed he was not concerned by the presence of either Police or Council Licensing.

At the far end of the club, people were dancing. This in my opinion showed the management’s blatant disregard to the lockdown measures placed because of the COVID-19 lockdown, and to me MAHIKI felt like a nightclub, due to the loud music and how people were dancing.

At this point, I turned off my Body Worn Camera.

After this, I went to other jobs, before I returned back to WEST DIDSBURY POLICE STATION to complete my paperwork.

During this, I was wearing my GREATER MANCHESTER POLICE issued BODY WORN CAMERA.

I exhibit this footage as:



RESTRICTED (when complete)



MG11

14



JB/01 – Body Worn Footage inside CLUB MAHIKI



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:

Mahiki
Central Street
Manchester
M2 5WR

Premises licence number (if known): 49180

Name of premises supervisor (if known): Central Street Leisure (Manchester) Ltd

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 actions of the operation of the premises which require immediate resolution. Greater Manchester Police believe that serious crime has occurred at the premises.

Greater Manchester Police (GMP) will say that the premises are associated with

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.

serious crime. Serious crime is defined within the statutory guidance as per section 81(3)(a) and (b) of the Regulation of Investigatory Powers Act 2000, which states that the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more. Therefore due to the serious crime which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

Public Nuisance includes, historically, the risk of infections spreading as a result of activities carried out on land. Causing Public Nuisance is a serious criminal offence under Common Law and is punishable with a maximum Life Imprisonment.

The premises are situated on Central Street in the City centre of Manchester and the premises licence was issued on 03/08/2005. The Premises Licence Holder (PLH) is Central Street Leisure (Manchester) Ltd and the Designated Premises Supervisor (DPS) is who has held this positions since July 2020.

Mahiki as with all licensed premises in the UK was subject to closure under the Coronavirus legislation in March 2020.

In the interim period, amongst other easing of restrictions some licensed premises were permitted to reopen in accordance with the updated government regulations and guidelines but nightclubs were not permitted to reopen and at the time of submitting this Summary Review application this remains the position.

The premises remained closed until July 2020 and on 6th July and 11th July 2020 the premises were visited by Manchester City Council Licensing and Out of Hours (MCC LOOH) officers to give them up to date advice prior to them reopening on the night of 11th July 2020.

On the night of 11th July 2020 the premise were visited again by MCC LOOH officers and a GMP Licensing officer and at during this visit the premises were found to be operating in the style of a bar, with low level music, patrons all seated and social distancing being observed. The premises were not particularly busy and the LOOH officer inspected their risk assessment.

At 0230 hours on the morning of 12th July 2020 LOOH and GMP again visited the premises and found that it was now operating in the style of what would be viewed as a nightclub, with patrons dancing, high volume music from the DJ, vertical drinking and customers ordering drinks at the bar. The officers also noted that there was an issue with the conduct of the DPS when he was spoken to regarding these issues. CCTV from the premises was requested during this visit by LOOH.

At 1800hrs on 18th July 2020 MCC LOOH served a Prohibition Notice under the Coronavirus legislation which prohibited the premises from operating in the style of a nightclub. The operators stated that it was their intention to open that night and operate in the style of a bar.

At 2140hrs on 18th July 2020 LOOH and GMP visited the premises again to obtain the CCTV footage that was requested on 12th July but staff were unable to download the footage so because of this breach of their licence and other issues identified a Section 19 Closure Notice was issued by PC McIntosh and

the premises took the decision to close.

At 2300hrs on 25th July 2020 the premises were visited by LOOH and GMP and the premises were found to be quiet with few customers and no issues were identified at this time.

At 0145hrs on 2nd August 2020 the premises were visited by LOOH and GMP and there were approximately 80 customers inside. Music could be heard from outside the premises and inside the premises there was vertical drinking taking place, music from the DJ was being played at a very loud level, customers were moving between tables and not social distancing, customers were shouting to converse with one another and it was found that a fire escape exit was locked. The premises was operating very much in the style of a nightclub and was in breach of the Prohibition notice served on the 18th July 2020.

It is clear that despite the risk to customers and staff from the spread of Covid 19 and the regulations issued by the government which prohibit nightclubs operating and the issuing of a Prohibition Notice by MCC the premises are either unwilling or unable to restrict their style of operation to that of a bar.

The threat of the spread of Covid 19 is still very much at concerning levels and this has been shown by the restrictions imposed on North West regions including Greater Manchester by the government last week.

The premises have clearly been operating in a manner which increases the threat of the spread of this deadly virus and they have had ample opportunity and warnings to operate in a safe, Covid secure manner. They have failed to do this and as such we see no solution, which can guarantee that they don't continue to operate in this dangerous way, other than to suspend their premises licence pending the outcome of a Full Review hearing when these and other issues can be disclosed fully.

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 crime.

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 Crime 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 crime will occur. Greater Manchester Police will say that the licensing objectives of the prevention of crime and disorder 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 actions of the PLH/DPS. Greater Manchester Police believe that serious crime has occurred at the premises.

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22

N [REDACTED] V .

5/8/20

.....
(Signed)

.....
(Date)

23



ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[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:

**Mahiki
Central Street**

Post town: Manchester

Post code (if known): **M2 5WR**

2. Premises licence details:

Name of premises licence holder (if known): Central Street Leisure (Manchester) Ltd

Number of premises licence holder (if known): 11662321

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

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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 actions of the operation of the premises which require immediate resolution. Greater Manchester Police believe that serious crime has occurred at the premises.

Greater Manchester Police (GMP) will say that the premises are associated with serious crime. Serious crime is defined within the statutory guidance as per section 81(3)(a) and (b) of the Regulation of Investigatory Powers Act 2000, which states that the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more. Therefore due to the serious crime which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

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vertical drinking and customers ordering drinks at the bar. The officers also noted that there was an issue with the conduct of the DPS when he was spoken to regarding these issues. CCTV from the premises was requested during this visit by LOOH.

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premises gives concerns that further crime will occur. Greater Manchester Police will say that the licensing objectives of the prevention of crime and disorder 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 actions of the PLH/DPS. Greater Manchester Police believe that serious crime has occurred at the premises.

Signature of applicant: 
 Date: 6/8/20
 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: alan.isherwood@gmp.police.uk

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.