

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Friday, 7 August 2020

Present: Councillor Grimshaw – in the Chair

Councillors: Andrews and Jeavons

LACHP/20/1.Summary Review of Premises - Mahiki, 1 Central Street, Manchester, M2 5WR

The Sub-Committee considered the representations made on behalf of Greater Manchester Police (GMP) and the Premises Licence Holder (PLH) and have taken both the written and oral representations into account.

The meeting was attended by the Applicant – GMP – PC Alan Isherwood

Designated Premises Supervisor – Adam Karim PLH – Central Street Leisure (Manchester)

The Sub-Committee was concerned by the evidence from GMP which indicated that, despite the premises being made aware of the need to comply with the coronavirus legislation, the premises in the early hours of the 12th July 2020 were found to be operating in the style of what would be viewed as a nightclub with patrons dancing, high volume of music being played by the DJ, vertical drinking and ordering drinks at the bar. This was despite licensing officers only visiting the premises a few hours before to witness if the regulations were being adhered to.

At the time of the visit, officers requested that CCTV footage of the premises was made available for inspection and on the 18 July 2020 the premises was served with a Prohibition Notice prohibiting the premises from operating in the style of a nightclub.

Officers from GMP and Licensing Out of Hours visited the premises in the evening of the 18 July 2020 and requested that the video footage be provided from the 12 July. This was not available and given this was a breach of its licence a s19 Closure Notice was issued by GMP to close the premises.

GMP played CCTV footage from the 12 July 2020 and Committee was satisfied that this supported the representations made by GMP.

A further visit took place on the 2 August 2020 at 0145 hrs and officers observed approximately 80 customers inside. Music could be heard from outside the premises and customers were observed vertical drinking, moving between tables and not social distancing.

It was clear to both GMP and to LOOH that despite the risk to customers and staff from the spread of COVID 19 the premises were either unwilling or unable to restrict their style of operation to that of a bar.

Given the ongoing threat of the spread of COVID 19 particularly in the North West region the Committee was extremely concerned that the premises had been operating in such a manner contrary to the regulations which had been well publicised .

This was despite representations made to the Committee that the DPS had actively engaged with LOOH to provide a safe environment for his staff and for the public to frequent by taking appropriate measures to ensure that the premises was complying with the coronavirus legislation.

The Committee agreed with GMP that the premises had been given ample opportunity to ensure that it did not breach the legislation but nevertheless had failed to heed such warnings.

The committee was satisfied that the premises was undermining the licensing objectives, specifically crime and disorder and public nuisance and operating in a manner that was likely to present a serious threat to public health by ignoring the Coronavirus legislation and the Prohibition Notice served upon it .

It agreed with concerns that the premises would continue to ignore the legislation and as a result felt it appropriate to take the interim step of suspending the licence with immediate effect pending the full review.

For the purpose of Section 53B (5)(b) of the Licensing Act 2003 immediate notice of the decision was given orally to GMP and the PLH.

In reaching its decision the Committee have also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Guidance issued by the Secretary of state under Section 182 of the Act and the licensing objectives.

Decision:

Suspend the licence with immediate effect pending the outcome of the final review.