

## **Licensing Sub Committee Hearing Panel**

### **Minutes of the meeting held on Tuesday, 1 September 2020**

**Councillors:** T Judge, Hewitson and Evans

#### **LACHP/20/97. Summary Review of Premises Licence - Mahiki, 1 Central Street, Manchester, M2 5WR**

Consideration was given to a report of the Head of Planning, Building Control and Licensing regarding an application for a Summary Review of Premises Licence.

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

The application for a Summary Review had been submitted by Greater Manchester Police (GMP) on the grounds that the premises were acting as a nightclub on two occasions which was in direct conflict with the COVID-19 regulations in force on both occasions.

The Hearing Panel considered the written papers, oral representations of all parties, CCTV and body cam footage as well as the relevant legislation.

Prior to the hearing it was circulated that the respondent Designated Premises Supervisor (DPS) for Mahiki would not be able to attend due to a family bereavement.

A spokesperson for GMP addressed the Hearing Panel, initially regarding two historical incidents recorded at Mahiki, stating that both had occurred while the respondent to the Summary Review was in place as DPS. Both were concerning violent incidents. GMP then confirmed that the premises had been closed in line with Coronavirus lockdown legislation in March 2020. The premises were then visited by staff from Manchester City Council's Licensing and Out Of Hours (LOOH) team after the easing of COVID-19 restrictions on premises on 6 and 11 July 2020 to check that the premises were complying with the new legislation to keep venues, staff and patrons "COVID-safe" and left unconcerned on each occasion. GMP then stated that they visited the premises on 12 July 2020 at approximately 02:30 after being informed that the premises was operating as a nightclub. GMP then proceeded to show video footage from this incident.

GMP Body Cam footage showed Police entering the venue and patrons freely mingling between tables/groups, vertical drinking, ordering at the bar and loud music playing which was encouraging raised voices. The DPS for Mahiki also appeared in the video footage. The premises were unable to provide CCTV footage from this date and were issued with a Prohibition Notice and a S19 Closure Notice although it was noted that the Closure Notice was lifted after the premises took steps to comply with COVID-19 regulations.

Other historical CCTV footage was presented which showed scenes of altercations in the foyer spilling into the street and of a male being carried out of the premises and left outside which gave rise to serious concerns over the safe handling of patrons on the premises.

GMP were again called to the premises on 2 August 2020 at 1:45am as music could be heard from the exterior of the building. Further GMP Body Cam footage was shown and, on entering the building, there were identical scenes to the 12 July 2020 visit with loud music, patrons mingling, vertical drinking, no social distancing being observed and also found the fire exit blocked.

The Hearing Panel had clear concerns that the premises had put people at the risk of spreading/contracting COVID-19 by not following the guidelines of table service, low level music and keeping groups of people at their designated seating areas.

The appointed representative for the respondent raised the question of whether other measures could be put in place to assist the premises with complying with COVID-19 regulations such as a limited capacity and noise limiter in order to avoid revocation of the premises licence.

In their deliberations the Hearing Panel concluded that the premises had placed patrons and staff at risk of spreading/contracting COVID-19 and that the operations witnessed in the footage disregarded the COVID-19 regulations. This was a serious Public Safety concern and, coupled with the volume of the music evident again in the footage, gave rise to Public Nuisance and were in breach of the Licensing Objectives as well as COVID-19 regulations. Given the number of serious concerns the Hearing Panel felt it necessary to revoke the premises licence.

## **Decision**

To revoke the Premises Licence. (Interim step imposed to suspend the licence).

## **LACHP/20/98. Premises Licence Variation - Alexandros Greek Restaurant, 337 Palatine Road, Manchester, M22 4HH - determination**

The Hearing Panel noted that the application was agreed by all parties prior to the meeting and was therefore treated as a determination.

In reaching its decision the Panel also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

## **Decision**

To grant the licence.