



## **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](https://manchester.public-i.tv/core/portal/webcast_interactive/504322)

Everyone is welcome to attend this Sub-Committee meeting.

### **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. This meeting is by way of a telephone conference. You can listen to the call as it takes place, the number of people able to listen to the live call is limited to 90.

## **Membership of the Licensing Sub Committee Hearing Panel**

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**Councillors** – Lyons (Chair), Hewitson and T Judge

## Agenda

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**1. Urgent Business**

To consider any items which the Chair has agreed to have submitted as urgent.

**2. Appeals**

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

**3. Interests**

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

**4. Premises Licence Variation - Alexandros Greek Restaurant, 337 Palatine Road, Manchester, M22 4HH - determination** 5 - 6

The determination papers are enclosed.

**5. Summary Review of Premises Licence - Mahiki, 1 Central Street, Manchester, M2 5WR** 7 - 58

The report of the Head of Planning, Building Control and Licensing is enclosed.

## Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

## Further Information

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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](mailto:i.hintonsmith@manchester.gov.uk)

This agenda was issued on **Friday, 21 August 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 247887  
**Name:** Alexandros Greek Restaurant  
**Address:** 337 Palatine Road, Manchester, M22 4HH  
**Ward:** Northenden  
**Application Type:** Premises Licence variation  
**Name of Applicant:** Mr Dimitrios Tzenevrakis  
**Date of application:** 15 July 2020

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

### Proposed licensable activities and opening hours to be granted

Supply of alcohol for consumption both on and off the premises:  
Mon to Sun 12 noon to 10:30pm

Opening hours:  
Mon to Sun 12 noon to 10:30pm

### Representations received

Greater Manchester Police

GMP have no issue with the new proposed timings (to include off sales – previously on sales only permitted). However if off sales were granted the premises would be in breach of Annex 2, condition 1 which states “Alcohol shall be served with table meals only”

**NB – rep refers to ‘condition 1’ but this is a typo, it should be condition 2 – this is correct in the subsequent agreement between both parties.**

**Agreements between parties****Greater Manchester Police:**

Condition 2 in Annex 2 of the licence to be removed - "Alcohol shall be served with table meals only."

**Background documents (available for public inspection):**

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Original application form
- Representations made against application and respective agreements

**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Sub-Committee Hearing Panel – 1 September 2020

**Subject:** Mahiki, 248578 (Summary Review of Premises Licence, App ref: 248578)

**Report of:** Head of Planning, Building Control & Licensing

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**Summary**

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

**Recommendations**

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

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**Wards Affected:** Deansgate

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

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

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

Equal Opportunities Policy  
Risk Management  
Legal Considerations

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### **Financial Consequences – Revenue**

None

### **Financial Consequences – Capital**

None

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### **Contact Officers:**

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

Name: Dave Skelly  
Position: Technical Licensing Officer  
Telephone: 0161 234 4915  
E-mail: Premises.licensing@manchester.gov.uk

### **Background documents (available for public inspection):**

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



## 1. Introduction

- 1.1 On 248578, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for Mahiki, 248578 in the Deansgate ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast track licence review.
- 1.3 A 10 working-day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application published on the Council's website.
- 1.4 Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application.
- 1.5 Following the review under section 53C, the licensing authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

## 2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The application for a summary review was submitted on the grounds that the premises are associated with serious crime / serious disorder / both serious crime and serious disorder.
- 2.3 The incident that triggered this summary review: Greater Manchester Police and Licensing Out of Hours Compliance visited the premises at 0230am on the 12/08/2020 and found that the premises were operating in the style of a Nightclub, there were also issues with the DPS when he was spoken to. On the 18/07 2020 at 1800, a Prohibition Notice was issued on the premises, which prevented them from operating in the style of a Nightclub. On the same date at 2140, GMP called at the premises to obtain CCTV footage but staff were unable to do so, because they were unable to do this, a Section 19 Closure Notice was issued. On the 25/07/2020 the premises were again visited and no issues were noted.  
The premises were again visited at 0145 on the 02/08/2020 and the premises were once again found to be operating in a Nigtclub style and that a fire escape exit was found to be locked. The premises were then deemed to be in breach of the Prohibition Notice served on the 18/07/2020.

## 2.4 Interim Steps pending the review

- 2.4.1 Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.
- 2.4.2 On 07/08/2020, a Licensing Sub-Committee Hearing Panel held a hearing to consider taking such interim steps and the decision of the Panel was Suspend the licence with immediate effect pending the outcome of the final review. The decision of the panel is included as **Appendix 3**.
- 2.4.3 The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s53B of the Licensing Act 2003 the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- 2.4.4 At the time of preparing this Committee Report no representations have been received against the interim steps taken by the licensing authority. Please note that representations may be received at any time prior to the date of the review hearing.
- 2.4.5 On the date of the review hearing, the licensing authority is required to review any interim steps that are in place and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

## 3. Current Premises Licence

3.1 A copy of the current licence is attached at **Appendix 4**.

3.2 The premises licence holder is Central Street Leisure (Manchester) Ltd who has held the licence since 29/05/2018.

3.3 The designated premises supervisor is Mr Adam Karim who has held this position since 04/08/2020.

3.4 The licensable activities permitted by the licence are:

Sale by retail of alcohol; Live music; Recorded music; Mon to Sun 1100 to 0500  
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day British Summer Time commences: One additional hour following the terminal hour.

Performances of dance; Anything similar to live music, recorded music or the performance of dance: Mon to Sun 1100 to 0500

On the day British Summer Time commences: One additional hour following the terminal hour.

Late night refreshment – Mon to Sun 2300 to 0500

Opening hours – Mon to Sun 1100 to 0530

New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day British Summer Time commences: One additional hour following the terminal hour.

#### **4. Relevant Representations**

4.1 Representations may be made by any person or 'responsible authority' during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be relevant to one or more of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.

4.2 A total of one relevant representations have been received in respect of this application (**Appendix 5**). The personal details of all members of the public have been redacted. Original copies of the representations will be available to the Panel at the hearing. Representations were received from the following persons / bodies:

Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team;

Summary of the representation(s):

<b>Party</b>	<b>Grounds of representation</b>	<b>Recommends</b>
<b>Licensing and Out of Hours Compliance</b>	public safety, the prevention of public nuisance and prevention of crime and disorder	Revocation of premises licence

#### **5. Additional information**

5.1 Additional information has been received from LOOH in the form of Video files to be shown at hearing.

#### **6. Key Policies and Considerations**

##### **6.1 Legal Considerations**

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

##### **6.2 New Information**

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

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

### **6.3 Hearsay Evidence**

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

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

6.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

6.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

6.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

### **6.5 Manchester Statement of Licensing Policy**

6.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.

6.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.

6.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.

6.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

**Section 6: What we aim to encourage**

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

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

**Section 7: Local factors**

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

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

- Identified risk factors specific to the licensed premises

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

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

MS2 Effective general management of the premises

MS7 Maintain a safe capacity

MS8 Prevent noise nuisance from the premises

MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse

## 7. Conclusion

- 7.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 7.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 7.3 The Panel must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, any relevant representations, and review the interim steps already taken (if any).
- 7.4 In making its final determination, the steps the Panel can take are:
- a) To modify the conditions of the premises licence
  - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
  - c) To remove the designated premises supervisor from the licence;
  - d) To suspend the licence for a period not exceeding 3 months; and
  - e) To revoke the premises licence.
- 7.5 The conditions of the licence, with the exception of mandatory conditions in Appendix 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 7.6 All licensing determinations should be considered on the individual merits of the application.
- 7.7 The Panel’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 7.9 **The Panel is asked to determine what steps, as set out in 7.4 above, are appropriate for the promotion of the licensing objectives.**  
Review of the interim steps

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

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Mahiki  
1 Central Street, Manchester, M2 5WR

Premises Licensing  
Manchester City Council

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Survey100019568.

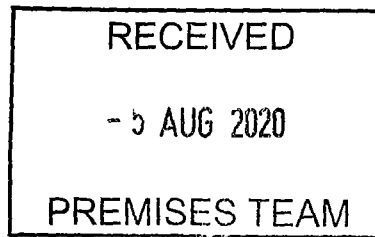


<b>PREMISE NAME:</b>	Mahiki
<b>PREMISE ADDRESS:</b>	1 Central Street, Manchester, M2 5WR
<b>WARD:</b>	Deansgate
<b>HEARING DATE:</b>	<b>07/08/2020</b>

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**ANNEX B**

Greater Manchester Police  
Central Park  
Northampton Road  
Manchester



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

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

*Premises*<sup>2</sup>:  
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 <sup>3</sup> 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, because<sup>4</sup>:

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

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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

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

<sup>4</sup> 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 6<sup>th</sup> July and 11<sup>th</sup> 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 11<sup>th</sup> July 2020.

On the night of 11<sup>th</sup> 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 12<sup>th</sup> 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 18<sup>th</sup> 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 18<sup>th</sup> July 2020 LOOH and GMP visited the premises again to obtain the CCTV footage that was requested on 12<sup>th</sup> 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 25<sup>th</sup> 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 2<sup>nd</sup> 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 18<sup>th</sup> 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.

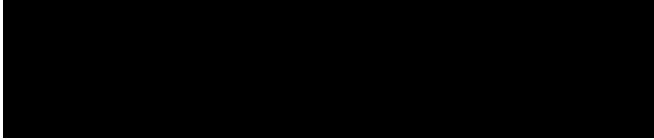
The threat of the spread of Covid 19 is still very much at concerning levels and this has been shown by the restrictions imposed on North West regions including Greater Manchester by the government last week.

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.



5/8/20

(Signed)

(Date)



## 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

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.**

**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.**

Signature of applicant: [REDACTED]

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): [REDACTED]

Email: [REDACTED]

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.

By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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Licensing Sub-Committee – 7<sup>th</sup> August 2020

Summary Review (Interim Steps hearing) – Mahiki , 1 Central Street , Manchester

Applicant – GMP – PC Alan Isherwood

DPS – Adam Karim PLH – Central Street Leisure (Manchester)

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

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

Reasons:

The 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 12<sup>th</sup> 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<sup>th</sup> 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 LOOH visited the premises in the evening of the 18<sup>th</sup> July 2020 and requested that the video footage be provided from the 12<sup>th</sup> 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<sup>th</sup> July 2020 and Committee was satisfied that this supported the representations made by GMP.

A further visit took place on the 2<sup>nd</sup> 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.





# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	049180
Granted	03/08/2005
Latest version	DPS Variation 248093 Granted 04/08/2020

### Part 1 - Premises details

<b>Name and address of premises</b>
<b>Mahiki</b> 1 Central Street, Manchester, M2 5WR
<b>Telephone number</b>
0161 660 8377

<b>Licensable activities authorised by the licence</b>
<ol style="list-style-type: none"> <li>The sale by retail of alcohol*.</li> <li>The provision of regulated entertainment, limited to: Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance.</li> <li>The provision of late night refreshment.</li> </ol> <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

### The times the licence authorises the carrying out of licensable activities

<b>Sale by retail of alcohol</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0500	0500	0500	0500	0500	0500	0500
The sale of alcohol is licensed for consumption both on and off the premises.							
<b>Seasonal variations and Non-standard Timings:</b>							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> One additional hour following the terminal hour.							

<b>Live music; Recorded music</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0500	0500	0500	0500	0500	0500	0500
Licensed to take place indoors only.							
<b>Seasonal variations and Non-standard Timings:</b>							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> One additional hour following the terminal hour.							

**Performances of dance; Anything similar to live music, recorded music or the performance of dance****Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0500	0500	0500	0500	0500	0500	0500

Licensed to take place indoors only.

**Seasonal variations and Non-standard Timings:**On the day British Summer Time commences: One additional hour following the terminal hour.**Provision of late night refreshment****Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0500	0500	0500	0500	0500	0500	0500

Licensed to take place indoors only.

**Seasonal variations and Non-standard Timings:**New Year's Eve: Start 2300 Finish 0500Sunday preceding a Bank Holiday Monday (excluding Easter Sunday): Start 2300 Finish 0230On the day British Summer Time commences: one additional hour following the terminal hour.**Hours premises are open to the public****Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0530	0530	0530	0530	0530	0530	0530

**Seasonal variations and Non-standard Timings:**New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.On the day British Summer Time commences: One additional hour following the terminal hour.**Part 2****Details of premises licence holder**

**Name:** Central Street Leisure (Manchester) Ltd  
**Address:** Ams Floor 2, 9 Portland Street, Manchester, M1 3BE  
**Registered number:** 11662321

**Details of designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Name:** Adam Karim  
**Address:** [REDACTED]  
**Personal Licence number:** [REDACTED]  
**Issuing Authority:** [REDACTED]

**Annex 1 – Mandatory conditions****Door Supervisors**

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

**Supply of alcohol**

2. No supply of alcohol may be made under this premises licence:
- (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above–
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) “permitted price” is the price found by applying the formula–
- $$P = D + (D \times V)$$
- where –
- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

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

## **Annex 2 – Conditions consistent with the operating schedule**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.

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.
3. CCTV shall be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced shall be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises shall be trained in the use of any such CCTV equipment,
5. Whenever the premises trades beyond midnight, SIA registered door staff shall be employed at the premises from 2330 until close at a ratio of 1:100.
6. At all other times, SIA registered door staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff shall wear high visibility armbands.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - a) the number of door staff on duty;
  - b) the identity of each member of door staff;
  - c) the times the door staff are on duty.

This register shall be available for inspection by an officer of a responsible authority on request and must be retained on the premises for a period of at least 12 months.

8. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
9. 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.
10. A refusals book shall be maintained at the premises, and made available to an officer of a responsible authority upon request.
11. The premises licence holder, designated premises supervisor or a representative shall participate regularly in local pub and club network/Pubwatch meetings, unless such groups are no longer in existence in the area.
12. The premises shall adopt a policy of random searches.
13. Any person found using drugs shall be removed from the premises. Any person found to be dealing drugs will be detained where it is safe and practical to do so and the police will be informed immediately. Any drugs seized will be handed over to the police.
14. The premises shall implement a queuing system to ensure that queues are adequately monitored and that customers queuing conduct themselves in an orderly manner. Queuing barriers shall be used to safely control the flow of customers waiting to enter the premises.
15. Sufficient members of staff shall be employed at the premises to serve customers and keeping queuing to a minimum.
16. The premises shall subscribe to and operate the Nitenet radio system.
17. There shall be no entry permitted to the premises after 0230 daily, save for returning smokers.
18. There shall be no externally promoted events.
19. A first-aid box shall be available at the premises at all times.
20. Regular safety checks shall be carried out by staff.
21. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
22. The premises shall maintain an incident log and public liability insurance.

23. The premises licence holder shall ensure that glasses are collected regularly. Regular inspections for broken glass shall be made by staff, and any broken glass found shall be cleared away immediately.
24. Regular checks shall be made of the toilets to ensure that they are well maintained and clear of all spillages.
25. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
27. The exterior of the building shall be cleared of litter at regular intervals.
28. Notices shall be positioned at the exits to the building requesting customers to leave in a quiet manner.
29. There shall be no external speakers.
30. A Dispersal and Smoking Policy shall be implemented and adhered to.
31. The premises licence holder shall ensure that persons leaving the premises conduct themselves in an orderly manner and do not cause nuisance to occupants of nearby premises.
32. The emptying of bins into skips, and refuse collections shall not take place between 2300 and 0800.
33. The premises shall implement a wind down policy, with music levels being gradually reduced prior to closing time.
34. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
35. 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.
36. Notices advising what forms of ID are acceptable shall be displayed.
37. Notices shall be displayed in prominent positions indicating that the Challenge 21 policy is in force.
38. Persons under the age of 18 shall not be permitted entry to the premises at any time that the premises are open to the public.

**Annex 3 – Conditions attached after hearing by the licensing authority**

None

**Annex 4 – Plans**

See attached

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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Licensing & Out of Hours Compliance Team - Representation	
Name	Ben Spencer
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team (LOOH)
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	
Telephone Number	0161 234 1220

Premise Details	
Application Ref No	REF 248578
Name of Premises	Mahiki
Address	1 Central Street, Manchester, M2 5WR

Representation
<p>The Licensing Out of Hours Team (LOOH) are putting forward a representation in support of the Summary Licence Review application made by Greater Manchester Police (GMP). The LOOH team believe the premises licence holder has shown an inability to uphold the licencing objectives namely; public safety, the prevention of public nuisance and prevention of crime and disorder.</p> <p>Mahiki is located on Central Street, Manchester, M2 5WR. The current licence holder, Central Street Leisure (Manchester) LTD, of which Adam Karim is listed the sole director, took over the premises in April 2019. The premises operates as a nightclub licensed to sell alcohol until 05:00.</p> <p>LOOH continued involvement and engagement with the premises from the opening night until present day would conclude Adam Karim, the licence holder, to have complete disregard for the Licensing Act 2003, for the Licensing Out of Hours Team, Manchester City Council, as the Licensing Authority, and most importantly the safety of its customers.</p> <p>The premises was first issued a warning letter with regards to breaches of their licence on 22nd May 2019. Further warning letters were sent out on 11th September and 9th November following their failure to comply with their obligations to uphold their premises licence and the conditions set out within it. The LOOH team requested a meeting at the Town Hall Extension on the 24<sup>th</sup> September 2019 to address the continued breaches of licence conditions in a more formal manner. This meeting was attended by LOOH, GMP, the premises licence holder, the general manager at the time, and their legal representatives. It was advised the DPS was out of the country. At the conclusion of the meeting on the 24<sup>th</sup> September 2019 the Licence holder and legal representatives confirmed that we would be able to meet with the DPS, however this has not been forthcoming and every attempt we have made has been dismissed or delayed.</p> <p>The LOOH team have serious concerns regarding the management of the premises, the DPS involvement and confusion around this. At this point it is pertinent to highlight that LOOH have spent a considerable amount of time, through engagement with the premises, upward of thirty night visits to the premises to seek compliance and educate those responsible on adhering to their licence and being able to promote the four licensing objectives.</p> <p>The named DPS has never been present during any of the night visits conducted while the premises is operating, the LOOH team believe they have had nothing to do with the actual operation of the premises and are merely used as a proxy to add further distortion to identify those ultimately responsible. The current general manager, Gabriel Roderiques, believed he was the DPS and continued to state as such to different officers, despite being informed otherwise. He was unable to name the current named DPS on the licence, or correctly identify the person he believed to be the previous DPS before himself, when questioned on the 18<sup>th</sup> July 2020.</p> <p>At a multiagency visit conducted by GMP and a LOOH officer later in the evening on the 18<sup>th</sup> July 2020 Mr Roderiques maintained he was the DPS, confirmed by Mr Karim who was also present. When questioned in regard to Ahmed Fathalla, the named DPS, Mr Karim advised that Mr Fathalla was managing other premises on his behalf. Mr Roderiques and Mr Karim had not provided the correct DPS named on the premises licence, and when questioned by the LOOH officer Mr Karim responded "nobody reads the licence anymore". With concerns that no qualified persons were present and in control of the premises Mr Karim and Mr Roderiques were asked to show training records on licensing, neither were able to evidence any, advising that these were stored at head office. Officers asked Mr Karim, Mr Roderiques, Mr Fathalla, and a member of staff what the licensing objectives were; none of whom could answer the question. Exhibited BS01 is a witness statement from the LOOH officer who attended the above evening. As those</p>

responsible for the management and training for the premises were inept to provide basic licensing knowledge the LOOH team are led to believe this training has not been done, or at least refreshed within the last 6 months.

The following licence breaches have been raised to the management of the premises, some of these on multiple occasions:

Annex 1 Condition 6

*The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.*

Annex 2 Condition 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.*

Annex 2 Condition 4

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

Annex 2 Condition 6

*At all other times, SIA registered door staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff shall wear high visibility armbands.*

Annex 2 Condition 7

*When employed, a register of those door staff employed shall be maintained at the premises and shall include:*

- a. *the number of door staff on duty;*
- b. *the identity of each member of door staff*
- c. *the times the door staff are on duty.*

Annex 2 Condition 9

*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.*

Annex 2 Condition 10

*A refusals book shall be maintained at the premises, and made available to an officer of a responsible authority on request.*

Annex 2 Condition 15

*Sufficient members of staff shall be employed at the premises to serve customers and keeping queuing to a minimum.*

Annex 2 Condition 16

*The premises shall subscribe to and operate the Nitenet radio system.*

Annex 2 Condition 17

*There shall be no entry permitted to the premises after 02:30 daily, save for returning smokers.*

Annex 2 Condition 18

*There shall be no externally promoted events.*

Annex 2 Condition 22

*The premises shall maintain an incident log and public liability insurance.*

Annex 2 Condition 31

*The premises licence holder shall ensure that persons leaving the premises conduct themselves in an orderly manner and do not cause nuisance to occupants of nearby premises.*

Annex 2 Condition 35

*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.*

The licence condition breaches listed above account for over 1/3 of the total licence conditions in Annex 2 of the premises licence. Following conversations with Mr Karim and the breaches listed the LOOH team believe that the

licence holder has no regard for the conditions imposed as a requirement in the use of their premises licence. Supporting evidence of these breaches exhibited BS02.

During our involvement with the current licence holder multiple notices have been served by Manchester City Council regarding waste issues, including fly tipping, outside the premises. Despite continued engagement and meetings with management at the premises the issues continued. Exhibited BS03 is a statement from John Power, Neighbourhood Compliance Officer, along with photographic evidence.

As with GMP, LOOH share concerns over the premises in regard to crime and disorder. On the 15<sup>th</sup> February 2020, officers visited the premises after hearing a distressing and alarming incident unfolding outside the premises from the office at the Town Hall Extension, officers arrived just after the incident. A patron from the premises approached LOOH officers, introducing himself, asking if officers knew who he was, and then proceeded to boast of his criminal notoriety. CCTV footage was requested from the premises, including bodycam footage from the door staff as the internal premises footage was of poor quality and coverage. The bodycam footage was not made available, with the reason they had pressed 'night vision mode' rather than record so had no footage of the incident. The other door staff with bodycam had 'not been dealing with the incident' so not recorded either.

On reviewing the CCTV footage from the premises, exhibited BS04, a physical altercation had taken place inside the premises on the dancefloor, whereby a male had a large cut on the forehead. Door staff removed some of the offenders from the premises, however those involved then continued to fight outside with little attempt to diffuse the situation. A male, who has been a regular DJ at the premises, was involved with the groups fighting outside. The males involved in the altercation were granted re-entry to the premises on repeated occasions, shaking the hands of staff members on their way inside. There are serious concerns over the lack of control the door staff displayed during the incident, with a member of the door staff also removing his badge as events unfolded. Allowing these individuals back inside, whilst not knowing of potential repercussions, undermines not only prevention of crime and disorder but potentially public safety if anything further was to escalate inside.

On the 20<sup>th</sup> October 2019 officers walking past the premises, on the way elsewhere, noticed a male lying on the pavement, at the door of Mahiki's entrance on Southmill Street. Some patrons appeared to be checking on the welfare of the male, however no member of staff showed concern or was attending to the individual. After it was apparent the premises were not offering support for the male, even at the point of fitting. As officers approached, making their presence known, door staff then appeared to call for an ambulance and staff began supporting the male until a paramedic arrived. On reviewing the CCTV footage, exhibited BS05, the male can be seen being carried outside by approximately 4-5 members of staff, before being placed on the pavement outside. The male is then left on the floor for around 10 minutes with no staff assistance before the call is made for an ambulance. Officers do not believe this call would have been made had officers not approached. Witness statement from one officer present exhibited BS06.

The below are issues relating directly to the re-opening of the premises post lockdown and the relaxation of government COVID 19 measures. We believe the below constitutes the undermining of public safety and prevention of public nuisance licensing objectives as the premises have increased the chance of contraction of a potentially fatal illness by not complying with government guidelines. On 23rd March the government announced lockdown measures following the worldwide pandemic, within this a number of types of establishment were ordered to close. Included in this list were nightclubs, discotheques and dancehalls, which at the time of writing this representation continue to be closed.

On the 11<sup>th</sup> July 2020 the premises reopened following notification to the LOOH team that they would be operating as a "late night bar, with table service only, with socially distanced tables, and low level music." Two visits from the LOOH team took place prior to opening to discuss plans, actions and support with their risk assessments to help abide by government COVID 19 guidelines, keeping customers and staff safe. Officers visited the premises in the early evening to find the premises operating compliantly as described earlier in the day. However, an officer walked past the premises at 01:54 and witnessed the music levels outside were at a high level, with the bass vibrating the metal bars. The officer entered the premises and asked the general manager to explain why patrons were stood up dancing and the music at such a high level. The manager advised the officer that the premises would now be closing offering assurances that this activity would not continue. The same officer passed the premises at 02:16 with the music continuing to be played at an excessive level, with no signs of closing as advised. Video footage exhibited BS07.

This was a clear indication the premises was continuing to operate as a nightclub, showing no signs of closing. With such concerns both LOOH and GMP officers attended. On arrival Mr Roderiques had no explanation to offer and closed the gate, disappearing inside the premises. Officers were able to gain entry and could clearly see the premises was continuing to operate as a nightclub, with complete disregard for any of the previous visits, or assurances offered. The music was at a high level, officers were unable to communicate with each other, people were dancing and vertically drinking. Officers approached the DJ booth to ask that the music was turned off, however Mr Roderiques had already asked the DJ to do so. As the DJ turned the music off Mr Karim approached officers, ordering the DJ to "Turn it back on, I don't care what these are saying, turn the music back on now". After a combative exchange with Mr Karim, the music level had been reduced to a volume he believed to be a compliant decibel level following government guidance. Officers requested the premises CCTV footage from the night and left the premises. Exhibited

BS08 witness statements from the officers who attended on the night.

On the 17<sup>th</sup> July 2020 the LOOH team notified Mr Karim and Mr Roderiques of our intention to serve a Prohibition Notice following the visit, the email exchange is exhibited BS09. LOOH officers formally issued the Prohibition Notice on Mr Karim and Mr Roderiques on the 18<sup>th</sup> July 2020. On meeting Mr Karim the reasons for serving the notice were fully explained. Officers asked Mr Karim what he thought was the difference between a bar and nightclub, to which he advised he had received legal advice and as they were not charging an entry fee they were not operating as a nightclub. Mr Karim acknowledged officers concerns with vertical drinking and the music level, however advised that there was “no dancing and that he was in charge of that.”

Officers attending on the 12<sup>th</sup> July 2020 had requested the CCTV footage from management on the night, however despite further requests this was not provided until Saturday the 18<sup>th</sup> July. On the 18<sup>th</sup> July when officers first attended to collect the footage, management advised that they could not access the CCTV as the password had changed. A further visit by GMP and LOOH later that evening was made to establish if the CCTV was in fact working. Whilst waiting for the CCTV to download, issues regarding the named DPS, along with evidence of no staff training, led GMP to issue a Section 19 closure order until satisfied these were resolved.

Having reviews the CCTV footage, this showed the premises to be operating as a nightclub, the COVID 19 measures put in place prior to opening were no longer being upheld, and raised further concerns over Mr Karim’s suitability in managing this premises. The footage shows Mr Karim not abiding by COVID 19 guidance himself, dancing with patrons and drinking alcohol.

Whilst the Prohibition Notice was still in force, prohibiting the premises operating as a nightclub, a visit took place with LOOH and GMP officers on the 2<sup>nd</sup> August 2020 at 01:06. Officers entered the premises to find no social distancing, live music entertainment in the form of a DJ mixing, music at a high level, dancing, vertical drinking, and high level of noise from patrons having to shout over the music. Mr Roderiques advised that they would turn the music down but he did not acknowledge other issues raised. On revisiting at 01.45 on the 2<sup>nd</sup> August, the music was still audible from street level, high levels inside, customers were still having to raise their voices over the music, vertical drinking taking place and patrons mixing between tables. The premises had shown no attempt to alter their operation which had led to the issuing of the prohibition notice, and continued to operate in an unsafe manner, breaching the Prohibition Notice served on the 18<sup>th</sup> July.

Serious concerns were also raised with the Southmill Street entrance (fire exit) being closed and bolted. This would be the closest exit point to the room in use in case of a fire. This is the second time the premises had to be reported by the LOOH team to GMFR service for locking of fire exits while patrons are still inside, the previous being on the 1<sup>st</sup> July 2019. Exhibited BS10 statements from officers who attended this visit, accompanied by video footage of the night taken from mobile phones.

Following the above reported breach of the Prohibition Notice, and none compliance with COVID 19 guidelines, the LOOH team requested the CCTV from the above visit. On the 5<sup>th</sup> August 2020 Mr Karim refused to provide this CCTV citing electrical issues affecting the CCTV system for that weekend only, exhibited email BS11. Given the previous obstructive behaviour in providing the footage, we believe this to be an attempt to conceal evidence of the flagrant disregard of the current guidance.

Since Mr Karim has taken over as the licence holder, both LOOH and GMP have spent a considerable amount of time in supporting and educating the premises to comply with the Licensing Act 2003. Despite any assurances from Mr Karim and the management team the premises still continue to flout conditions and refuse to take on board responsibility or advice given at any visits. The current pandemic is the biggest threat to public health that we have ever been subject to in our lifetimes and necessary adjustments have been required from all industries to prevent the spread and catastrophic impact that it has and will have on the world. Mr Karim, from his actions, has shown that he believes he is exempt, or that these adjustments do not apply to him and his business. In the time the premises has been in his control and especially during the current crisis he has risked the lives of the many people who have chosen to visit his premises under the guise that he operates a safe venue. He has consciously chosen to operate in a way that would further increase the spread of COVID 19 against the advice of government experts. He has sought to profit by operating as normal whilst other nightclubs have followed instructions to remain closed.

No further conditions or assurances can be offered at this point to alleviate our concerns. Mr Karim has shown that he has complete comprehension to his actions but chooses to do what he wants regardless of his legal requirements.

Mr Karim has made himself the DPS of the premises, he is heavily involved in the operation of the premises and therefore any changes to this would have no impact on how the premises is managed.

We would recommend that this licence is revoked.

**Recommendation: Revocation of the Premises Licence**

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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