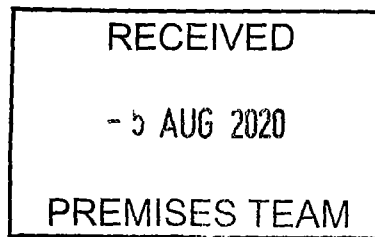


Greater Manchester Police
Central Park
Northampton Road
Manchester



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

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

Mahiki
Central Street
Manchester
M2 5WR

Premises licence number (if known): 49180

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

I am a Superintendent ³ in the Greater Manchester police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the actions of the operation of the premises which require immediate resolution. Greater Manchester Police believe that serious crime has occurred at the premises.

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

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

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

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

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

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

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

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

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

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

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

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

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.

MU DECW ·

5/8/20

.....
(Signed)

.....
(Date)

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.

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

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premises gives concerns that further crime will occur. Greater Manchester Police will say that the licensing objectives of the prevention of crime and disorder can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the actions of the PLH/DPS. Greater Manchester Police believe that serious crime has occurred at the premises.

Signature of applicant: 

Date: 6/8/20

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:

**Manchester Town Hall Extension
Lloyd Street
Manchester
M2 5DB**

Telephone number(s): 0161 856 6017

Email: alan.isherwood@gmp.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.