

COVID 19 RISK ASSESSMENT 2020.

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



COVID 19 RISK ASSESSMENT 2020.

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

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

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

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

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

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

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

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



STAFF GUIDELINES JULY 2020 RE-OPENING RE COVID-19

Hi All,

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

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

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

-A new continuous cough

-A high temperature

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

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

Print name of member of staff

Date

Signed



MAHIKI

JULY 2020 RE-OPENING

PROPOSED CHANGES TO PROTECT PEOPLE WHO ARE AT RISK

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

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

Manchester City Council**Statement of Witness**

Statement of: Mikolaj Czechanowski
Age of Witness: Over 18
Occupation: Licensing and Out of Hours Officer

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

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

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

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

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

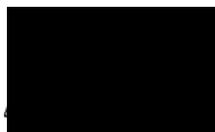
I then asked Michelle if, as the person in charge of the premises, she could operate the CCTV camera's system and record the footage for us. Initially Michelle advised that Gabriel should be back tonight so we could speak to him about it. I then repeated the question again, she confirmed that she was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

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

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

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

Signed:



Date: 15th August 2020

Manchester City Council

Statement of Witness

Statement of: Mikolaj Czechanowski

Age of Witness: Over 18

Occupation: Licensing and Out of Hours Officer

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

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

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

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

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

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

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

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

Signed:



Date: 15th August 2020

Manchester City Council

Statement of Witness

Statement of: Mikolaj Czechanowski

Age of Witness: Over 18

Occupation: Licensing and Out of Hours Officer

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

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

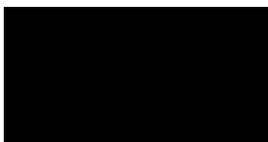
PC Christine McIntosh then explained the role and responsibilities of the DPS and asked Mr Karim if there is a Letter of Authority at the premises? Adam confirmed that the letter is hung on the wall by the entrance. We then proceeded into the premises to check on the CCTV progress and verify some other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

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

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

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

Signed:



Date: 15th August 2020

Manchester City Council

Statement of Witness

Statement of: Mikolaj Czechanowski

Age of Witness: Over 18

Occupation: Licensing and Out of Hours Officer

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

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

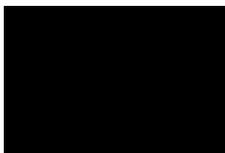
PC Christine McIntosh and I followed Gabriel back into the back office. After few minutes of searching Gabriel showed us some blank training documents related to Licensing Act 2003. None of them were completed or signed by any member of staff. I explained to Gabriel that this does not demonstrate at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

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

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

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

Signed:



Date: 15th August 2020

Manchester City Council

Statement of Witness

Statement of: Mikolaj Czechanowski

Age of Witness: Over 18

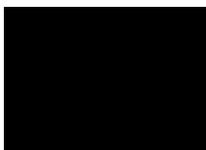
Occupation: Licensing and Out of Hours Officer

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

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

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

Signed:



Date: 15th August 2020



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Mahiki Manchester
25 August at 08:23 · 🌐

Tonight the boys from @25nuage are bringing the boho vibes to Mahiki!!
We're their official after party from 10pm!! 🍷

Last minute guestlist 📧 bdm@mahikimanchester.com



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



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ACES
Ready to play?

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

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MAHIKI MANCHESTER
Yesterday at 11:35 · 🌐

mahikimcr_ • Following
Mahiki

mahikimcr_ Mahiki presents 'ACES' launching 02.11.19 every Saturday from 8pm till late! 🗓️
Party in polynesian paradise until the early hours of the morning, at Manchester's freshest new night time destination! 🌟
With live entertainment, Manchester's best Dj's & atmosphere like no other, are you ready to party like the good ole days? 🍸
For Dinner & Drinks reservations please email bdm@mahikimanchester.com or contact us direct @mahikimcr_ #readytoplay?

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

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

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

Grab Your FREE Entry Tickets Here; [skiddle.com/e/13675905](https://www.skiddle.com/e/13675905)

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



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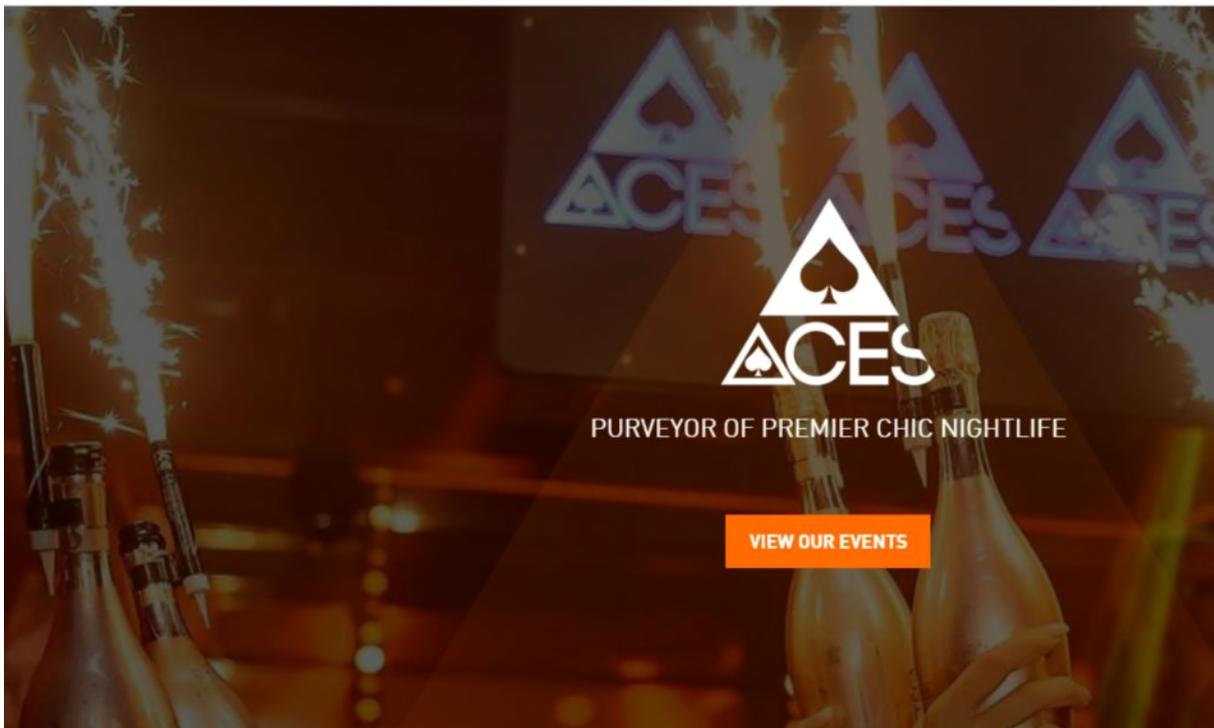
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NEW EVENTS COMING UP



Like Comment Share ...

 Mahiki Manchester

7 7 comments 3 shares

138 views · about a month ago

🍷 Competition time! 🍷

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

To enter:

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

T&Cs apply

Chat






MAHIKI

It's Complicated

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

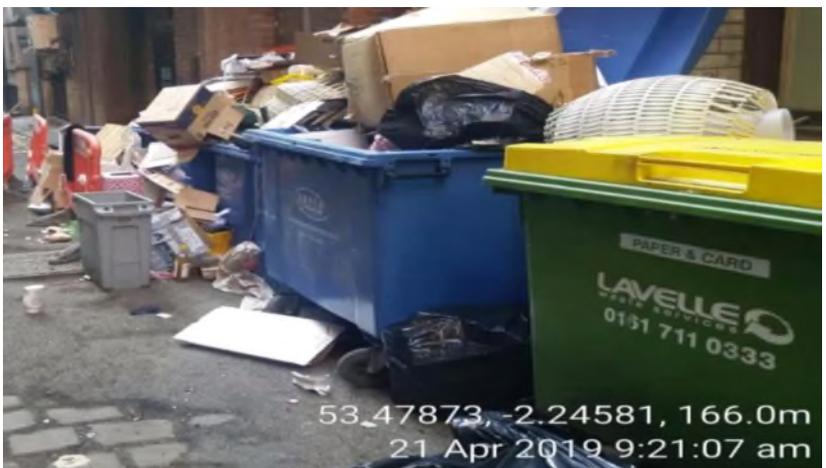
UNLIMITED DRINKS MENU

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

Book Now

Mahiki, 14 Central Street, Manchester

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



Mahiki, 14 Central Street, Manchester

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



Mahiki, 14 Central Street, Manchester

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



Mahiki, 14 Central Street, Manchester

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



Mahiki, 14 Central Street, Manchester

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



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



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

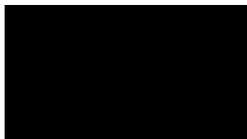
This statement consists of 1 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

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

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

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

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

Signed:

Date: 19 August 2020

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

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

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

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

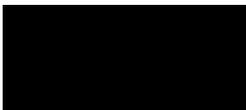
Although there were staff in the outside area, the staff from the venue did not interact with the vulnerable male on the floor. After officers made their presence known, 2 of the SIA door staff in the area then proceeded to call for an ambulance.

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

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

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

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

Signed: Date: 14th August 2020

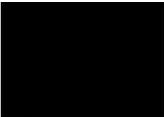
Manchester City Council**Statement of Witness****Statement of:** Gareth Hall**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

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

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

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

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

Signed:  _____Date: 24.08.2020

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

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

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

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

Signed:  _____Date: 24.08.2020

Manchester City Council

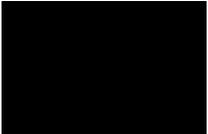
Statement of Witness

Statement of: Gareth Hall

Age of Witness: Over 18

Occupation: Licensing and Out of Hours Officer

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

Signed:  _____

Date: 24.08.2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

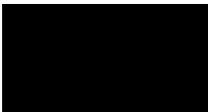
engaged in a short conversation, I told Mr Karim that the music level was unacceptable and I asked why when we visited the premises earlier, it was being managed well, but on our return the music could be heard from street level vibrating the windows, customers were on the dance floor and the music was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

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

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

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

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

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

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

14 Jul
2020,
12:16

to Anthony, Adam

Hi Gabriel,

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

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

Kind regards

Ben

Ben Spencer
Licensing & Out of Hours Compliance Officer

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

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

Adam Karim 

14 Jul
2020,
12:42

to Anthony, me

Hi Ben,

Yes they did and we will get that for you.

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

Regards

Adam

iPhone. iTypos. iApologise

Sent from my iPhone

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

14 Jul
2020,
14:35

to Adam, Anthony

Hi Adam,

Thank you for coming back to me.

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

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

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

Kind regards

Ben

Ben Spencer
Licensing & Out of Hours Compliance Officer

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

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

Anthony Mahiki 

15 Jul
2020,
03:44

to me, Adam

Hi Ben,

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

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

Regards

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

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

16 Jul
2020,
14:50

to Anthony, Adam

Hi Gabriel,

I am sorry to hear that, all the best.

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

Kind regards

Ben

Adam Karim <[REDACTED]>

17 Jul
2020,
15:42

to Anthony, me

Hi Ben,

I am unable to meet later this evening.

Can we change to tomorrow early evening?

Regards

Adam

iPhone. iTypos. iApologise
Sent from my iPhone

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

17
Jul 2020,
20:33

to Robert, Adam, Anthony

Hi Adam,

I can meet tomorrow, would 6pm be ok?

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

Kind regards

Ben

Ben Spencer
Licensing & Out of Hours Compliance Officer

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

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

Attachments area

Adam Karim <[REDACTED]>

17 Jul
2020,
22:08

to me, Anthony, Robert

Hi Ben,

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

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

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

Regards

Adam

iPhone. iTypos. iApologise

Sent from my iPhone

<Mahiki COVID 19 Prohibition Notice.pdf>

Adam Karim <[REDACTED]>

18
Jul 2020,
19:36

to me, Anthony, Robert

Hi Ben,

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

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

No vertical drinking

No dance floor

No bar service

No DJ

No charge on the door

Table service only

Stop serving at 2am. 30 minutes for dispersment

Music volume background only, at a level where customers do not need to raise their voice to speak

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

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

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

Kind Regards

Adam Karim

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

T: +44161 228 2482

E: [REDACTED]

W: www.dongiovanni.uk.com

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

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

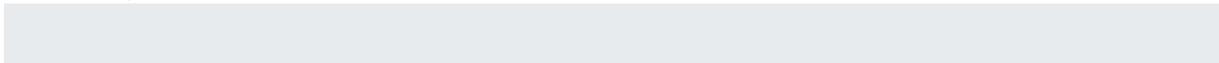
Date: Friday, 17 July 2020 20:33

To: Adam Karim <[REDACTED]>

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

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

Hi Adam,



Attachments area

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

18 Jul
2020,
20:15

to Adam, Anthony, Robert

Hi Adam,

Thank you for emailing over the above, points noted.

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

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

Kind regards

Ben

Ben Spencer
Licensing & Out of Hours Compliance Officer

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

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

Adam Karim <[REDACTED]>

18 Jul
2020,
20:28

to me, Anthony, Robert

Hi Ben,

No problem.

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

Regards

Adam

iPhone. iTypos. iApologise
Sent from my iPhone

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

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

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

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

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

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

- Vertical drinking
- Dancing
- Loud amplified music

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

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

Signed:

Date: 19 August 2020

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

from the previous weekend.

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

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

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

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

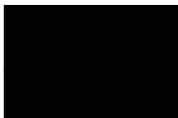
Ben Spencer advised that we were going to Mahiki to collect the requested CCTV.

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

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

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

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

Signed:

Date: 19 August 2020

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

the footage.

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

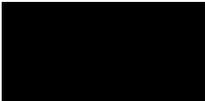
On Saturday 1 August 2020 I started my shift at 20:45, which runs until 04:30 the following day (Sunday 2 August 2020). Manchester had been placed into further Covid-19 restrictions on 31 July 2020.

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

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

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

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

Signed: 

Date: 19 August 2020

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

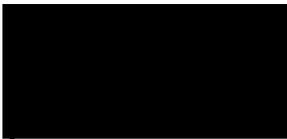
This statement consists of 3 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

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

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

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

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

Signed: 

Date: 17th August 2020

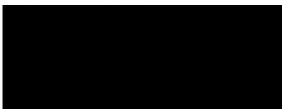
Manchester City Council**Statement of Witness****Statement of:** Niall Johnson**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Officer

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

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

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

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

Signed:

Date: 17th August 2020

Manchester City Council

Statement of Witness

Statement of: Niall Johnson

Age of Witness: Over 18

Occupation: Licensing and Out of Hours Officer

Exhibit: NJ01

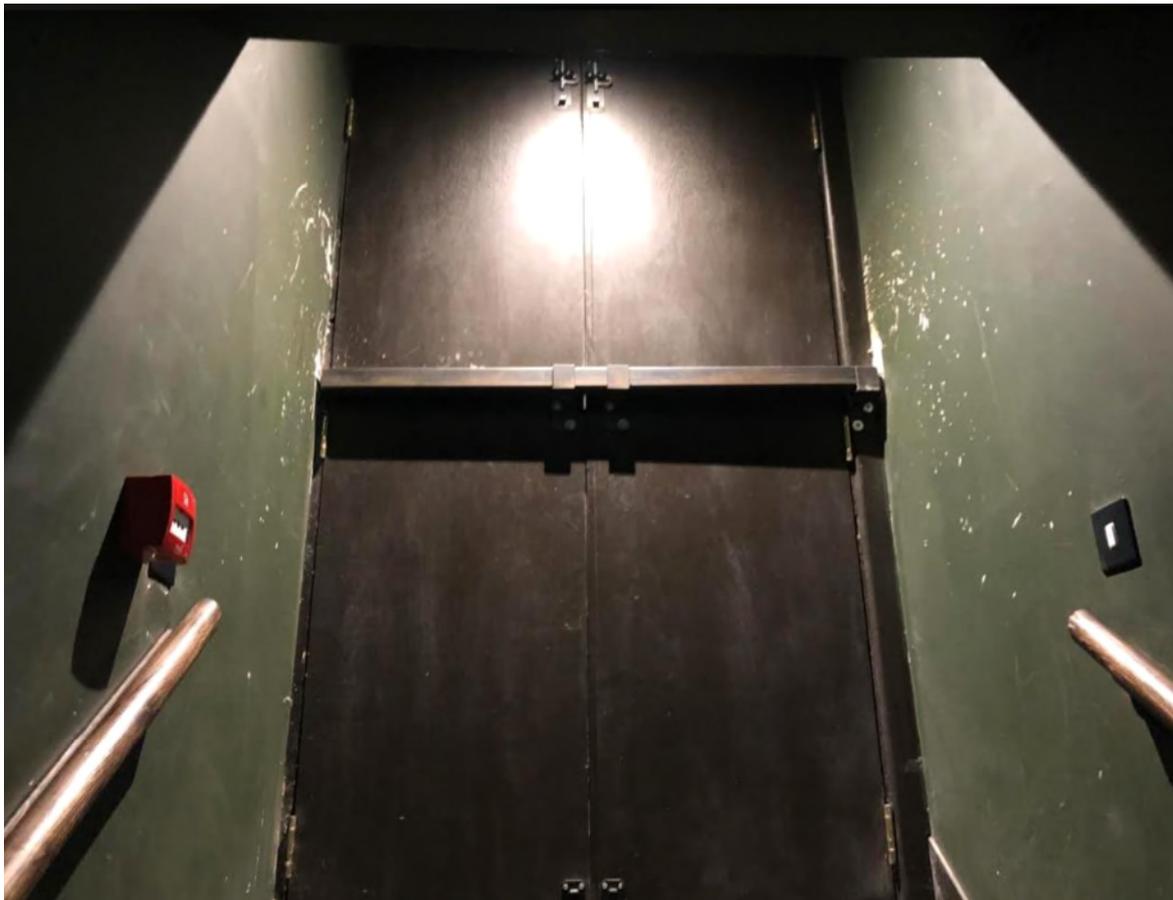
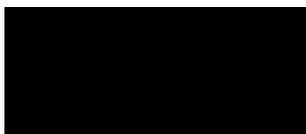


Photo taken @ 01:50hrs – 2nd August 2020. Side fire exit from basement floor of Mahiki to Southmill Street. Locked, bolted top and bottom and secured with a steel bar.

Signed:



Date: 17th August 2020

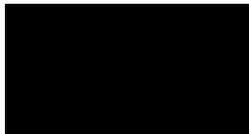
Manchester City Council**Statement of Witness****Statement of:** Robert Mason**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Team Lead

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

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

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

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

Signed:**Date:**19th August 2020

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

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

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

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

Signed:

Date:

19th August 2020

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

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

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

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

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

Signed:

Date:

19th August 2020

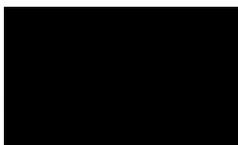
Manchester City Council**Statement of Witness****Statement of:** Robert Mason**Age of Witness:** Over 18**Occupation:** Licensing and Out of Hours Team Lead

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

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

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

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

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19th August 2020

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

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

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

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

Signed:

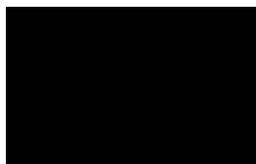
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19th August 2020

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

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

Signed:

Date:

19th August 2020

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

Wed, 5
Aug,
14:16

to Adam, Anthony

Hi Adam/Gabriel,

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

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

Kind regards

Ben

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

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

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

Adam Karim

Wed, 5
Aug,
14:55

to Anthony, me

Hi Ben,

Yes officers attended the site on the weekend.

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

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

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

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

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

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

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

Regards

Adam

iPhone. iTypos. iApologise
Sent from my iPhone

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

Fri,
7 Aug,
09:42

to Adam, Anthony

Hi Adam,

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

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

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

Kind regards

Ben