

WMP Evidence Bundle for Petite Afrique

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1

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

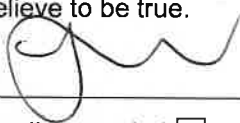
Statement of Ben Reader

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Constable 2413

This statement (consisting of 6 page(s) 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.

Signature: (witness)

 2413Date 15th October 2020Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 2413 Reader, a licensing officer based at Police Headquarters, Lloyd House, Birmingham.

This statement relates to Petite Afrique, a licensed premises located at 160 Hockley Hill, Birmingham B19 1DG. The licence is held in the old company name of La Reference and has a licence number of 4155.

Mr Rodrigue Tankeu made a transfer application in May 2020, during lockdown when the premises was closed. Since the premises has re-opened when the national lock down was lifted, Mr Tankeu has been the licence holder and the DPS.

The police approach has been around the 4 E's principle, Engage, Explain, Encourage, Enforce.

Officers have visited Petite Afrique numerous times since the 4th July when venues reopened. The visits have been to engage with the venue and explain the restrictions and guidance in place.

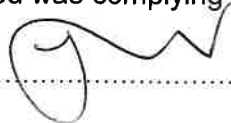
Sgt Nick Giess, the licensing Sgt attended the venue 3 times and spoke with the licence holder (Rodrigue Tankeu) he raised issues about volume of music, people dancing in the venue and the use of the pool table.

Following the third visit, the licence holder sent a very generic risk assessment to Sgt Giess. The licence holder stated that he planned to 'review and update it weekly'.

On the 4th September at approximately 22:55 hours, I attended the venue as part of Op Reliant. I went to this venue as it was one that was causing WMP concerns due to the way it had been operating. The music was very loud inside so I asked Rodrigue Tankeu to come outside so that I could talk to him. There were customers sat inside the premises. Rodrigue Tankeu told me that the music was just being tested and wasn't normally that loud. I found this improbable, especially as he had been advised about this before.

I asked Rodrigue Tankeu about his conditions and he told me that he had sent a RA to Sgt Giess. He could not give me an answer about the noise limiter which should have been in use. I didn't have confidence that Rodrigue Tankeu was complying with his licence or that he was complying with the Covid guidance.

Signature

 2413

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No.

2

URN

Statement of Ben Reader

On the 26th September, I was again deployed on Op Reliant, a force wide operation to respond to suspected Covid guidance breaches.

We drove past the location at around 22:20 and noticed a large number of vehicles outside. The metal shutters were half way down covering the main doors. I found this strange, as the venue should have been closed.

I turned on my bodycam and entered the premises at 22:25 and found approximately 40 people, including staff, inside the venue. Social distancing measures were not in place and the premises had failed to close at 22:00 as per the government measures. Customers were talking loudly, standing around and drinking at tables. Upon police attendance, someone shouted inside the venue. Customers turned to see me and my colleague in the corner and quickly began to leave. I did not say anything or direct people to leave, they just started to go. These customers who left were not wearing facemasks as per guidelines. I was really disappointed to see this happening.

I could see Rodrigue Tankeu, he was clearing up the tables. He came to speak to myself and my colleague. As the licence holder and DPS I was disappointed to see he did not have any form of face covering on. He said he had been trying to get people to leave since 21:45, he stated they would not listen to him and didn't want to go. I found this surprising as I know that this venue uses SIA door staff. He confirmed that his security staff had left at 22:00. I was surprised that he would let his doorstaff leave if he still had patrons inside the premises. This led me to believe that either Tankeu had no control of his venue, or that he did have control and that this was a conscious decision to send his door staff home and allow customers to stay past 22:00 for a 'lock in'.

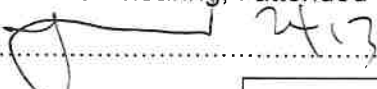
I asked Rodrigue Tankeu to show me the CCTV but he could not work it. I wanted to review the CCTV from earlier in the evening to see if the venue was operating properly. Whilst doing this, 4 members of staff were present inside the venue, none of whom were wearing masks.

I have been back to the venue and viewed some CCTV for the venue and have seen people at the bar being served just prior to 22:00.

The technician was in a rush to go elsewhere so the CCTV was requested to be burnt down. In the parts that I did see, I noticed that Rodrigue Tankeu was working behind the bar taking payments from people. There appears to be no table service in operation and only one member of staff behind the bar was wearing a face mask. Customers are sat at the bar drinking whilst other customers are at the bar paying. There was no social distancing in place.

Following the initial review hearing, I attended the venue at 14:00 on Tuesday 6th October to meet Rodrigue

Signature



Signature witnessed by

03/2016

Crime No.

3

URN

Statement of Ben Reader

Tankeu. Whilst outside the venue I noticed that there was no blue notice displayed outside of the venue. Rodrigue Tankeu stated that there was one but it must have fallen off. He handed me a USB stick which he had burnt down at my request. The footage is from 21:30 – 22:30 from 3 different cameras inside the venue.

I have viewed the CCTV from the venue and can offer the below summary –

Camera 11 is from the corner of the premises, it is situated above the door which leads from the bar to the staff area. It shows the end of the bar area. At 21:30, a female member of staff (I will refer to as Staff 1) is stood next to the door at the end of the bar. She does not have any visible PPE on. She is very close to customers and other staff, on occasion, touching and leaning in to talk to others. People are walking around, there is a large group sat at a booth on the right hand side of the camera. There are several people standing up engaging with people in this booth. Some of these people are dancing. One male is seen sharing a phone with at least two other people. This male and a second male are part of the group within the booth for several minutes. They then move off and go directly to the bar where they mix with other people.

At 21:39 people can be seen ordering at the bar.

At 21:45, a male goes over to the booth and shakes hands and greets two males who are sat down.

At 21:48, people are topping up their drinks from a bottle on the table, they appear to be filming on their phones.

At 21:52 it appears some of the disco lights are turned off.

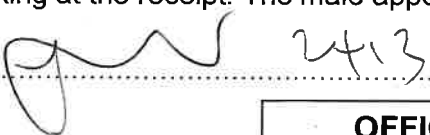
At 21:59 a male is at the bar, he pays cash to a member of staff who is standing on the public side of the bar area.

At 22:05, a female member of staff in a dress (I will refer to as Staff 2) leaves the staff area with what looks like a large oval container inside a white bag. She gives this to someone in the bar area. I believe that this is food.

At 22:06 customers in the booth reach for what looks like a glass bottle with a screw cap, which they open and top up their drinks, they then reach for a bottle of what looks like a soft drink/mixer to top up the drink further.

At 22:07 a male is standing at the end of the bar with something in his hand (possibly a receipt or cash), he gives this to a member of staff and is handed a white parcel which I believe is food. This male then chats with Rodrigue Tankeu. At 22:08, he is handed a second white parcel and two bottle. Rodrigue Tankeu is still there and is looking at the receipt. The male appears to hand over some cash from his back pocket and

Signature



Signature witnessed by

03/2016

Crime No.

4

URN

Statement of Ben Reader

leave.

At 22:09 a further white parcel is placed on the counter by staff, Rodrigue takes hold of this. He then takes this to a customer in the venue.

At 22:12, Rodrigue Tankeu is talking with a customer who takes out some notes and gives them to Rodrigue Tankeu. He speaks to a couple of males and then walks back to the bar.

At 22:13 two females come out of the staff area, one female (Staff 1) starts clapping as if to get people attention. The other has a white bag in her hand and goes to sit down.

At 22:14 Staff 1 and Rodrigue Tankeu are picking up plates of food and returning them to the bar.

At 22:15, staff 1 brings a further white bag out and hands it to a female sat in the booth.

At 22:22, Rodrigue Tankeu is still at the end of the bar, he has been there for almost 6 minutes as is not attempting to get people to leave. He then walks across to the booth and starts talking to people and checking on drinks in the ice bucket.

At 22:22:38, Rodrigue Tankeu turns and looks towards the door, at this point people start to get up. I believe that this is the point that I entered the premises. People then disperse very quickly. There is still alcohol in the glasses on the tables.

At 22:25, female 1 leaves the staff area with two further white bags.

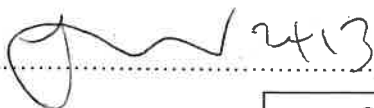
Camera 12 shows part of the dance floor area. The dance floor has tables spaced out on it, with tape on the floor. I would think that this tape is to demark the zones for social distancing. Customers are ignoring the tape and are moving between tables they are carrying their drinks and none are wearing masks. There appears to be no enforcement of any covid safe rules. This camera shows multiple people entering the vicinity of the table in front of the camera. These customers then 'mingle' with other customers. Right up until the point that I enter the premises, people are seen to be drinking from bottles at this table.

Camera 14 shows the main bar area.

At 21:30 Rodrigue Tankeu is working behind the bar. He is serving people who walk up to the bar. He is taking money, serving drinks and giving change. Only one member of staff behind the bar is wearing a face mask. Rodrigue Tankeu is not. Several people are at the bar, standing and drinking. They are not being served via table service. They are not wearing a mask when not seated.

At 21:33, there are still 3 members of staff behind the bar. They are continuing to serve customers at the bar and take payment.

Signature



Signature witnessed by

03/2016

Crime No.

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URN

Statement of Ben Reader

At 21:39 a group of males walk from the door area over to the bar. A female walks over and hugs one male, they then begin talking. Rodrigue Tankeu is behind the bar, serving, he is within a few metres of this group of males so would clearly see them and see they had no masks on and were not practicing social distancing. The group wait to get to the bar. At 21:41 there are at least 11 customers standing at the bar. For several minutes, staff behind the bar are serving customers. At 21:48 Rodrigue Tankeu serves this group of males himself, directly at the bar. They have been standing at the busy bar for over 8 minutes. These males don't go and sit down, they stay at the bar area and then talk with other customers in the bar. Rodrigue Tankeu stays behind the bar from this point.

At 21:56 he can be seen processing card payments from customers at the bar.

At 21:57 Rodrigue Tankeu appears to be taking cash out of both of the tills.

At 22:00, Rodrigue Tankeu uses a radio to talk to someone, he looks up at the CCTV screens. This could be the point at which he liaises with his door staff. The venue is still busy at this point. Rodrigue Tankeu look around, speaks to a member of staff, rechecks the CCTV and then uses the radio again. It is past 22:00, it is still busy in the venue and customers are still drinking.

At 22:01 another male with a radio comes to the customer side of the bar and talks to Rodrigue Tankeu. He then comes behind the bar and continues the conversation. He is not wearing a mask.

At 22:08 you see the transaction for food form the other angle. Staff 1 clearly takes money from the male who she has given the white parcels to. She puts the money into the till.

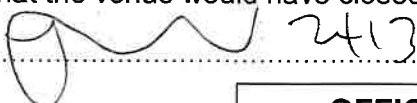
At 22:18 a male approached the bar and holds up two fingers whilst talking to bar staff. He is passed two bottles which he clearly pays for by tapping his phone against the machine.

At 22:23 you can see people start to leave, this coincides with my arrival.

You see two males at the bar, nearest to the camera. These two males have been at this location since the clip started at 21:30. They have not been challenged and have continued to drink and have a conversation. Sometimes seated and sometimes standing. One is drinking from a bottle and the other from a glass. The glass appears almost full at the time I walk in. The male 'downs' the contents of the glass. The other male secretes the bottle under his jacket and both then walk off.

I believe that customers are so comfortable in the venue that the only reason that the customers finished drinks and left so quickly was due to the presence of uniformed police officers walking in. This certainly led to people quickly leaving. If my colleague and I had not gone into the premises at 22:25, I have no confidence at all that the venue would have closed at any time soon. The tills had been emptied of cash, yet

Signature



Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

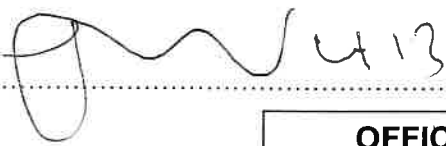
URN

Statement of Ben Reader

further transactions take place. At 22:08 a customer pays cash for food, at 22:12 Rodrigue Tankeu took cash from a customer in the venue, a further card payment for two drinks was processed at the bar at 22:18.

This venue is ignoring the guidance and hosting customers inside the premises post 22:00 with shutters half down. As yet, I do not know whether track and trace details have been collected, or whether the venue can evidence that they have been checking booking details and keeping bookings under 6.

Signature



Signature witnessed by

03/2016

OFFICIAL – (when complete)

(7)

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of Ben Reader

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Constable 2413

This statement (consisting of 2 page(s) 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.

Signature: (witness)

Date 19th October 2020Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

This statement is to dispute evidence given on behalf of Rodrigue Tankeu, at the licensing hearing on Friday 16th October.

The decision notice by the council contains the following –

'On 4th September 2020 PC Reader visited; he did not enter the premises; but he voiced the opinion that the music was too loud. Mr Tankeu explained that an engineer was on site putting a new noise limiter back on the wall. It was denied that he said that he had no noise limiter.'

This visit was captured on my body worn video.

I did go inside the premises, it was loud and I asked Rodrigue Tankeu to come outside so I could hear him.

As I left the premises I spoke with a member of door staff, he confirmed that there would be 4 door staff on and told me that the capacity for the venue was 250.

Rodrigue Tankeu came outside. We started talking about the operation of the premises. He told me that he would be having 80 people as a capacity. This is very different to the figure given by the door supervisor.

Rodrigue Tankeu stated that it was loud inside and that was because the music was being tested.

I started to go through the licence conditions with Rodrigue Tankeu. I said to him

BR 'Have you got a noise limiter fitted?'

RT 'I think we have one'

BR 'You would know if you had one'

RT 'Well the noise doesn't come out, the sound is quite clear'

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

8

URN

Statement of Ben Reader

BR 'No, its ok whether it comes in or out or not, but there's a condition that says a noise limiting device shall be fitted'

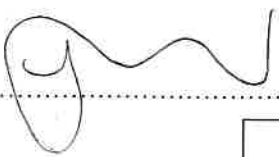
RT 'They told me they had one last time, when I had the talk with the DJ. I don't know whether he said it's broken or something like that. I'll have to double check with him today, if it's fixed'

He did not state that an engineer was on site and did not explain that a new noise limiter was being fitted.

Due to his unclear answer, I did not have confidence that Rodrigue Tankeu was complying with his condition of having a noise limiter in place.

At the time of my visit, the venue was open, customers were inside drinking at the tables and the music was loud. The PLH should have confidence as to whether the licence was being complied with and whether a noise limiter was in place and being used.

Signature

 2413

Signature witnessed by

03/2016

OFFICIAL – (when complete)

9

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of Nicholas Giess

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Sergeant 1041

This statement (consisting of 6 page(s) 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.

Signature: Nick Giess (witness)

Date 07/10/2020

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the aboved named Police Sergeant residing at the address overleaf.

I am the Sergeant in charge of the Licensing Team for Birmingham based within the Pan Birmingham Partnerships Team at Lloyd House.

I have been a Police Officer for nearly 28 years and have extensive relevant experience in dealing with Licensed Premises across Birmingham.

Whilst I am routinely deployed as a Police Sergeant on a day to day basis I am qualified by exam to the rank of Police Inspector and and I have a specific authority from Chief Superintendent Graham (the Police officer in charge of Birmingham West Neighbourhood Policing Unit) to perform the role and duties of Acting Inspector when required to do so.

This is recognised and permissible in law because of the qualifications that I hold and when deployed in that capacity (as an acting Inspector) I am able to exercise all of the additional powers that are available to a substantive Police Inspector. This is relevant as I am sometimes required to utilise powers available to an Inspector to close licensed premises.

This statement is in relation to "Petite Afrique" which is located at 160 Hockley Hill, Hockley, Birmingham B18 5AN.

This location has a premises licence from Birmingham City Council, licence number 115412. It is licensed for activity from 10:00 until 03:00 from Sunday until Wednesday and 10:00 until 05:00 Thursday to Saturday.

The premises have a number of operating conditions on the licence. It also had a number of committee imposed conditions including 'Challenge 25'

The DPS for the premises is Mr Rodrigue TANKEU. The premises does not sit within one of the city's night

Signature

Signature witnessed by

Crime No.

10

URN

Statement of Nicholas Giess

time economy areas, it is a standalone premises on Hockley Hill opposite the junction with Key Hill.

Since the reopening of bars following the national lockdown due to the Coronavirus Pandemic on 4th July 2020, all premises have had to amend their operating models to offer adequate additional covid safeguarding to their customers. I have been made aware of many repeated concerns from assorted members of the public and Police Officers over the way in which Petite Afrique were operating.

Effectively Petite Afrique was trading in much the same way it did pre-lockdown and had not amended its operations sufficiently to take into account the government guidance and legislation for licensed premises.

There are over 5000 licensed premises in Birmingham and Petite Afrique is not the only licensed premises in Birmingham that I or my staff have been in contact with and offering advice to regarding this. It is of note that nearly all premises we have engaged with have made an effort to comply with the legislation and government guidelines.

On Friday 7th August 2020 between 1800hrs and 0330hrs I was deployed in uniform as the Inspector in charge of the Police Support Unit (PSU) YM19 on Operation Reliant (which is the police response to Unlicensed Music Events (UME), licensing issues and house parties during the Pandemic.)

In the early hours of the morning on Saturday 8th August 2020 I visited another local venue (PB's which has since been closed for Breaches of covid legislation and was located virtually opposite Petite Afrique) the DPS for that venue (Nickesha REID-DAVIDSON) told me that I should "...look at them over the road as they are far worse than me, and the massage parlour up the road"

Because of the concerns raised I decided to visit Petite Afrique and offer support to Tankeu to assist him to bring the premises up to standard.

Petite Afrique's is accessed by a single door that front's onto Hockley Hill. There are usually 2 door staff outside with a small roped off area to assist with queue management.

It is a single storey premises and is not very large inside, with the Bar in the corner diagonally opposite to the entrance. There are tables and seating to the right as you enter and a dance floor area with a raised DJ Booth surrounded by seating on the left. The premises were well lit and I had a good clear unobstructed view around the inside. There is a small area that is boxed off on the left corner immediately opposite the bar and main door where there is a pool table but it is not visible from the entrance. There was a mix of people stood and seated and there were a few women dancing, the music was very loud to the extent that I had to shout to be heard when I spoke to TANKEU the DPS.

I spent about 15-20 min speaking with TANKEU who had the music turned down at my request, and he

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No.

11

URN

Statement of Nicholas Giess

asked anyone who was stood up or dancing to sit down.

He took me into the back office area (behind the bar) and I explained that he he could have people stood up whilst drinking or dancing and that he needed to keep the music at a much quieter level so that people did not have to shout as this reduced the probability of covid infection.

I asked about a Risk Assessment and he had not conducted one at that point. I explained the sort of issues that he needed to cover in his Covid Risk Assessment and explained that it was a legal requirement that he conduct one.

I estimate that there were between 50-60 persons inside the premises at the time and I explained that there needed to be 2 metre social distancing in place or that could be reduced to 1 metre plus if an additional control measure was put in place, (like persons being sat back to back or safety screens.) At that time there was inadequate social distancing with lots of table less than 1 metre away from each other and no additional safety measures were in place.

As we exited the back office area behind the bar I noticed a group of older looking men sat around what looked like a pool table, but no-one was playing at that time. I asked if the pool table was in use and explained that it could not be and Tankeu explained that it wasn't in use they were just sat around it. I could not see anyone holding a cue or standing near to the table at that time and I had no reason to doubt what Tankeu was telling me. I explained that the licensing team were there to assist and told him to contact us if he needed support. This matter was recorded on Police bodycam nowever I did not save it so it was automatically deleted 28 days later.

To clarify my point of reference and thought process at that time. The covid infection rate for Birmingham was around 20 people per 100,000 population at that point and Birmingham was about to be placed on the government's watch list for areas of the country that may need to be subject of a local lockdown which would be devastating to the regional economy. I was acutely aware that any venue operating without have adequate control measures in place were quite literally the breeding grounds for and cause of the spread of coronavirus, and because of this my team as well as other officers were investing significant time and effort in attempting to encourage all licensed premises to operate in a manner that was not a threat to public health.

In the early hours of the morning on either Saturday 15th or Sunday 16th August 2020 I was again deployed in uniform as the Inspector in charge of the Police Support Unit (PSU) YM19 on Operation Reliant. Due to an error on my part I did not record which specific day over that weekend that I visited Petite Afrique.

I was disappointed to see that despite having discussed a number of required improvements with Tankeu I

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No.

12

URN

Statement of Nicholas Giess

could not see evidence of any additional efforts to control the spread of the virus at the premises which were in fact busier than the last time I had attended.

There were about 80 customers inside. People were once again dancing and were stood up inside in breach of the covid guidance. As I walked in there were helium balloons around a party of about 10 women which looked like a birthday party. There was no evidence that the advice that I had given regarding social distancing had been complied with as the seating areas were still too close together without additional control measures. Again the music was so loud that I had to shout to make myself heard but this time when the DJ saw me, raised his hand as if to say sorry and turned the volume down. At the same time people stopped dancing and returned to their seats. I walked to the bar and spoke to Tankeu. We stood near to the bar and as I turned I could see a group of men stood drinking opposite me playing pool at the table that Tankeu had previously told me was not in use.

I again explained that people could not be stood up drinking in a licenced premises and that no dancing was allowed. I also explained that the music was too loud and that because of the volume it encouraged people to shout which meant that an infected person's saliva would travel further as they were forced to project their voice to be heard increasing the probability of infection. I explained that playing pool was not allowed as the customers could not play pool whilst seated. We were very busy that night and I was fitting the visit in between responding to incidents on the radio and did not ask to see the Covid Risk Assessment. I did stress to Tankeu that I was not happy that I could not see an improvement in the level of compliance and I was concerned as if anything the level of covid compliance had worsened between my first and second visit.

In the early hours of the morning on Saturday 28th August I was once again deployed in uniform as the Inspector in charge of the Police Support Unit (PSU) YM19 on Operation Reliant and I again attended Petite Afrique.

The bar was busy again with about 80-100 customers inside the music was still on too loud although upon seeing me enter the DJ turned it down straight away. There were people once more dancing although when I first entered I could not see anyone stood around as I had on previous occasions.

I walked to the bar and asked to speak to the DPS. As I waited for him to come out I could see people stood playing pool. In the recessed area opposite me and the door.

When he joined me I took Tankeu to the pool table (which I could see was a normal coin operated type that is often found in bars) and asked why people were being allowed to play pool when he had told me that the pool table was not in use and I had previously explained to him that they were not allowed to.

Signature

Signature witnessed by

Crime No.

13

URN

Statement of Nicholas Giess

"Well how am I supposed to stop them?" Tankeu replied to me.

I explained that he could cover the table, remove the balls, take away the cues, move the table to the side, or even just put a sign on the table saying 'out of use' and that any of those control measures would achieve that.

I asked why the music had been so loud after I had explained previously why it need to be at a background level. Tankeu said that the DJ must have turned it up and he had not noticed.

I asked why people were being allowed to dance and he told me that it was difficult to stop them.

I asked to see the Covid Risk Assessment. Tankeu took me to the back office but was unable to find a copy he then said oh I have it on my phone and showed me a PDF file on his phone.

I read the PDF. It was a poorly written generic blank risk assessment form that had not even been completed. I pointed this out to Tankeu and he said that he would email me the completed version later that day. He did so at 1509hrs later that day and I produce a copy of that risk assessment as exhibit () reference (NPG1.)

The text that was included in that email is below:

From: Kouamo Rodrigue [mailto:]

Sent: 29 August 2020 15:09

To: Nick Giess

Subject: [External]: Petite Afrique 10.08.20 Safe to open risk assessment 2.pdf

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Dear Sir,

Apologies for not being able to supply you with a printed copy last night. However, here is an electronic copy attached to this email. We will ensure to have a hard copy available on the premises at all time in the future and also, we aim to review and update it weekly. I would be more than happy to answer any further queries you may have.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

14

URN

Statement of Nicholas Giess

Yours Faithfully.

Rodrigue Tankeu

Sent from Yahoo Mail on Android

I am a Police Trained Risk Assessor and have been for the last 19 years. In my role as the Licensing Sergeant I have seen a large number of Covid risk assessments for Licensed Premises. This one is in my professional opinion completely inadequate and sub standard, it is infact the worst attempt at a Covid Risk assessment that I have seen.

I am aware that since then other officers have attended the venue and that they have also seen little evidencem of any effort being made to improve the levels of covid security despite the infection situation in Birmingham worsening significantly.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

15

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of Ben Reader

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Constable 2413

This statement (consisting of 1 page(s) 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.

Signature: (witness)

Date 19th October 2020Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

This statement is in relation to the risk assessment for Petite Afrique.

Following a visit from Sgt Giess, Rodrigue Tankeu sent an electronic copy of his risk assessment to Sgt Giess on 29th August at 15:09 hours, along with the following email -

Dear Sir,

Apologies for not being able to supply you with a printed copy last night. However, here is an electronic copy attached to this email. We will ensure to have a hard copy available on the premises at all time in the future and also, we aim to review and update it weekly. I would be more than happy to answer any further queries you may have.

Yours Faithfully.

Rodrigue Tankeu

This document is a Safe To Open checklist provided by the National Hospitality Academy. This document is not a RA specific to the venue.

I have contacted the training provider and asked if a site specific risk assessment was completed by the NHA for this venue.

Company director Mark Bowden replied and his email is attached.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Hi Ben

Just to confirm, and as you can see from the COVID guide we send out, this is a guide of ideas as to what to look to do when assessing a venue for COVID risk. We've provided some tick sheets for businesses to utilise in their own business risk assessment. The guide is on open access over social media, its not something we sell.

We don't provide actual risk assessments for businesses as we would have to attend the business and formally build one for that particular place, which is something we don't offer. What he should have done is used ideas from guides and government advice and done his own risk assessment based on his own venue. If he didn't know what a risk assessment was then a course on that very subject is suggested. In fact there is a link in the guide.

We provide paid training courses on risk assessment, health and safety, first aid and many others for the hospitality industry, but this company hasn't bought any, taken any or sought any assistance or guidance from us in COVID or anything else. It's clear that perhaps they should have!

I hope that helps.

Regards

Mark Bowden

Director

e-Learning | National Hospitality Academy

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www.nha.training



3 New Mill Court, Swansea Enterprise Park, Swansea, Wales, SA7 9FG

From: Ben Reader <b.reader@west-midlands.pnn.police.uk>

Sent: 19 October 2020 11:06

To:

Subject: Petite Afrique

Hello Mark,

As per our discussion, the above venue based in Birmingham has produced a document that they have classed as a 'risk assessment' which has your company details on it.

Is this a formal risk assessment completed by your company?

Thank you

Ben

2413 PC Ben Reader

Birmingham Central Licensing Team

Force Public Order & Public Safety Tactical Advisor

T: 101 (ext. 801 1669) Direct 0121 626 6099

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Provided By



NATIONAL
HOSPITALITY
ACADEMY

COVID-19 RISK ASSESSMENT

BUSINESS NAME

Petite Afrique bar & restaurant

Date Distributed

10.08.20

COMPLETED BY

Name

Rodrigue kouamo tankeu

Signature

Rodrigue tankeu

Date

10.08.20

REPRESENTATIVE

Name

Signature

Introduction

19

This risk assessment template identifies controls to minimise the hazard of COVID-19 spread.

COVID-19 is a novel virus that can affect your respiratory system. Various symptoms are associated, which can range from asymptomatic (none displayed) to severe. It can be transmitted from small droplets that are created when an infected person sneezes or coughs. These can be directly transmitted to another person through the air, or via a surface if a person touches their eyes, mouth or nose after coming into contact.

A competent person must carry out an appropriate COVID-19 risk assessment to help decide the control measures to implement within your business. This form will help you address what risks of COVID-19 are applicable to your business and identify suitable measures to control them.

You must consult with the health and safety representative selected by a recognised trade union or, if there isn't one, a representative chosen by employees. You must also share the results of this risk assessment with your employees. If possible, you should consider publishing the results publicly as well, e.g. on your website.

The risk assessment should be reviewed if the nature of the operation changes, or if the UK Government advice on COVID-19 changes.

People at Risk

Please place a tick next to each group at risk of exposure.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Employees | <input type="checkbox"/> Members of the Public |
| <input type="checkbox"/> Contractors | <input checked="" type="checkbox"/> Visitors / Guests |
| <input type="checkbox"/> Vulnerable Groups | <input type="checkbox"/> Extremely Vulnerable Groups |
| <input type="checkbox"/> Other, please state: | |

For all vulnerable and extremely vulnerable employees please ensure a specific risk assessment and health declaration form has been completed.

Please tick to confirm (if necessary):

- ☐ A specific risk assessment has been carried out
- ☐ A health declaration form has been completed

*Vulnerable groups have been classified by the NHS as at moderate risk from COVID-19, for example those pregnant or aged 70 or older. Vulnerable Employees who cannot work from home must be offered the safest on-site roles to enable social distancing.

**Extremely vulnerable groups are classified by the NHS as at high risk from COVID-19. They will have been informed by their GP that they are extremely vulnerable and will have received a letter confirming this, placing them in what is commonly known as the 'Shield' group. Generally, these individuals have been advised to not leave their home for any reason and therefore must not return to the workplace.

Control Measures

What facilities and/or procedures will you put in place to enhance the implementation of effective hand-washing practices by all employees to prevent the spread of COVID-19?

- ☒ Wash hand basins are provided to ensure that hand washing can be achieved.
- ☒ Wash hand basins to be supplied with soap and an effective means of drying hands.
- ☐ Paper towels are used for drying hands.
- ☒ Wash hand basins are supplemented with alcoholic hand gel.
- ☒ Hand sanitiser is provided at the entrance of the business and at suitable locations throughout.
- ☐ Employees carry their own personal hand sanitiser personal use.
- ☒ Gloves are provided and training has been given on their use.
- ☐ Other practices please state below:

Hand sanitiser is provided for all staff and customers on the bar area.

Social Distancing

What procedures will you put in place to ensure appropriate social distancing is maintained between employees in their work space?

- ☒ Wherever possible, social distancing must be maintained. This includes all work areas, entrances, exits and rest areas and is also applicable to visitors to the site.
- ☐ Where social distancing cannot be achieved, alter the task so people are stood side to side or back to back.
- ☐ Where social distancing cannot be achieved physical barriers (for example perspex screens) have been installed.
- ☐ Implemented measures to prevent non-essential movement between work areas.
- ☒ Created floor markings to ensure separation.
- ☐ Re-designed the workflow
- ☐ Other practices please state below:

Cleaning and Disinfection

What changes will you make to your cleaning and disinfection procedures to ensure they are capable of controlling the potential spread of COVID-19?

- ☒ Touch points, such as door handles, keyboards and fridge handles are disinfected regularly throughout the day and as a minimum the start and end of the day.
- ☒ Disinfectant used is effective against viruses such as COVID-19 and the contact time is adhered to.
- ☒ All touch points to be cleaned with hot soapy water as a minimum of once a day.
- ☐ Shared entrances to the business are part of the enhanced cleaning regime. This may require co-ordination with the landlord or other users of the space.
- ☒ There is sufficient supply of cleaning materials, recognising increased usage compared to normal.
If a person displays symptoms of COVID-19 in workplace or there is a confirmed case of someone with COVID-19 having recently visited the premises, then enhanced cleaning following the latest government guidance is undertaken.
- ☐ Colleague uniforms are to be laundered daily either professionally or at the highest temperature possible, above 60C, as not to impact the uniform.
- ☒ Employees avoid wearing their uniform on public transport.
- ☒ Personal belongings brought to work must be minimal and stored away in a locker.
- ☐ Other practices please state below:

Personal Protective Equipment (PPE)

What procedures will you put in place to ensure existing (standard issue) PPE worn by staff, such as overalls and gloves, are changed and cleaned regularly in accordance with government advice on COVID-19 control?

- ☒ If employees choose to wear a face covering, they must wash hands thoroughly before putting on and removing, avoid touching the face, change the covering if it becomes damp, change face covering at least daily, continue to observe enhanced hand washing, cleaning regimes and social distancing.
- ☐ Review current procedures for laundering PPE to prevent the potential spread of COVID-19.
- ☐ Laundering services or facilities installed within the premises to ensure PPE does not need to be taken home by employee.
- ☐ Other practices please state below:

Deliveries

What changes will you make to your delivery procedures to ensure they are minimising the potential spread of COVID-19?

- ☒ The number of deliveries to site have been reduced, for example by increasing the size of order and reducing frequency.
- ☐ Stop personal deliveries to the workplace.
- ☐ Have a clear area for deliveries to be marked in the workplace and maintain social distancing when delivery is being made.
- ☒ Hands are washed thoroughly after handling the delivered items.
- ☐ Signage is displayed to indicate the delivery area and informing delivery personal of the control on site.
- ☐ Other practices please state below:

Entering and Leaving Work

What procedures will you put in place to ensure appropriate social distancing is maintained between customers and or visitors?

- ☐ If there is a receptionist, then they must be socially distanced or a screen placed as a barrier.
- ☒ To facilitate social distancing, stagger times that employees arrive and leave work, reducing congestion at entrances & exits.
- ☒ Mark the floor at entrances to show social distance gap.
- ☐ If keypads are used to access building, consider deactivating if security can still be maintained. If key pads are used, ensure they are part of the enhanced cleaning regime.
- ☐ Markings placed at the entrance of the building to ensure social distancing is maintained before entering the building and queuing.
- ☒ Signage is displayed to inform the guest of social distancing measures and requesting they are observed.
- ☐ Other practices please state below:

Movement Within Work

What procedures will you put in place to minimise contact between employees, visitors and customers within the business?

- ☐ Reduce movement around building by discouraging non-essential movements.
- ☐ Restrict colleague movements to only essential areas.
- ☐ If lifts are used, restrict number of occupants to increase social distancing.
- ☐ Occupants of lifts to face away from one another and mark floor to indicate this.
- ☐ Lift to be included in the enhanced cleaning regime.
- ☒ If meetings must absolutely be held in person, maintain the social distancing and avoid sharing appliances, such as pens and whiteboards. Space meeting room layout to be changed to ensure distancing can be maintained.
- ☐ Meeting rooms are to have enhanced cleaning, with area being disinfected before and after meetings.
- ☐ Customers/visitors are to be clearly instructed on flow around the building, either through floor markings or signage.
- ☐ Other practices please state below:

Communal Areas

What procedures will you put in place to ensure appropriate social distancing is maintained between employees and visitors in your business?

- ☒ Stagger breaks to reduce occupancy of communal areas. If possible, take breaks outside in well ventilated areas.
- ☒ Seating to be rearranged to aid maintenance of social distancing and reduce face to face interactions.
- ☐ Ensure that the communal areas are included in the enhanced cleaning regime. If there are showers and changing facilities, ensure that they are kept clear of personal items.
- ☒ Reduce the likelihood of congregating in communal areas by altering service, for example providing table service, moving till points apart or use of floor markings.
- ☐ Review occupancy limit of toilets to ensure that social distancing can be maintained. Inform guest of revised occupancy of toilets and wait until facilities are available. Facilities to be taped off to ensure social distancing is maintained.
- ☐ Other practices please state below:

Travelling to work

What procedures will you put in place to ensure employees reduce the spread of COVID-19 travelling to and from work?

- ☐ If corporate vehicles are used to transport team, reduce number of people being carried to achieve social distance.
- ☐ If above cannot be achieved, then passengers to sit back to back or side by side and should wear a face covering.
- ☐ Work vehicles to be included on the enhanced cleaning regime.
- ☐ Other practices please state below:

Managing visitors

What additional procedures will you put in place to ensure any essential visitors do not present a risk of spreading COVID-19 to staff?

- ☐ Discourage visitors to the workplace. Where visitors are necessary, then inform them of the controls on site before arriving.
- ☐ Host of visitor to inform visitor of the site specific controls when arriving at site.
- ☒ Limit the number of visitors at any one time and consider organising visits when occupancy is low, for example if maintenance is required then undertake early in morning or late afternoon.
- ☐ If visitors have to sign in, ask them to use their own pen or have a means of disinfecting pen after each use.
- ☐ Other practices please state below:

Reduced capacity 50%

Home Working

How will you assess which employees work from home or return to work?

Employees will only return to the workplace if:

☒ They cannot do their job remotely.

☒ Where home circumstances mean working from home is not possible.

☐ Equipment required to do the job safely is unavailable at home.

☐ Employees have been identified as vulnerable or extremely vulnerable individuals.

☐ Other practices please state below:

Working Outside the Office and Home Office

How will you establish procedures for those employees who work remotely?

☐ Face to face meetings to be avoid where possible.

☐ Employees are encourage not to travel on public transport.

☒ Employees who cannot avoid travelling on public transport must wear appropriate face coverings when using travelling.

☒ All employees must observe social distancing at all times and wash or sanitise their hands when they arrive at their destination.

☒ Prior to a site visit, the employee must ensure that they are not exposed to unnecessary risks at the destination and a copy of the destinations risk assessment should be reviewed.

☒ All employees are trained to follow the sickness policy and inform their manager is they display any of the COVID-19 symptoms.

☐ Other practices please state below:

Managing the Workforce

Are there any specific tasks where maintaining social distance between employees presents a challenge, and are additional measures possible which will prevent the spread of COVID-19?

- ☐ Fix teams into work groups or shift patterns, reducing the number of individual contacts of an employee.
- ☐ If materials are passed between employees, for example office supplies or documentation, organise drop off zones where items can be left and then collected.
- ☒ All shared cutlery, crockery, cups and drinking glasses must be effectively cleaned and disinfected before use by others
- ☒ Ensure employees are not incentivised to work if they are feeling unwell.
- ☒ Ensure employees are not incentivised to work if they have had contact with a symptomatic individual.
- ☒ Content of the Fire Risk Assessment has been updated in this risk assessment to reflect any changes in layout.
- ☐ Other practices please state below:

Communication and training

How will you ensure all of your employees understand the measures needed to prevent the spread of COVID-19 whilst at work?

- ☒ All employees have read and understand the control measures detailed in this risk assessment.
- ☒ All employees receive COVID-19 training.
- ☒ All employees receive regular update training and are informed of the new control measures. If control measures are not followed, the employee is immediately retrained in them.
- ☒ All employees complete a COVID-19 Return to Work questionnaire to ensure they are fit to work.
- ☒ All employees understand the symptoms of COVID-19 and the action they must take if they are in contact with anyone that has the symptoms.
- ☐ Other practices please state below:

E Learning Covid course introduced by National Hospitality Academy.

Manual Handling

How will you review manual handling practices to take into account COVID-19 controls?

- ☒ All manual handling risk assessment have been reviewed to take into account social distancing measures.
- ☒ All employees have been consulted in the manual handling review and retrained in the new practices.
- ☐ Other practices please state below:

First Aid

How will you review first aid procedures to take into account COVID-19 controls?

- ☐ The first aid risk assessment has been reviewed to take into account COVID-19 controls.
- ☐ All employees have been consulted in the first aid review and retrained in the new practices.
- ☒ Other practices please state below:

All management and staff are enroled on the e learning courses

Ventilation within the Business

How do you ventilate your business to minimise the potential spread of COVID-19?

- ☒ Windows and doors should be left open to encourage ventilation of the space. This action must not impact other safety considerations, for example reduced security as the entrances are not secure or fire doors being propped open.
- ☒ Ventilation systems should be adjusted to achieve the max number of air changes possible whilst maintaining comfort. If there is a complex ventilation system, then guidance is to be sought from the company's ventilation and air conditioning advisors.
- ☐ Other practices please state below:

Common Hand Contact Surfaces

What procedures will you put in place for reusable hand contact surfaces?

- ☐ Reusable hand contact surfaces are replaced with alternative non-contact methods, for example menus.
- ☒ All reusable hand contact surfaces are cleaned and disinfected between use, for example PDQ machines.
- ☐ Other practices please state below:

All menus are sanitised after use

Review and Monitoring

What procedures have you put in place to review & monitor the control measures of this risk assessment?

- ☒ The risk assessment is updated at least yearly or sooner when the Government guidance changes or work practices change.
- ☒ Monitoring of control measures are undertaken throughout the day and recorded daily.
- ☐ Other practices please state below:

Risk assessment is carried out weekly

Dealing with COVID-19 in the Workplace

What procedures will you implement if an employee or visitor becomes unwell and displays symptoms?

- ☒ All employees that have been exposed to a symptomatic person must self-isolate as per Government guidelines.
- ☒ All employees who test positive must self-isolate and follow the sickness procedure.
- ☒ All employees must complete a return to work form after self-isolation or completion of a negative COVID-19 test.
- ☐ Other practices please state below:

Additional Information and Control Measures

Please state any further relevant information

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