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TRAFFORD COUNCIL

ADDITIONAL INFORMATION FOR LICENSING SUB-COMMITTEE MEETING

Date: Friday, 20 October 2023

Time: 10.00 am

Place: Committee Rooms 2 & 3 Trafford Town Hall, Talbot Road, Stretford,
Manchester, M32 0TH

AGENDA	PART I	Pages
2.	APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE - O2 VICTORIA WAREHOUSE, TRAFFORD PARK ROAD, TRAFFORD, M17 1AB	
	Additional information - Appendices I and J	1 - 4

SARA TODD
Chief Executive

Membership of the Committee

Councillors J. Holden, D. Jarman and S. Thomas

Further Information

For help, advice and information about this meeting please contact:

Miss Natalie Owen, Governance Officer
Email: natalie.owen@trafford.gov.uk

This agenda was issued on **Friday, 13 October 2023** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

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Before a Licensing Sub-Committee of Trafford Council

In the matter of:

A Review of the Premises Licence Number PLOOO631

and

The O₂ Victoria Warehouse

Second Statement of Nicola Duckworth

1. I am Nicola Duckworth and am the Team Leader for Environmental Health and I am authorised by Trafford Council to make this statement on behalf of Environmental Health in its capacity as a responsible authority.
2. Further to my previous statement in support an application for the review of the premises licence held by Academy Music Limited in respect of the O₂ Victoria Warehouse.
3. Within my first statement I referred to the issue on the 6th September 2023 by Alison Acton, an Environmental Health Officer employed by Trafford Council of a prohibition notice against the premises licence holders and others, prohibiting the first floor of the Victoria Warehouse being used until such time as there had been a reassessment of the load bearing capacity of that floor. I exhibited a copy of that notice as ND18.
4. On the 27th September 2023 the Council was provided with a pro-former notice of appeal that bore the stamp of the Manchester Employment Tribunal which I exhibit as ND20. The grounds of that appeal are set out within the body of the notice of appeal as:

2.1 The inspector was wrong to form the opinion that there had been any contravention of sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 or that any such contravention was likely to be repeated.

2.2 The Prohibition Notice fails to specify any aspect of the condition of the first floor upon which the Inspector bases her opinion that there "is a risk of overloading and collapse".

2.3 In the alternative, the Appellant asserts that the Inspectors opinion was wrong because, to the extent and purpose for which it was used, the first floor was

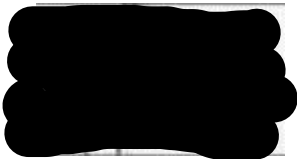
and is structurally sound in respect of dynamic loading from crowd movement.

5. On the 5th October 2023 the premises licence holder complied with the conditions of the notice by providing evidence that an assessment of the load bearing capacity had been carried out.
6. Notwithstanding the provision of that information, which rendered the notice to be of no further effect, solicitors acting for the premises licence holder have continued to seek an extension of the date for compliance with the notice until the 27th October 2023.

Statement of Truth

7. I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Dated 12th October 2023

A large black rectangular redaction box covering the signature of Nicola Jane Duckworth.

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Nicola Jane Duckworth

APPENDIX J

For official use only
Tribunal Office
Case Number
Date received



Name of Appellant: Academy Music Group Limited

Name of Respondent: Alison Joy Acton, Environmental Health Officer at Trafford Council

APPEAL TO THE EMPLOYMENT TRIBUNAL AGAINST A PROHIBITION NOTICE SERVED PURSUANT TO SECTION 22 OF THE HEALTH AND SAFETY AT WORK ETC. ACT 1974

Date of Prohibition Notice: 6 September 2023 (attached)

Serial Number: P/3466

Name and address of the Appellant: Academy Music Group Limited (AMG),
211 Stockwell Road, London, SW9 9SL

Legal representative for the Appellant: Squire Patton Boggs (UK) LLP, No. 1
Spinningfields, 1 Hardman Square,
Manchester, M3 3EB. Tel 0782 520 4407

Email: [REDACTED]

Tel: [REDACTED]

Reference: GXL.CLE.113-530

Premises to which the Notice relates: O2 Victoria Warehouse, Trafford Wharf
Road, Trafford Park, Manchester, M17 1AG.

Name and address of the Respondent: Alison Joy Acton, Environmental
Health Officer, Trafford Council,
Regulatory Services, Trafford Town

Hall, Talbot Road, Stretford,
Manchester, M32 0TH.

1 Details of the requirements being appealed:-

1.1 That AMG contravened :-

(a) Sections 2 (1) and 3 (1) of the Health and Safety at Work etc. Act 1974.

2 Grounds of Appeal

2.1 The inspector was wrong to form the opinion that there had been any contravention of sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 or that any such contravention was likely to be repeated.

2.2 The Prohibition Notice fails to specify any aspect of the condition of the first floor upon which the Inspector bases her opinion that there "is a risk of overloading and collapse".

2.3 In the alternative, the Appellant asserts that the Inspectors opinion was wrong because, to the extent and purpose for which it was used, the first floor was and is structurally sound in respect of dynamic loading from crowd movement.

3 Suspension of the Prohibition Notice

3.1 The Appellant seeks an order suspending the effect of the Prohibition Notice pending the determination of this appeal on the ground that the Appellant will be substantially prejudiced by its inability to make any use of the first floor of the premises.

4 Remedy sought on Appeal

4.1 On the basis of the Grounds of Appeal set out above the Prohibition Notice should be cancelled

Dated: 27 September 2023



Gary Lewis
Director
Squire Patton Boggs (UK) LLP

Solicitors for the Appellant