

Statement of Nicola Duckworth

1. I am Nicola Jane Duckworth. I am Team Leader for Environmental Health employed by Trafford Council. My duties include enforcement of legislation in relation to Food Hygiene, Public Health, Health and Safety at Work and Safety at Sports Grounds. As part of my role, I am also consulted on premises license applications as Environmental Health are one of the responsible authorities.
2. My involvement with Victoria warehouse commenced on 9th June 2019, when I became involved in Joint visits to the venue with the licensing enforcement team, at the time of the visit I witnessed a lack of control in relation to the queuing of people at the start of the evening and dispersal of the crowds at the end of the evening. The main concerns were around traffic speeding down Trafford Wharf Road, and the risk of persons being struck by fast moving vehicles, either intentionally or by accident. There was also no evidence on site of the risk assessments for events and activities at the venue. The medical facilities which were provided were in a poor state and included a lack of hot water. A letter was sent to the venue on the 18th July 2019. (NJD1)
3. On the 5th February 2020 a visit was carried out to the premises and concerns were raised over the ingress and egress to the premises. A letter was sent to the premises 20th February stating my concerns (exhibit NJD 02). This letter again outlined concerns in relation to unsatisfactory management of crowds outside the venue, Risk assessments which were sent did not adequately address the risks which were posed by holding such an event, a concern was also raised in relation to the management of events in relation to other events which were being held in the vicinity of the venue, for example when an event clashed with a football match which had seventy four thousand people attending, and trying to leave the premises.
4. A further letter was sent on 12th March 2020- chasing a response to the letter of the 6th February. (NJD03).
5. Due to the Covid pandemic- music venues of this nature were closed in March 2020, and no further action could be taken.
6. On the 12th May 2021 I was copied into an email from the Senior Licensing Officer at Trafford Council Keiran Hinchliffe, this email contained a letter which addressed some concerns in relation to the operation of the venue, and sought to start to resolve the issues ahead of the venue opening back up to the public once Covid restrictions had been lifted. The main points addressed within the letter included proper systems for ingress and egress, CCTV issues, lighting, medical provision. A schedule of multi-agency meetings was proposed to include Greater Manchester Police, Licensing, community safety, and the environmental health team. (NJD04)
7. Following a multi-agency meeting on the 9th July 2021, Rachel Christie who was acting Head of Service for public protection at Trafford Council, wrote to lee Atkinson (licensee at o2 Victoria warehouse, to explain to him the issues we had been flagging since 2019 in relation Traffic management outside the venue and advised him to seek out some expertise to assist in putting a plan together.(NJD05)
8. Following the relaxation of covid restrictions music venues were allowed to re-open and a visit was carried out on 6th September 2021, in order to assess whether there

had been a change in the methods of queuing. It was apparent at the time of visit, that nothing had changed as it was evident that the queues were winding along the pavement and across roads, cones had been placed in the road which meant that there was no protection of people from oncoming traffic, and the concern was again that people in crowds could be subjected to vehicle borne attacks. The stewards which were present were sparse in number and were doing little to move the crowds along.

9. Following the visit, Suzanne Whittaker Regulatory services manager wrote an email to the venue and asked them to review their queuing methods, they assured us that they would review. (NJD06).
10. On the 21st September 2021, I emailed the venue and requested an event management plan for an event which was due to be held on 22/9/21. I was concerned as there was a clash between the event and a football match which was due to be held at Manchester United. I was aware that because of this clash, it was unlikely that the venue would be able to utilise the adjacent car park E3 which was owned by Manchester United Football Club. This car park had been offered up as a suggestion for a safe queuing space by Lee Atkinson at a previous meeting. I received Lee's out of office and therefore contacted his deputy Melissa Bury, who informed me that the plan was to queue people along the road, as the E3 car park was not available due to the football fixture. This immediately concerned me, as we seemed to have back tracked on an agreement not to queue on the road, and no specific plan had been put into place therefore putting members of the public and venue staff at risk from being hit accidentally or on purpose from vehicles moving along Trafford Wharf road. There was also a concern that as there had been no communication by the venue with Manchester United football club, that issues may arise at the end of the fixture and event in relation to large numbers of people circulating around the area, which may have an impact on public nuisance, crime, and disorder as well as public safety.
11. An improvement notice under the Health & Safety at Work Etc Act 1974 Section 21,23 and 24 requiring a risk assessment of the ingress and egress was served on Academy Music Group 23rd September 2021. As I felt that no action to rectify matters in relation to unsafe queuing and dispersal from the venue was not being dealt with. (NJD/08)
12. Academy music group appealed against the notice to the employment tribunal on 15th October 2021. (NJD09) The notice served under the Health & Safety at work Act 1974, once appealed is suspended, pending an appeal hearing. No acknowledgement has been received by Trafford Council from the Employment Tribunal as to that appeal and despite enquires being made about it by the Council with the Tribunal no trace of the appeal has been discovered.
13. I continued to work with the team at Academy Music G(AMG) in order to work on getting a plan in place to improve crowd safety at ingress and egress, Trafford Council Highways team also had some involvement in advising , on December 5th 2021, I was copied into an email chain between the highways team in relation to traffic management plans. Photographs contained within the emails demonstrated that there was still an issue with vehicle/pedestrian interaction on match days. (NJD10).
14. On the 6th May 2022, An email was received from Lee Atkinson General Manager at the venue to tell us that a new general manager was taking over . Russell Taylor-Toal

15. On December 15th 2022, an incident occurred at O2 Academy Brixton in London, which is the head office of Academy Music Group. The incident involved a crush at the venue at performance by Afrobeat's Singer Asake. Concert goers (some who were thought to be ticketless), tried to force their way into a sold-out Gig. A 23-year-old Security guard and a mother of two lost their lives amid the crowd surge. A third woman remains in a critical condition eight months on. The Metropolitan Police applied to Lambeth County council to have the premises licence for the venue revoked. AMG have since submitted a licence variation offering conditions to which they can reopen with enhanced safety measures. The licensing hearing for this is on the 11th-12th September 2023.
16. Following the notification of this incident a decision was made to carry out a further visit to the O2 Victoria warehouse, to ensure that they had adequate provision in place to manage crowds both inside and outside the venue.
17. The visit was carried out and several issues were identified. This was in relation to the provision of medical facilities, it was noted that they were unclean, and the staff provided did not meet the requirements of the purple guide, The medical assessment which had been carried out was very general and the staff on site were not qualified to the level required. Issues relating to provision of hot water were also noted. At the time of the visit, I questioned the management of the crowd, as it appeared that there was a lack of control on how many people were able to access the first floor level of the building. Whilst a steward was positioned at the bottom of the stair case, he did not appear to have any means of counting or instruction on numbers he was to allow up onto the first floor.
18. The first floor of the building was made up of a bar area/ toilets and a balcony which was looked out onto the main shed A, where live music acts played. I was unable to find any event specific information about how this was managed. I sent an email outlining my concerns to the venue, and asked for information in relation to capacity and structural stability of the balcony. I also requested information on the crowd management plan for Shed A and the mezzanine, I was informed at the time that the company were currently working on putting a plan together. (NJD12)
19. A response was received from the venue in relation to the capacity, but there was no explanation as to how these figures had been reached.
20. A stewarding plan was received on the 20/2/23. This was a generic stewarding plan and was not event specific. The Stewarding plan was also written by the Stewarding Company, Compact Security Services Ltd. In order to risk assessment the need for numbers of steward, it is important to look at each event on
21. On the 8th March 2023, I sent an email to the venue in relation to an event clash with Manchester United football club, whilst it had been considered what effect the event may have on the circulation of fans and people attending the Victoria warehouse, no written risk assessment was provided, A general Traffic management plan was provided in this case.
22. An email was received on the 21/4/23 in relation to the structural information which had been requested for the mezzanine floor. The information provided was passed to AMEY who advise Trafford Council on construction and structural issues, they required

further information in order to be satisfied that the mezzanine and first floor level for safe for people to use, where they may be dancing and moving around(ND14)

23. On the 17/5/2023,& 19/6/2023 I chased a response to the email as I still had not received one.(ND15)
24. Due to the concerns in relation public safety and the risk of collapse of the mezzanine and first floor areas of the venue, Environmental Health Officer , Alison Acton emailed the company 10/8/2023 . This email requested information in relation to the structural stability in the within 7 days otherwise we would consider taking legal action under the Health & Safety at work act 1974. The concern in relation to the delayed provision of this information, is that firstly the venue is should have assessed the suitability of the venue for the activities which are being carried out there. This should be done for each event , and should be documented. The licence in place does not impose any conditions on the venue to ensure that this done.(ND16)
25. A response was received by Alison Acton on the 16th August 2023, from the Keith Foreshaw Property Manager at Live Nation , which stated that some checks had been made and a structural engineer had recommended that the balcony which overlooks Shed A , be restricted to a capacity of 25 person , from the original figure of 660, until sufficient checks could be carried to to ascertain the structural integrity.(ND17)
26. A further visit was carried out at the premises on the 23rd August 2023. There was no match on at Manchester united, queuing was in E3 carpark (belonging to Manchester United). A traffic management company was available to enforce road closures. After looking at some issues we spoke to the medical team on site, as they expressed concerns that they had been moved from their usual position and therefore they may find it difficult to reach or attend to a casualty should an incident happen. We requested a copy of the medical assessment, it did have a title of TV girl which was the event being held, but the medical assessment was general in nature, and did not outline the suitable positions of the medical team in order for them to be able to attend to the crowd. The Assessment was documented by the medical provider and was not a document owned by the venue. The licence in place currently does not impose any conditions in relation to the specific requirements of a medical needs assessment, and this could impact public safety, as well as safety of those attending the event.
27. We requested health & safety risk assessments which were specific to the event which was being held on that night “ TV Girl”. I was told my the general manager that the Company Live Nation the umbrella company for Academy music group Ltd was currently reviewing the procedures. We were told this in previous correspondence and earlier visit carried out in February 2023.
28. I took copies of documentation which was titles h&s risk assessments. These risk assessments were related to physical aspects of Victoria warehouse and did not address crowd management issues or risks posed by individual events held at the venue.
29. The risk assessments which had been completed by the security company Compact Security, addressed the risks to their staff only from issues relating to the crowd.

30. During the visit made to the premises on the 23rd August and following conversations with Russell Taylor-Toal, we were informed that a building control certificate for the change of use from a warehouse to a music venue had been found, I explained that I looked forward to being passed a copy, as this document would go some way to providing the reassurance that we were seeking that the music venue was fit for the purpose it was being used for.
31. Whilst I was aware that a external building control inspector would have been used to oversee the works, it would be normal practice for the local authority to issue a completion certificate for the works and hold this document on file. Trafford Council have not issued a completion certificate.
32. Further structural calculations were then passed by academy music group to Trafford Councils appointed Structural Engineers, who have reviewed all the documentation which has been passed to us. They are of the opinion that there are still gaps in the information which has been provided and therefore we this does not prove that the first-floor level of the building is safe for the activities which it is being used for. Alison Acton Environmental Health Officer, served a prohibition notice under the health & safety at work act for the use of the first floor of the building (NJD 18)
33. Following a review of the Health and Safety Documentation, Alison Acton Environmental Health Officer has served an improvement notice requiring event specific risk assessments to be carried out by Academy Music group. This notice will expire within 21 days.(ND19)
34. I have now had chance to review the premises licence in respect of this venue **PL000631**. This venue is licenced for indoor Plays, Films, indoor sports, Boxing/wrestling, Live music indoors, recorded music indoors, Dance Indoors, Alcohol sales on the premises and Alcohol sales off the premises. It also has late night refreshments licence. The Licensee is Russel Taylor-Toal.
35. I have reviewed the documentation which has been provided and I of the opinion that the licensee has failed to operate the premises in a manner which is consistent with promoting the licensing objectives for the following reasons:

Public Safety

- a. The Licensee has failed to maintain a safe and secure premises which is fit and suitable for the purposes it has been granted a licence for PL000631;
- b. There was no evidence that a building control completion certificate for the change of use from a warehouse to a music venue had been achieved.
- c. There is no evidence that the AMG has sought to obtain any information prior to our involvement in relation to the structural integrity of the building that they are using for the activities as listed in licence PL000631. There is no evidence that there have been any ongoing structural checks carried out during the time the premises has been occupied by AMG
- d. There has been no site-specific risk assessment carried out by AMG, which assesses the risks which are presented by individual events.

- e. There is no specific event management plan which addresses crowd management and control within the venue, depending upon the nature and type of the event- a generic system of low/medium/high rating is used, which does not adequately address individual risk which might be present by a specific event.
- f. There is no written system in place to liaise with other premises within the immediate vicinity in relation to the management of their events in order to ensure that there is no safety issues highlighted.
- g. The documentation provided does not take into consideration the risks which may be posed acts of terrorism and how it can implement the up coming requirements of the protect duty.
- h. The stewarding plans in place are not event specific, and the stewards briefings do not adequately convey safety messages in relation to possible crowd management issues. The stewarding plan has been provided by a contracted company and not by AMG.
- i. The medical plan for each event is lacking in detail and whilst does have a change in name depending on the event, it does not reflect information which should be provided in such a plan. On some visits staff at the venue have not been adequately trained.

Prevention of Public Nuisance:

- j. Following a review of the visits carried out and the documentation provided the plans which have been provided, do not sufficiently address any impact on the surrounding neighbourhood,
- k. In particular AMG have not addressed the impact of parking when an event is on at the venue
- l. They have also not considered in their plans the impact of holding an event on a same day and time as other venues in the immediate vicinity, for example Manchester United Football Club, Lancashire County Cricket club.

Prevention of Crime and disorder:

- m. The documentation which has been reviewed does not take into account the impact of an event when other events are happening in the area.
- n. The documentation provided does not take into account the risks posed by people being in a crowded space
- o. The documentation provided does not show how the venue manages the safety of all people in relation to acts of terrorism.

Prevention of Children from harm

- p. Some events held at the venue allow children from the age of 14 into the premises accompanied by an adult. For all of the reasons above there is not sufficient evidence in the document review that this licensing objective is being met.

36. In such circumstances and have concluded that the operation of the premises does not promote the licensing objectives and creates risks to public safety and children in circumstances where there is a risk of crime and disorder and public nuisance, I am authorised and do make an application for a review of the premises licences referred to herein.

Statement of Truth

37. 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.

7th September 2023



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Nicola Jane Duckworth