

APPENDIX I

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

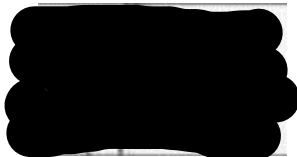
and is structurally sound in respect of dynamic loading from crowd movement.

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