

From: Phil Crier

To: James Parry, Suzanne Whittaker, Clare Whittle, Nicola Duckworth

4 October 2023 11.37

Dear Mr Parry

Thank you for your 29th September email in relation to the above matter.

At the meeting on 19th September, it was agreed that AMG would review Trafford's draft conditions and revert back with their comments. At the meeting, officers accepted that the conditions had been pulled together from other sources and that some may not be specifically relevant to the operation of my client's premises and it was appropriate for wording and content to be reviewed. In fact, the wording of one of the conditions was altered by agreement at the meeting itself for this very reason. A revised draft of the conditions was handed to me at the meeting by Clare Whittle with a Word copy emailed to me the following day, again so we could review and comment on the updated proposals.

It is a very normal process in licensing proceedings for engagement between the premises licence holder and responsible authorities to take place and it is encouraged and expected with a view to promoting the licensing objectives. I would specifically refer you to paragraph 8.48 of the s.182 Statutory Guidance which states: "*All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively.*"

With this objective in mind, my clients sought early engagement with the Council and had considered the 19th September meeting to be a constructive one, with the intention (as agreed at the time) of a further meeting being arranged ideally before the end of the representations period on 5th October so that a further review of the conditions and relevant supporting documentation could be considered.

In view of the above, it is very surprising that the responsible authority now takes the view that the "*conditions proposed by them are the minimum that is required*" and that my clients' "*acquiescence*" to those conditions is required or there is no point in a further meeting. With respect, this sudden change in approach is hardly demonstrative of partnership working. It is right and proper for my clients, as the operators of these premises, to offer a view on whether or not specific new conditions are appropriate and workable for their business, and for these views to be considered by the Responsible Authority. The licensing sub-committee would expect this process to have been adopted when they consider the application at the hearing on 20th October 2023.

It would appear from your email that your change in approach to engagement on the proposed conditions has been influenced by the fact that my clients have an outstanding appeal against an Improvement Notice and have submitted two further appeals against the recently served Prohibition Notices. If correct, this would be a highly irregular and irrelevant consideration. It is totally improper for my clients to be pressurised by the Council into not pursuing their legitimate right to proceed with an appeal on the basis that otherwise the Council would withdraw from further engagement in the licensing process. Any failure to follow paragraph 8.48 of the Statutory Guidance (referred to above) will need to be explained to the Licensing Sub-Committee at the 20th October hearing.

In any case, your comments in relation to the Improvement and Prohibition Notices are misplaced. Although I am not acting in respect of these matters, I understand that a very constructive meeting was held between my clients and Council officers on 27th September 2023 at which a considerable amount of documentation was provided and details discussed in relation to the Notices, one of which was served on Live Nation who have no direct involvement with the venue. This is a further example of my clients' full engagement with the Council and you can be assured this will continue.

I would therefore ask that the partnership working approach with the Council is resumed for the premises licence review proceedings. I intend to submit an updated revised set of proposed conditions on 5th October together with supporting documentation and would ask if this can be reviewed by Council officers and we would welcome their comments.

I do think it would be very helpful to all stakeholders for a further meeting to be arranged before the 20th October hearing date with a view to seeking agreement, or at the very least narrowing the issues of dispute. This will certainly be helpful to the committee members at the hearing and I trust this approach can be agreed.

I look forward to hearing from you.

Regards

Phil Crier
PBC Licensing Solicitors