

From: James Parry
To: Phil Crier
Sent: 18th October 2023, 09.57

Dear Mr Crier

When I last wrote to you I indicated that I would let you have the responsible authorities view on the required conditions and your proposed amendment. I now enclose a clean copy of what is sought by the responsible authorities which includes amendments to reflect some of your proposals. There may be limited scope for a further discussion as to what is required in respect of condition 4.9.12. however your proposals are currently unacceptable.

I also agreed to provide you with any further comments I received as to the documents you have submitted in an attempt to meet the responsible officers concerns. I have now received further remarks which suggest that documents are still inadequate in that:

1. There are discrepancies between the trading capacity, 3,500 and a declaration that the capacity is 3,917. It is unclear how these figures have been arrived and where the reduction is to be achieved. Please note there should be clarity within the documents that capacity should include reference to the total number of person on the premises, not just paying guests.
2. There is a further absence of information as to the capacity on club nights.
3. The event risk assessment does not set out how stewards are to be briefed in respect of the event.
4. The security plan does not establish how your clients propose to test that the security briefings have been understood by stewards.
5. There are no details of how your client's propose to train non SIA licenced staff in safety roles.
6. There are no details of steward specific training
7. There is no contingency plan evident as to how your client's will deal with a situation where inadequate number of stewards, SIA badged staff or medical staff attend at any given event.

In terms of an agenda for our meeting tomorrow I propose the following:

1. How do your client's propose to progress to conclude the appeal purportedly lodged against the improvement notice of the 21st October 2021? You will recall from lodging the appeal that it related to an absence of appropriate risk assessments and that its effect is, if it has been properly lodged is to suspend the notice. In the absence of that matter being concluded it is arguable that any conditions would be worthless leaving the sub-committee, should it share the responsible authorities view that there have been defects and further action is required with little option other than revocation of your client's notice. You will recall being placed on notice of this issue at our last meeting when you did not want to be cross examined about it. I assume that you have had sufficient opportunity in the interim to make the necessary enquiries and to put the necessary arrangements in hand.

2. How your client's propose that the sub-committee could conclude, given the enforcement history, that there is any prospect that your clients have the ability, willingness and intent to promote the licensing objectives. In the absence of such an ambition or intent, it would seem there is little point in dealing with proposed conditions which are unlikely to be adhered to.
3. If necessary, further discussion as to conditions, although you are now aware of the view of the responsible authorities.

Similarly, in terms of the review hearing, there appears to be merit in the sub-committee being invited to approach the matter in two stages;

1. Do they believe that there is any basis upon which they could find that your clients have the capacity and ability to promote the licensing objectives, and:
2. If and only if the answer to that question is "yes", what conditions are required.

It would seem that were the sub-committee to find that there is no prospect of your clients acting in a manner that is capable of promoting the licensing objectives there is little point in discussing conditions as the outcome would be somewhat inevitable.

Kind regards

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