

## **TRAFFORD COUNCIL**

**Report to:** Licensing Sub-Committee  
**Date:** 20<sup>th</sup> October 2023  
**Report for:** Decision  
**Report of:** Head of Regulatory Services

### **Report Title**

**APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE – O2  
VICTORIA WAREHOUSE, TRAFFORD PARK ROAD, TRAFFORD, M17 1AB**

### **Summary**

The Licensing Authority has received an application from Nicola Duckworth, Team Leader Environmental Health, Trafford Council requesting a review of the Premises licence held by Academy Music Group Limited in respect of the 4 licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

### **Recommendation(s)**

The Sub-committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act 2003 (if any) as it considers necessary for the promotion of the licensing objectives.

The steps stated in Section 52(4) are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three

months.

The Sub-Committee also have the option to take no further action or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

Contact person for access to background papers and further information:

Name: Joanne Boyle  
Contact: licensing@trafford.gov.uk

## 1. BACKGROUND

- 1.1 At any stage, following the grant of a premises licence, a responsible authority, such as the Licensing Authority, police or the fire authority, or an interested party, such as a resident, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.2 In every case, the representation must relate to the particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives.
- 1.3 The licensing objectives are:
  - The prevention of crime and disorder
  - The prevention of public nuisance
  - Public safety
  - The protection of children from harm

## 2. APPLICATION

- 2.1 On the 7<sup>th</sup> September 2023 the Licensing Authority received an application from Nicola Duckworth (Team Leader) Environmental Health, Trafford Council for a review of the Premises Licence PL000631. The licence is held by Academy Music Group Limited (AMG) for premises known as O2 Victoria Warehouse, Trafford Park, Trafford, M17 1AB. A copy of the application and current licence is attached at **Appendix A** and **Appendix B** respectively. A copy of Nicola Duckworth's statement is attached at **Appendix C**; a copy of the evidence bundle is attached at **Appendix D**; and proposed licence conditions are attached at **Appendix H2**.

## 3. LICENCE HISTORY

- 3.1 The original premises licence was granted to Adam Geoffrey Management Limited on the 28<sup>th</sup> September 2010 for a music and event space to be known as Victoria Warehouse. The licence was transferred to Academy Music Group Limited (AMG) on the 17<sup>th</sup> September 2018.

## 4. REPRESENTATIONS

- 4.1 The Licensing Authority have confirmed that, in accordance with the regulations, a copy of the review application was given to the premises licence holder and responsible authorities on the 7th September 2023. Following receipt of the application the Authority posted notice of the application outside the premises; on the Council's website; and at the Council's Offices for 28 consecutive days inviting comments about the review application.
- 4.2 On the 19<sup>th</sup> September 2023 Mr Phil Crier of PBC Licensing Solicitors, acting on behalf of AMG, met with Nicola Duckworth and other responsible authorities to discuss a set of draft conditions which were being proposed to replace those currently attached to the licence. The premises licence holder was invited to review and comment on the proposed licence conditions.
- 4.3 On the 29<sup>th</sup> September 2023 the Licensing Authority received a representation from Elizabeth Pritchard, Trading Standards Officer, on behalf of the Council's Trading Standards Team. The representation recommends the addition of conditions to ensure the protection of children from harm. A copy of the full representation is attached at **Appendix E** and is included in the draft licence conditions at paragraph 4.3 of **Appendix H2**. The conditions have not been agreed in full between the premises licence holder and Ms Pritchard.
- 4.4 On the 4<sup>th</sup> October 2023 Mr Peter Belfield from the Council's Environmental Health Pollution Team submitted a representation in response to the application. The representation recommended the addition of a new condition to ensure implementation of a Noise Management Plan; removal of redundant conditions; and amendments to existing conditions in relation to the licensing objective of preventing public nuisance. A copy for the full representation is attached at **Appendix F**. The revised set of conditions has been agreed between the premises licence holder and Mr Belfield and are included in the draft licence conditions at paragraph 4.11 of **Appendix H2**.
- 4.5 On the 5<sup>th</sup> October 2023 the Licensing Authority received a representation from Jade Pickup, Senior Licensing Officer, on behalf of the Licensing Authority acting as a responsible authority. A copy of the full representation is attached at **Appendix G** and is included in the draft licence conditions at paragraph 4.3 of **Appendix H2**. The conditions have not been agreed between the premises licence holder and Ms Pickup.
- 4.6 On the 5<sup>th</sup> October 2023 Mr Phil Crier submitted a letter on behalf of AMG - see attached **Appendix H1**; with a copy of the Trafford proposed licence conditions with the proposed AMG revisions marked in blue – see attached **Appendix H2**.
- 4.7 At the time of writing no overall agreement has been reached on proposed premises licence conditions between the applicant, responsible authorities and the premises licence holder.

## 5. KEY ISSUES

- 5.1 The grounds for review and any representations must relate to one or more of the licensing objectives and must be relevant. Representations from interested parties may not be frivolous, vexatious or a repetition.
- 5.2 The Council will consider requests for a review of an existing premises licence if representations are made from the following:

- A Responsible Authority such as the Police and Fire Authority; or
- Any other person

5.3 The Council will expect anybody requesting a review to produce evidence to support allegations that one or more of the licensing objectives are not being met.

5.4 The Sub-Committee should consider the relevance of the ground or grounds for review and any representations.

5.5 The Sub-Committee should consider whether or not any appropriate pre-review warnings have been given and/or any mediation taken place.

## **6. RECOMMENDATION**

6.1 The Sub-Committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.

6.2 The steps stated in Section 52(4) are:

- (a) to modify the conditions of the licence;
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period not exceeding three months;
- (e) revoke the licence; and

for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

6.3 The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

6.4 The Sub-Committee also have the option to leave the licence in its existing state and/or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

## **ATTACHED**

Appendix A	Application for Review
Appendix B	Premises Licence PL000631
Appendix C	Statement of Nicola Duckworth Trafford Environmental Health Team Leader
Appendix D	Exhibit Bundle
Appendix E1	Representation from Trafford Trading Standards
Appendix E2	Representation from Trafford Trading Standards
Appendix F	Representation from Trafford Environmental Health (Pollution Control Team)
Appendix G	Representation from the Licensing Authority
Appendix H1	Letter from PBC licensing on behalf of the Premise Licence Holder
Appendix H2	Draft Licence Conditions including revisions proposed by the Premises Licence Holder

