



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 11 October 2021

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

### **Access to the Council Chamber**

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

**There is no public access from any other entrance of the Extension.**

### **Face Masks/Track and Trace**

Anyone attending the meeting is encouraged to wear a face mask for the duration of your time in the building and to provide contact details for track and trace purposes.

## **Membership of the Licensing Sub Committee Hearing Panel**

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**Councillors** - Andrews, Evans and Hughes

## Supplementary Agenda

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6. **Application for a Premises Licence Variation - AO Arena, Hunts Bank Approach, Manchester, M3 1AR - determination** 3 - 14  
This application is now a determination and the determination papers are enclosed.

## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

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This supplementary agenda was issued on **Friday, 8 October 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA



## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 261981  
**Name:** AO Arena  
**Address:** Hunts Bank Approach, Manchester, M3 1AR  
**Ward:** Cheetham  
**Application Type:** Premises Licence variation  
**Name of Applicant:** SMG (UK) Ltd  
**Date of application:** 02 August 2021

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

### Proposed licensable activities and opening hours to be granted

Licensable activities and opening hours would not be varied under this application, these are to remain as they currently are.

### Representations received

Licensing Authority	<p>The Licensing Authority would like clarification on whether the operational management plan would be overarching, generic documents (rather than event-specific), how the plans would be available to the Licensing Authority and Safety Advisory Group (SAG), and the scope of influence of the Licensing Authority and SAG on the content of the plans. The LA believes that more information is needed on the purpose, scope, role and process of how the OMP would operate in practise so as to ensure the promotion of the licensing objectives.</p> <p>The LA would also like further clarification on steps relating to CCTV, counter terrorism, first aid, cleansing and safeguarding.</p>
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<p>Licensing &amp; Out of Hours Compliance</p>	<p>LOOH had concerns that the conditions put forward by the applicant did not go far enough towards ensuring that the Licensing Objectives would be upheld.</p> <p>LOOH requested more detail on how the smoking area is to be managed and for the premises to consider a way of enabling access to Council officers on production of relevant ID without long delays in gaining entry as such delays have meant certain jobs are difficult to investigate (e.g. complaints about people smoking in the toilets).</p> <p>The conditions put forward relating to CCTV were not originally robust enough.</p> <p>In terms of Stewards and SIA staff at the venue, LOOH requested to see a proposal that would allow for clear identification of these separate roles.</p> <p>LOOH would like to see a greater 'buy in' from the premises around tackling the issue of illegal street traders outside.</p> <p>The application makes several references to the training of staff yet there is no detail on when the initial training will be conducted.</p>
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### **Agreements between parties**

#### **Licensing & Out of Hours Compliance and the Licensing Authority:**

##### **Safety Advisory Group (SAG)**

1. A Safety Advisory Group (SAG) shall be established by the premises licence holder who shall invite, at a minimum, the Licensing Authority, Greater Manchester Police and other emergency responders to events at the Arena, North West Ambulance Service and Greater Manchester Fire and Rescue Service to support in the promotion of the licensing objectives in the delivery of events at the AO Arena. The SAG shall meet at least quarterly unless all the members of the SAG agree in writing to a different frequency. The licence holder shall have proper regard to advice received from the SAG.

##### **Operational Management Plan**

2. A site-specific Operational Management Plan (OMP) shall be developed by the Premises Licence Holder and made available for inspection upon the request of an authorised officer of the Licensing Authority or other responsible authority. The Licensing Authority and SAG shall be notified of any amendments made to the OMP within 28 days of the amendments being made. The licence holder shall have proper regard to advice received from the

Licensing Authority and SAG on the terms of the OMP.

3. The OMP must include, at a minimum, the following: -

- Site Plan
- Counterterrorism and Security Plan
- Emergency Response Plans including:
  - Counter Terrorism Response Plans
  - General Emergency Response Plans
- Fire Safety Plan
  - Fire Response Plan
- Crowd Management Plan including
  - Ingress and egress procedures
  - Capacity management
  - Alcohol and Drugs Plan
  - Show Stop Procedures
- Event Management Procedures including:
  - Event Counter Terrorism, Security & Medical Risk Assessment Process
- Traffic Management Plan
- Medical Management Plan
- Adverse Weather Plan
- Crisis Communication Plan
- Noise Management Plan
- Sanitation Plan
- Child Welfare/Vulnerable Persons Policy and Safeguarding Plan
- Draft Stewarding Plans for different types of events
- Processes to ensure personnel involved in the provision of private security and safety management at an event adequately liaise over their respective roles.

4. The OMP (and any appendices) will be 'living' documents which will be reviewed and revised in the planning phases of events at the premises.
5. The Premises Licence Holder must comply with the OMP

### **Event Risk Assessments**

6. The premises licence holder must complete a specific event, written, risk assessment form, as may be prescribed by the Licensing Authority, for all events. Risk assessments must be completed by competent persons with appropriate skills and experience and be made available for prompt inspection on the request of authorised officers of Manchester City Council and police at least 7 days before any event

### **Prevention of crime and Disorder**

#### **Protect Duty**

7. The Arena shall comply with all aspects of the proposed Protect Duty legislation when in force. In addition:
  - At all times when the Arena is open to the public for licensable activities the NaCTSO recommended level of Counter Terrorism awareness training will have been completed by all relevant staff
  - A Venue Counter Terrorism Vulnerability Assessment shall be completed Annually. The assessment process shall also require a complete review of the control measures when the threat level changes and proper regard must be given to any new information which had emerged that justified the national threat level change
  - Proportionate protective security measure shall be in place to address vulnerabilities identified
  - An event Counter Terrorism Risk Assessment will be completed before every event, which must include the threat from terrorism in relation to event-goers or other members of the public who might be affected by crowd management and security services.
  - The Arena will engage with Counter Terrorism Security Advisors
  - The Venue will have a Counter Terrorism Plan including CT Emergency Response plans
8. The premises licence holder shall employ or instruct a competent person with appropriate expertise to undertake a comprehensive review of, and provide advice on, the entirety of the security arrangements at the Arena (including the risks arising from terrorism).

9. The premises licence holder shall have a system in place to ensure that appropriate security patrols are taking place and those patrols are being carried out properly.
10. Any and all suspicious behaviour by attendees and event goers, members of the public or staff at the venue or within the venue external security perimeter must be noted and reported promptly so that investigations can be made and action taken, if appropriate. All staff shall be actively supported and encouraged to report such instances and provided with appropriate training to recognise suspicious behaviour.
11. All incidents of suspected hostile reconnaissance must be properly recorded and reported to the police promptly. Briefings to security staff must include details of the suspected hostile reconnaissance reported since the date of the last event or otherwise still relevant so that staff know what has happened and know what to look out for.
12. Those responsible for security shall be briefed at every event about the current threat level and risk of terrorist attack.

### **Uniforms**

13. SIA accredited staff and stewards shall wear uniform that clearly identifies them. This must be visible on CCTV.

### **CCTV**

14. A detailed assessment shall be completed of the appropriate CCTV provision at the premises in accordance with industry guidance relevant to the premises, such as the Centre for Protection of National Infrastructure or NaCTSO . The zones to be assessed shall include, but not be limited to, those inside and immediately outside the premises, including all entry gates, entry routes, concourses, areas permitted for licensable activity including customer seated/standing areas and exit routes. The assessment must also take into account when CCTV footage of specific areas needs to be monitored in real-time by appropriately qualified and trained persons before, during and after the event.
15. The premises licence holder must ensure that:
  - CCTV cameras are operated within the premises in line with the above assessment
  - All footage must be retained for a minimum period of 28 days and made available for prompt inspection by authorised officers of Manchester City Council and police.
  - The CCTV system operates at all times while the premises are open for licensable activities.

- All equipment must have a constant and accurate time and date generation.
- The CCTV system is fitted with security functions to prevent recordings being tampered with, e.g. password protected.
- The system will be operated in accordance with the Information Commissioners data protection code of practice for surveillance cameras and personal information and the Data Protection Act 2018 (or any replacement legislation).
- The provision of CCTV will be in compliance with Data Protection Laws

16. Where appropriate, mitigating security steps must be taken in any area not covered by CCTV e.g. patrols, staffing.

17. The CCTV images provided shall be sufficiently clear and distinct to enable personnel to carry out all the functions required of the CCTV system as below:

- To offer management an effective means of monitoring and identifying persons at the venue and any instances of overcrowding, crowd movement, crowd disorder, anti-social behaviour and threats to security
- To allow personnel in the CCTV control to identify incidents – either by viewing the monitor directly or after receiving reports – and then, by use of the system, to make a more detailed appraisal.
- In the event of crowd disorder, anti-social behaviour, an accident or threat to security, enable the use of recordings for evidential purposes.

18. The type of CCTV cameras installed shall be able to perform in the range of light levels prevalent during events at the premises.

19. The specification of CCTV cameras must be appropriate for the operational requirements for the coverage required and intended use of the CCTV system.

### **CCTV Training**

20. Individuals designated for the operation and monitoring of CCTV coverage shall be suitably trained and, where appropriate, qualified in the operation and monitoring of CCTV systems. Furthermore, they shall be skilled in the delivery up of the data stored to authorised officers of the Licensing Authority, police or other responsible authorities.

21. CCTV-specific counter terrorism training shall be provided for staff that have responsibility for viewing of CCTV during events.

### **Reporting procedures**

22. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of Manchester City Council, which shall record the

following incidents including pertinent details:

- All crimes reported to the venue, or by the venue to the police
- All ejections of patrons
- Any incidents of disorder
- Seizures of drugs or offensive weapons
- Any faults in the CCTV system
- Any refusal of the sale of alcohol
- Any visit by a responsible authority or emergency service

### **Prevention of Public Nuisance**

#### **Smoking**

23. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area.

24. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

#### **Litter and cleansing**

25. Empty bottles which have been collected must be placed into locked bins when deposited outside.

#### **Deliveries**

26. Delivery and collection drivers shall conduct their tasks in a manner that does not cause a noise disturbance to the occupiers of any residential properties surrounding the premises.

#### **Special Effects**

27. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used if 7 days' prior notice has been given to the licensing authority where consent has not previously been given:

- Dry ice and cryogenic fog
- Pyrotechnics, including fireworks

- Firearms (e.g. Blank firing pistols)
- Lasers
- Explosives and highly flammable substances
- Real flame

### **Late Night Refreshment**

28. Any hot food or hot drink provided under this licence must only be consumed on the Premises. Customers are not permitted to remove from the premises late night refreshment provided at the premises.

### **Noise**

29. The Premises Licence Holder must submit to the Licensing Authority a benchmark Noise Management Plan. The submitted plan must be approved by the Licensing Authority (or other authorised officer of Manchester City Council) and any revisions to the approved policy must be discussed prior to being implemented.

30. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a public nuisance.

31. A direct telephone number for the Arena must be available to local residents. The telephone shall be adequately monitored by staff whilst events are taking place.

### **Public Safety**

#### **Risk assessment**

32. A suitable and sufficient fire risk assessment will be completed. The FRA will include, but not be limited to the following:

- suitable fire alarm system
- suitable means of escape
- suitable occupancy levels
- systematic testing procedures of fire safety equipment
- training for staff on what to do in the event of a fire

### **Contingency Plans**

33. The licence holder shall formulate and produce a contingency plan for dealing with any emergency of foreseeable contingency at the Arena, including the need for a total or partial evacuation thereof.

34. The contingency plans shall include, but not be limited to the following details:-

- Action to be taken in the event of fire or bomb alert;
- Action to be taken in the event of failure of the electrical supply to the public address, emergency lighting or fire alarm systems;
- The procedures for training of staff and stewards, sounding the fire alarm system and tackling fires;
- The procedure for carrying out evacuation exercises or other emergency drills;
- The identification and location of one or more areas of the arena which can be promptly made available for the treatment of casualties in the event of a large scale incident, together with procedures for bringing this area into use;
- Procedure for contacting the emergency services and details of local hospitals having accident and emergency department;
- The arrangements laid down for the safe evacuation of disabled persons, including entrance and exit routes
- Copies of the contingency plans shall be made available for inspection to authorised officers of Manchester City Council, the police and other responsible authorities under the Licensing Act 2003 promptly upon request.

35. All external emergency exit doors shall be continually monitored to prevent unauthorised access, either by being fitted with sensor alarms and visible indicators to alert staff when the doors have been opened, by stewards manning the doors, or by CCTV monitoring.

36. The licence holder shall consult with local emergency responders as to the respective roles played by each party in the event of contingency plans being enacted.

37. All contingency plans must be reviewed individually or collectively, on a regular basis – and at least annually. Where appropriate, these reviews should be carried out in consultation with the relevant authorities and emergency responders.

### **Protection of Children from Harm Staff Training**

38. Relevant and appropriate staff shall be trained in:

- Relevant age restrictions in respect of age restricted products

- Recognising signs of drunkenness and vulnerability
- How to refuse service
- The premises' duty of care policy, understanding and dealing with situations involving vulnerable people
- Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services

39. Training shall be regularly refreshed, at least every 6 months.

40. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council

41. Online training must include robust steps to ensure that staff complete their training diligently and provide a practical opportunity to demonstrate their knowledge.

### **Underage sales**

42. The premises shall display prominent signage indicating that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18

43. The Challenge 21 scheme must be operated to ensure that any person who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age.

44. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority or permitted by the Home Office

45. The premises shall display prominent signage indicating that the Challenge 21 scheme is in operation.

46. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal.

47. This record must be made available promptly for inspection by an authorised officer of Manchester City Council or the police, for up to 3 months.

48. All relevant staff must be trained to prevent underage sales, prevent proxy sales, maintain the refusals log, enter sales correctly on the tills so the age-check prompts correctly display, and on the conditions in force under the premises licence.

49. Documented records of this training completed for each relevant member of staff shall be kept at the premises and must be made available promptly for inspection by an authorised officer of Manchester City Council or the police for up to 12 months.

50. Training shall be refreshed at least every 6 months.

51. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council

**Adult entertainment**

52. No person under the age of 18 shall be permitted to enter or remain on the premises when any “relevant entertainment” (as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982) is taking place.

**Background documents (available for public inspection):**

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Original application form
- Representations made against application and respective agreements

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