



Licensing Sub Committee Hearing Panel

Date: Wednesday, 21 February 2024

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

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

Access to the Council Antechamber

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There is no public access from the Lloyd Street entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Connolly, Evans and T Judge

Supplementary Agenda

4. **Application for a New Premises Licence - Co-op Live, Etihad Campus, Manchester, M11 3FF** 3 - 232
Now contains additional information.

Further Information

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

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This supplementary agenda was issued on **Tuesday, 20 February 2024** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

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**IN THE MATTER OF AN APPLICATION FOR A PREMISES LICENCE FOR
CO-OP LIVE, MANCHESTER
BEFORE MANCHESTER CITY COUNCIL LICENSING SUB-COMMITTEE**

21 AND 22 FEBRUARY 2024

EASTLANDS ARENA LIMITED

APPLICANT

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] of Oak View Group International, c/o Co-op Live, Connell Co-op College, 301 Alan Turing Way, Manchester, M11 3BS will state as follows:

1. I make this statement on behalf of the Applicant, in support of the Premises Licence application issued in November 2023, relating to Co-op Live, Manchester. Specifically, I explain the genesis of Co-op Live; the investment into the venue (as part of the regeneration of East Manchester) and to explain the wider proposition of Co-op Live, for the locality; the city of Manchester and for the United Kingdom. I also touch on operational matters at a high-level - Co-op Live's Operational Director (and the proposed DPS), Ms Sarah Roberts explains the planned operation in detail in her statement. She also responds to the specific concerns raised in the Representations – they relating to the proposed late night operation of Co-op Live.
2. In this statement, I refer to a Presentation which forms part of the documentation submitted to support this Premises Licence Application along with additional documents in the Applicant's supporting bundle. Slide and page numbers refer to the Presentation/ the Bundle respectively.
3. I am Senior Vice President, Venue Development & Operations at Oak View Group International ("OVG"). OVG and City Football Group (as a joint venture) own the proposed licensed venue, which will be operated by Eastlands Arena Ltd. The proposed licensed venue, as well as its operators and management, are referred to collectively as "Co-op Live" in this statement unless otherwise stated.
4. OVG itself is a highly experienced, successful large venue operator and the largest developer of sports & live entertainment venues in the world. The Group operates safe and enjoyable

arenas in multiple high-profile North American locations, including New York, Seattle, Austin, Palm Springs to name just 4. [Slides 5 & 6]. Its reputation in the arena industry world-wide is beyond compare in terms of innovation and operations.

My Role and Background

5. I began my work with OVG in April 2019, joining on a full-time basis from March 2021 following a robust recruitment process. I have over twenty-five years' experience in large scale arenas and stadiums, specialising in venue operations, design, and development. Specifically, I have worked at multiple venues across the United Kingdom, including at London's O2 Arena.

At The O2, I was responsible for opening the venue in 2007, including writing plans and procedures encapsulated into an Operations Manual for the arena's operation, as part of its premise licence application. I then managed the arena operations as Operations Director (and as Designated Premises Supervisor), for over a decade until 2017. In that role, I was ultimately responsible for the Operations Manual applicable to the venue (including updating the Responsible Authorities regarding any changes to that Manual on an annual basis) and for ensuring compliance with the Premises Licence conditions.

6. In addition to my day to day operational experience at The O2, I have also held roles including Operations Manager and Licensee/Personal Licence Holder at Wembley Arena from 1998 until 2006, Event Manager at the Manchester Arena and Operations Director at the London Olympic Stadium for West Ham United. I am also the Co-founder of 'Concerts for Carers' charity which aims to improve mental health and wellbeing of registered medical professionals by providing access to live events.
7. For a period of 3 years, I was appointed as a safety and operational consultant for Royal Ascot Racecourse. The main scope of my role was to conduct a top-down review of their operational procedures and documentation required as part of their Premises License and General Safety Certificate. I also carried out the role of Safety Officer during this period, which included three years of Royal Ascot events where the average daily attendance was approximately 60,000 spectators.
8. Through my different roles, I have acquired a thorough understanding of how large capacity venue licensed operations work in practice, as well as a detailed understanding of the legislative and regulatory framework in which these operations sit, specifically the Licensing Act 2003 (and the requirement to promote the four Licensing Objectives to prevent public nuisance; harm to children and crime and disorder, and to promote safety), and the Guides including those relating to Safety and Event Safety management – known as the "Green

Guide” and “Supplementary Guidance 03” issued by the Sports Grounds Safety Authority (SGSA). I hold several industry specific qualifications, including

- Level 5 Diploma in Crowd Safety Management,
- Level 5 Diploma in Planning & Management of Major Events and
- NVQ Level 5 Diploma in Occupational Health & Safety Practice.

Through my experience (particularly at The O2), I understand the importance of multi-use large venues having a user-friendly Premises Licence that (whilst putting the necessary protections in place to ensure that the four Licensing Objectives are promoted) is useful, understandable, and easily navigable, in practice, for all those who are employed at the venue on a day to day basis and for the Responsible Authorities (and other stakeholders), to ensure compliance. It was largely for this reason that the Premises Licence for The O2 was designed to have a manageable number of conditions on the face of the Licence (under 15 in total), but fully supported by a detailed ‘live’ Operations Manual – so the operational specifics could be pinpointed easily when an operational query is raised. In a sense, The O2 was ahead of its time by adopting this approach, which has since been validated through the findings of the Manchester Inquiry into the 2017 terrorist attack at Manchester Arena. Accordingly we have implemented a similar approach for Co-op Live as explained by Ms Roberts in her detailed statement.

9. In my role at OVG, I am responsible for overseeing international development projects and preparing venues for opening (including reviewing operations and safety aspects), including at Co-op Live and other venues across Europe and the Middle East.
10. Since joining OVG in 2019, I have also held the role of interim General Manager in 2023. My responsibilities have evolved over time with the key focus including working with the architectural design team to ensure Co-op Live is designed and functional to cater for all users and event types; to develop acoustics that control noise, and to match OVG’s commitment to sustainability, sitting between the development and operational teams to ensure a smooth transition from construction to operation. I have used my experience to ensure that Co-op Live will deliver a world class experience for both artists and fans.
11. As the UK’s largest arena (involving an investment of £365m), Co-op Live is purpose built to put entertainment (music and sport) first and is a place for the people to experience the world’s best events. Co-op Live aims to take everyone’s needs into account with an innovative smart ‘bowl’ design that will make Co-op Live feel more intimate than other large venues.
[Slides 18 - 24]

12. Co-op Live also harnesses renewable energy and smart building technology, such as toilets that flush with rainwater. It is sustainably powered and climate conditioned, which will also help to attract the greatest global acts across live music, sport, comedy, family, and award shows, bringing additional benefits to both East and Greater Manchester.
13. A fundamental ethos for Co-op Live is that the venue will be accessible to all, offering excellent facilities and also a diverse range of acts to be enjoyed by a wide range of people. Facilities have been built into the design to help all guests to be on an equal footing in terms of accessibility and the opportunity to enjoy the venue (regardless of whether they have certain protected characteristics (including accessibility needs). For example, there are hearing loops and audio enhancements built into Co-op Live, multi-faith prayer rooms, step free access to all floors, multiple accessible platforms, quiet spaces, and gender-neutral toilets.
14. As part of the design and construction, Co-op Live has used the latest in soundproofing and sympathetic external lighting to be respectful to our neighbours and has created detailed noise management, transport and egress strategies to manage sound and interruption, something covered in more detail the statement from Ms. Roberts.
15. Co-op Live is designed to keep fans, artists, and staff safe and secure. The Co-op Live security and operations teams have worked closely with Greater Manchester Police, Counter Terrorism (NaCTSO/CTSAs), Manchester City Football Club, the Etihad Campus operations team and industry experts to create a detailed security strategy, policies, and procedures. This includes a seven-mode operating plan based on other events within the Etihad Campus. Co-op Live is also ensuring that all full time and casual staff complete suitable ACT training and requires all staff, including casual and agency staff, to have completed a DBS check. Protect Duty / Martyn's Law will be implemented from opening and maintained/monitored on an ongoing basis.

Benefits to the Manchester Community and Levelling-up Manchester with the South (and with Liverpool and Leeds)

16. Beyond its commitment to being the best and safest venue, Co-op Live is also important for local and wider community of Manchester. OVG has demonstrated a track record of building arenas that support the communities of which they are part of, and Co-op Live in Manchester is no different.
17. Once open, it is estimated that that Co-op Live will generate £36 million in local spending every year. This additional spending at local businesses will benefit all of Manchester, not just

Co-op Live [and will help to level up Manchester and Northern England as against similar operations particularly in London (but also closer to home, in Leeds and Liverpool)].

18. The ground-breaking partnership with Co-op, a co-operative established in Rochdale in 1844 with the aim of ensuring local people access safe food, defines everything Co-op Live stands for. This partnership will see Co-op Live donate over £1,000,000 a year to charitable causes, with at least £100,000 of this going to East Manchester charities chosen by a committee formed of local representatives. [Slides 49 & 50] This is in addition to the s.106 commitments and local donation of £100,000 referred to in Mark Donnelly's statement.
19. In addition, as explained in pages 275 to 289 of the Planning Report (in Section 13 of the Appellant's Bundle), the benefits that will come out of Co-op Live will be wide-reaching to the local and wider community – for example:
- a. The construction of Co-op Live has seen more than 3,350 jobs created and the development has seen 1,400 jobs created across the wider hospitality sector, with more expected once Co-op Live opens. There is a commitment to offer high-quality work and support the local economy through the recruitment of 2,000 causal jobs by opening. Co-op Live will offer flexible hours, training, and all roles will pay at least the Real Living Wage. To date 1,625 jobs have been offered to people from within the Manchester Wards.
 - b. Our neighbours are important to us. Not only has the team listened to the feedback from local ward councillors and residents following the initial licensing application, but Co-op Live will be offering tickets to the local community, specifically for those who otherwise would be unable to access tickets.
 - c. Co-op Live is also working with Manchester City Council, Manchester City Football Club, Transport for Greater Manchester, and Co-op to introduce an improved walking route into the city centre and green spaces to improve the Manchester visitor experience on both event and non-event days, well in excess of our s106 obligations, and
20. d. As OVG and Co-op Live fully appreciate the importance of national and local Manchester music talent, Co-op Live is focused on working alongside national and local music organisations and events to showcase talent and new performers across Manchester's city spaces and our purpose-built working route. Specifically, Co-op Live has already teamed up with Andy Burnham, the Mayor of Greater Manchester, on his Artist of the Month initiative, offering winning artists added exposure and performance opportunities across the arena, and is a founding partner of 'Beyond the Music', an initiative to showcase talent and new performances across unique Manchester city spaces. Co-op Live also intends to host rising

performers across the venue including diverse DJs and performers in the ancillary spaces, such as the Co-op Backstage Club.

21. Co-op Live also supports a range of other charitable initiatives for example it is an active supporter of Nordoff & Robbins, a leading music therapy charity aimed at bringing music into the lives of children with additional psychological, physical, or developmental needs. Further, in line with Co-op's vision of 'co-operating for a fairer world', Co-op Live will take part in the 'Gigs that Give Back' collective effort and similar initiatives.

22. I believe that the facts stated in this witness statement are true.

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21 AND 22 FEBRUARY 2024

EASTLANDS ARENA LIMITED

APPLICANT

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] of Manchester City Football Club of Etihad Stadium, Etihad Campus, Manchester, M11 3FF, will say as follows:

1. I make this statement on behalf of the Applicant, in support of the Premises Licence application issued in November 2023, relating to Co-op Live, Manchester.
2. I am the Director of Safety and Security at Manchester City Football Club ("MCFC") and the Global Lead for critical incidents across the City Football Group portfolio. I have responsibility for the security of the MCFC men's 1st team, women's team, academy, executives, and match day/events safety at the Etihad stadium. In this position I have led on Premier League, FA Cup, EFL Cup, FIFA Club World Cup and Champions League fixtures. I am the lead for international travel security for MCFC for the Champions League and in this role have extensive experience of working throughout Europe. In addition, I have ownership of the MCFC counter terrorism strategy and lead on security for concerts at the Etihad Stadium and support other football clubs within City Football Group with safety and security matters, when required.
3. In this statement, I will provide a high-level explanation of the existing Etihad Campus security operation during MCFC event days, including the current function of the Etihad Campus control room and management suite. I will also provide a high-level explanation of the measures being implemented across the Etihad Campus to take account of the opening of Co-op Live and I will explain the crowd and security modelling currently being undertaken by MCFC as a result of the extension of the Etihad Stadium North Stand, including how this modelling contemplates the ongoing operation of Co-op Live.
4. References to "Co-op Live" in this statement will include the proposed licensed venue, as well as its operators and management, unless otherwise stated.

5. I have 30 years' service in the Cheshire Constabulary during which time I led teams of up to 700 staff delivering high performance across a wide spectrum of policing. I have experience of working on a local, regional, national and international basis representing UK policing with both the public and private sector at the executive level. I was the head of UK police delegations for overseas England football matches. In this role I worked closely with the English FA, other football associations, UEFA, the British Embassy and foreign police forces. I have undertaken peer reviews of Premier League and Scottish football policing. I was the Constabulary lead for football and have led on regional operations for the United Kingdom Football Policing Unit (UKFPU). I was part of the UKFPU planning and delivery team for the 2018 World Cup in Russia. I was Head of Specialist Operations for the Cheshire Constabulary. I was a Gold Public Order and Firearms Commander, and a Gold Multi Agency Incident Commander. I am experienced in leading on a wide range of high-profile events, firearms operations, major incidents and the police response to civil contingencies.
6. During the COVID-19 pandemic I was part of the Silver and Gold command group established at City Football Group to manage the crisis. I implemented a critical incident management methodology, which was utilised through the crisis management and recovery phase and I continue to hold the Global Critical Incident Lead position for City Football Group.
7. My experience at both Cheshire Constabulary and MCFC has provided me with a wealth of experience and knowledge in safety, security and crisis management and I have obtained multiple industry specific qualifications. I am a Level 4 Safety Officer and been awarded Chief Constable Commendations for my services to policing.
8. The Etihad Stadium, originally named the City of Manchester Stadium, was constructed to host the Manchester Commonwealth Games in 2002 before being adapted into a football stadium in 2003. It has been the home football stadium for MCFC since 2003 and has hosted over 65 concerts since 2005. The Etihad Stadium is located on the Etihad Campus, the same campus as Co-op Live.
9. The safety and security team which I oversee conducts extensive planning and preparation prior to every football fixture and concert at the Etihad Stadium and for any away football matches played by the MCFC 1st teams. There is a generic risk assessment for the Etihad Stadium which is complimented by a detailed match-specific document. A 'Critical Incident Group' is established prior to every fixture containing identified senior staff from across the organisation which would be chaired by either myself or Danny Wilson as Managing Director – Operations, MCFC.

10. MCFC has an operational manual that documents in detail all match day procedures. The match day operation is led by a qualified Safety Officer and two deputies. The Safety Officer has ultimate responsibility for the safety of all staff and spectators at the stadium. This is enshrined within the Green Guide and the Safety Certificate.
11. The MCFC Match Day safety and security operation commences the day before the match, with the site being prepared for match day. The operation formally goes into 'event mode' 4 hours before Premier League or domestic cup kick off time and 5 hours before a UEFA Champions League kick-off time. The operation concludes no less than 2 hours after the final whistle at the Safety Officer's discretion. MCFC currently separates a match day operation into three phases: pre-match; match; and post-match. Police resources are deployed across the Etihad Campus following match specific risk assessments and the 1100 different stewards who are part of a match day safety and security operation have identified areas of responsibilities and roles, based on each of the phases.
12. The MCFC control room, which manages the Etihad Stadium and in current modes 5, 6 and 7 (see table at paragraph 16 for reference), takes responsibility for those areas of the Etihad Campus which are critical for the effective match day operation (including Gates 11, Yellow Car Park, Gate 12, the Licensed Area at the East Side of Etihad Stadium and all entrances to the Stadium) includes the following people:
 - a. Ground Safety Officer
 - b. Deputy Ground Safety Officer x 2
 - c. Control Room Manager (either a specific person or the Ground Safety Officer)
 - d. MCFC Radio Operator/Comms
 - e. Showsec Radio Operator/Comms
 - f. Match loggists x 3
 - g. CCTV Operators x 3
 - h. NWAS x 2
 - i. Mersey Medical x 2
 - j. Fire Panel Operator x 1
 - k. Car Park Manager x 1
 - l. Maintenance Loggist x 2

m. Ticketing Manager x 2

n. Greater Manchester Police x3

13. Either I, or Danny Wilson, MCFC’s Managing Director – Operations , is the Gold Commander. The Silver Commander will be the Ground safety Officer and there are multiple Bronze Commanders who lead operational teams across the match day operation.
14. There is constant communication between the MCFC control room and the Etihad Campus Safety Officer before, during and after the event, until control of the wider Etihad Campus is handed back to the Campus Safety Officer.
15. Both myself and other key colleagues at MCFC recognise that the opening of Co-op Live will change the current structures in place across the Stadium and Etihad Campus on event and non-event days. We have worked closely with Co-op Live, OVG, Greater Manchester Police, Counter Terrorism, the Etihad Campus operations team to create a new Etihad Campus Command and Control Operating Procedures document to govern the security and safety of the Etihad Campus on non-event days, single event days and dual event days. This factors in the changes to the operation of the Etihad Campus as a result of the opening of Co-op Live.
16. This document contains a clear governance structure to oversee the planning of events and describes how there will be robust systems in place to provide oversight of the day-to-day activity throughout concurrent events across the Etihad Campus. I believe the document has been shared with the committee and appears in the Applicants Bundle of documentation in the Agenda papers at Slide 94 (Supplementary Bundle page 98), but I’ve copied the ‘7 mode’ table below for ease.

	1	2	3	4	5	6	7
Mode & Description	No Event	1 -2 Small Events (e.g. MCC + an Event in the Common Parts)	1 Major Event (e.g. Arena or Stadium)	1 Major + 1 Small Event (Concurrent)	2 Major Events (Stadium + Arena) 3hr+ Gap*	2 Major Events (Stadium + Arena Concurrent or Overlap)	2 Major Events (Stadium + Arena) + Small Event

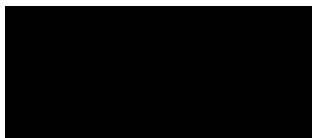
17. MCFC has held a number of workshops to ensure internal and external partners who may be impacted by the opening of Co-op Live have been briefed on the changes being made and have been given the opportunity to influence and comment on the Etihad Campus Command and

Control Operating Procedures. Further, MCFC is holding a multi-agency tabletop exercise in March to test its emergency operating procedures whilst an event is ongoing at Co-op Live.

18. The document establishes a Campus Management Team and the role that it will play based on the mode that the Campus is in. This includes items like control of gates and control barriers, monitoring CCTV systems and working with the control rooms within the Stadium and Co-op Live in order to ensure a seamless operation and approach and, further, that the MCFC Ground Safety Officer and Co-op Live Duty Venue Manager are fully informed of everything happening on the Etihad Campus which might impact the Event in their respective venues or in Zone X (being the area in the vicinity of the Etihad Stadium which doesn't form part of the Etihad Stadium footprint, comprising the routes from transport hubs, such as Manchester Piccadilly Train Station). Each of the Stadium, Co-op Live and Campus Management Teams will then in turn work with the responsible authorities operating both within and outside of the Etihad Campus to report any incidents, as appropriate.
19. In Modes 5, 6 and 7 (i.e. where there is a Major Event at the Stadium and Co-op Live on the same day), there will be a Campus Safety Officer located in the Campus Management Suite (situated in the Manchester Tennis & Football Centre) alongside the following people:
 - a. Security Manager Contractor
 - b. GMP Officer with access to the Police event channel subject to SPS agreement from all parties.
 - c. NWAS representative with access to NWAS radio channels during ingress and egress.
 - d. GMFRS have been invited to provide a representative.
 - e. Co-op Live representative with access to External Arena CCTV and incident management database. Competent communicator.
 - f. MCFC representative with access to External Stadium CCTV and incident management database.
 - g. CCTV operators (minimum 2)
 - h. Radio operator
 - i. Loggist
 - j. Traffic management representative.
20. In Modes 5, 6 and 7, the Campus Safety Officer will take responsibility for Command and Control of the areas on the Etihad Campus that are not being directly managed by the Co-op Live Duty

Venue Manager or the MCFC Ground Safety Officer. These include the area adjacent to the Etihad Campus Metrolink stop, Joe Mercer Way, Sportcity Way and the City Link walking route.

21. Communication between the key stakeholders is vital and starts in the weekly Etihad Campus Stakeholder Management Meeting, chaired by the Campus Management Suite Manager or delegate. Information from the Etihad Campus Stakeholder Management Meeting regarding each upcoming Mode 5, 6 and 7 day will be shared with partners at the monthly Co-op Live multi-agency planning meeting to ensure that all partners are familiar with the plans for that particular date. If there is a requirement to urgently brief one or more of the multi-agency meeting partners, then this will be identified by the relevant person, and they will be briefed outside the monthly planning meeting.
22. The meetings will include reviews of the events taking place, threat assessment, key contacts, a timeline for key events, briefing times and locations for personnel deployed onto the common areas where the Campus Safety Officer has Command and Control.
23. On event days, once MCFC and Co-op Live stewards and security contractors have received the venue specific briefing, those who may be deployed in the wider Etihad Campus common areas will attend a Campus focused briefing to ensure all roles and responsibilities are clear. MCFC and Co-op Live have also worked together to develop a training package for all stewards working at either Co-op Live or Etihad Stadium. This training package will be mandatory and ensure that all stewards are fully briefed on the operating procedures of each venue.
24. I believe the existing processes in place at MCFC and the extensive work carried out by Co-op Live, MCFC and other key stakeholders place the Etihad Campus in a position to operate in a suitably secure, safe and effective manner. The continuous review mechanisms and processes will ensure that issues that develop (if any) will be managed effectively to mitigate the risks and impact to the surrounding areas.
25. I believe that the facts stated in this witness statement are true.



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APPLICANT

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] of Co-op Live, Connell Co-op College, 301 Alan Turning Way, Manchester, M11 3BS, state as follows:

1. I am Head of Security for the Applicant, Eastlands Arena Limited, the operating company of the joint venture, which owns Co-op Live. The proposed licensed venue, as well as its operators and management, are referred to collectively as "Co-op Live" in this statement unless otherwise stated.
2. I make this statement on behalf of Co-op Live and in support of the Premises Licence application issued in November 2023, relating to Co-op Live, Manchester. Specifically, I provide details around my role and how we will ensure the safety of staff; guests and any lawful visitors, at the proposed licensed venue on both event and non-event days and address the security concerns raised by those who have lodged representations.
3. The Applicant relies on a Bundle of documentation and a PowerPoint Presentation – the latter will be displayed to the Committee; the former is included in the Agenda papers. The pagination of the latter relates to the Index to the Bundle.
4. I joined Co-op Live in December 2023 after more than three decades as a serving Police Officer with Greater Manchester Police. I report to Ms Sarah Roberts, Operations Director.
5. My previous experience in Policing and Security as part of GMP, my skills set, and qualifications all lend themselves to my operational role, in all matters pertaining to security, at Co-op Live, to ensure that the venue operates in accordance with the Green Guide

recommendations; its Premises Licence conditions and with specific policing/counter-terrorism guidance.

6. During my 30 years at Greater Manchester Police (GMP), I held a number of appointments including being a Detective in every rank up to and including Detective Chief Inspector. I gained national qualifications to act as a Senior Investigating Officer and as a specialist Kidnap and Extortion Senior Investigating Officer. I retired from Greater Manchester Police in the rank of Police Superintendent in the Specialist Operations Branch. As a Specialist Commander, I was a qualified and experienced Public Order, Public Safety Silver (Tactical) and Gold (Strategic) Commander. My last command role in Greater Manchester Police was as Night Silver Commander for the Conservative Party Conference in October, 2023, which had a significant focus on protective security.
7. As a Senior Leader within the Specialist Operations Branch, I had responsibility as Force Lead for all of the following:
 - Specialist Operations Planning Unit
 - Civil Contingencies and Resilience Unit
 - GMP's Organisational Learning Hub
 - Northwest Regional Information and Coordination Centre (RICC)
 - JESIP Operational Lead
 - Gold, Silver, and Bronze Public Order Command.
 - Football Policing Operations.
 - Public Order , Protest and Event Policing.
8. I was also Chair of Greater Manchester Resilience Forum Multi Agency Threat and Preparedness Group; Operational Lead for the Manchester Arena Inquiry lessons learned workstream, and Specialist Operations Branch Resource Management lead.
9. Whilst leading the GMP team, in the Manchester Arena Inquiry lessons learned workstream, I also developed a learning model to create a new culture and system of organisational learning. This model was recognised by Sir John Saunders as good practice.

My role at Co-op Live:

10. In my role at Co-op Live, I am responsible for the day-to-day security of Co-op Live, including at events in the Bowl; in non-Bowl areas (referred to as "Ancillary Spaces") on Bowl and non-Bowl event days, and in the external area i.e. in the Podium.
11. My key responsibilities are/ relate to:
 - 11.1 Ensuring the ultimate visitor experience, leading the Security team to ensure that policy and procedures are embedded, to provide exemplary service standards and to drive continuous improvement through regular reviews of performance and management of risk.
 - 11.2 Working with the Operations Director and General Manager, to develop a robust security strategy for Co-op Live and implement an overall security program for the physical safety of all colleagues and patrons, day to day and at all events.
 - 11.3 Shaping and executing effective and best in class Incident Management, Contingency and security minded communications strategy in collaboration with the Operations Director and Head of Venue Management.
 - 11.4 Building strong, positive, engaging partnerships with the Venue Management team, contractors, Emergency Services, other Law Enforcement Departments and Agencies, Local Government and Transport Services providers on operational and security matters.
 - 11.5 Creating a safety-first culture, leading the on-going process of integrating and embedding a security risk consciousness into the Co-op Live culture, enhancing processes used to analyse business strategies and initiatives.
 - 11.6 Developing and implementing an ongoing threat and risk assessment program targeting information security and privacy matters, recommend methods for vulnerability detection and remediation, and oversee vulnerability testing.
 - 11.7 Creating a successful command and control function with integrated and effective procedures and communication.
 - 11.8 Being an active and integral participant, representing Co-op Live in the Campus Safety and Security Management group.
 - 11.9 Working with the Venue Management team to successfully plan and deliver the security requirements for each event and private hires, specifically in relation to threat assessment, resourcing, training, deployments and auditing.

- 11.10 Championing and upholding on all health and safety regulations and safe working practices in the security operations, ensuring compliance with relevant current legislation and Co-op Live's health and safety policy and practices.
- 11.11 Working with the Security Industry Authority to ensure that we meet the SIA requirements for our security personnel and operations, taking into account the Private Security Act and assisting them in raising standards in the private security industry.
12. Since joining at the end of last year, I have been working closely with the Operations Director and the General Manager to assist them in the development of the above security management policies and procedures. I have also been working with colleagues to ensure that the Security Control Centre is fully functional and that the necessary plans and policies are in place ahead of opening.
13. Specifically we have been engaging with GMP and with Counter Terrorism Policing Northwest ("CTPNW"), focusing on several areas. We have met with the Counter Terrorism Security Advisors ("CTSAs") to undertake the Systematic Assessment of Site Security which followed a site visit. This has resulted in an action plan for Co-op Live that I am responsible for delivering. I have previous experience of working with CTSAs in my previous role as a Police Silver and Gold Commander and in my work leading the lessons learned workstream, following the Manchester Arena terrorist attack. We have also engaged with GMP's Protective Security Office, Project Servator and the Counter Terrorism Security Co-ordinator (CT SecCo) who is currently formulating a CT SecCo report which will include protective security recommendations for Co-op Live.
14. We have also been engaging with the CTSAs and CT SecCo regarding the walking route to and from Co-op Live. They have recently reviewed the Counterterrorism-related protective security measures and the CTSAs have provided a report which since been shared with Manchester City Football Club ("MCFC") and the relevant Co-op Live teams.
15. I have also arranged for the CTSAs to deliver Action Counters Terrorism ("ACT") training for relevant Co-op Live staff. The CTSAs have advised that the Campus and Manchester City CT leads also attend this session to ensure that there is a partnership focus. They will also be delivering ACT operational training sessions to fan-facing operational staff prior to opening.

All Co-op Live staff are required to complete online ACT awareness when they join the business.

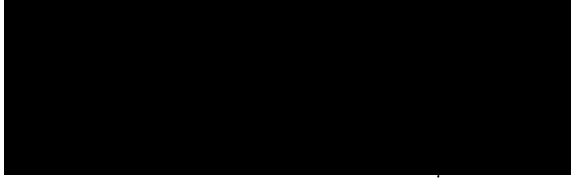
16. We have met with GMP's Specialist Operation Planning Unit ("SOPU") who have responsibility for events policing, and they have visited site. As well as having engaged with the new Senior Leadership Team, SOPU have two nominated planning officers for Co-op Live. They have access to our events planner, and they will work with us to risk assess events and consider occasions when we may need dedicated policing resources. The process involves the event being risk assessed against a range of risk identifiers. SOPU are also responsible for planning and delivering the Policing Operation at MCFC and have a dedicated Football Officer.
17. We have also met with GMP's Contingencies and Resilience Unit who own the force major incident plan, on two occasions to help them to develop the Co-op Live Site Information Document. This is the contingency plan for the site and is a document that GMP will share with Northwest Ambulance Service, Greater Manchester Fire and Rescue Service and British Transport Police. I maintain contact with GMP and ensure that this document is regularly updated with any new information.
18. In my role I also chair a monthly multi agency meeting which is attended by GMP, Northwest Ambulance Service, Greater Manchester Fire and Rescue Service, and Greater Manchester Resilience Unit. Once the Co-op Live is open, the meeting will review the previous month's events, issues from debriefs, interoperability issues, the next month's events and consider the risk of protest, disorder, and any Counterterrorism issues of which Co-op Live management needs to be aware.
19. Managers from Northwest Ambulance Services will also attend a meeting with Co-op Live's medical services provider to consider, with the Co-op Live Head of health and Safety, what medical equipment and first aid kit needs to be in our venue, taking the Manchester Arena Inquiry Report into account. Co-op Live will also be working with the Group Manager from the Contingency Planning Unit to assist in the development of the Greater Manchester Fire and Rescue Service emergency response plans for the Co-op Live.
20. The Greater Manchester Resilience Unit (GMRU) is another team whose advice and input we have sought. This collaboration includes developing a plan to connect partners with our plans via Resilience Direct (which is a Cabinet Office hosted restricted site which has multiple layers of functionality). This is a communication system as well as a repository for plans and policies. As part of this, I am also working with the officers with responsibility for the

"Protect" strand to ensure that they have sight of our Counterterrorist and Protective Security related plans and to receive relevant information.

21. Our full-time Security team comprises two venue Security Managers who between them have extensive experience in the music, sports, and events industry, (having worked at AO Arena, MCFC and Blackpool FC) and eight full time venue security officers. All of the team will be SIA qualified Door Supervisors and CCTV trained Operators. Additional security personnel for an event day will be provided by three separate contractors, all of whom will be SIA qualified. Co-op Live will ensure that our standards are met by carrying out compliance checks on a regular basis and we will cooperate fully with the SIA Inspection Team.
22. Between now and opening, working with Sarah Roberts, I will be focusing numerous aspects relating to the security operation at our venue including (but not limited to):
 - Working with the Group Manager from the Contingency Planning Unit to assist in the development of the Greater Manchester Fire and Rescue Services emergency response plans for the Co-op Live;
Developing the multi-agency approach to protective security as listed above, and this focus will continue in line with the recommendations from the Manchester Arena Inquiry.
 - Working with colleagues to ensure that the Security Control Centre is fully functional and that the necessary plan, policies, and procedures are in place - over and above what has already been created, and
 - As security-related systems are installed, such as security scanners, parcel scanners, airport-style bag scanners, ensuring that the Security Team members are fully familiar these systems before opening.
23. Due to the nature of my role at Co-op Live and generally to ensure that security arrangements remain confidential to only those who have a legitimate need to know (e.g. Greater Manchester Police and the Responsible Authorities), the above only sets out a top-level summary of my responsibilities and the lengths being taken to ensure that Co-op Live's security plans and procedures will not only match the stringent recommendations of the Green Guide, but will also take into account the provisions of the Terrorism (Protection of

Premises) draft Bill (Martyn's Law), and specific Counter Terrorism Security Advisor/Counter Terrorism Policing Northwest advice.

24. I believe that the facts set out in this statement are true .



**IN THE MATTER OF AN APPLICATION FOR A PREMISES LICENCE FOR
CO-OP LIVE, MANCHESTER
BEFORE MANCHESTER CITY COUNCIL LICENSING SUB-COMMITTEE**

21 AND 22 FEBRUARY 2024

EASTLANDS ARENA LIMITED

APPLICANT

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] of Oak View Group International, Hilsdon House, 2 Outernet Place, London, WC2H 8AQ will state as follows:

1. I make this statement on behalf of the Applicant, in support of the Premises Licence application issued in November 2023, relating to Co-op Live, Manchester. Specifically, I explain the experience and expertise of Oak View Group (OVG) in the development and operation of indoor arenas around the world, the development of Co-op Live and the benefits it can bring to East Manchester, Greater Manchester and the United Kingdom and provide some additional insight into the planning consent obligations and how this will impact the local area in a positive way.
2. Where I reference "Co-op Live" in this statement it includes the proposed licensed venue, as well as its operators and management, unless otherwise stated. References to documents/pages in this statement (unless otherwise specified) are to the Supplemental Agenda papers (lodged with the Licensing Authority by the Applicant on 13 February, and published on 14 February).

My Background and Responsibilities relevant to the Applicant/Co-op Live:

3. I have extensive operational and financial experience as a Chief Operating Officer (COO) and Chief Financial Officer (CFO) in leading entertainment, leisure and media businesses throughout the United Kingdom and I have been involved in that capacity in the delivery and operation of several major infrastructure projects including: The O2, St George's Park and Wembley Stadium.

4. I joined AEG in 2006 as CFO of The O2, the 20,000-capacity indoor arena being built on the site of the former Millenium Dome in East London, where I was responsible for overseeing the project budget and then preparing the business operationally, including working closely with the operations team on licensing, venue suppliers and venue management plans. The venue opened very successfully in 2007 and shortly thereafter I was promoted to Managing Director of The O2, being responsible for all operations within the arena and its wider entertainment district. This included full responsibility for operating the venue, working with our food and beverage partner, events' owners, safety and security, managing late night events, transport plans and working closely with the local authority and the police at the venue, including for late night operations and tenant F&B suppliers. The O2 quickly established itself as one of the most successful music arenas in the world and the UK's "must play" for artists, hosting over 200 events a year with around 4 million visitors each year.
5. After The O2, I joined The Football Association, based at Wembley Stadium as Chief Financial Officer where I worked closely with the Wembley Stadium operational team. During my time at The FA I was part of the team that designed and delivered St George's Park, a high performance training centre and hotel. I also led capital projects and worked with the operational team delivering two Champions League Finals at Wembley Stadium.
6. I subsequently spent time working at Queens Park Rangers Football Club (QPR) delivering stadium improvements, training facilities, both commercial and residential developments and a variation to QPR's venue licence. Prior to my sport and entertainment career, I was a Chartered Accountant for KPMG before joining the management team of the Ginger Media Group, which was successfully sold to Scottish Media Group in 2000.
7. Through my different roles, I have acquired a thorough understanding of managing and leading venue development and the wider operational and business functions of major media, entertainment and leisure businesses and venues.
8. I joined Oak View Group International, developer and operator of Co-op Live, in January 2018 as COO, and I am currently the Executive Vice President of Development & Operations leading our international projects.
9. My role at OVG includes leading the international venue development function and establishing the presence of OVG on an international scale. When I joined OVG, Co-op Live was a project at conception stage and I have led the project through design, planning and construction phases and will be heavily involved in the opening and operation of the venue.

10. OVG was founded in 2015 by Tim Leiweke and Irving Azoff. Tim was responsible for launching and growing AEG into the preeminent live event and venue company before he left in 2013. During his time at AEG, Tim oversaw the building of Staples Centre in Los Angeles, The O2 in London, and the Mercedes Benz arenas in Berlin and Shanghai, amongst other venues. These arenas quickly became the leading venues in their markets and also incorporated entertainment districts, with complimentary bars, restaurants and other destinations alongside the arena. Irving Azoff is one of the most influential individuals in live music having held senior roles at Ticketmaster and Live Nation. He now manages music artists directly and indirectly.
11. OVG is a very responsible and experienced developer and operator and has built an industry-leading UK management team, which, supported by the US team, provides additional leadership and facility management framework to the Co-op Live management and development teams, who themselves are experienced and leading operators familiar with a wide range of large capacity venues, arenas and stadiums.
12. Since inception OVG has been the world's leading developer of arenas worldwide with over \$5bn of arena investments completed and opened, as well as providing management services (including food and beverage) to over 400 other venues. OVG has built, opened and operated 7 new arenas in the USA during this period [slide 5/ page 9]. Co-op Live, Manchester, is notable for being OVG's first global project outside of USA. Subsequently the Group has embarked upon a number of other UK and international arena and stadium projects in Italy, Spain, Austria, Saudi Arabia and Singapore.
13. At a total project cost of £365m, Co-op Live when launched will be the largest and most expensive purpose-built arena in the UK. It has been designed to put entertainment and music first and as such we know will provide a wholly new and remarkable experience for event goers.
14. As was demonstrated through the successful planning application (and summarised in 16 pages of the Planning Report at pages 373 to 389), Co-op Live will bring substantial benefits to Manchester. The economic and social value to Manchester is estimated at between £1.3 - £1.5bn with a net additional employment over the next 20 years at between 8,000 – 9,000 jobs. Co-op Live itself is creating over 150 full time jobs and will have over 2,000 casual jobs available by opening.
15. Co-op Live will bring further benefits to Manchester and initial ticket sale data indicates that fans are travelling across the United Kingdom, Europe and more widely to attend Co-op Live

events. Co-op Live is working with Manchester City Council to attract new international events that the current venues in the city are unable to host, the first of these international events set to be announced shortly, bringing further visitors and prestige to Manchester. The international profile of Co-op Live is already helping Manchester in its standing amongst worldwide locations to visit (e.g. recent references in the New York Times and Time Out).

16. During the project and throughout the planning process both myself and the team have engaged substantially with the Local Authority, local residents, stakeholders and other interested parties. Co-op Live published consultation materials, public commitments to the local area and ran several face-to-face public consultation events in the neighbouring Council wards. We met with Council officers throughout this process to reinforce our commitment to being a responsible operator and our commitments to residents include transport improvements, local employment, sustainability and investment into charitable and community initiatives, each of which we are now building on as part of our premises licence application and as we move towards Co-op Live opening.
17. As part of the process of obtaining planning consent, Co-op Live entered into a Planning Agreement with several conditions to discharge before and during operation. Co-op Live also entered into a Section 106 agreement which outlined a number of benefits to the local community and to the wider city. Commitments agreed to as part of the Section 106 Agreement, each of which are now under way or already complete (see additional information is attached to statement), include:
 - (i) substantial investment in transport improvements, including an enhanced walking route and installation of new bicycle storage;
 - (ii) funding the expansion of a residents parking zone to protect local residents and minimise the impact of event traffic on the local area;
 - (iii) committing to a charitable and community programme which includes a guaranteed financial donation to the local community of £100,000 each year, with the projects selected for support being determined by an advisory committee comprised of local representatives;
 - (iv) developing a Community Operations Plan detailing Co-op Live's commitment to hosting community events and supporting local residents;
 - (v) giving a 'Local Benefits' commitment through construction and operations including local employment targets and local procurement commitments; and

- (vi) completing a Highway Improvement Scheme to reduce congestion and to improve travel flow.
18. Co-op Live also submitted an Events Operations Management Plan to the Council demonstrating how the Campus management operates which was approved and includes an annual monitoring and review regime.
19. In case of assistance to this Licensing Committee, I wanted to confirm that the planning decision was subject to some 43 Planning Conditions (pages 450 to 466) . Many of these are compliance items, with some are to be discharged pre-opening and others following opening and initial operation. I confirm that all of the pre-opening conditions have either already been discharged, or in the process of being discharged. All required planning conditions will be discharged ahead of holding our first event (see Appendix to this statement).
20. The business case rationale behind the project requires Co-op Live to be a multi-purpose venue which delivers all potential event types. The venue has been specifically designed to have spaces that can be utilised for events such as conferences, exhibitions and other activities on days when the main bowl is not in use. Steve Gotkine and Sarah Roberts provide greater detail about these spaces (including at pages 29 to 45 (Slides 25 to 41)). This is why the “Ancillary Spaces” proposed use (previously also referred to as “hospitality use”) formed a fundamental part of the planning application and supporting documents (including those relating to noise assessment/control and management) - see for example the section in the Noise Management Plan from Vanguardia at pages 290 to 314. It was also one of the reasons that the planning conditions provide for such stringent noise criteria (10 dB below background) as explained in the Noise Management plan and the further statement of Vanguardia/Mr Jim Griffiths – specifically at page 321.
21. It was always intended (through the planning stages) that a full “Ancillary Spaces Strategy” would be developed. The planning conditions specifically provide for Bowl and hospitality/ancillary use as set out in condition 14 and 15 – with condition 14 covering both Bowl and hospitality/ ancillary use and condition 15 relating to pure ancillary use.
22. The planning conditions are as follows (bold added to emphasis the different timing scenarios):

Condition 14:

The arena shall be open for event and hospitality use in accordance with the days and hours as specified in the approved Operating Schedule and Event Management Plan v 1.3 prepared by Laudation stamped as received by the City Council, as Local Planning Authority, on the 6

March 2020, which shall include normal operation for events and hospitality between the hours of 0900 and 0000 Monday to Sunday.

In the event that there is a requirement to operate the arena or hospitality facilities beyond these hours, the hours of operation shall be agreed in advance in writing with the City Council as Local Planning Authority. Extended hours for a full arena event will only be acceptable on a maximum of 25 occasions per annum.

Condition 15:

Prior to the first use of the arena hereby approved, a strategy for use of the ancillary spaces throughout the arena building, including kiosks to the canal (as shown on drawing BRA-POP-ZZ-01-DR-A-0613 Rev 02 stamped as received by the City Council, as Local Planning Authority, on the 24 March 2022), on non-arena event days shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt, this shall include details of the nature of the uses which would take place within the ancillary spaces including which facilities/spaces would be made available, the amount of floorspace to be utilised, operating hours and any management arrangements to ensure authorised access to the arena building only.

The use of the ancillary spaces on non-arena event days shall be carried out in accordance with this strategy for as long as the arena is in use.

23. Co-op Live is fully cognisant of the fact that if a Premises Licence is granted in the revised terms now sought (as detailed in conditions 3 to 5), it will not be able to operate in the Ancillary Spaces beyond 24:00 on a bowl event day, and generally on a non-bowl event day, until such time as it has fully complied with planning conditions 14 and 15 - and the necessary requirements to amend those conditions have been undertaken through the Planning Authority. The alignment of the requested Premises Licensing hours as against the planning hours is currently being progressed by Deloitte on behalf of Co-op Live with the Planning Authority. Further, a draft Strategy for Ancillary Spaces Use has also been provided to the Responsible Authorities in the context of this Application.
24. In terms of operations generally, as can be understood from the range of documents provided as part of the Applicant's application, together with the detailed (draft) Appendix 1 Procedures (including egress, transport, alcohol, safety and operational plans, supported by

over 100 standard operating procedures) made available through the secure portal to the Responsible Authorities, Co-op Live is taking its responsibilities to safety, security, fans and its neighbours extremely seriously. These plans have been prepared in conjunction with Etihad Campus operations teams, Manchester City Football Club and industry experts to ensure they are robust, effective and 'Green Guide' compliant, factoring in the current and future operation of Co-op Live and the wider Etihad Campus, including the increased use of the Campus.

25. I would also like to stress that the support towards Co-op Live throughout the planning process, including resident consultation and business consultation and throughout the period during construction and leading towards opening has on the whole been very positive. Residents and local businesses recognise the value and benefit the business is already bringing to the community and will continue to bring through ongoing investment in local employment and the local supply chain. City Centre businesses and hotels/ hospitality businesses value the significant influx of visitors and expenditure around events in addition to the major events already held in Manchester. Throughout the project there has been only one consistent objector to Co-op Live which is ASM Global, the company that manages the AO Arena. ASM Global was recently acquired by Legends, another multi-national global company for \$2.4bn with the combined entity now valued at an estimated \$5bn.
26. ASM Global have the long-term operating agreement of the 30-year old Manchester Arena. The Arena was built by the Local Authority for a potential Olympic bid and the asset itself is now a property asset for large international property investment companies. ASM operate this and many other worldwide venues. Historically ASM have invested a minimal amount into the venue and consequently Manchester's position as one of the top 3 global music venues in the world has been eroded and prior to Co-op Live opening Manchester was not even one of the top 3 music destinations in the UK. The old Manchester Arena has had a monopolistic position for large scale live indoor events in the City and its opposition to Co-op Live is clearly driven by competitive concern and trying to make it as difficult as possible for a new 100% privately funded venue to start up and then successfully trade.
27. We find the positioning of ASM's objection to our licence application as a concern around public safety and their wish to be sent confidential operating practices as extremely transparent and distasteful. OVG will not be taking operating best practice from the way that ASM operates its venues, particularly in Manchester. We are very proud of the fact that we develop, own and operate all of our venues with 100% private money. We manage facilities for third party owners worldwide and invest significant amounts alongside the

owners of these buildings. The only significant investment that ASM has made in Manchester Arena is in the last 12 months, timed to complete around the opening of Co-op Live.

28. During the planning process ASM consistently tried to prevent Co-op Live being granted planning consent and was the most vocal and active objector to the planning application claiming that Co-op Live would decimate Manchester city centre and put the old Manchester Arena out of business. An article in Coliseum, an independent industry publication on 20th September 2020 reported the following after the Planning Committee approved the application:

“ASM Global, which operates AO Arena, has fiercely opposed OVG’s plans and lodged a formal objection to the proposal back in June. With the Manchester City Council giving greenlighting to the project, ASM Global said in a statement that it will “review all options” to ensure the future of AO Arena is secured “despite the pressures posed” by the approval of OVG’s plans.

ASM Global’s statement added, “We are, of course, wholly disappointed about the decision, which we feel completely negates the concerns of both ourselves and many key City Centre stakeholders. These concerns are backed by compelling evidence that shows there is simply no market for a second major arena in Manchester.”

“The above decision will have a significantly adverse impact for our existing arena, and the wider City Centre businesses and attractions it supports. Clear evidence has been presented on multiple occasions that demonstrate the application for an Eastlands Arena relies on flawed research, impossible market projections, is in defiance of national and local policy, and does not align with the adopted Core Strategy to support sustainable growth in the City,” the statement added.

Why then has it been so readily approved? Fundamental questions remain as to whether this is truly the right choice for Manchester, particularly in the current climate,” the ASM statement questioned.”

29. We are glad to note that ASM Global has apparently since changed its mind on competition with Chris Bray, their European president, being quoted in the MEN on 24th January 2024:

“There is more than enough content for two arenas here in the city,” he said.

“Competition is good, it raises our game. “Manchester is a powerhouse. It is the

music capital of the world. I moved here two years ago and I have seen nothing but growth."

30. ASM's revised opinion regarding the value of competition is what Co-op Live has been expressing for years and one that was endorsed in the Planning Officer's Report of March 2020 (from page 373 "**Principle of the redevelopment of the site, contribution to regeneration and impact on Manchester City Centre and the Manchester Arena**" and concluding at 387):

"Compelling evidence demonstrates that Manchester can support two arena and without another arena, Manchester would continue to lose its market share which would only serve to strength markets such as London. The city centre would continue to thrive with visitor numbers increasing demand, and spending, within the city centre retail and hospitality sectors."

31. However, despite this apparent new position embracing competition ASM Global are still objecting to Co-op's Live Licence Application on spurious grounds motivated by anti-competitive protectionism. We are confident that the Licensing Authority will see this for what it is.

32. In terms of ASM's objection to Co-op Live's application for a Premises Licence, lodged on the final day for representations, on the first page, it was stated that:

"We recognise that the concerns raised in this representation could easily be dismissed on the basis that we are a competitor of the Co-op Live.... However, our foremost concern is to ensure the safety of our guests (who will also be customers of Co-op Live) through the promotion of the licensing objectives and we therefore hope this representation will be carefully considered by the Licencing Committee."

Our view is that its Representation was precisely that – an anti-competition objection poorly disguised as a concern over operational procedures being developed at Co-op Live, to be able to create a tenuous link with the four Licensing Objectives.

33. Due to the obviously anti-competitive nature of the Representation and the fact that ASM were clearly attempting to re-open matters determined through the Planning regime, we instructed our Licensing Solicitors (Blandy & Blandy LLP) to respond on 12 December 2023 in the following terms. Our view remains as set out in that email, set out in full below:

Dear [ASM]

Co-op Live, Manchester

I write to confirm that the Licensing Authority at MCC has forwarded to us a copy of your letter of 8 December lodged on behalf SMG/ASM Global, the operators of AO Arena, in the north of the City. My firm is acting for the Applicant on their Premises Licensing application.

I confirm that in due course, we shall respond to your Representation in full. At this juncture, suffice it to say that we find it very concerning that ASM has seen fit to instruct you to write in the terms of your letter. It appears evident that through your comments, ASM are attempting to:

- 1. Prevent (or interfere with) lawful competition under the guise of objecting to a valid Premises Licence application;*
- 2. Re-run issues that were fully addressed as part of the Planning Application process;*
- 3. Usurp the position/opinions of the Responsible Authorities and indeed, to an extent, the discretion of the Licensing Committee Members;*
- 4. Fundamentally misrepresent the application made (and indeed, the planning permission granted) to the Licensing Committee, and*
- 5. Levy totally unwarranted criticism against our Client (in an attempt to bias the Licensing Committee against it) regarding all of the work done up to the issue of the formal application and since that time, with the Responsible Authorities and with local residents, and with other stakeholders which have a legitimate interest in the operation of this venue.*

At best, we can only assume that your letter has been written from a position of ignorance (as, unsurprisingly, you are not privy to the considerable policies and procedures (including the updated NMP; Event Safety Policy; Contingency Plans; Fire Safety and Alcohol Management Plans etc.) to which the Responsible Authorities are privy) and have not been directly consulted being, (to an extent), a competitor of our Client's business and arguably not being local to its new venue.

At worse, we are very concerned that your letter is a disingenuous attempt to interfere in a commercial project that will undoubtedly benefit the local and wider Manchester Community; bringing jobs and revenue and, as GMP has already recognised, 'uplift' an area of East Manchester, as part of its regeneration.

Our Client has a wealth of experience, working with individuals involved in the development/operation of The O2 London and Wembley National Stadium (as well as with individuals involved in many other large multi-use venues in the UK and world-wide). As such,

it is 'uniquely placed' to understand the challenges of opening a large new venue on a campus site (with residential homes in the locality), and the measures that need to be put in place to achieve the right balance in terms of its operation (and promoting the Licensing Objectives) and in terms of minimizing the risk of those Objectives being negatively impacted for those attending the venue; working at it; living or working near to it, and for other stakeholders, with a legitimate interest in it.

I will be in touch to elaborate on the 5 concerns, relating to ASM's conduct, noted above. We shall not, however, be re-running arguments/issues that have been determined at the planning stage, as the Committee would not appreciate this (in view of the SLP, paragraphs 3.47; the provisions in the Revised Guidance to the Licensing Act 2003 (including paragraph 14.64), and the fact that the Planning Authority has not lodged any representation against our Client's application).

Finally, for the record, the application made is fully compliant with all the provisions of the Licensing Act 2003 and supporting Regulations, a fact which we understand the Licensing Authority can readily confirm. It is somewhat baffling to read your assertions regarding regulatory matters bearing in mind the content/form/draft conditions and Responsible Authority objections lodged to your application for a new Licence for the AO Arena a couple of years ago. Kindly confirm safe receipt of this email.

34. Notwithstanding the above, ASM made further demands to see Co-op Live's operational plans and procedures, culminating in Blandy & Blandy LLP having to email again in the following terms on 19 December 2023:

"The Licensing Committee will, through the evidence of the top-level industry experts involved in Co-op Live's development, including those who will be running its operations, and through reference to its extensive Venue Operations Manual (refined following further input from the Responsible Authorities), be satisfied that all four licensing objectives will be promoted at all times, at Co-op Live. The Responsible Authority Officers are, of course, experts in their respective fields, as acknowledged in the Revised Guidance to the Licensing Act 2003 (paragraph 9.12), and thus we would expect ASM to trust those Responsible Authorities (as the Licensing Committee will do) rather than allowing yourselves to be distracted from your own venue operations.

In terms of ASM's representation of 8 December (and ignoring matters therein which were raised and finally determined at the planning stage and thus should not be resurrected in the Premises Licensing stage), it does not, with respect, raise any particular issues that are not

'business as usual' considerations for operating any major venue (being it an outdoor stadium; indoor arena or a large-scale festival site). Those considerations are why our Client's Operations Manual is comprehensive and is being refined, as we speak, following additional Responsible Authority input. The continued development of an Operations Manual (as a 'live' document) is a common occurrence on this type of application (indeed, we note that the expansion of your Arena's 'OMP' and draft conditions occurred on ASM's own application for a new licence determined in October 2021).

No doubt, in due course, the Responsible Authorities will be able to confirm whether (applying their expertise) they are satisfied with the arrangements that will be in place, to ensure that Co-op Live operates in a manner entirely consistent with the promotion of its licensing objectives.

Our Clients are consequently not minded to share their operational plans with a competitor at this juncture. We suggest that instead, ASM trusts the Responsible Authorities to carry out their statutory roles and focuses on its own venue operations.

Finally, thank you for confirming that ASM is not objecting to the grant of a Premises Licence to our Client. In terms of the conditions that will be attached to any issued Licence, as was made clear in the application, it was always anticipated that the conditions may be refined. Again, no doubt the input of the Responsible Authorities will be invaluable in this regard."

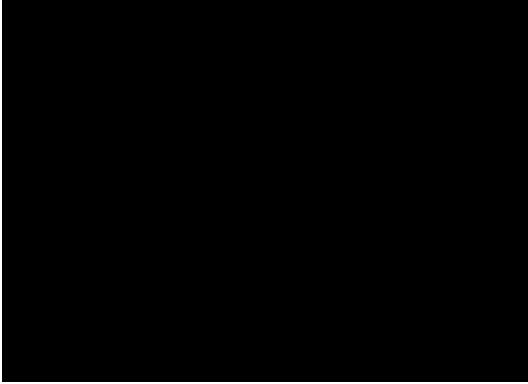
34. --

35. The above remains Co-op Live's position and we did not consider there was any need to engage further with ASM being confident that our draft Operational procedures are first-class. Professor Hadfield's Report did not lead us to change our views; Sarah Roberts responds to that Report in her evidence.

36. Finally, I would also like to briefly address the Music Venue Trust (MVT) who we also consider has objected to our Licence application for motivations other than genuine Licensing concerns (relating to the promotion of the four Licensing Objectives). MVT is a charity and an industry lobbying body which is trying to secure funding from the large-scale venue and arena operators. In our view its tactics are to try to pressure large venues to agree to put a levy on ticket buyers to concerts, to then fund MVT's expenditure. ASM Global announced its support and a relationship with MVT in June 2023. The Commercial Director of ASM at the time was appointed as a patron of MVT. It should be noted that the UK arena industry through the National Arenas Association does not support the MVT. MVT's objection in our view is

transparent in an attempt to commercially pressurise Co-op Live and OVG in agreeing to fund MVT. Co-op Live has decided to support grass roots music in a number of different routes and funding sources (as detailed in the Presentation at Slides 49 and 50, and in Steve Gotkine' s statement) but not via MVT and hence the objection to our Licensing Application.

I believe that the facts stated in this witness statement are true.



Co-Op Live Arena - Status of Planning Conditions 07-02-24

Number	Description	Status Update
1	Timescale to commence	Met
2	Design in line with drawings	Met
3	Construction Management Plan	Discharged
4	Piling	Discharged
5	Flood Risk	Met
6a	Drainage	Discharged
6b	Construction timescale	Met
7a	Remediation Strategy	Discharged
7b	Geotech Verification report	Validated - Council to confirm discharge
8a	Programme for issuing samples	Discharged
8b	Samples & Specifications	Discharged
9a	Site Investigation	Met
9b	Verification Report	Discharged
10	Vegetation clearance	Met
11	Tree Work	Met
12	Use Classes	Met
13	Capacity and no more than 15 events at same time as stadium	Met
14	Hours of Operation & details of when going beyond these	Met
15	Ancillary Spaces	Submitted
16	Sustainable Drainage Scheme	Discharged
17a	Landscaping details	Discharged
17b	Replacment of damaged landscaping	Met
18	Landscape Management Strategy	Discharged
19	Bird & Bat boxes	Discharged
20	Sustainability Statement	Post Opening
21	BREEAM	Post Opening
22a	Externally mounted plant	Discharged & Met
22b	Plant & M&E noise verification report	To be completed pre-opening
23a	Acoustic insulation	Met
23b	Noise verification report	To be completed pre-opening
24	Operational Waste Management Strategy	Met
25	Extract furnes, vapours & odours	Validated - Council to confirm discharge
26	External Lighting	Validated - Council to confirm discharge
27	External Lighting glare	Validated - Council to confirm discharge
28	Secured by Design	Submitted
29	Travel Plan	To be completed pre-opening
30	Covered Cycle Spaces	Discharged
31	Coach Parking Strategy	Validated - Council to confirm discharge
32	Highway Works	Partial discharge and partial to be completed
33	Servicing & operational Management Plan	Validated - Council to confirm discharge
34	Car park Management	Validated - Council to confirm discharge
35	Crowd Management	Validated - Council to confirm discharge

Co-Op Live Arena - Status of Planning Conditions 07-02-24

Number	Description	Status Update
36	Waste movement	Met
37	TV Reception	OVG upon request by MCC
38	External Roller Shutters	Discharged
39	Boundary Treatments	Discharged
40	Solar Panels	Discharged
41	Roof Signage	Discharged
42	Ashton Canal	Validated - Council to confirm discharge
43	3D Public Art	Discharged

S106		
S106 Part 2	Resident's Parking Zone	In process - will be met
S106 Part 3	Highway Improvement Scheme	Validated - Council to confirm discharge
S106 Part 4	Events Operations Management Plan	Ready to submit
S106 Part 5.4	Local Benefit Proposal	Validated - Council to confirm discharge
S106 Part 6.1	Waste Collection Scheme	Ready to submit
S106 Part 7.2	Community Operations Plan	Validated - Council to confirm discharge
S106 Part 7.5	Sports & Major Events Plan	Validated - Council to confirm discharge

Installation of 3 x LED screens integrated into building facade together with 5 x illuminated totem wayfinding signs incorporating digital screens and 1 x static illuminated totem wayfinding sign - Advertising Consent 126432/AO/2020

1	Restrictions	Met
2	Drawings	Met
3	CDM/2	Met
4	Full details of the LED building signage, as specified in the condition wording.	Submitted
5	Verification Report for the LED Building Signage Installation.	Post opening report

Security Hut - Planning Permission Ref: 132238/FO/2021		
1	Timescale	Met
2	Drawings	Met
3	Samples & Specifications	Discharged
4	Watching brief	Met
5	Construction Plan	Met
6	Use	Met

Installation of two internally illuminated signs to North and East elevations of the arena together with installation of an externally illuminated podium sign to the public realm area adjacent to the Ashton canal: LPA Ref: 134440/AO/2022

1	Timescale	Met
2	Drawings	Met
3	CDM/2	Met

Installation of non illuminated flush roof sign to roof of the arena. Ref: 137815/AO/2023

1	Restrictions	Met
2	Drawings	Met

**IN THE MATTER OF AN APPLICATION FOR A PREMISES LICENCE FOR
CO-OP LIVE, MANCHESTER**

BEFORE MANCHESTER CITY COUNCIL LICENSING SUB-COMMITTEE

21 AND 22 FEBRUARY 2024

EASTLANDS ARENA LIMITED

APPLICANT

WITNESS STATEMENT OF [REDACTED]

I, [REDACTED] of Co-op Live, Connell Co-op College, 301 Alan Turning Way, Manchester, M11 3BS, state as follows:

Introduction

1. I make this statement on behalf of the Applicant, in support of the Premises Licence application issued in November 2023, relating to Co-op Live, Manchester. Specifically, I explain how the proposed licensed venue will be operated, to the highest professional standards, and address the points raised by those who have lodged representations.
2. Page references in this statement refer to the first set of Supplemental Agenda papers lodged with the Licensing Authority on 13 February, unless otherwise stated.
3. The Supplemental Agenda documents comprise a PowerPoint Presentation (pages 5 to 103) and documents (104 to 504) on which the Applicant will rely at the Hearing. Whilst both are comprehensive, they only present an overview of the detailed operational procedures and plans in place to operate Co-op Live safely and securely; in a legally-complaint way, and as a 'good neighbour'.
4. As one would expect with a multi-use venue of this size, within a larger Campus, there are numerous levels of operational procedures and a considerable amount of interplay between the different procedures. For example, there are over 100 Standard Operating Procedures. I explain in more detail below (and in Slides 51 onwards).
5. This statement touches, directly or indirectly, on every *operational* aspect of Co-op Live planned licensed operation, and is supported by evidence from:
 - Mr Steve Gotkine (Senior VP, Venue Development and Operations, Co-op Live/Oak View Group (OVG));
 - Mr Mark Donnelly (COO, OVG);

- Mr Dave Pester (Head of Security, Co-op Live);
 - Mr Noel Jeffs (Director of Stadium Advisory Services Ltd);
 - Mr Luke McDonnell (Director of Safety and Security at Manchester City Football Club);
and
 - Mr Jim Griffiths (Director of Vanguardia)
6. Separate to this statement, Mr Gotkine will speak to certain aspects of the Presentation, and Mr Donnelly will explain to the Committee (and those present) the wider Campus and Planning context, in so far as they are relevant to this Application.

My Role and Responsibilities as Operations Director of Co-op Live

7. I am Operations Director and Assistant General Manager, and the proposed Designated Premises Supervisor, for the Applicant, Eastlands Arena Limited, the operating company of the joint venture, which owns Co-op Live. The proposed licensed venue, as well as its operators and management, are referred to collectively as "Co-op Live" in this statement unless otherwise stated.
8. I joined Co-op Live in April 2023, following a robust recruitment process. My previous experience in the Events/Sports industry at major venues; my skills set and qualifications all lend themselves to the role. Specifically, over the last 18 years, I have held roles at Wembley National Stadium; KIA Oval Cricket Ground; Harlequins Rugby Club, and immediately prior to joining Co-op Live, at WASPS Rugby Club and CBS Arena in Coventry. Those roles have all been operational – ranging from Event Control Consultant/Event Safety Team (Wembley Stadium); Operations Manager and Deputy Safety Officer (KIA Oval) to Operations and Project Director (Redevelopment of the Stoop) (Harlequins RC), and Operations Director & Safety Officer at WASPS/CBS Arena. I hold industry specific qualifications including Level 4 NVQ in Event and Spectator Safety and BIIAB National Certificate for Personal Licence Holders. Through my different roles, I have also acquired a thorough understanding of the Guide to Safety at Sports Grounds (referred to as the "Green Guide") and other fundamental SGSA Guidance including its Supplementary Guidance 03 relating to Event Safety Management.
9. In my role at Co-op Live, I am a member of the Senior Management Team and have day to day responsibilities for the delivery of all operational strategies, reporting to the General Manager, Mr Gary Roden (who in turn reports to the Board). My responsibilities comprise leading on; having oversight over and having ultimate responsibility for, delivering all

operational aspects pertinent to the safe and legally compliant management and use of the Co-op Live (within and in liaison with the wider Etihad Campus). The scope of my role and responsibilities is all encompassing in terms of operational requirements relating to the provision of a venue that operates lawfully; as a 'good neighbour' and is safe for all those visiting it; working at it and connected to it.

10. The following fall directly within my remit; this list is far from exhaustive (as explained later in this statement):

- Security inc. Counter Terrorism measures (considering the Terrorism (Protection of Premises) Draft Bill);
- Crowd Management; Ingress and Egress; Transport;
- Visitor Safety (including Safeguarding measures for children and vulnerable individuals)
- Event Planning; Implementation and Debriefing – including compliance with the Appendix 1 Procedures and any legal requirements (e.g. planning conditions and premises licence conditions, including Noise Management);
- Consultation and Liaison with all key stakeholders such as with Local Residents Groups, MCFC/ City Football Group, the Responsible Authorities, Emergency Services and Manchester City Council.
- Staffing including Stewarding; SIA; Personal Licence Holders – including recruitment; training (on induction and annually);
- Food & Beverages; Alcohol Management and auditing of Caterers (Rhubarb) as against Service Level Agreements; and
- Facilities and fan experience

11. Other core aspects of my role are to support Co-Op Live's work in the Community (including championing opportunities for under-represented groups; attracting talent to the industry (including promoting grassroots music/entertainment); forging links with the community (through education and job opportunities) and to drive forward Co-op Live's target of being carbon neutral by 2038.

Planned Operations and the Operations Manual

12. For every aspect of Co-op Live's operation to match its 'gold-standard' physical design and build, we understand that the following are fundamental:
- Employing the right people and training them (on induction and regularly)
 - Applying robust standards of operation (including record-keeping and auditing);
 - Working closely with all stakeholders (including the Responsible Authorities and those in our community).
13. In terms of recruiting the right people, we have rigorous recruitment practices in place in terms of our permanent roles. All staff (whether working in permanent or casual roles) will be trained to a high level both on Induction and at least annually thereafter. A copy of the draft Training Plan is at pages 249 to 268 and in addition, the specific Alcohol Management Plan is at 185 to 247. A summary of our staffing and training principles is set out on Slides 58 and 59 (found on pages 62 and 63 of the Supplementary Agenda).
14. The steward and security agencies have gone through rigorous tendering process which included tender responses, documentation, interviews and review of staff at other venues during events. The agency staff will form a core part of the operational team and will undertake the same training as the in-house team including table tops and specific Co-op Live training sessions.
15. Co-op Live has developed an agile, robust and IT-enabled Operations Manual containing (amongst other policies and procedures) Standard Operating Procedures (SOPs) and Emergency Operating Procedures (ESOPs). The Guide to Safety at Sports Grounds ("Green Guide") principles run through every aspect of our procedures, as well as factoring in the Manchester Arena Inquiry Reports (particularly Volume 1: Security for the Arena and Part 8: Conclusions and Recommendations).
16. The Operations Manual contains plans and procedures relating to all of the subjects listed in the draft Index (which formed part of the Application on issue (pages 133 - 135) and many more specific areas as shown in Slides 54 to 57 (Supplementary Agenda Bundle pages 58 to 61). It has also been specifically designed so that all those connected with any aspect of Co-op Live's operation (as employed staff members or contractors) can be trained on the policies and procedures that are fundamental to the correct fulfilment of their duties and thereafter,

can be easily navigated by all, to keep up to date on those aspects pertinent to their different roles.

17. It is worth remembering that the Green Guide sets a high bar, being designed to set standards applicable to very large capacity outdoor stadia (such as Wembley Stadium, with a capacity of almost 90,000, as well as operating within the wider Wembley complex) in close proximity to other large venues such as the OVO Arena. The latest Green Guide (Edition 6) was published in 2018 (following terrorist incidents at both the Bataclan Concert Hall, Paris and the Manchester Arena) and thus has been expanded, with a greater emphasis on security measures. Its core principles remain the same: i.e. safety at large sports grounds. The latest version also reflects the fact that we live in a digital world and the design and operation of large-capacity venues should fit within that world, as well as assisting Responsible Authorities and other stakeholders with their responsibilities (by enabling them to access the right information quickly and efficiently).

18. In my role as Operations Director, I have ownership of Co-op Live's Operations Manual and working with my experienced colleagues (including Steve Gotkine), we have developed 'gold-standard' procedures. To a large extent, the procedures; plans and policies (as summarised on Slides 54 to 57) relate to the safe use of Co-op Live by the public and staff (and other lawful visitors) *regardless* of whether or not licensable activities are in play. The venue must operate safely at all times. It is, however, fully appreciated that there is an additional level of complexity when licensable activities are involved. Consequently, there are procedures that relate specifically to licensable activities such as the Alcohol Management plan (pages 185 to 247); the Noise Management plan (pages 269 to 326) and Event-Specific management plans.

19. To ensure that Co-op Live's operational procedures are set within the Green Guide recommended framework and meet Noise Management Industry Standards (along with meeting Manchester City Council's own Standards (as set out in its Statement of Licensing Policy at sections 8 and 12); and relevant planning conditions), Co-op Live has sought expert input and guidance from industry-recognised experts, in their respective fields – in particular from Mr Noel Jeffs and Mr Jim Griffiths. The detail of their evidence is set out in their respective statements/reports, but by way of summary:
 - Mr Noel Jeffs (former Operations Director and Stadium Director of Wembley National Stadium) has assisted with structuring the Green Guide framework for our Co-op Live's procedures and has critiqued our policies and procedures. He has also produced the Compliance Cross-Reference Matrix at page 150 to 184. This document sets out the Manchester Standards (from the Statement of Licensing Policy) and details where in our

Operations Manual, the plans and procedures to satisfy those Standards are located. Mr Jeffs has also reviewed the helpful feedback, on the Operations Manual procedures, provided by MCC's Principal Licensing Officer, and on his specific questions, and has cross-referenced these questions to the specific parts of the Operations Manual. This review (and the original feedback) is not included in the Supplemental Agenda papers as it contains significant details relating to security which must remain confidential. Mr Jeffs has also provided to me his thoughts on Professor Hadfield's report. His feedback is encapsulated into my own views detailed at the end of my statement, and

- Mr Jim Griffiths (Director of Vanguardia). In terms of noise management expert input (in the context of the original planning application and in relation to this Application), Vanguardia has been involved throughout, and will continue to be involved, to a degree, post-opening in order to ensure compliance with the required (very robust) limits set through the planning process. Vanguardia's Noise Management Plan (NMP) submitted in support of this application is at pages 269 to 315 and has been supplemented by a statement from Mr Griffiths (Supplementary Bundle pages 316 to 326*). I can confirm that all of the noise management measures recommended by Vanguardia (for example in paragraph 3.1 of the NMP (Supplementary Bundle page 278) have been encapsulated in Co-op Live's operational plans relating to egress/stewarding and training.

20. In terms of the development of the Operations Manual procedures, we have been engaging with all of the Responsible Authorities (and additional stakeholders), building on constructive relationships formed through the extensive planning application process. Their input (including their comments in their Representations) has been invaluable in assisting us to focus on every aspect of our planned operations, and to resolve any queries that have arisen. As part of this consultative and transparent process, Co-op Live set up a secure IT portal so that all of the Responsible (and other) Authorities can easily review, and feed back to us, any observations they may have on, the different policies and procedures, whilst maintaining high-level security over those procedures. Whilst access to this secure portal is strictly controlled, some 20 officers from Manchester City Council teams currently have access to the Operations Manual together with 7 officers from Greater Manchester Police, and the Fire Authority.

21. The Operations Manual is (and must be) a 'live' document as its policies and procedures have to be capable of amendment, to enable a sensible degree of flexibility to best fit day to day operations and to reflect best practice. Knowledge is, obviously, constantly expanded through pre-opening, operational readiness stages (e.g. through workshops; training;

tabletops) (Slide 53) (Supplementary Bundle page 57) and following opening (through Event de-briefings etc), and this knowledge needs to be acted upon. The Manual will also be updated from time to time to reflect good practice developments in industry guidance and/or up to reflect updated legislation/regulations. It is also now recognised in the industry that a venue's operation should not be unduly restricted by making compliance with the entire contents of an Operations Manual a condition of its Premises Licence, as the effect of this could be to hamper (and therefore negatively impact upon), the promotion of the Licensing Objectives.

22. Co-op Live entirely accepts and embraces that the exception to its Manual remaining 'live' are the "Appendix 1 Procedures" - being the cornerstone procedures relating to the promotion of all four Licensing Objectives, which must be adhered 'to the letter'. As set out in the draft Premises Licence Conditions pages 142 to 149 (these have since been updated following discussions with the Ward Councillors for Miles Platting - 3rd set of Supplemental Papers), it is proposed that these Procedures (which in some instances have many tiers to them) are indirectly incorporated into, and enforceable as, licence conditions - see specifically conditions draft conditions: 1.4; 8; 27 and 28). This approach is consistent with that taken for other large multi-use venues so that the resultant Premises Licence is user-friendly and understandable at top level to the public at large, but at a detailed level to those who are legitimately connected to the venue. Specifically this keeps complex operational aspects (many of which will relate to security) accessible only to those who should have access to them, combining ease of accessibility with proper enforceability. The Principal Licensing Officer has confirmed that he agrees with this approach.
23. Accordingly, draft Premises Licence condition 28 (page 147) provides that at any event in the Co-op Live 'Bowl' and/or on any occasion that any Ancillary Spaces Activities are taking place, compliance with the following "Appendix 1 Procedures" is a condition of the licence:
- (a) *Event Safety Policy;*
 - (b) *Generic Event Management Plan and Event Specific Instructions (where required);*
 - (c) *Contingency Plans;*
 - (d) *Alcohol Management Procedures;*
 - (e) *Crowd Management and Ingress/Egress Management Plans;*
 - (f) *Security and Counter Terrorism plans and procedures (including CCTV); and*

(g) *Training Procedures and Record Keeping.*

24. The multi-layered Appendix 1 Procedures (as summarised in the Presentation) have been provided in detailed form to the Responsible Authorities but will not be finalised until nearer to the opening of the venue. This is entirely normal and sensible, ensuring that any important information coming out of the crucial pre-opening operational stages (including training; workshops; and the 'table-top' exercises etc...) can be fed into the final version of these essential procedures.
25. As explained in (draft) Premises Licence condition 8, until such time as the Licensing Authority has approved the Appendix 1 Procedures, a Co-op Live Event (i.e. a Bowl event), or an event in the Ancillary Spaces, cannot take place.

Representations concerning the Application:

26. As regards how Co-op Live will operate in general terms, what is likely to take place, where, and during what times within the venue, this is broadly outlined in the Presentation and covered by the evidence given by Mr Steve Gotkine. By way of reminder, Standard operations will fall into three types of events – shown on Slide 21 (page 25):

- **Type A Bowl Events:**

These will finish between 22:30 and 23:00 with activities in the ancillary spaces, Sunday to Thursday until 01:00 and on Friday and Saturdays (and on a Sunday before a Bank Holiday), until 02:00;

- **Type B Events:**

Standalone Ancillary Spaces activities/events, Sunday to Thursday until 01:00 and on Friday and Saturdays and on a Sunday before a Bank Holiday), until 02:00; and

- **Type C Event:**

This will be either a Type A or Type B event taking place on days when the Etihad Stadium is in use (as detailed in the Campus Operating Modes 5, 6 and 7). These Modes are explained on Slide 94 (Supp Bundle page 98) in summary form; they are explained in detail in the Etihad Campus Command and Operating Procedures (which has, of course, been shared with the Responsible Authorities).

In terms of the Strategy for Use of Ancillary Spaces, a draft has also been shared with the Responsible Authorities. It is not included in the Supplemental Agenda papers as it contains details relating to the security of the venue.

27. The concerns that were originally raised in relation to the Application (as detailed in the Representations) fell broadly into three inter-related categories:
- (a) **Local Community concerns** - relating to the proposed late hours of operation and possible negative effects on the local community;
 - (b) **Off Sales** - concerns relating to proposed 'off' Sales and possible exposure to children to alcohol taken off the Co-op Live/ the Etihad Campus; and
 - (c) **Concerns that further information was needed** before the Representor could satisfy themselves that the Licensing Objectives will be promoted.
32. In relation to all three categories, virtually all of the Representors (save for that from AO Arena/ASM) did not object to the principle of Co-op Live operating and conducting licensable activities *per se* and specifically within 'Standard' hours (i.e. within the hours specified in condition 14 of the planning consent - so between 09:00 and 24:00 daily). All of the Representations were focused on late night/early morning use, when the usual extensive public transport facilities, within or very close to the Etihad Campus, are more limited.
28. The Representations from local residents are all from those living in the Miles Platting Ward, which is to the north/north-west of the carparks at the top of the Etihad Campus. These residents do not therefore live in the Ward nearest to Co-op Live. The nearest residents live in Stuart Street (which is in Clayton & Openshaw Ward). No representations have been received from any individuals living in that Ward, although two of their three Ward Councillors (Cllr Alan Wood and Cllr Irene Robinson) have put in representations. The Councillors for Miles Platting - Cllrs June Hitchen; Carmine Grimshaw and John Flanagan - have also put in representations.
29. As I have indicated, all of these representations from the community almost exclusively concern the proposed *post-midnight* licensed operation and suggest that, as a consequence, the four Licensing Objectives would be negatively impacted, affecting them in their nearby homes, particularly due to the limited public transport that is currently available in the early hours of the morning (particularly Sunday to Thursdays). Connected to this issue, concerns were raised relating to noise from individuals walking through nearby streets; to an

increased risk of ASB and to illegal parking and littering in off-campus areas in Miles Platting.

30. Off Sales:

Concerns were also raised by some of the above mentioned local residents and Ward Councillors regarding whether there would be an increased risk of harm to children if Co-op Live was granted a Premises Licence permitting 'off-sales', as well as 'on-sales'.

31. Additional Information being sought

Although the Responsible Authorities were provided with draft (core) "Appendix 1 Procedures" on Issue of the application, these were naturally in draft form. Understandably the Authorities wished to see expanded procedures, to satisfy themselves on the robustness of the procedures in the Operations Manual itself, particularly (but not solely) relating to those core Procedures.

32. Since receipt of the Representations, my colleagues and I have gone through all of them; have reflected on the concerns and how we could address them. We were committed to resolve the concerns raised by those genuinely interested in the safe operation of the new venue and to explain how we will mitigate the risk of any of the Licensing Objectives being negatively impacted by those operations. Naturally we want to be 'good neighbours' and a very welcome addition to the Etihad Campus and its neighbourhood. We also rapidly realised that we needed to do more to articulate what Co-op Live's operation would 'look like' in reality.

33. Since the Issue of the Application, considerable discussions have consequently taken place with Responsible Authorities (and wider Council) representatives and with the Ward Councillors for Miles Platting; Ancoats & Beswick and Clayton & Openshaw. As a direct consequence, the licensing authorisation now sought (in terms of hours) is significantly reduced from that set out in the original application.

34. Licensable activities (during Standard hours of operation) will consequently be limited to the hours set out in condition 3 (page 5, Third Supplemental Agenda) and as detailed in paragraph 26 above. Any activities in the external Podium will also finish by 22:00 latest, with closure of the area by 22:30.

35. In practice, the precise hours of any Bowl Event and/or events/activities in the Ancillary Spaces will very much depend on the nature of that Event/activities in the particular space on the particular day. It should be remembered that Co-op Live will not be open daily; it will

only be open when a Bowl Event is taking place (with Ancillary Spaces use, for a limited period following on from the Event) or, on occasions when there is no Bowl Event, when particular Ancillary Spaces have been booked for smaller events/activities.

36. In terms of Bowl Events, most evening shows will start around 19:30 (with the doors opening to the public from around 17:30 onwards) and finish between 22:00 and 23:00. These details were explained in the original draft Operating Schedule supporting the Planning application prepared by Laudation (Supplementary Bundle pages 470 to 504). This Standard Hours Bowl operation aligns with (or indeed, is less than) the permitted planning hours under planning condition 14 (Supplementary Bundle page 457).
37. The 'Ancillary Spaces', open after a Bowl Event Day and/or on a day when no Bowl Event is taking place, will be operated; managed and staffed in accordance with our Operations Manual; Appendix 1 Procedures, and Premises Licence Conditions, to the same exacting standards and process as a Bowl Event.
38. Whilst Co-op Live's revised Premises Licence Application (consistent with Planning Condition 14) does include the prospect of Co-op Live operating Bowl Events (and Ancillary Spaces) after 23:30 on up to 25 occasions per annum, this possibility is heavily conditioned as detailed in draft Premises Licence Condition 4 (Supplementary Bundle, page 144). Further in relation to the Ancillary Spaces standalone usage, whilst planning condition 15 does not specify any maximum hours of operation, Co-op Live appreciates that this planned use is subject to a Strategy for the use of those areas being agreed with the Planning Authority. These planning conditions are referred to in more detail in the statement of Mark Donnelly.

Responses to Specific Concerns:

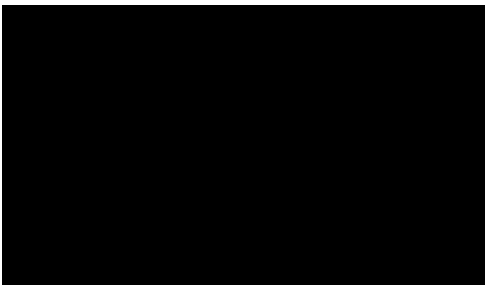
39. To address the specific concerns relating to crowd noise on egress; promotion of safety (and concerns about the use of the canal path and traffic management) and measures to prevent potential nuisance to local residents (around littering; parking; noise in nearby streets etc) the following, I reiterate Co-op Live's Operations Manual and SOPs assess each of these risks and provides the measures to mitigate it. These include but are not limited to, mitigating procedures in its Egress and Dispersal Plan; Stewarding Plan; Training; Waste Management; Event Management Plan and Traffic/Transport Plans (including the joint Co-op Live and City Football Group Traffic Strategy). These plans/procedures are supported by the conditions on the Licence including the Appendix 1 Procedures and the Noise Management Plan (see

Supplemental Agenda pages 142 -149).

40. Finally I refer to the Report recently submitted by Dr Phillip Hadfield on behalf of ASM/AO Arena, in the second set of Supplemental Agenda papers at pages 4 to 70. I have considered this 66 page report and I have also considered feedback from Steve Gotkine and Noel Jeffs on it. I am very happy to respond to the points made therein, in detail. However, Dr Hadfield's comments are largely set again an historic position i.e. they refer extensively to the planning application and documents in existence back in the Spring of 2020. Of course, over the last four years, every operational aspect has been developed vastly (along with the construction of the venue). We appreciate that Dr Hadfield (being instructed as an expert by ASM (an objector and competitor of Co-op Live), did not have access to the secure portal accessible to the Responsible Authorities containing our extensive Operations Manual/SOPs.
41. Further Dr Hadfield's report is focussed heavily on the late-night operations detailed in the original application. Again matters have moved on – with the licensing hours now sought having been reduced – as detailed in the updated proposed conditions (pages 142 – 149 Supplemental Bundle).
42. Notwithstanding the above, I can confirm that the concerns raised in the Report (in so far as they are relevant) are resolved through Co-op Live's operational procedures.

Statement of truth

I believe that the facts stated in this witness statement are true.



IN THE MATTER OF AN APPLICATION FOR A PREMISES LICENCE FOR
CO-OP LIVE, MANCHESTER

BEFORE MANCHESTER CITY COUNCIL LICENSING SUB-COMMITTEE

21 AND 22 FEBRUARY 2024

EASTLANDS ARENA LIMITED

APPLICANT

WITNESS STATEMENT OF [REDACTED]

I [REDACTED] of Stadium Advisory Services Ltd, state as follows:

Introduction

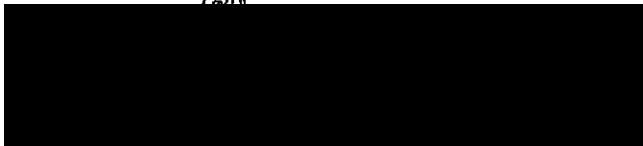
1. I make this statement in relation to the Applicant's application for a new Premises Licence for Co-op Live, Manchester.
2. I am a director and shareholder of Stadium Advisory Services Ltd and since September 2023, have been working as a Safety and Security Consultant for the Applicant (referred to as "Co-op Live" in this statement). During the last 6 months I have been working closely with Sarah Roberts (Operations Director) and Steve Gotkine (Senior VP, Venue Development and Operations) in their development of suitable policies and procedures, consistent with the Guide to Safety at Sports Grounds ("Green Guide") and to stress-test the procedures in Co-op Live's draft Operations Manual.
3. My background particularly lends itself to supporting Sarah and her operational team in their creation of a robust; in-depth Operations Manual, compliant with the Green Guide recommendations and also those flowing from the Manchester Arena terrorist incident in 2017 (and including relating to the Terrorism (Protection of Premises) draft Bill. For more than forty years I have been involved in the safe operation of large stadia and arena including at the following venue:
 - a. Wembley Arena (1979 – 1993): Senior Operations Manager facilities and event management and, health and safety to maintain compliance with the terms & conditions

of the Public Entertainments Licences *** (this was a dual role with Wembley Stadium until 19'93)

- b. **Wembley Stadium (Old) (1979-2001):** As Operations Director and Holder of the General Safety Certificate, Safety Officer, I was responsible for facilities and event management and, health and safety to maintain compliance with the terms & conditions of the General Safety Certificate.
 - c. **Wembley Stadium (New) (1999 - 2007)** as Stadium Director with corporate responsibility as the Stadium Director & Client Representative to ensure that the new national stadium achieved operational efficiency & compliance with the Green Guide, FIFA & UEFA Regulations through good design & management. As the Holder of the General Safety Certificate & Designated Premises Supervisor, I was responsible for attaining the Stadium's operating licences & achieving its successful opening in 2007.
 - d. **Aston Villa Football Club (2008- 2009)** as Advisor to the CEO - Providing operational advice, guidance & support in enhancing operational & safety management systems.
 - e. **AEG Facilities: Turk Telekom Arena – Galatasaray Sports Club (2009-2011)** as General Manager: Stadium Operations. Design reviews and establishing the operations team, development of the Operations Manual; the planning, opening & on-going management of the new stadium, the home of Galatasaray SK
 - f. **Hazza Bin Zayed Stadium, Abu Dhabi, UAE (2013 to June 2017)** Senior Advisor to the CEO – I carried out a similar role to my duties at Turk Telekom Arena again through planning, opening & on-going management of the new stadium.
 - g. **Exeter Chiefs Rugby Club (2019-2020)** working at their Safety Office; updating their Operations Manual and carrying out matchday planning and safety officer duties, and
 - h. **Swindon Town FC (2021 – 2023)** as Stadium Facilities Manager and Safety Officer.
4. Through the above roles, I have gained a detailed knowledge of the Green Guide and how procedures recommended in that Guide, translate from theory into 'on the ground' safe practice. I also have various industry qualification including:
- NVQ Level 4 Spectator Control;
 - City and Guilds Engineering;

- Highfield Level 3 Award in Assessing Competence in the work environment
5. I also hold a Personal Licence (under the Licensing Act 2003) and have attended a number of specialist training courses in Action Counter Terrorism (ACT) Awareness and e-Learning and (through the English Football League), obtaining a Safeguarding in Sports Certificate.
 6. Over the last 6 months, with Sarah and her team, we have been focussing on every aspect of event safety and therefore, developing Green Guide complaint plans and procedures relating to numerous aspects including:
 - Event Safety Policy (including Risk Assessment)
 - Event Management Plan with supporting Appendices
 - Contingency Plans (including Incident Management Plan)
 - Security Operations Manual and
 - Alcohol Management Plans
 7. It is perhaps important to understand that the safe operation of a large-capacity venue such as Co-op Live cannot properly or safely be encapsulated in a handful of Premises Licence Conditions. An effective Operations Manual will involve different tiers of policy and operational plans (as demonstrated in Slides 54 to 57 – pages 58 - 61) with many subjects being referenced in a number of policies and procedures. Further to ensure that those procedures are effective and are implemented, there has to be a series of checks and balances. In practice, this is achieved through another myriad of processes, including but not limited to:
 - a. Strong liaison between all stakeholders – this is clearly crucial when a venue sits within a wider campus such as Wembley Stadium sitting within the wider Wembley Park, and Co-op Live within the wider Etihad Campus;
 - b. Engagement in regular Event Review Meetings (or SAGs) with Responsible and other Authorities;
 - c. Internal robust de-briefings following events;
 - d. Critical auditing of those working under Service Level agreements; and
 - e. Strong record-keeping and analysis of those records.

8. Further, it is worth emphasising that it would be entirely inappropriate, in my view, to attempt to finalise certain key operational plans (including some of the Appendix 1 procedures such as the Egress Plan) months before opening. The various procedures that have to be followed to ensure operational readiness (e.g. workshops; table-top exercises; training of staff etc), must first be undertaken and then critically reviewed before essential final adjustments are made to many of the operational plans.
9. I confirm that I have considered the Report of Dr. Hadfield submitted by ASM (Second Supplemental Agenda papers). I appreciate that his Report was prepared without the benefit of seeing any of Co-op Live's procedures submitted to the Responsible Authorities through the secure portal. In addition, his comments have now largely been superseded by the revised operational/licensing hours that Co-op Live is seeking. In any event, I have provided my feedback to Sarah/Co-Op Live, and Sarah will comment further in her statement.
10. Finally, flowing through all of the Appendix 1 Procedures is the fundamental concept of 'risk assessment'. This concept is explained (in the context of stadia) in the Guide to Safety Certification of Sports Grounds (a copy of which is attached to this statement), and informs the preparation of Co-op Live's Operations Manual and the operation of the venue in every aspect.
11. I believe that the facts stated in this statement are true.



GUIDE TO THE SAFETY CERTIFICATION OF SPORTS GROUNDS

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GUIDE TO THE SAFETY CERTIFICATION OF SPORTS GROUNDS

INTRODUCTION

1.1 Purpose of the guidance

This guidance updates and supersedes the guidance on safety certification issued by the Football Licensing Authority ("FLA") in 2001. Although it is specifically addressed to local authorities responsible for the safety certification of sports grounds at which designated football matches are played, it will also be of value to all local authorities that issue safety certificates to sports grounds under the Safety of Sports Grounds Act 1975 ("the 1975 Act") or the Fire Safety and Safety of Places of Sport Act 1987 ("the 1987 Act"). It provides a single source of reference and forms part of the evolving approach to the oversight of public safety, as evidenced in new legislation over the past few years.

It is intended to empower and assist the local authority to identify, apply and enforce the terms and conditions that it prescribes in the safety certificate. These should be the conditions that it considers necessary or expedient to secure the reasonable safety of spectators at the ground.

The guidance offers two possible styles of safety certification. It sets out a less directive approach under which the ground management uses risk assessments to identify the conditions which it considers reasonably necessary to secure the safety of spectators and records them in an operations manual for scrutiny, acceptance and incorporation in a schedule to the safety certificate by the local authority. This is the preferred option, consistent with the modern approach to public safety. It is recommended for all safety certificates for new football grounds and for those undergoing major redevelopment or refurbishment. Local authorities are also encouraged to consider adopting this new approach (replacing existing old-style certificates) at the earliest opportunity.

This approach is not, however, intended to be mandatory. Local authorities may choose to continue with the existing top-down approach. This guidance explains how this may need to be modified to comply with current requirements. Local authorities need to be aware that retaining this approach may perpetuate tensions within the safety certificate between the more prescriptive sections and those, such as fire safety, where the ground management should already be arranging a risk assessment.

It should be read with the relevant Circulars issued by the Home Office and the Department for Culture, Media and Sport ("DCMS") and its predecessor, the June 2008 fifth edition of the Guide to Safety at Sports Grounds ("the Green Guide") and Sports Grounds and Stadia Guide (SGSG) no 4 – "Safety Management". It also brings together the various interpretations of the legislation and its attendant circulars given by DCMS or the FLA. Much of this material can be accessed through the FLA website.

This document covers the interface between safety certification and measures to be taken by local authorities under the Regulatory Reform (Fire Safety) Order 2005 ("the Fire Safety RRO"), the Health and Safety at Work etc. Act 1974 ("the HSWA") and its related Regulations, Building Regulations and any other requirements that may affect the safety of spectators. It does not, however, provide guidance on these, except insofar as they have a direct impact upon the process of safety certification or the contents of the certificate.

1.2 Background to the guidance

Following the disaster at the Ibrox Stadium in Glasgow in January 1971 and the subsequent public inquiry, the 1975 Act introduced a system of safety certification of sports grounds by local authorities. This has remained substantially unchanged. The local authority is required to determine the safe capacity of the ground, to prescribe and enforce such terms and conditions as it considers necessary or expedient to secure the reasonable safety of spectators and to undertake a periodical inspection.

Experience has shown, however, that this top-down approach has a number of disadvantages. While a lead role for local authorities should ensure that due regard is paid to general principles and national guidance, the ground management may not necessarily be committed to all the specific requirements imposed under the safety certificate, especially if it considers them inappropriate for its particular circumstances. It is far preferable that the ground management is positively engaged in identifying and implementing appropriate conditions and safety procedures to which it can fully subscribe and that provide the appropriate safe environment.

1.3 Need for guidance

Adoption of the revised approach to safety certification will inevitably impose demands on local authorities in the short term. It is intended that this process should as far as possible be cost neutral. It would make little sense for each local authority to have to reformulate its procedures in isolation, particularly as safety certification may only be part of a much larger portfolio for many of the staff concerned. Nonetheless the guidance seeks to avoid being too prescriptive; each authority will need to consider it in the light of local needs and circumstances. Local authorities are also encouraged to take advantage of their local informal networks to help them share experiences and develop a common approach.

1.4 Applying the guidance

The legislation and some of the Circulars referred to in this document are binding upon local authorities. This guidance provides the authorities with the necessary information to enable them to take reasonable decisions in each individual case after having considered the particular facts on their merits. It is given in good faith but does not purport to cover every eventuality.

The FLA remit currently only extends to grounds at which designated football matches are played. However, local authorities issuing safety certificates to other grounds may also find this guidance, in particular that on new-style certificates, of value.

GENERAL PRINCIPLES OF SAFETY CERTIFICATION

2.1 Responsibility for safety

As stated in paragraph 1.4 of the Green Guide, responsibility for the safety of spectators lies at all times with the ground management. The management will normally be the owner or lessee of the ground, who may not necessarily be the promoter of the event. This responsibility should not be assumed by either the local authority or any other authority or agency. Nor should the local authority become involved in the management of events or take any action that could be interpreted as involvement.

Historically, the local authority has itself undertaken most of the work involved in formulating the terms and conditions in the safety certificate. While the 2001 guidance on safety certification recommended that local authorities encourage the certificate holder to carry out risk assessments in respect of spectator safety and to take the lead in identifying possible improvements in spectator safety, this has not been widely implemented.

Since then, however, the Fire Safety RRO has imposed a requirement on management to plan, organise, control, monitor and review the necessary preventive and protective measures and to record these arrangements in writing. It also requires a responsible person to undertake a risk assessment. Similar approaches are adopted in Regulations under the HSWA and in the Licensing Act 2003, at least one of which is likely to apply at sports grounds.

In line with this general approach, it is strongly recommended that the ground management should be required to commission or undertake risk assessments on all matters relating to the safe management of the ground and of spectators at events within the scope of the safety certificate. These should include facility maintenance, crowd management, stewarding, medical and first aid arrangements, and fire safety. Management should not rely on the local authority or the FLA to undertake this work on its behalf.

On the basis of the risk assessments, management should produce a comprehensive operations manual (see SGS no 4 – "Safety Management") setting out how it will achieve reasonable spectator safety at these events. This should also include the proposed capacity for the whole and for each area of the sports ground, along with its suggested (P) and (S) factors. It should submit this material to the local authority for scrutiny and acceptance.

2.2 Responsibilities of the local authority

Under the 1975 Act, the county council, unitary authority, metropolitan or London borough ("the local authority") is responsible for issuing and enforcing a safety certificate in respect of sports grounds designated by the Secretary of State. These are sports grounds that, in his opinion, have accommodation for more than 10,000 spectators – 5,000 in the case of Premier League or Football League grounds in England and Wales. The designation process is described in detail in section 3.1.

The 1975 Act defines a sports ground as a place where sports or other competitive activities take place in the open air, and where accommodation has been provided for spectators, consisting of artificial structures, or of natural structures artificially modified for the purpose.

The Act did not foresee that a sports ground might be fitted with a roof that could be closed for certain events. However, provided that some sport is played with the roof open, such a venue should still be regarded as a sports ground. The legislation does not apply to indoor arenas. These are generally covered by the Licensing Act 2003 under which the venue management already identifies the necessary safety arrangements.

The 1987 Act lays a similar responsibility upon the local authority in relation to regulated stands at non-designated sports grounds. Regulated stands are stands that provide covered accommodation for 500 or more standing or seated spectators, as determined by the local authority under section 26 of the 1987 Act.

A local authority also has responsibilities at other sports grounds, not covered by these categories, by virtue of section 10 of the 1975 Act, as amended by the 1987 Act. For further details see section 7.3 below.

2.3 Safe capacities

The most important condition in the safety certificate sets the maximum number of spectators that may be accommodated. At a designated sports ground, the safety certificate should prescribe the capacities for the premises as a whole and for each separate area. Where there are regulated stands, it should set the capacity for each such stand.

Chapter 2 of the Green Guide provides detailed and comprehensive guidance on how to determine the safe capacity within every kind of sports ground. It emphasises that this capacity depends not merely on the available viewing accommodation and the capacities of the entrances and exits, including the emergency exit capacity, but on the physical condition (the (P) factor) and the quality of the safety management (the (S) factor) of the sports ground. These latter two elements are defined in paragraph 2.4 of the Green Guide. The safe capacity of a seated stand may be lower than the number of seats within it.

It is recommended that, whatever the style of safety certificate, the management of the sports ground should take responsibility for assessing the (P) and (S) factors and calculating the safe capacity and not leave this to the local authority. These should take account of all the recommendations in the Green Guide, not merely those with which the sports ground already complies. The (S) factor and to a lesser extent the (P) factor will reflect the operations manual and its underlying risk assessments (see section 2.4 below) or, in an old-style certificate, the conditions included by the local authority. Detailed guidance on the indicative questions to be answered in determining the appropriate (S) factor is given in SGSG no 4 - "Safety Management".

Whoever is calculating the safe capacity should set a single (P) factor and a single (S) factor for each separate area of the sports ground. It should then use whichever

is lower to determine the capacity of that area. It should neither multiply the two factors by each other nor adopt the average. Both these approaches would distort the final figure.

If the local authority is satisfied that the proposed (P) and (S) factors are reasonable and that the ground management's methodology and calculations are correct, it may accept the recommended capacity and promulgate it in the safety certificate. If it is not satisfied or if the ground management has not calculated the capacity itself, the local authority may set what it considers to be the safe capacity.

2.4 Terms and conditions in the safety certificate – new style

It is recommended that a new-style safety certificate should be a comparatively short document which requires the holder to:

- undertake appropriate risk assessments;
- produce an operations manual; and
- comply with the policies, plans and procedures set out in the operations manual.

The latter condition is particularly important in order to ensure a local authority is able to take appropriate enforcement action if the holder deviates from the approach agreed in the operations manual.

The operations manual and any proposed amendments should be submitted to the local authority for consideration to enable it to determine whether to accept the holder's proposed capacity. (For further details see section 5.2 below.) Although structured differently, the safety certificate should therefore continue to set out what the holder must do in order to operate the sports ground at its permitted capacity. In this context it is worth remembering that absolute safety, however desirable in theory, is, in reality, unattainable.

Provided that the local authority is satisfied that the operations manual is compatible with the advice in the Green Guide and that it is based on a series of relevant risk

assessments undertaken by competent persons, it should be able to accept it. (Local authorities already generally follow this approach in relation to structural certificates.)

If, however, the operations manual does not follow the Green Guide, the local authority should ask the ground management to demonstrate that the proposed alternative provides an equivalent or higher standard of spectator safety (See section 1.7 of the Green Guide). Where this has not previously been agreed and recorded, the local authority will normally need to scrutinise the particular risk assessment. If it is then satisfied, it should record the nature of the deviation and the reasons why it regards the alternative approach as acceptable. An example of the format in which proposed deviations to the Green Guide could be submitted by ground management is set out at Annex C.

If the local authority is not persuaded that the procedures set out in the operations manual will provide reasonable safety for the proposed number of spectators, it should reduce whichever of the (P) or (S) factors applies, and hence the permitted capacity. It should at the same time discuss with the ground management how it (the management) might improve these procedures. The local authority should avoid taking responsibility for drafting the manual – which it will subsequently be responsible for accepting.

The permitted capacity of a sports ground should always reflect its current circumstances, not those which it are intended or expected to apply at some future date. Accordingly, the safety certificate should not require the holder to submit an operations manual in the future but should require it to comply with that which it has already submitted. The move from an existing old-style certificate to one based on risk assessments and an operations manual should be by agreement between the local authority and ground management. The necessary documentation should be completed before the new-style certificate is introduced.

If a particular sports ground is rarely filled to capacity, the operations manual may be based upon the actual levels of attendance over a given period. In such cases, the overall permitted capacity and that of each separate area must always be reduced

accordingly. These capacities may not be increased unless or until management has amended its operations manual and the local authority is satisfied that the revised procedures will ensure the reasonable safety of a larger number of spectators. A similar approach may be adopted if one area of the sports ground has been taken out of use. The same approach should be adopted if the local authority continues to issue an old-style certificate (see section 2.7 below).

Some sports grounds may regularly host a variety of sports or activities that attract different numbers of spectators. In such cases the ground management could present alternative versions of its operations manual for the different sports or activities. The local authority could then reasonably attach these to the safety certificate and prescribe different capacities for each of them.

2.5 Coverage of the operations manual and the safety certificate

The safety certificate should specify all the activities, including ancillary activities, to which it applies. These ancillary activities will include not merely event-day catering and dining but pre, during and post-event displays. Accordingly any operations manual should cover all areas to which the spectators have access, including restaurants, licensed bars, and concourses. The operations manual should also cover any other areas and all matters, over which the ground management has either direct or indirect control (through a contract with a commercial provider), which may affect the safety of spectators at the sports ground. This could encompass offices or players' facilities within a stand, media facilities, club or leisure facilities, satellite buildings and car parks. For detailed guidance on the contents of the operations manual see SGSG no 4 – "*Safety Management*".

Staff working under a franchise or agency agreement should be required as a condition of their contract or agreement to comply with the terms of the operations manual. The certificate holder could be jointly liable for any breach of the operations manual and hence of the safety certificate by franchisees or agency staff.

2.6 External factors

Certificate holder cannot be held responsible for circumstances outside their control, for example hazards presented by local industrial premises or restricted access for emergency vehicles because of congestion on the public highway, even if these could adversely affect the safety of spectators at the sports ground. The 1975 and 1987 Acts and the safety certificate do not cover spectator safety beyond the curtilage. However, the ground's operations manual should include any measures that its management can take to ensure the reasonable safety at the ground of spectators who might be affected by such external factors. Moreover, the local authority should take account both of any such factors and of the proposed mitigating measures in any operations manual when prescribing the permitted capacity.

In similar vein, the permitted capacity of a regulated stand could be reduced because of circumstances in other areas of the sports ground that are not themselves covered by the safety certificate. As indicated in section 2.5 above, any operations manual should cover such areas whether or not they fall within the ambit of the safety certificate.

2.7 Terms and conditions in the safety certificate – old style

The same general principles apply as for a new-style safety certificate. The certificate should set out what the holder must do in order to operate the sports ground at its permitted capacity. If the holder is unable to comply with one or more of these terms or conditions, the local authority, using the (P) or (S) Factor, should reduce the capacity to whatever figure it considers necessary to ensure the reasonable safety of spectators. This capacity should always reflect the current circumstances at the sports ground, not those it is planned or hoped to achieve in the future. The local authority should ensure that it determines the new capacity reasonably, proportionately and in accordance with due process (see section 3.9 below).

The terms and conditions may "involve alterations or additions to the sports ground", in the sense that the certificate holder may need to undertake certain modifications in order to achieve compliance and thereby avoid a cut in capacity. The conditions should not, however, consist of a list of specific improvements or alterations to be

implemented at some future date. If these are required in order to secure an increased capacity, the local authority should notify the certificate holder separately.

Where a particular sports ground is rarely filled to capacity or where it regularly hosts a variety of sports or activities that attract different numbers of spectators, the local authority may base its requirements on the actual levels of attendance provided that, as in the case of new-style certificates (see section 2.4 above), the overall permitted capacity and those of each separate area are reduced accordingly.

2.8 Consultation and co-ordination

The safety certificate should be seen as part of a total, integrated system for managing health and safety at the sports ground. While the local authority alone is responsible for issuing the safety certificate, having regard to any risk assessments and operations manuals by or for the ground management, safety cannot be achieved by one agency acting in isolation. The local authority is therefore under a statutory duty to consult with the chief officer of police and, where it is not itself that authority, with the fire authority and the building authority. In practice, it also needs to consult the ambulance authority and to have regard to the views not merely of the certificate holder but to those of any other regular users of the sports ground and, where relevant, representative supporters of the club(s) concerned. Where relevant it may also need to consult the authorities responsible for emergency planning and health and safety at work. The practical issues are discussed more fully in section 4.4.

Under the Fire Safety RRO, the responsible person -- in practice someone nominated by the ground management -- must undertake a risk assessment. Thereafter it is the duty of the responsible person to implement the preventive and protective measures which have been evaluated in the risk assessment. This forms part of the general duty to ensure that general fire precautions are in place for the safety of all employees or of any other relevant persons such as spectators. Common sense dictates that the performance of this duty should form part of any overall operations manual.

The local authority needs to ensure that there is no conflict between the safety certificate, or any operations manual produced as a requirement of the safety certificate, and any requirements imposed under the Management of Health and Safety at Work Regulations 1999 or other Regulations under the HSWA. As a general principle, where the two may conflict, the specific provisions of the safety certificate take priority over the general requirements under the HSWA. However, where the issue may arise, the local authority should liaise closely with the district council whose responsibilities encompass health and safety at work. The same principle applies within a unitary authority, especially if the two functions are exercised by different departments.

2.9 Policing

The local authority has no responsibility for operational policing either inside or outside the sports ground. Both the 1975 and 1987 Acts state explicitly that, where a condition within a safety certificate requires the attendance of police at an event, the number of police deployed is entirely a matter for the chief officer of police. All operational issues concerning the deployment of police officers within a sports ground are for the police themselves.

The safety certificate may reasonably require the certificate holder to notify the police of particular events and to consult them about their attendance in such numbers as the chief officer of police may determine. It is desirable that the procedures for this be spelled out in any operations manual. However, the certificate cannot require the ground management to secure the attendance of the police. Nor may it direct the police to attend.

The boundary between spectator safety, for which the certificate holder is responsible, and the maintenance of public order, which falls to the police, is not always clear cut. It is important that both parties are agreed on their respective responsibilities. This is normally best achieved through the production of a written statement of intent. The local authority may require the certificate holder to use his best endeavours to agree such a statement with the police. This should be included as a schedule to the operations manual.

If the chief officer of police decides that police officers need to attend a particular event, but the management of the sports ground disagrees, the local authority must consider whether the absence of police would adversely affect the safety of spectators at the ground. It should consider any compensating measures offered by the ground management. It is for the certificate holder to satisfy the local authority that the event can proceed safely without the police being present. If the local authority is not satisfied, it should close part or all of the sports ground or reduce its permitted capacity to a level that it considers reasonably safe for the event concerned. The options available to the local authority are described in section 7 below.

2.10 Football Spectators Act 1989

Premier League, Football League and international football grounds in England and Wales must obtain a licence to admit spectators from the Football Licensing Authority under the Football Spectators Act 1989. This licence does not contain any requirements on spectator safety. The local authority therefore remains free to include whatever conditions it considers necessary or expedient to secure the reasonable safety of spectators in the safety certificate. Indeed the local authority could close or limit the capacity of a sports ground for safety reasons, notwithstanding that the area in question had been licensed by the Football Licensing Authority.

THE CERTIFICATION PROCESS

3.1 Designated sports grounds

The 1975 Act empowers the Secretary of State to designate any sports ground, which, in his opinion, has accommodation for more than 10,000 spectators, or 5,000 in the case of Premier League and Football League grounds in England and Wales. This function is performed by the Secretary of State for Culture, Media and Sport.

The Secretary of State will normally be aware of major new sports grounds under construction but may not always have been informed of developments that might increase the capacity of an existing sports ground above the threshold for designation. It is therefore incumbent upon the local authority to notify the Secretary of State of any sports ground likely to require designation. It should give at least ten weeks' notice, so that the Secretary of State has sufficient time to be satisfied that the sports ground meets the criteria. As part of this process, the Secretary of State will formally consult the local authority, the sports ground owner, the emergency services and, where it will have a statutory role, the FLA.

The notification to the Secretary of State should include the proposed capacity of the sports ground, together with its full postal address as soon as this is known. While this may appear pedantic, and can be difficult to supply for new sports grounds where the precise address has not been fixed, it is the only certain means of identification. While the name of the sports ground may change, the postal address rarely does.

The designation order remains in force unless or until formally revoked by the Secretary of State. If a designated sports ground is demolished or is permanently modified, so as to reduce the capacity below the threshold, the local authority should formally notify the Secretary of State and request that it be de-designated. Should the local authority not do so, the certificate holder may apply directly to the Secretary of State.

3.2. Regulated stands

A regulated stand is any covered stand with accommodation for 500 or more spectators, whether seated or standing. The local authority is required to determine whether any, and if so which, of the stands at sports grounds within its area are regulated stands.

In making that determination the local authority should not seek to apply the detailed guidance on calculating the safe capacity set out in the Green Guide but must instead follow the statutory guidance on how to determine whether or not a stand provides accommodation for 500 or more spectators given in Home Office Circular 97/88. For the precise details local authorities should refer to the Circular. In brief the local authority is required to count:

- the number of individual seats and / or marked places on bench seats; and
- the number of places available on bench seating allowing 530mm per person and disregarding any shorter lengths left over; and
- the number of spectators who can be accommodated on a terraced or sloped viewing area at a rate of 2.7 per square metre after disregarding gangways, stairways and landings; and
- the number of spectators who can be accommodated in the front two metres of a flat standing area at a rate of 2.7 per square metre.

It is stressed that this methodology should be used only for determining whether the stand in question should be a regulated stand. Its safe capacity does not depend only on the amount of accommodation available. When calculating the permitted capacity for inclusion in the safety certificate, the local authority should follow the methodology set out in the Green Guide. This may well result in a substantially lower capacity, which may even fall below 500.

The local authority may at any time revoke any determination that a stand is a regulated stand if it no longer provides accommodation for 500 or more spectators, as determined in accordance with the criteria in the Circular.

3.3 Applying for a safety certificate

Once a sports ground has been designated, it is an offence under section 12 of the 1975 Act to admit spectators until an application has been submitted to the local authority for a safety certificate. The requirements governing the submission and handling of applications are set out in section 3 of the 1975 Act. They are shown in the flow chart in Annex A.

An application for a safety certificate for a designated sports ground must be in the form prescribed in the schedule to the Safety of Sports Grounds Regulations 1987 ("the 1987 Regulations") or a form to like effect. In accordance with the European Services Directive of December 2006, local authorities should make provision for applications for a safety certificate to be made online.

The application should be accompanied by detailed information as to the structure, proposed capacity and safety management systems. The local authority may, by notice in writing, require the applicant to submit within a reasonable period such information and plans as it considers necessary to enable it to determine what terms and conditions to include. Where a new-style safety certificate is to be issued, this information should be set out in a full operations manual. Since the safety certificate should relate to the actual condition of the sports ground, local authorities should not be deterred from seeking further information when they consider this necessary in the interests of spectator safety.

The local authority must supply the chief officer of police and, where it is not itself that authority, the fire authority or the building authority, with a copy of the application form. It should also formally consult them about the terms and conditions of the certificate. The normal forum for this consultation will be the Safety Advisory Group ("the SAG"). This is described in section 4.3.

Similar provisions apply to the issue of a safety certificate for a regulated stand and are shown in the flow chart in Annex A. Under section 26 of the 1987 Act, it is an offence to admit spectators until an application has been submitted to the local authority for a safety certificate. The local authority may, and in practice should, issue a single certificate in respect of two or more such stands at the same sports ground. Different conditions may apply to the various stands.

The form of the application is laid down in the Safety of Places of Sport Regulations 1988 ("the 1988 Regulations"). The local authority may require the same information as for a designated sports ground. It is under the same duty to consult the police and other agencies. As with a safety certificate for a designated ground (see above) the local authority should make provision for online applications.

3.4 Temporary demountable structures

If a temporary demountable stand of any size is erected at a designated sports ground, the ground management will need to undertake the necessary risk assessments as to its use and management and incorporate the outcome into any operations manual. For its part, the local authority will need to promulgate its safe capacity.

The position is less clear cut where a temporary demountable covered stand with accommodation for 500 or more spectators is erected at a non-designated sports ground. Section 26 (11) of the 1987 Act defines a stand at such a sports ground as "an artificial structure (not merely temporary) which provides accommodation for spectators and is wholly or partly covered by a roof". Home Office Circular 96/1988 explains that, by use of the phrase "not merely temporary", the definition excludes temporary stands from certification.

The term "temporary" has not been further defined. It does not automatically cover all demountable structures. These may remain in place for many years. A stand erected for one or more specific events should clearly be regarded as temporary. However, it would be difficult to argue this in relation to a stand that is to be used for a whole season of the sport in question. The local authority will need to assess

every case having regard to its individual circumstances. In this context, it may be relevant that the Building Regulations define a temporary building as one intended to remain in place for less than 28 days. Where the stand is not a regulated stand the local authority may still issue a prohibition notice under section 10 of the 1975 Act. This procedure is described in section 7.3.

Chapter 14 of the Green Guide offers guidance on the safety, design and management of temporary demountable structures. Further detailed advice may be found in the third Edition of 'Temporary Demountable Structures: Guidance on Procurement, Design and Use', published by the Institution of Structural Engineers ("ISE") in April 2007. Section 4, addressed to venue owners, event organisers and local authorities, deals specifically with statutory control.

The ISE document emphasises the importance of venue owners and event organisers making early contact with the local authority to establish the procedures for giving notice of temporary demountable structures and the required technical standards. It stresses that it is normally the client, venue owner and / or event organiser, rather than the supplier of the temporary demountable structure, who is legally responsible for complying with public safety legislation while the structure is in use.

Section 14.5 of the Green Guide recommends that, even when not formally required to do so under the terms of a safety certificate, the management of the sports ground should consult the relevant authorities regarding enforcement responsibility and any special local regulations, certificates, licences or permissions. It should also consult the fire authority about access for fire-fighting purposes.

Temporary demountable structures not used as spectator accommodation, such as television gantries, lighting towers, information boards or advertising hoardings may nevertheless affect the safety of spectators. They should be covered in the operations manual (or, where there is no such manual, in the terms and conditions of the safety certificate), with particular attention being paid to their stability and fire safety.

3.5 Qualified person

Before it may issue a safety certificate for a designated sports ground, the local authority must determine whether the applicant is a "qualified" person. This is defined in the 1975 Act as a person who is likely to be in a position to prevent any contravention of the terms and conditions of a safety certificate. The certificate holder should hold a position of authority within the management of the sports ground. This could include the chairman, chief executive, club secretary, sports ground manager, safety officer or a director, depending upon the sports ground and/or club, or even the ground management or club itself. The holder should be a member of the ground management's board (ideally the Operations Director) or be empowered to approve the allocation of funding for safety.

If the local authority determines that the applicant is a qualified person, section 3(2) of the 1975 Act requires it to issue the safety certificate. If it determines to the contrary, it must notify him or her in writing. The applicant may appeal against this determination to the magistrates' court within 28 days (seven days in the case of a special safety certificate).

The same principles apply if the local authority receives an application to transfer the safety certificate to another holder. If it determines that the applicant is not a qualified person, and therefore that it will not transfer the certificate, it must formally notify both the existing certificate holder and the applicant in writing and give reasons for the refusal.

Under the 1987 Act, the definition of a person qualified to hold the safety certificate for a regulated stand is more tightly drawn. In the case of a general safety certificate, it is the person responsible for the management of the sports ground; for a special safety certificate, it is the person responsible for organising the activity being watched by the spectators. This apart, the procedure mirrors that for the issue of the safety certificate for a designated sports ground.

3.6 Notices by the local authority

The safety certificate is a public document, to which any person who is either responsible for applying it or likely to be affected by it should have access. Both the 1987 and 1988 Regulations require the local authority to notify every interested party, as defined in the Regulations, in writing of its decision to issue, amend or replace, or refuse to amend or replace, a safety certificate. In the case of a refusal, the local authority must give its reasons. This notice must specify that a copy of the safety certificate and any application is available for inspection at a specified time and place. The local authority must also publish a similar notice in a local newspaper.

3.7 General safety certificate

Section 1(3) of the 1975 Act provides that a safety certificate shall be issued in respect of the use of all designated sports grounds, for an activity or number of activities specified in the certificate, irrespective of the nature and level of the sport played there:

- either for an indefinite period commencing with a date so specified;
- or on an occasion or series of occasions so specified.

These are known as a general safety certificate and a special safety certificate respectively. Section 26(10) of the 1987 Act contains similar provisions in respect of safety certificates for regulated stands.

There is no provision in the Act for a general safety certificate to be issued for a finite period. It must be assumed, therefore, that such a certificate should run indefinitely, unless or until it is revoked, replaced or surrendered.

Section 4 of the 1975 Act and section 29 of the 1987 Act provide that the local authority may either amend or replace the safety certificate in any case in which this appears appropriate. It may do this either on its own initiative or in response to an application from the certificate holder. Replacing safety certificates can normally

only be justified where the change of circumstances or the number and scale of the amendments makes this the most practical option. This would most commonly occur when a club moves to a new ground. In such cases, it would be sensible for the club and the local authority to move to a new-style certificate if they have not already done so.

3.8 Review of the general safety certificate and any operations manual

The local authority should formally review the general safety certificate as soon as reasonably practicable after any incident in which the safety of the public may have been put at risk or where doubts have been cast on the condition or management of the sports ground. Such a review should encompass both the wording of the safety certificate and the permitted ground capacity. At the same time the ground management should be required under the terms of the safety certificate to review the relevant parts of any operations manual. A "near miss" should be always be treated as an incident for these purposes.

This review should not be limited to the circumstances of the incident. It should identify and analyse any underlying safety weaknesses that need to be addressed. These weaknesses and the local authority's response should be recorded in writing.

Where the local authority has issued a new-style safety certificate, it should require the certificate holder to commission or undertake a formal review of its risk assessments every year, even if nothing untoward has occurred. The certificate holder should be required to notify the local authority of any proposed changes to the operations manual and formally to confirm or amend its recommended capacities and (P) and (S) factors. This approach may need to be modified where there is still an old-style certificate, in that a greater responsibility for the risk assessment may fall on the local authority itself.

Where the sports ground is used on a seasonal basis, this review should take place in sufficient time for any necessary remedial work to be completed during the close season. At those sports grounds where events are held throughout the year, the

local authority and certificate holder should liaise about the most sensible time for the annual review.

3.9 Amendments to the general safety certificate and any operations manual

The local authority may need to amend an old-style safety certificate to reflect changes at the sports ground. Planned changes may include improvements or alterations to the physical structure, safety management improvements or changes in the personnel identified in the safety certificate. While these may lead to capacity increases, an interim cut may be required while any construction work is carried out or new systems are tested. Hence section 8 of the 1975 Act and section 32 of the 1987 Act require the certificate holder to notify the local authority of any proposed alterations or extensions that are likely to affect the safety of spectators.

In the same vein, the ground management should be required to notify the local authority of all proposed changes in any operations manual. These may occur at any time because the manual is a dynamic document. Because this is not a statutory requirement, the local authority will need to ensure that it appears as a condition in the safety certificate.

In some cases the local authority may consider it necessary to reduce the permitted capacity of part or all of the sports ground, either following an incident or because of deterioration in its structure, maintenance or management. This is most easily achieved by decreasing either the (P) or (S) factor as appropriate. Such decisions should be taken in accordance with laid down procedures and be formally recorded. This is explained further in sections 4.5 – 4.7.

3.10 Special safety certificates

The general safety certificate should cover any event that is held regularly at the sports ground. Where it is intended to hold an event of a type not specified in the general safety certificate, an application should be submitted to the local authority for a special safety certificate. Such applications should normally be made at least

three months in advance of the proposed event. However, the local authority may vary this period at its discretion.

The procedure for granting a special safety certificate is slightly different from that for a general safety certificate. Unless the applicant is already the holder of a general safety certificate, the local authority must first determine whether he or she is a qualified person. However, whereas it is obliged to grant a general safety certificate provided that the applicant is a qualified person, it has the discretion to refuse to issue a special safety certificate. In reaching its decision, the local authority must act reasonably. The applicant has the right to appeal within seven days against any refusal.

The local authority should be aware that it may need to set a different capacity in a special safety certificate for certain events compared with that promulgated in the general safety certificate. A pop concert, for example, may have spectator accommodation on the pitch, while a fireworks display may require certain sections of the sports ground to be kept clear of spectators. Some events may give rise to dynamic forces on stands due to rhythmic crowd movements that were not specifically taken into account in the design of the structure. In these cases it may be necessary to restrict the use of the stands concerned.

The applicant may be required to supply whatever information the local authority needs in order to discharge its functions. This should include details of any proposed changes to the normal accommodation or arrangements, in particular to the safety systems, crowd management and stewarding, toilet and medical provision and fire precautions. Where there is a new-style safety certificate, these should be set out in a revised operations manual supported by the relevant specific risk assessments.

3.11 Rights of appeal

The 1975 and 1987 Acts provide a right of appeal to the magistrates' court for:

- any person against a determination by the local authority that he or she is not qualified to hold a safety certificate;
- any interested party against the inclusion of anything in or omission of anything from a safety certificate or the refusal of the local authority to amend or replace it;
- the applicant against the refusal of the local authority to issue a special safety certificate;
- any person, upon whom the local authority has served a notice that it has determined that a particular stand is a designated stand, against that determination; and
- any aggrieved person against a prohibition notice or an amendment to a prohibition notice, as described in section 7.5.

There is no statutory right of appeal against a condition that the Football Licensing Authority has required a local authority to include in a safety certificate under section 13(2) of the 1989 Act.

Appeals must be lodged within 28 days if they relate to a general safety certificate and within seven days if they relate to a special safety certificate. If the appeal is against an amendment to the safety certificate, the original terms and conditions remain in force until the appeal has been determined. By contrast, any restrictions imposed under a prohibition notice remain in force unless or until amended or annulled by the court.

3.12 Fees

The 1987 and 1988 Regulations empower the local authority to determine the fee to be paid in respect of an application for the issue, amendment, replacement or transfer of a safety certificate, or the cancellation of a certificate for a regulated

stand. This fee shall not exceed an amount commensurate with the work actually and reasonably done by or on behalf of a local authority in respect of this application. It will be for the local authority to determine whether and, if so, how much of the work that it undertakes to determine whether to accept an operations manual (or any amendments) is chargeable. It should be noted that the local authority may only charge for amending the safety certificate in response to an application from the proposed or existing certificate holder.

THE ADMINISTRATIVE PROCESS

4.1 Delegated powers

In accordance with its standing orders, the local authority may delegate its power to take and implement decisions on safety certification to a committee, sub-committee or to one or more particular officers, most commonly the officer who chairs the authority's SAG. However, the SAG as such cannot take decisions on behalf of the local authority. Nor may any outside body or other authority exercise the responsibilities of the local authority.

4.2 Lead department

The local authority should determine which of its departments or services should take the lead on safety certification having regard to its particular administrative structure. It is usually advisable that this department should be responsible for some similar or related subject. If the staff concerned do not themselves possess the necessary qualifications, competence and professional experience to determine the safe capacity of the ground, scrutinise the ground's operations manual and perform the wider safety certification function effectively, it is essential that they have ready access to such resources.

The latter might be found either in-house or from an external source on a consultancy basis. In such cases, the local authority may properly obtain such assistance as it may require from another local authority or public body under a service level agreement. It may also wish to co-operate in regional or professional groups, both to share good practice and to facilitate training for its staff. Formal training courses are available, for example at the Emergency Planning College. Nevertheless, the local authority remains solely responsible for any decisions on safety certification.

Many local authorities have found it helpful to draw up written policy statements identifying the specific responsibilities of particular individuals or groups of staff.

4.3 Safety Advisory Groups

In the Final Report of the Inquiry into the Hillsborough Stadium Disaster, Lord Taylor recommended that each local authority set up an advisory group (now generally known as the Safety Advisory Group). The SAG exists primarily to provide specialist advice to the local authority so that it may effectively discharge its functions under the 1975 and / or 1987 Acts. In practice, it also provides the vital forum within which the local authority and other agencies may develop a corporate approach to spectator safety at the sports grounds concerned, while each exercising its own responsibilities.

Although the SAG is not constituted to advise the ground management on spectator safety, the management may nevertheless frequently benefit from the expertise of the SAG. However, it cannot thereby transfer its responsibility to the SAG or any of its members. Moreover, it is the local authority, not the SAG, that issues the safety certificate and which is responsible for advising and assisting the certificate holder where necessary.

All communication with the certificate holder or management of the sports ground on spectator safety and all requirements relating to the safety certificate should therefore be initiated by or routed through the responsible committee or officers of the local authority. Other individuals or agencies should avoid dealing unilaterally with the certificate holder on such matters, lest this cause confusion or conflict over requirements and thereby undermine the work of the local authority.

4.4 Membership of the Safety Advisory Group

It is for the local authority alone to determine which member or officer shall chair the SAG. This individual should have the status and authority to act quickly where necessary as well as sufficient time to commit to the task. The other local authority staff attending the SAG should likewise be suitably senior, as should the representatives of the participating agencies and bodies. These should be able to

Speak with knowledge and authority and be empowered to take operational decisions on behalf of their organisations, save where these raise new policy issues.

The local authority should plan ahead to ensure that, when a member of the SAG retires or moves to a new post, a successor has already been identified and is ready to take the work forward without any delay. This applies particularly to the SAG Chair or lead officer on whom the local authority may depend heavily.

It is recommended that, in addition to appropriate members of local authority staff, the SAG should include representatives of the police, fire service, ambulance service and building authority. In many cases, it may be sensible to invite someone from the relevant first aid agency. SAG chairs may also wish to arrange formal regular liaison with the local authority staff responsible for emergency planning and with those enforcing the HSWA, perhaps to coincide with its inspection of the sports ground.

As a matter of principle, the safety certificate holder should be invited to all meetings of the SAG unless there is a positive reason for excluding them on a particular occasion. It would be inappropriate to discuss any operations manual or to reach any decision regarding the safety certificate in their absence, without giving them the opportunity to brief the SAG members, secure an informed debate and put their case. This should also ensure that they are aware of the issues underlying the local authority's requirements.

Local authorities are encouraged to consult representatives of a recognised supporters' group where possible. Indeed there are no objections in principle to such a representative attending SAG meetings, if this is considered beneficial. However, it has not always been easy to identify somebody suitable, especially where there are rival supporters' organisations.

4.5 Management of the Safety Advisory Group

The SAG fulfils an important safety role. This could well come under scrutiny in the event of a serious safety failure at a sports ground. Accordingly the SAG should be properly constituted, have written terms of reference and effective procedures.

These terms of reference should encompass all matters falling within the purview of the local authority on spectator safety.

The local authority would also be well advised to identify the responsibilities and potential liability of the SAG and its members. It may wish to lay down written procedures for them to follow if they observe or are alerted to a safety weakness either during an inspection of a sports ground or when they are present in the course of their normal duties. The role of the SAG and its members in inspecting sports grounds and attending events is described in greater detail in section 6.

In like manner, the local authority should provide the necessary level of secretarial and administrative support to the SAG and should lay down procedures for ensuring that it runs smoothly. The meeting should have a formal agenda with all members being invited to submit agenda items, accompanied, where applicable, by written reports. The secretariat should circulate the agenda, relevant papers and minutes of the previous meeting sufficiently in advance. It should minute the proceedings of the SAG and produce regular written reports for the members' committee to which it is accountable. These reports should normally include the results of any monitoring visits by members of the SAG and details of any exercises by the certificate holder to test the sports ground's contingency plans.

4.6 Minutes of the Safety Advisory Group

Accurate minute taking is particularly important when new sports grounds are under construction or existing ones are undergoing a major redevelopment. In such cases, the situation may change on an almost daily basis. The local authority, advised by the SAG, may need to reach decisions at very short notice, often during a visit to the site. Unless all these decisions are recorded at the time and the minutes are agreed as soon as possible thereafter, they risk giving rise to debate and possible recriminations at a later date.

It is also essential to record why the ground management has proposed, the SAG has supported and / or the local authority has accepted any deviations from the recommendations of the Green Guide when setting the capacity of the sports

ground. The onus will be on the local authority to demonstrate that it has acted reasonably.

Similarly, the minutes should record the reasons for any amendments to the terms and conditions in the safety certificate. In the absence of such information, the local authority could be vulnerable to an appeal by the certificate holder. Such minutes do not themselves constitute the amendment to the safety certificate. The local authority must formally issue a written amendment.

4.7 Audit trail

Such minutes constitute an important part of the audit trail that the local authority should establish for the SAG. This should cover the procedures for ensuring that:

- the annual inspection of the sports ground and the annual review of the safety certificate have been completed;
- any identified safety weaknesses in the ground and / or the contents or implementation of any operations manual have been analysed and addressed;
- any recommendations of the SAG have been properly reported to the local authority;
- the decisions of the local authority have been properly communicated to all interested parties;
- these recommendations and decisions have been followed up and fully implemented; and
- this action has been reported back to the SAG and thence to the local authority.

4.8 Frequency of meetings

The local authority should always convene a meeting of the SAG as soon as possible after any significant incident or "near miss" at a sports ground in order to ascertain whether there were any breaches of the safety certificate and whether the operations manual and / or safety certificate should be amended.

Such cases apart, the number of SAG meetings in any year will largely depend upon the particular circumstances of the sports ground concerned. A conscientious local authority is likely to require a minimum of two meetings of the SAG per year to perform effectively, even if the sports ground has an up to date operations manual and safety certificate and is well managed with no significant problems. By contrast, experience has shown that, during the planning and building stages of a major sports ground redevelopment, the SAG will need to meet much more frequently, perhaps even monthly, to deal with the many issues raised by the contractors, architects and certificate holder.

The local authority should balance the need to retain a sufficient overview against its desire to avoid overburdening a certificate holder who is acting responsibly. In the majority of cases, three or four meetings per year would seem reasonable. These regular meetings should sensibly be scheduled well in advance on a regular basis.

4.9 Separate Safety Advisory Groups

In some circumstances, the local authority may wish to maintain a separate SAG for each sports ground with a safety certificate in its area. Where the membership of these SAGs would substantially overlap, the local authority might sensibly decide that one SAG may cover several sports grounds. Those attending could vary according to the sports ground under discussion. Representatives could arrange to attend as required. Conversely, cases exist of sports grounds that cut across local authority boundaries. The authorities concerned have set up a single SAG. The local authority should formally record these arrangements in the statement of responsibilities.

4.10 Role of the Football Licensing Authority

Inspectors from the FLA are available to attend meetings of the SAG in respect of those football grounds for the safety certification of which it has a statutory oversight. These are currently the international, Premiership and Football League grounds in England and Wales. The Inspectors are not members of the SAG. They are independent advisers who are present only at the specific invitation of the local authority. This should be made clear in the SAG's terms of reference.

The FLA has the task of keeping under review the discharge by local authorities of their safety certification functions under the 1975 Act. Under section 13 (2) of the 1989 Act it may require a local authority to include in any safety certificate such terms and conditions as it may specify in its written notice. Before exercising this power, the FLA must consult the local authority, the chief officer of police and, where these are not the local authority, the fire authority or the building authority.

As part of its oversight, the FLA may also require the local authority to furnish it with such information relating to the discharge of its safety certification functions as it may require. Its inspectors may undertake such inspections of any ground as they consider necessary and may examine and take copies of the safety certificate and its schedules (including the relevant sections of the operations manual) and any records kept under the 1975 Act.

The FLA role goes much wider than ensuring that local authorities set and enforce such terms and conditions as are necessary for the reasonable safety of spectators. It promotes the adoption and maintenance of a safety culture and is a source of advice and good practice. The SAG meeting is often the forum in which the FLA can best engage with and assist the local authority in a proactive and constructive manner.

CONTENTS OF THE SAFETY CERTIFICATE

5.1 Introduction

The local authority is responsible for prescribing the capacity of the sports ground and for determining what terms and conditions should be included in the safety certificate. These should reflect the particular circumstances of the ground concerned and any ground management operations manual and pay due regard to the detailed advice in the Green Guide. Historically, the local authority would prescribe all the conditions in the safety certificate in great detail. Under the new-style safety certificate, many of these should now fall within the operations manual which should be attached as a schedule to the certificate.

The FLA has hitherto always declined to issue a model safety certificate with detailed terms and conditions. Such a certificate would not have been appropriate in every case and might have been seen as a constraint on local authorities. Many local authorities have based their certificates upon models for designated sports grounds and regulated stands published by the London District Surveyors' Association (LDSA). We have agreed a model new-style safety certificate with the LDSA which complements this guidance and which it is publishing in parallel to this report.

5.2 Format of the certificate

It is strongly recommended that local authorities issue all safety certificates in a modular form with a series of schedules, appendices and annexes, as follows:

- a short core section containing a general statement of the duties laid upon the certificate holder. In a new-style certificate this would primarily consist of a requirement to undertake appropriate risk assessments, to set out in an operations manual how reasonable safety is to be maintained and a requirement to adhere to the operations manual.

- schedules either comprising the appropriate sections of the operations manual or the detailed conditions inserted by the local authority setting out what the certificate holder must do to ensure the reasonable safety of spectators;
- annexes setting out the activities to which the certificate applies and the capacities of the sports ground as a whole and of each element of spectator accommodation; and
- appendices to the schedule, including plans of the ground and the other documents and sources of information referred to in the schedule.

It is essential that a safety certificate is both easy to follow and complete within itself. The terms and conditions with which the certificate holder must comply should be clear and specific. General provisions to the effect that tasks must be undertaken to the satisfaction of the local authority, the chief officer of police, the chief fire officer or any other person, should be avoided, not least because the certificate holder should not be deprived of the statutory right of appeal against the contents of the certificate.

In similar vein a safety certificate should not require the holder to comply with a general recommendation in the Green Guide. All terms and conditions should be specific to the sports ground concerned.

A new-style certificate should not be issued until the ground management has undertaken its risk assessments and has drawn up and submitted its operations manual and this has been scrutinised by the local authority. Failure to follow this procedure could lead to the local authority prescribing a capacity for the ground on the basis of work that is to be undertaken in the future and not on the actual circumstances at the ground. As indicated in section 2.4, the move from an existing old-style certificate to one based on risk assessments and an operations manual should be by agreement between the local authority and ground management.

5.3 Core section

The core section should begin by identifying:

- the Act under which it is issued;
- the responsible local authority;
- the holder of the certificate;
- the sports ground or regulated stand(s) to which it applies; and
- the specified activities to which the certificate applies (though these may be more conveniently listed in an annex).

Each certificate should require the holder to include a written statement of safety policy for spectators and to appoint a person responsible for its implementation.

The certificate should also provide that the local authority is entitled to inspect, investigate and take copies of documents at any reasonable time in order to fulfil its enforcement obligations.

Moreover, the holder should be required to supply the local authority with details of all forthcoming events. The local authority should consider how much advance notice it requires. As indicated in section 2.9, the safety certificate may reasonably require the certificate holder to notify the police of particular events and to consult them about their attendance in such numbers as the chief officer of police may determine. Where appropriate, the holder may also be required to notify the other emergency services.

In a new-style certificate the core section should also require the holder to undertake suitable and sufficient risk assessments, which should be made available to the local authority if requested, and in the light of those assessments draw up an operation manual which clearly sets out:

- safety management structure;
- stewarding plan;
- ticketing / segregation procedures;
- event management plan;
- medical plan;
- fire safety plan;
- traffic management plan;
- planned preventative maintenance /tests/ inspections;
- contingency plans and how they are to be tested.

The manual should also clearly set out details of the proposed capacity of the ground as a whole and by area, including the (P) and (S) factors.

The core section should also require the holder to comply with the policies, plans and procedures set out in the operations manual.

Detailed guidance on the preparation of safety policies and contingency plans and on what should be included in an operations manual may be found in SGSG no 4 – “*Safety Management*” (see section 1.1 above).

Where an old-style certificate is retained, the core section should lay upon the certificate holder the general requirements to:

- ensure that the capacity of the sports ground or stand as a whole and of its separate areas are not exceeded;
- provide the necessary equipment, supervisory staff and stewards, for monitoring, directing, controlling and assisting spectators;
- ensure the provision of first aid and medical staff, equipment, facilities and accommodation;
- ensure that all permanent and temporary buildings, structures and installations, including means of ingress and egress, are maintained in such condition that they safely fulfil their required function;
- take all reasonable precautions to prevent the outbreak and spread of fire, maintain suitable equipment and train staff to deal with an outbreak of fire; and
- maintain and make available for inspection as required, full records of inspections and tests of the buildings, structures, installations and safety management systems;

subject in each case to the detailed requirements of the related schedule.

Whatever form of certification is adopted, the core section should also require the holder to:

- produce a written statement of safety policy for spectators and appoint a person responsible for its implementation;
- draw up a plan of action to cover all reasonably foreseeable contingencies; and

- appoint "a safety officer" of sufficient competence, status and authority to take day to day responsibility for spectator safety. The safety officer should have a written job description.

The core section should require the certificate holder to notify the local authority in advance of any changes he or she proposes to make to any operations manual and any other change of circumstances that may affect the terms or conditions of the safety certificate. Moreover, the certificate holder should be required to commission or undertake a formal review of its risk assessments every year, even if nothing untoward has occurred, and should formally confirm or amend its recommended capacities and (P) and (S) factors. As indicated in section 3.8 above, this approach may need to be modified where there is still an old-style certificate, in that a greater responsibility for the risk assessment may fall on the local authority itself.

The local authority needs to be satisfied that the safety officer is competent and that the safety policy and contingency plans are sufficiently clear and comprehensive. If not satisfied on any of these matters, it should reduce the (S) factor and hence the capacity of the ground. However, it is not up to the local authority to 'approve' the employment of the individual concerned. Nor should it do so for the safety policy and contingency plans or any more than it should 'approve' the risk assessments underlying any operations manual. These must remain, and be seen to remain, the responsibility of the certificate holder.

There is nothing to prevent the ground management from including non-spectator safety issues within its operations manual. Indeed, this could have many advantages but such matters lie outside the scope of this guidance.

5.4 Schedules and appendices

The schedules should set out in detail how the general requirements of the core section are to be met. In the case of a new-style safety certificate, a copy of the operations manual should form the schedule.

Where there is still an old-style safety certificate, the detailed requirements should be set out in a series of schedules. Even where the certificate holder has not produced a detailed operations manual, there is no reason why it should not draft some or all of the detailed conditions, for promulgation by the local authority. Indeed this approach is to be encouraged since it gives the certificate holder a greater sense of ownership of the safety management of the sports ground.

The local authority should structure the schedules and appendices according to local need. In most cases, the best approach is to include definitions and written requirements as schedules and to attach any plans, tables and lists as appendices. Thus the schedules might cover all requirements relating to:

- safety management, stewarding and crowd control;
- buildings, structures and installations;
- fire and fire fighting;
- first aid and medical facilities; and
- records and certificates relating to training, briefing, tests and inspections.

The appendices should include plans of the sports ground along with its permitted capacity. The following should also be included in the appendices unless they are included within any operations manual:

- the spectator safety policy;
- the ground contingency plans;
- the statement of intent between the ground management and the police.

- any detailed lists of equipment or installations to be maintained by the certificate holder, such as first aid equipment and supplies; fire fighting equipment; and control room equipment; and
- an index of the key locations and details of all exit gates and doors.

MONITORING BY THE LOCAL AUTHORITY

6.1 The need for monitoring

The achievement of reasonable safety is a continuous process that does not end with the production of the operations manual and / or the issue of the safety certificate. The local authority must monitor the holder's compliance with the certificate's terms and conditions. As a new style certificate should include a condition or conditions requiring the holder to comply with the policies, plans and procedures set out in the operations manual (see section 5.1 above), the monitoring by the local authority must include the extent of such compliance.

Nonetheless, while the safety certificate should require the holder to comply with the ground management's operations manual, it would be neither reasonable nor practicable for the local authority to monitor every smallest detail of this plan at all times. The ground management must be allowed to perform its functions and exercise its responsibilities without being cramped. It will be necessary to identify and strike a reasonable balance between close oversight of the key issues that have a significant impact upon the safety of spectators and a more hands off approach to those which can reasonably be left for the most part to the ground management.

In this context, local authorities should be mindful of the Recommendation in the March 2005 Hampton Report on Reducing Administrative Burdens that regulators should make on site visits and tailored advice available to businesses. In other words they should provide ground management with advice and assistance to improve its compliance.

Any failure by the holder to follow the procedures set out in the operations manual should be dealt with by the local authority in the same way as it would have dealt with a holder not complying with the terms and conditions of an old style certificate. Advice on enforcement action is set out in sections 7.1 – 7.6 below.

Under section 10B of the 1975 Act, it is the duty of the local authority to enforce the provisions of the Act and of the Regulations made under it and, for that purpose, to arrange for the periodical inspection of the designated sports grounds within its area. Section 34 of the 1987 Act imposes a broadly similar duty with regard to sports grounds containing regulated stands. Further statutory guidance is given in Home Office Circulars 72/87 ("the 1987 Circular") and 97/88 ("the 1988 Circular").

The duty in section 34 of the 1987 Act applies to the whole sports ground. It is left to each local authority to determine, in light of its local knowledge, the extent of the inspection. This local knowledge would include not only the general condition of the sports ground but also whether any events were scheduled which might attract unusually large numbers of spectators. This has proved particularly relevant when football clubs from divisions below the Football League have been drawn at home in the latter stages of the various Football Association cup competitions.

6.2 Scope of the inspection

The Home Office Circulars prescribe in considerable detail what is to be examined by or on behalf of the local authority. In summary this should encompass:

- the certificates covering structural, dynamic performance and electrical tests;
- the records maintained by the management of the sports ground, in particular of attendances, accidents, maintenance, equipment tests, steward training and contingency plans;
- the condition of the sports ground and its fixtures and fittings; and
- the lighting, public address, fire warning and entry control equipment.

6.3 Responsibility for physical inspections

The physical inspection of the sports ground by the local authority in compliance with the Home Office Circulars is not intended to duplicate work that should be undertaken by or on behalf of the certificate holder. Instead it is designed to check that the certificate holder is complying with the provisions of the management plan or the safety certificate conditions for properly maintaining the sports ground and its fittings and, ideally, for noting and agreeing remedial action on problems already identified by the certificate holder.

The certificate holder should be responsible for appointing suitably qualified persons to undertake the structural appraisals and the other inspections or tests prescribed in the operations manual. The local authority should check that the required inspections have indeed taken place and that the persons concerned were duly qualified. Unless the authority has doubts about the independence, competence or approach of these persons, the submission of a certificate that the structure or fitting meets the appropriate requirements should normally suffice. Nevertheless, the local authority remains free to carry out sample testing if it considers this to be necessary.

6.4 Inspections during events

The physical inspection of the sports ground constitutes but one element of the monitoring by the local authority. It is equally important to have regard to the safety management – the (S) factor – when determining its safe capacity. The local authority should therefore also monitor both the certificate holder's general compliance with the operations manual or safety certificate conditions and such matters as:

- the safety culture of the ground management;
- the training, assessment, qualification and competence of the safety officer;
- the training, assessment, qualification and competence of the stewards and other safety personnel; and

- whether there are effective systems for identifying and tackling problems.

The scrutiny of records may indicate whether tasks have been performed; it may also give an impression of good or poor management. However, it cannot adequately convey whether the sports ground is being operated safely. Experience has shown that the local authority can only monitor this effectively if it periodically observes the performance of the management immediately before, during, and after the event. Such inspections can also help inform the local authority's assessment of how far the ground management has progressed toward being capable of acting autonomously.

6.5 Frequency of inspections

For designated sports grounds, the 1975 Act defines periodical as "at least once every twelve months". For regulated stands with accommodation for over 2,000 spectators, the 1988 Circular lays down a minimum of one inspection in the calendar year following the issue of the last safety certificate and once in every calendar year thereafter. In all other cases the minimum is once in every two calendar years.

There is nothing to preclude the local authority from inspecting the sports ground more frequently. The number of inspections reasonably required will vary from venue to venue. This will be for the local authority to determine, having regard to its duty to monitor the suitability of the terms and conditions of the certificate and ground management's compliance with the operations manual or safety certificate conditions and to ensure that these are being observed.

At most designated sports grounds, it will normally be sufficient for the local authority to inspect the structures and fittings once a year while the sports ground is empty. It might be sensible to conduct this inspection at different times each year, so as to observe the sports ground under a variety of conditions. Further inspections are likely to be necessary only in the event of significant structural modifications.

However, the sports ground management's performance during events will undoubtedly need to be checked more frequently. Without regular checks there is a

risk of potentially hazardous situations developing unchallenged. The same considerations apply to the local authority's checks of the records of attendances, accidents, maintenance, steward training and contingency plans, though some of these could be carried out on non-event days.

The most sensible way for the local authority to identify how many inspections it might reasonably undertake during the course of the year, would be for it to require each venue to undertake an annual self assessment as part of its review of its risk assessments and recommended capacities – see sections 3.8 and 5.3 above. The local authority should take this into account, along with any other relevant factors, in particular the management's compliance with the operations manual or safety certificate conditions. Improvements in safety management should normally lead to a reduction in the number of inspections.

In only the most exceptional cases would it be necessary for the local authority to be present at every event staged at the sports ground. Nevertheless the local authority needs to be alerted quickly to anything that may affect spectator safety so that it may take any necessary action as soon as practicable. It should also invite feedback from other sources, in particular from the other agencies represented on the SAG who may attend events in the course of their normal duties. This should be seen as an adjunct to, not a substitute for, inspection by the local authority.

When inspecting the sports ground during an event, the local authority should be sensitive to the operational responsibilities of its management. Any requests for access, in particular to the sports ground control room, must be reasonable and should not distract safety personnel from the performance of their duties.

6.6 Inspection personnel

It is for the local authority to determine how best to undertake inspections. It must be satisfied that the inspecting officers are competent for that purpose. There is no legal requirement for inspections to be undertaken by staff from a particular professional discipline. The local authority should consider the potential advantages of a team approach, in particular to the statutory annual inspection. This might

involve the officers who represent the police, fire and building authorities on the SAG.

The inspecting personnel may need to respond immediately if they become aware of a serious safety hazard. The local authority should therefore identify and formally record what enforcement powers it has delegated and to whom. Moreover, under section 11 of the 1975 Act or section 35 of the 1987 Act, any personnel who may need to exercise a right of entry to a sports ground must be formally authorised by the local authority. This too should be properly recorded in the minutes of the relevant committee.

6.7 Records of inspections

The local authority should maintain detailed records of all inspections as part of its audit trail. It may wish to consider sending a copy to the certificate holder, if only to ensure that there is no confusion about any need for immediate remedial action.

Staff inspecting all kinds of sports grounds have found written checklists invaluable. The detailed example at Annex B is intended to assist not constrain local authorities. Individual authorities are free to modify it to meet their particular needs. They could, for instance, include references to other matters, such as environmental health, for which they may be responsible under other legislation. Moreover, it may not be practicable for a local authority to inspect every element of a very large ground on a single event day. Staff using it should be encouraged to comment as fully as necessary on each item and not merely to tick entries on a form. This is particularly important where there are any deviations or problems since these will need to be noted in writing and investigated.

Further helpful guidance on "during performance" inspections of specified activities at sports grounds is available from the District Surveyors' Association.

ENFORCEMENT

7.1 Initial response

The local authority may need to respond quickly to any incident that puts the public at risk or any safety weakness identified by or to its inspecting personnel. This is particularly important if the terms and conditions of the safety certificate appear to have been contravened and / or if the ground management is failing to comply with its own operations manual. The local authority should ensure that it has the necessary powers and procedures in place to enable it to take any necessary action in sufficient time. In this context it should be noted that the new-style safety certification provides local authorities with the same enforcement powers as they have enjoyed hitherto.

The response of the local authority must be proportionate to both the urgency and the seriousness of the case. It may choose between the following options:

- a reduction in the permitted capacity of all or part of the sports ground;
- the issue of a prohibition notice; or
- in the event of a breach of the safety certificate conditions, a warning, formal caution or prosecution.

7.2 Reduction in the capacity of a sports ground

If an incident suggests that the management of a sports ground is performing poorly, the local authority should review the (S) factor and hence the capacity of the sports ground. The same applies if there has been no incident but the sports ground management's overall performance during an event appears deficient and / or it does not appear to be fully in control. Similarly, if the local authority's inspecting personnel identify any deficiencies in the fabric, equipment, records or management systems, which the authority has not already taken into account when accepting or

calculating the permitted capacity, it should review either the (P) or (S) factor as appropriate.

Any new capacity should be properly calculated having regard to the change in circumstances. The local authority should follow the same procedures as during the routine annual review of the safety certificate. It should invite the ground management to submit its proposed revised (P) or (S) factor, while reserving the right to overrule this if appropriate. Wherever possible, the two parties should also agree a programme of remedial measures or improvements. Once these have been implemented, the local authority should consider restoring the original capacity. There is a clear onus on the local authority to act reasonably and in accordance with due process, not least because the certificate holder has a right of appeal against any reduction in capacity.

7.3 Prohibition notices

A review of the (P) and (S) factors and a possible cut in capacity is likely to be the appropriate response in the majority of cases. However, section 10 of the 1975 Act empowers the local authority to issue a prohibition notice in respect of all or part of any sports ground if it considers that spectators cannot be accommodated in reasonable safety. The prohibition may be general or may apply to a particular event.

Unlike the other provisions of the 1975 and 1987 Acts, the power to issue a prohibition notice applies to all sports grounds, as defined in section 17 of the 1975 Act, including those that are neither designated nor contain a regulated stand.

Before issuing a prohibition notice, the local authority must consider that "the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the sports ground or that part of the sports ground ought to be prohibited or restricted". A prohibition notice is therefore a measure of last resort. In practice, it is likely to be required only if the problem is

urgent or the certificate holder or management of the sports ground appears unable or unwilling to rectify the situation before the next event.

If the local authority considers and states in the notice that the risk to spectators is or may be imminent, the notice takes effect as soon as it is served. In all other cases, it comes into force at the end of the period specified in the notice. The local authority may amend or withdraw the notice at any time. Under the Environment and Safety Information Act 1988 the local authority is required to keep a register of any prohibition notices that it has issued.

Local authorities need to ensure that any requirement in a prohibition notice is clear and specific. A general statement that the certificate holder shall comply with the operations manual to the satisfaction of the local authority would be inappropriate because it would leave the requirements unclear and at the whim of the local authority. By contrast, it would be acceptable to require the certificate holder to comply with the operations manual or to specify ways in which this should be achieved.

For further detailed guidance on prohibition notices, local authorities should refer to the DCMS Circular of 16 November 1995.

7.4 Procedures for issuing prohibition notices

The local authority needs to ensure that it can, if necessary, issue a prohibition notice at very short notice and without reference to senior officers or to members. In accordance with its standing orders, it should formally identify the officers who may serve any prohibition notices on its behalf, the extent of their delegated powers and the circumstances in which they may be used. The officers concerned are likely to be those who already conduct inspections on event days.

The system of prohibition notices depends upon the local authority having effective administrative machinery in place. In particular, there is unlikely to be time to locate the required form and prepare a prohibition notice after the problem has arisen. The necessary documentation should be drawn up in advance on a contingency basis.

Indeed, it may be advisable for the authorised personnel to carry a blank proforma that can be filled in and signed on the spot.

The local authority must send copies of any prohibition notice to the chief officer of police and, where it is not itself that authority, the fire authority or the building authority. It should be aware that no prohibition notice may include any directions, compliance with which would require the provision of police, unless the chief officer of police has consented to their inclusion. Only the chief officer of police may determine the extent of that provision.

7.5 Appeals against a prohibition notice

An aggrieved person may appeal to the magistrates' court against a prohibition notice within 21 days of the serving of the notice. However, the bringing of an appeal does not suspend the operation of the notice or of any amendment to it. If the prohibition notice is to apply to a single event, the local authority should, wherever possible, serve it well in advance so that any aggrieved person has a reasonable opportunity to exercise this right of appeal. As indicated in section 3.11 above, any restrictions imposed under a prohibition notice remain in force unless or until amended or annulled by the court.

7.6 Penalties for contravention of the safety certificate

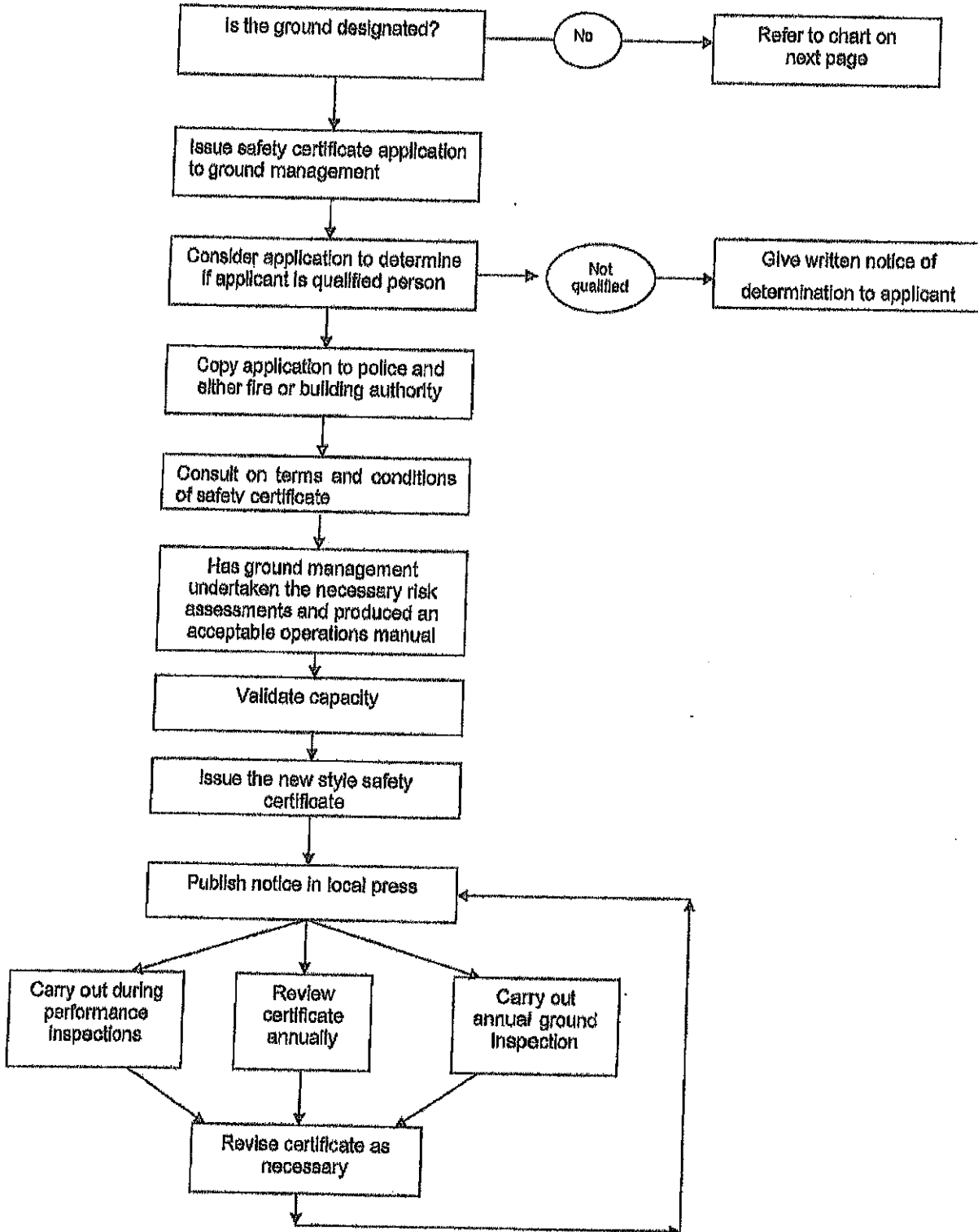
It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice. These offences, along with the defences of absence of consent and due diligence, are listed in section 12 of the 1975 Act and section 36 of the 1987 Act.

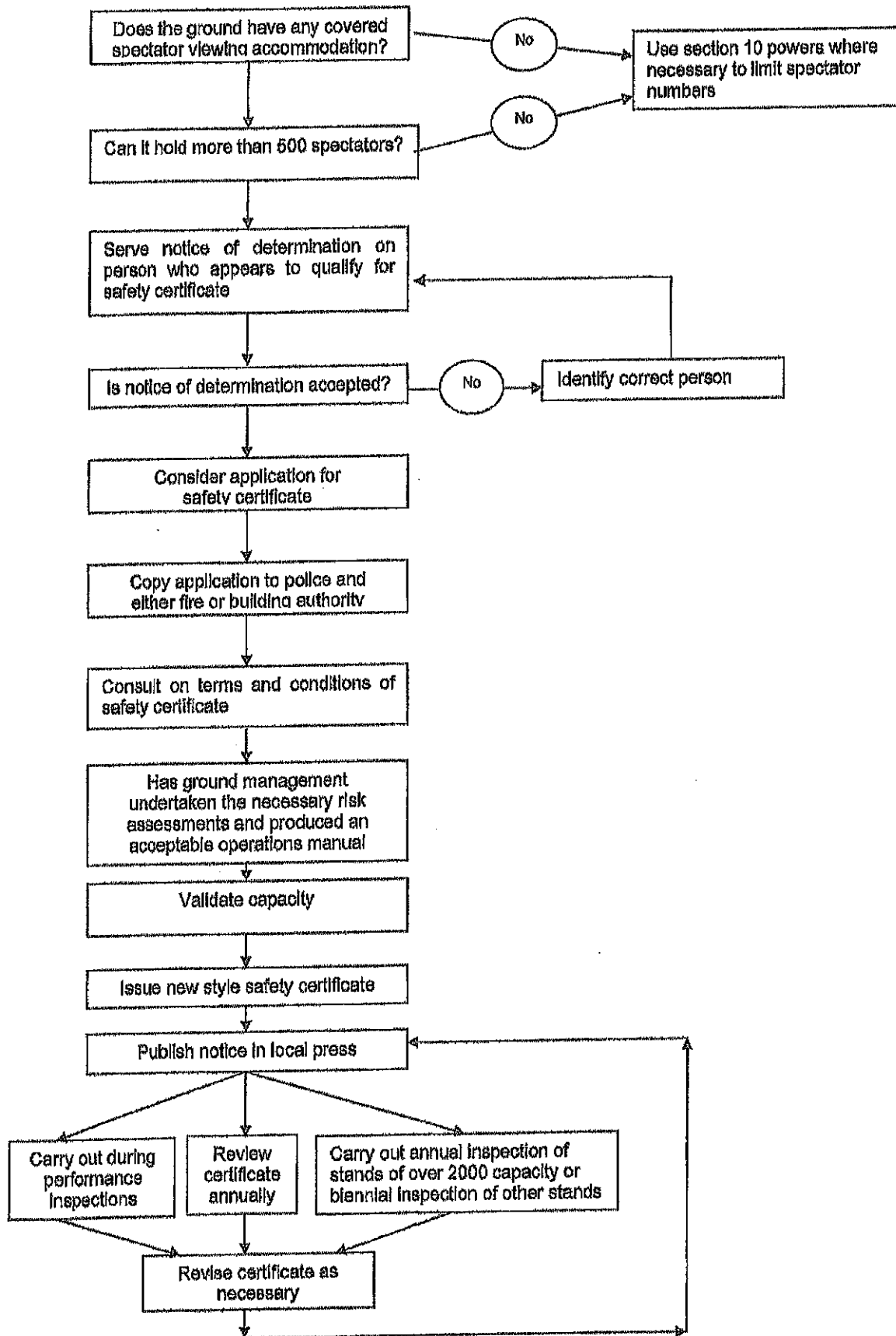
Where it appears to the local authority that an offence, however minor or technical, may have been committed, it should consider its response, having regard to the facts and merits of the case and taking care to apply the normal rules of evidence. In very minor cases, particularly if the certificate holder has immediately taken action to prevent any repetition, the local authority may determine that no further action is warranted, though it may wish to warn those responsible as to their future conduct.

In more serious cases, for example where spectators have been put at risk but the offence appears to be an isolated oversight, the local authority might wish to administer a formal caution. However, in the event of persistent or flagrant breaches of a safety certificate, or those which have seriously prejudiced spectator safety, the local authority should give serious consideration to bringing a prosecution under the 1975 or 1987 Act.

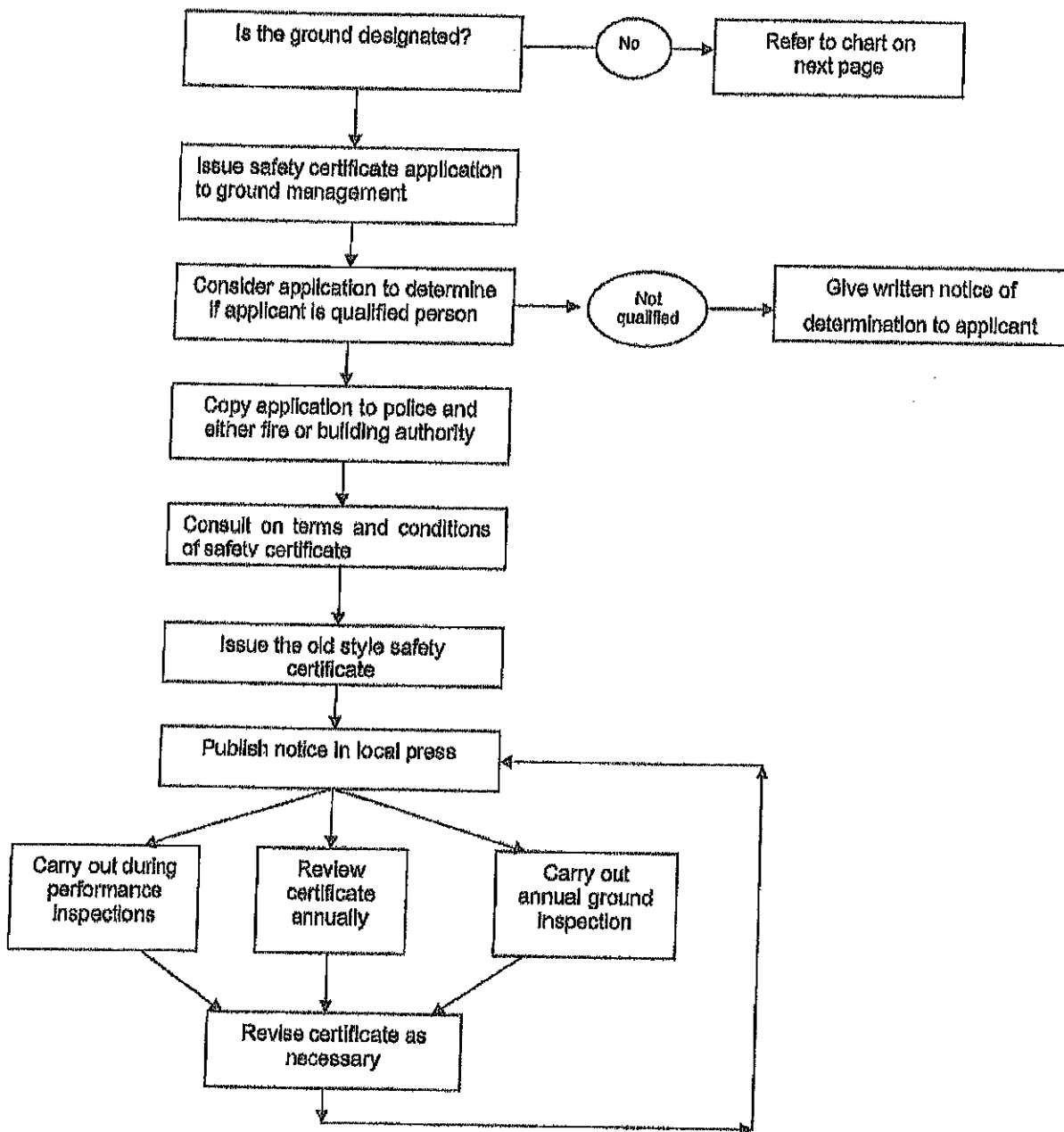
Annex A

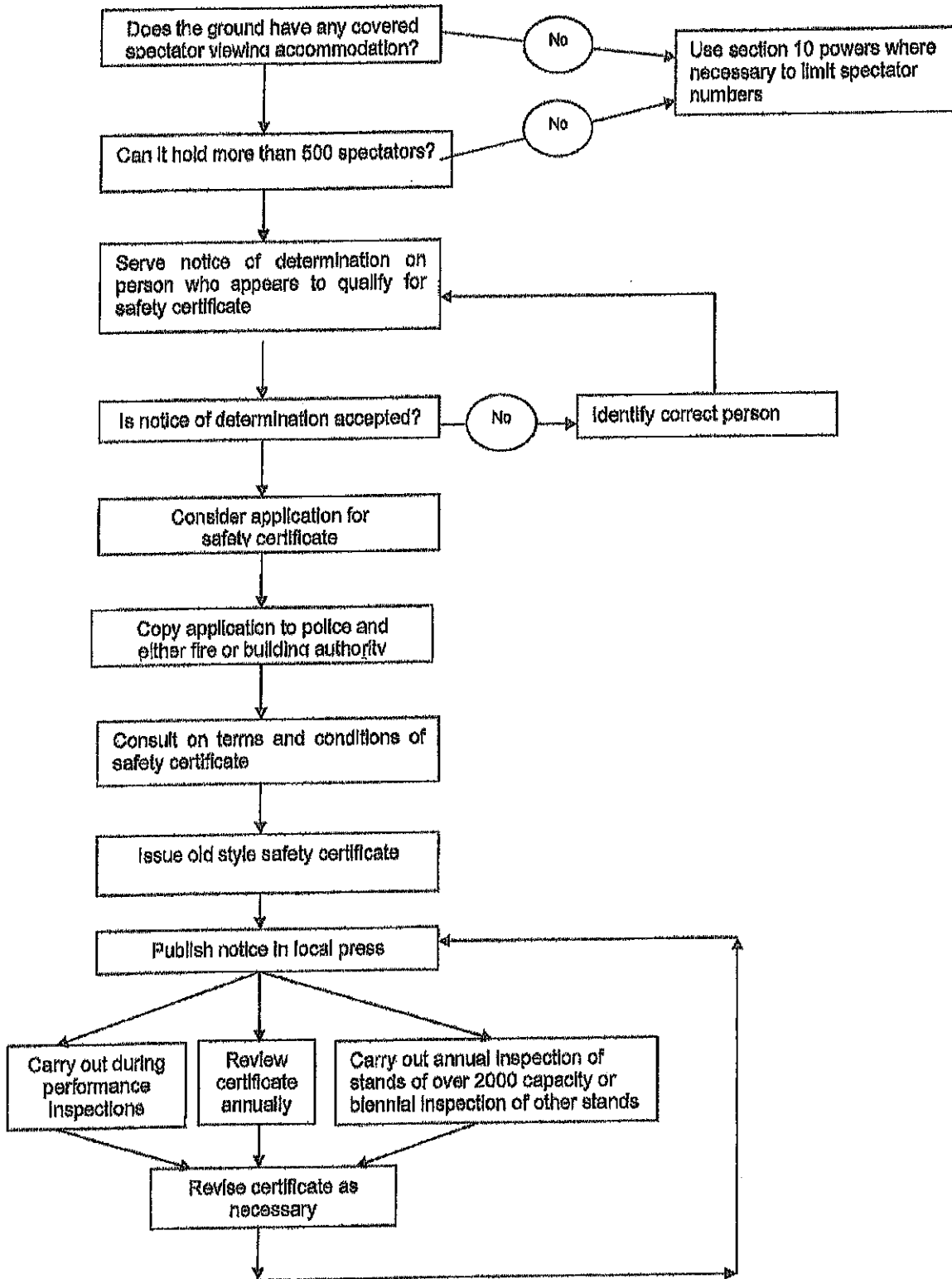
New style certificate





Old style certificate





Annex B

[Name of certifying authority]

MATCH DAY INSPECTION RECORD

Premises _____

Fixture _____ V _____

Date _____

Time of kick off _____

Weather conditions _____

Total Attendance _____ No. of away supporters _____

Duty safety officer _____

If present -
 Crowd doctor _____

Match day commander _____

Senior Ambulance Officer _____

Senior Fire Officer _____

Other authorities _____

Names of inspecting officers _____

Please relevant boxes to show which areas have been inspected. Any areas where problems are observed or breaches of the safety certificate noted should be marked * and relevant details included in the comment section.

Pre-match Inspection

Car Parks	<input type="checkbox"/>
External circulation areas	<input type="checkbox"/>
Emergency vehicle access	<input type="checkbox"/>
Stadium Boundaries	<input type="checkbox"/>
Turnstiles	<input type="checkbox"/>
Turnstile monitoring equipment	<input type="checkbox"/>
Exit routes	<input type="checkbox"/>
Exit gates	<input type="checkbox"/>
Control room	<input type="checkbox"/>
PA system	<input type="checkbox"/>
CCTV system	<input type="checkbox"/>
Emergency telephones and radios	<input type="checkbox"/>
First aid equipment	<input type="checkbox"/>
First aid personnel	<input type="checkbox"/>
Ambulance provision	<input type="checkbox"/>
Segregation arrangements	<input type="checkbox"/>
Concessionaire facilities	<input type="checkbox"/>
Disabled accommodation	<input type="checkbox"/>
TV and camera equipment	<input type="checkbox"/>

During Match Inspection

	1 st Half	2 nd Half
North Stand		
Seating / Gangways / Exits LOWER TIER	[]	[]
Seating / Gangways / Exits MIDDLE TIER	[]	[]
Seating / Gangways / Exits UPPER TIER	[]	[]
Hospitality boxes	[]	[]
Concourse LOWER TIER	[]	[]
Concourse MIDDLE TIER	[]	[]
Concourse UPPER TIER	[]	[]
South Stand		
Seating / Gangways / Exits LOWER TIER	[]	[]
Seating / Gangways / Exits UPPER TIER	[]	[]
Concourse LOWER TIER	[]	[]
East Terrace		
Terracing / Gangways / Exits	[]	[]
West Stand		
Seating / Gangways / Exits LOWER TIER	[]	[]
Seating / Gangways / Exits UPPER TIER	[]	[]
Concourse LOWER TIER	[]	[]
Hospitality boxes	[]	[]
Post Match Inspection (Location of inspecting officers)		

Control Room	[]
Exits from viewing areas	[]
Exits from stadium	[]
Car park	[]
Other location in stadium (please specify)	[]

General Areas of Inspection

Records	[]
Safety Officer	[]
Stewards' numbers and deployment	[]
Stewards' performance	[]
Stewards' training records	[]
Fabric of stadium	[]
Normal lighting	[]
Escape lighting	[]
Fire resisting areas/enclosures	[]
Fire fighting equipment	[]
Signage	[]
Storage areas	[]
Control of combustible waste	[]

Comments

*(Anything marked * above must be commented upon)*

Signed-----

Annex C**Sports Ground Design/Operation Variations – Risk Assessment**

Name of sports ground:

Risk Assessment Number:

Risk Assessment prepared by:

Name:

Position:

Date of Assessment:

Element	<i>(e.g. exit width, barrier design, emergency lighting)</i>
Design Standard / Guidance / Code	<i>(e.g. BS 8899, Green Guide, Technical Standards for place of Entertainment, Building Regs)</i>

Detail of deviation or variation

Reason for deviation or variation	<i>(e.g. Justification for deviation)</i>
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Mitigation factor(s) to manage or limit the impact of the deviation or variation.**Evidence that the proposed mitigation(s) provide a similar standard as the Standard / Guidance / Code****Details of drawings containing the proposed deviation or variation.**

**Implications of
implementing the
proposed
deviation or
variation**

**Implications of
not implementing
the proposed
deviation or
variation**