



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 **sixth 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

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. Walk. **There is no public access from any other entrance 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 - 44
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)

Co-op Live - Draft Premises Licence Conditions as at 13 February 2024
(with conditions agreed with Ward Councillors inserted 16 February 2024 at Schedule 2
and conditions proposed in response to Responsible Authority feedback at Schedule 3)

Definitions:

1. For the purposes of these conditions, the following words and phrases will have the following meanings:
 - 1.1 **“The Premises”** means the area of land and buildings delineated in red on the plan lodged with the Premises Licence application, (currently) known as ‘Co-op Live’.
 - 1.2 **“Ancillary Spaces”** means the internal spaces listed in Schedule 1.
 - 1.3 **“Ancillary Spaces Activities”** means licensable activities in the form of Regulated Entertainment and Sale of Alcohol conducted in the Ancillary Spaces, pursuant to the Strategy for Ancillary Spaces Use.
 - 1.4 **“Appendix 1 Procedures”** means those policies; plans and procedures identified as such below (and shall include the terms of any agreed Strategy for Ancillary Spaces Use) which are enforceable as licence conditions.
 - 1.5 **“Bar”** means any temporary bar/kiosk/counter/area (fixed or mobile (including “hawkers”)) used in the Premises for the purpose of selling alcohol.
 - 1.6 **“Bar Supervisor”** means a person(s) who has responsibility for directly supervising the Bar Staff operating a Bar.
 - 1.7 **“Bar Staff”** means person) operating the Bars, involved in the sale or supply of alcoholic beverages.
 - 1.8 **“Co-op Live Event”** means any event in the Auditorium Bowl at which licensable activities will take place.
 - 1.9 **“EAL Management”** means those persons (including the Designated Premises Supervisor and their Nominated Deputies and, at a Co-op Live Event, the designated Duty Venue Manager) who hold roles at Eastlands Arena Limited (EAL) whereby they are authorised to make management (and operational) decisions relevant to the operation of licensable activities at the Premises.
 - 1.10 **“Event Specific Instructions”** means the event-specific planning and operational General Instructions document relating to a Co-op Live Event (including Event Briefings) and/or to Ancillary Spaces Activities.
 - 1.11 **“Generic Event Management Plan”** means a summary of all of the operating procedures in place for Co-op Live Events and Ancillary Spaces Activities including the generic risk assessment.
 - 1.12 **“GMP”** means Greater Manchester Police.
 - 1.13 **“Guides”** means the Guide to Safety at Sports Grounds (6th Edition) published by the Sports Grounds Safety Authority and Supporting Guidance 03, Event

Safety Management, in so far as their recommendations are appropriate for indoor multi-use venues.

- 1.14 **“Licence Conditions”** means those conditions set out below together with the Appendix 1 Procedures.
- 1.15 **“Necessary Information”** means such information as EAL Management require from third parties in order to complete a meaningful Generic Risk Assessment
- 1.16 **“Operations Manual”** means a Manual (accessible to Authorised Personnel, electronically or otherwise) of standards; policies and procedures (consistent with the recommendations in the Guides and the ‘Manchester Standards’ in the Statement of Licensing Policy).
- 1.17 **“Podium”** means the external walkway area as shown on the licensing plan.
- 1.18 **“Responsible Authority Contacts”** means the officer(s) (if any) as identified by each Responsible Authority (whether as part of an Event Review Meeting (EVM) or otherwise) as being the primary contact at that Authority, concerning licensable activities at the Premises.
- 1.19 **“Stadium Event”** means an event taking place in the ‘bowl’ of the Etihad Stadium under the terms of a general safety certificate or special safety certificate.
- 1.20 **“Strategy for Ancillary Spaces Use”** means a document (or documents) detailing the nature of the planned activities in the different Ancillary Spaces; proposed hours of licensed operation (and opening/closure) and operational management arrangements supporting the planned operation, including specific Crowd management; Dispersal and Transport plans to promote the Licensing Objectives during any post-midnight operation.

General Conditions applicable to all Licensable Activities

- 2. Regulated Entertainment: the Sale of Alcohol by retail and/or the provision of Late-Night Refreshment shall only take place in accordance with these Licence Conditions.

Hours

3. Standard Hours:

Subject always to conditions 4 and 5, licensable activities comprising Regulated Entertainment and the Sale of Alcohol (and Late Night Refreshment for consumption in the Premises only, after 23:00) shall only take place in the following areas during the following authorised hours:

- a. **Auditorium Bowl:** 10:00 to 23:30, daily.
- b. **Ancillary Spaces:**
 - Sunday – Thursday: 10:00 – 01:00 (with 01:30 close)
 - Friday & Saturday: 10:00 – 02:00 (with 02:30 close)
 - Sundays prior to a Bank Holiday: 10:00 – 02:00 (02:30 close)
- c. **On the Podium:** 10:00 to 22:00

4. Extended Hours:

Subject always to the prior written approval of the Licensing Authority (which shall not be unreasonably withheld), following consideration of EAL Management's bespoke 'Extended Hours' Event Management Plan (encompassing as a minimum to promote the four Licensing Objectives, specific Event Safety; Egress/crowd management; Transport Management and Noise Management arrangements that will apply during the specific Extended Hours sought, 'Extended Hours' may apply, extending the terminal hour in 3(a) and 3(b) to (a maximum of) 10:00, on a maximum of 25 occasions per annum.

5. Ancillary Spaces Activities:

Any Ancillary Spaces Activities shall only be authorised after 24:00:

- a. Where a 'Strategy for Ancillary Spaces Use' has been agreed with the Licensing Authority (such agreement not to be unreasonably withheld); thereafter the Ancillary Spaces Activities shall be conducted in compliance with the agreed Strategy.
- b. Where the total capacity of patrons in the Ancillary Spaces does not exceed 6000;
- c. For sales of alcohol only for consumption within the Premises; and
- d. Where EAL Management has undertaken a written risk assessment (as part of its Appendix 1 Procedures or otherwise) to consider whether or not under 18s should be permitted entry and/or permitted to remain in the Premises.

Pre-Opening Conditions:

6. The Premises Licence Holder shall, prior to operating the Premises for licensable activities for the first time, submit its draft Operations Manual to the Responsible Authority Contacts for their consideration and feedback.
7. Any feedback received from the Responsible Authority Contacts shall be given due consideration by EAL Management. EAL Management shall amend; expand and/or vary the Operations Manual, as it considers appropriate, before adoption.
8. Without limiting Condition 6, the Premises shall not conduct licensable activities:
 - a. At any Co-op Live Event (and/or in the Ancillary Spaces) until the Appendix 1 Procedures are approvedⁱⁱ by the Licensing Authority (such approval not to be unreasonably withheld), and/or
 - b. In the Ancillary Spaces, on a non Co-op Live Event day until the Strategy for Ancillary Spaces Use is approvedⁱⁱⁱ as provided in condition 5(a).
9. The final version of the Operations Manual shall be forwarded to the Responsible Authority Contacts for ease of future reference (through a confidential/secure portal or otherwise) unless otherwise agreed, prior to the opening of the Premises for licensable activities.

10. Prior to the Premises (or any part of it) being used for the first time for any licensable activities, a Generic Event Management Plan will be prepared by EAL Management to identify any required measures relating to the Premises (or part) to minimise any risks to the promotion of the Licensing Objectives.
11. The Premises will not be used for licensable activities under the terms of this Premises Licence until an appropriate Noise Management Plan has been approved by the Licensing Authority/LOOH (such approval not to be unreasonably withheld). Thereafter, Regulated Entertainment Events falling within the ambit of the Noise Management Plan must be conducted in accordance with the terms of that Plan. Nothing in this condition will prevent Environmental Health and EAL Management from agreeing amendments to the Noise Management Plan, from time to time, in order to promote the licensing objectives and/or due to the operational needs of the Premises.

Review and Revision of the Operations Manual

12. Subject to condition 13, the DPS (or EAL Management) will provide the Responsible Authority Contacts with a clean copy of the up-to-date Operations Manual for the Premises annually on the anniversary of the opening date (together with a summary or index identifying any updates made).
13. In the event of revisions being sought by EAL Management to the Appendix 1 Procedures, EAL Management will first inform in writing and consult with the Responsible Authority Contacts, concerning their intended changes. EAL Management will give due consideration to any feedback received from the Responsible Authority Contacts, prior to any changes being made through agreement with the Contacts or through any formal variation application (as required).

Conditions relating to General Licensed Operations:

14. When licensable activities are conducted, EAL Management shall use reasonable endeavours to consider the provisions of the Guides (in so far as they are relevant to the Premises and depending on the nature of the licensable activities), and to operate in substantial adherence to the pertinent sections of its Operations Manual^{iv}.
15. EAL Management shall maintain a comprehensive digital colour CCTV system to the standards recommended by GMP. All public entry points to the building will be covered by CCTV cameras which will provide images to a facial recognition standard in any light condition. The external terrace shall also have CCTV as recommended by GMP in positions (near to any external bar area) as directed. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 30 days with date and time stamping.
16. A staff member who is suitably trained in accordance with EAL's Training Plan, SIA licensed and fully conversant with the operation of the CCTV system shall be present in the Premises at all times when they are open to the public for licensable activities. This staff member (or the DPS) shall, on reasonable request, show recordings to officers of GMP and/or of the Licensing Authority.
17. An incident log (or logs) shall be kept at the Premises (or accessible remotely) and shall be made available on reasonable request to GMP or to authorised officers of Manchester City Council. The log will record the following:

- (a) Where they relate to a licensable activity:
 - (i) All crimes reported to the Premises;
 - (ii) All ejections of visitors;
 - (iii) Any incidents of disorder;
- (b) Any seizures of drugs or offensive weapons;
- (c) Any faults in the CCTV system or searching/scanning equipment; and
- (d) Any refusal of the sale of alcohol during trading hours.

18. There must be at the Premises a secure lockable 'Drugs Box' to which no member of staff, save the DPS and/or their Nominated Deputies shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to GMP for appropriate disposal.
19. No person under the age of 18 shall be permitted to enter or remain on the Premises when any "relevant entertainment" (as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982) is taking place.

Alcohol Management:

20. Without limiting the full provisions of EAL's Alcohol Management Procedures and Training Plan, EAL shall:
- (a) Operate a 'Challenge 25' Scheme to ensure that any person attempting to purchase alcohol (from any bar; self-service facility; hawker or otherwise) who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.
 - (b) In advance of any Auditorium Bowl event, consider the demographic of the audience and tailor its food and beverage (alcoholic and non-alcoholic) offering accordingly, to promote the Licensing Objectives.
 - (c) Keep a log at the Premises (electronically or otherwise) and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under 25 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on reasonable request by the Police or an authorised officer of Manchester City Council.
 - (d) Only permit 'off-sales' as provided in condition 21.
 - (e) Train all those staff involved in the supply or sale of alcohol on its Alcohol Management procedures, on induction and at regular intervals, in accordance with its Training Plan and Manchester Standard 12. For the avoidance of doubt, as a minimum the Alcohol Management Training will cover:
 - (i) Challenge 25;

- (ii) Measures to minimise the risk of alcohol being purchased by children by proxy;
- (iii) Signs of inebriation; and how to support patrons (with reference to safeguarding policies, where appropriate); and
- (iv) Signs of vulnerability and how to support patrons (with reference to safeguarding policies, where appropriate), and the Conditions of this Premises Licence appertaining specifically to alcohol sales; and
- (v) General law relating to the Sale of Alcohol including the requirement to promote the four Licensing Objectives.

21. Alcohol shall only be sold for consumption 'off' the Premises at exhibitions; fayres; markets and similar retail occasions at which Regulated Entertainment is not the primary focus of the occasion. Any off sales shall only be made in sealed containers and in packaging that identifies the origins of its purchase.

Egress and Dispersal Procedures

- 22. On closure of the Premises, a dispersal policy shall be in place and implemented to move patrons from the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
- 23. Prominent signage shall be displayed at all primary exits from the Premises requesting that visitors respect those living and working in the locality.
- 24. EAL shall make available a contact email address and/or website contact information for use in the event of complaints arising, relating to licensable activities being conducted at the Premises.

Additional Conditions relating to Co-op Live (Bowl) Events and Ancillary Space Activities

These conditions apply (in addition to the above conditions), at or in relation to any Co-op Live Event and/or to Ancillary Space Activities:

- 25. An Event Review Meeting (ERM) shall be established by EAL Management which shall invite, as a minimum, the Responsible Authority Contacts, and North-West Ambulance Service; Greater Manchester Fire and Rescue Service, and Representatives from the Etihad Stadium and from the wider Campus Management, to a meeting at least three times per year, to encourage information-sharing, collaboration and cohesion regarding matters pertinent to the promotion of the Licensing Objectives at the Premises. The Premises Licence Holder (acting by EAL Management) shall have proper regard to any information received at the ERM and any advice imparted by the Authorities/Services in attendance.
- 26. The capacity for guests/spectators in the Auditorium Bowl shall not exceed 23,500 at any one time.
- 27. EAL Management will ensure that licensable activities are planned and conducted in full compliance with the Appendix 1 Procedures.
- 28. The following comprise the Appendix 1 Procedures:
 - (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.
29. Licensable activities in the Podium shall cease prior to the main act in the Auditorium Bowl commencing and shall not take place following the end of the Bowl Event, where it finishes at or after 21:00.
30. Without limiting the above, where a Co-op Live Event is scheduled to take place concurrently with a Stadium Event, specific consideration shall be given by EAL Management in liaison with the Stadium operators and other Campus stakeholders to identify and address any likely implications for the promotion of the four Licensing Objectives at the Premises. This process (to ensure cohesion of Campus operations) will be detailed in the Campus Operations Manual, separately submitted to Manchester City Council (as part of the planning conditions) and available on request to the Responsible Authorities.

Schedule 1: Ancillary Spaces

- The Street, Event Level 0
- Decibel Club, Level 0
- Bentley Record Room, Level 0
- Co-op Backstage Club, Level 1
- Deck Suites (x2), Level 1
- Gallery Suites, Level 2
- Suites, Level 2
- AMP Club, Level 2
- Concourses, Levels 1 and 3
- Sky VIP Hangout / South Hangout, Level 4
- Boardroom, Level 4

Schedule 2: Additional Conditions agreed between Applicant and Cllr Grimshaw; Cllr Hitchen and Cllr Flanagan 16 February 2024, on the withdrawal of their Representations.

1. Last entry time for all ticketed events will be 23:30. This condition does not include an Extended Hours event;
2. No under 18's patrons shall remain on the premises after midnight except in the Private Suites, Galleries, Decibel Club and Record Room.
3. Extended Hours Events: shall not be held for more than 3 consecutive nights.

4. A nominated Ward Councillor is represented alongside the Responsible Authorities when reviewing Extended Hours documentation (referenced in condition 4).

Schedule 3: Responsible Authorities' Additional Conditions:

The following conditions are required by the Responsible Authorities and have been agreed with the Applicant. These conditions supplement conditions 1- 30. Any duplication will be deleted once the conditions are finalised, on approval of (or amendment by) the Licensing Sub-Committee.

Condition 1 – Add at

- 1.2 “and as identified on the plans of the Premises as incorporated in the Operations Manual”
- 1.19 **Zone Ex**” is defined as consisting of those areas, either in the public domain or under private ownership, considered to be integral to the circulation and safe management of people both arriving at the venue and dispersing afterwards.

Condition 8 - Shall be amended as follows: ,

8(a) Delete “are approved by the Licensing Authority (such approval not to be unreasonably withheld)” and insert “has been reviewed at an Event Review Meeting chaired by a representative of the licensing authority in good time ahead of the first event.”

8(b_ “is approved as provided in condition 5(a) and insert “has been reviewed at an Event Review Meeting as detailed in condition 8(a).

Add “Any feedback received from the Responsible Authority Contacts and ERM shall be given due consideration by EAL Management.

Condition 10: Add at end of condition 10

“...Licensing Objectives together with the following:

- a) A site-specific Operations Manual in line with the Guides shall be developed implemented for the venue by EAL Management that outlines the procedures, protocols, and essential information necessary for the safe and efficient operation of the premises. Licensable activities shall be carried out consistent with the Manual.
- (b) The Manual shall be maintained as necessary by EAL Management to reflect changes in regulations, technologies, and best practices in arena management and safety. The Licensing Authority and ERM shall be notified of any amendments made to the Manual within 28 days of the amendments being made.
- (c) When licensable activities are conducted, EAL Management shall use reasonable endeavours to consider the provisions of the Guides (in so far as they are relevant to the Premises and depending on the nature of the licensable activities), in the content of its Operations Manual,

- (d) EAL Management shall have proper regard to advice received from the Licensing Authority and ERM on the terms of the Manual, and
- (e) An Event Management Plan shall be prepared in advance of any event at the premises, which shall incorporate any new or amended plans or procedures that arise from event specific risk assessments.

Condition 14: Add to end of condition:

“The following shall apply:

- (a) The control point (sometimes called an operations centre), shall be equipped to meet the reasonable requirements of the venue and the event: to exercise command and control, to co-ordinate, communicate and gather information during an event. If the police and/or other emergency services are to be present at the venue during an event, the EAL Management must ensure that the control point will also meet their needs in both normal and emergency conditions provided a reasonable timeframe has been provided.
- (b) All security operatives at the premises shall hold a relevant licence issued by the Security Industry Authority.
- (c) The EAL Management shall have a system in place to ensure that appropriate security patrols are taking place and those patrols are being carried out properly.
- (d) Any and all suspicious behaviour by attendees and event goers, members of the public or staff at the venue or within the venue external security perimeter must be noted and reported promptly so that investigations can be made and action taken, if appropriate. All staff shall be actively supported and encouraged to report such instances and provided with appropriate training to recognise suspicious behaviour.
- (e) All incidents of suspected hostile reconnaissance must be properly recorded and reported to the police promptly. Briefings to security staff must include details of the suspected hostile reconnaissance reported since the date of the last event or otherwise still relevant so that staff know what has happened and know what to look out for.
- (f) There shall be a documented Venue Counter Terrorism Assessment, which shall incorporate counter terrorism measures for the premises including the threat from terrorism in relation to eventgoers or other members of the public who might be affected by crowd management and security services. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
- (g) The premises shall have a documented Counter Terrorism plan, which sets out counter measures to be implemented in response to a terrorist attack in conjunction with relevant ProtectUK guidance, and the purposes of those procedures and the necessity of following them shall be understood by those carrying them out: Those responsible for security shall be briefed at every event about the current threat level and risk of terrorist attack;

- (h) The EAL Management shall comply with any reasonable recommendations of any CT SecCo report; and
- (i) The EAL Management shall consult with the relevant stakeholders in order to draw up a Zone Ex Co-ordination Plan, which will form part of the Operations Manual.

Staffing

- (j) All staff, including those supplied by agencies and volunteers, shall be:
 - a. properly trained and deployed only where they have displayed the required competencies for the role
 - b. suitably briefed and equipped for their role, and (where required)
 - c. vetted for the purposes of security and, where appropriate, for safeguarding
- (k) All supervisory and safety critical roles (whether in static locations or mobile) must be filled only by qualified and competent stewards.

Risk assessment and management

- (l) Generic risk assessments consistent with the Guides shall be conducted to consider potential incidents, hazards or threats when the venue is in standard operational mode(s). These must be supplemented by event specific risk assessments. Any new or amended plans or procedures that arise from such event specific risk assessments must be recorded in the Event Management Plan. Relevant measures shall include but are not limited to:
 - a. Security personnel and enhanced resources
 - b. Stewarding
 - c. Additional event infrastructure
 - d. Safeguarding
- (m) Risk assessments must be completed by competent persons with appropriate skills and experience and appropriate training in risk management. Completed risk assessments must be made available for prompt inspection on the request of authorised officers of Manchester City Council and police.
- (n) EAL Management shall fully review its risk assessment procedures on a regular basis and consistent with the Guides.

Ticketing

- (o) All digital tickets for events at the premises shall be accompanied with online information which includes a link to the terms and conditions; important messaging for arrival, entry and egress including availability of transport options to promote safe and effective arrival and dispersal.

Boxing and wrestling (including MMA and other combat sports

EAL Management will ensure that the event complies with the rules and regulations of the governing body sanctioning the event or contest.

Safety Audit

- (p) The EAL Management shall conduct periodic safety audits, at least once a year to make a deeper and more critical appraisal of all elements of the safety management system. The findings of the safety audit must be documented and circulated to all concerned, to allow for any follow-up or remedial action to be taken.

Emergency or major incident plans

- (q) The EAL Management shall
- a. reach agreement with the emergency services as to what the role of their own safety team will be, should a major incident or emergency be declared – whether the incident or situation arises within the venue or in its vicinity – plus any actions that should be taken.
 - b. discuss their own contingency plans with local emergency responders, and with the local authority's emergency planning department and other relevant agencies, to ensure that there is no confusion or conflict about their respective roles and plans.

Condition 15 shall be amended to include the following condition:

Every safety and security-related technological resource such as closed-circuit television (CCTV), radios and alarm systems or public alert system, shall be subject to a detailed technical needs analysis by the relevant functional areas of the venue and its integration with the Etihad Campus:

- a. to determine their suitability for the needs and network capacity of the venue and/or type of event, and
- b. to ascertain what other functions they offer that might be useful to other functional areas, or, just as importantly, which of those functions might compromise existing systems

Condition 17 shall be amended to include at 17(a)(iv) to (vii)

- (iv) Any accident or incident causing injury to a member of the public.
- (v) All first aid or medical treatment provided
- (vi) Any emergencies or evacuations,
- (vii) Any call to an emergency service by the venue,

Condition 22 shall include the following conditions:

- (a) Stewards shall be deployed to and in position at the Ashton Canal Gate entrance prior to the end of show to deter use by attendees and promote alternative Citylink walking route.

(b) Stewards or security staff deployed along the canal shall be provided with appropriate water safety equipment e.g. throwlines and training in their use, as well as a radio or other appropriate communication equipment.

(c) Following a permitted extension to the operating hours under condition 2 of this licence, the licence holder will make available, at the request of the Local Authority, information it has collected in relation to a review of the egress strategies utilised beyond 02:00. This may include, but is not limited to, the number of customers utilising the shuttle bus service, walking route, private vehicles or taxis.

Condition 24 shall be expanded to add:

There shall be a dedicated telephone number made available to local residents so that they are able to contact the premises during events if they have any concerns or queries. The telephone shall be answered by a member of staff who is able to take action (as soon as reasonably practicable) to address any concerns raised by local residents. These reports shall be logged and made available, on request, to the Local Authority

Condition 25 shall be expanded to insert at the end of the condition:

The format of these meetings shall be agreed with the Licensing Authority and EAL Management will make available relevant data from Event Logs for presentation and review. These discussions will typically take into consideration not only the safety of people attending the event, but also those in Zone Ex and the surrounding areas who may be affected by the event, and/or by the cumulative effects of multiple events taking place at the same time or in the same area.

Add additional condition - The EAL Management will arrange a meeting at least once a month (or alternate frequency agreed with the Licensing Authority) and invite the Responsible Authority Contacts to attend to discuss the details of forthcoming events and any specific security or safety issues or requirements.

Condition 30 – Remove and Add:

Remove from “separately” to end of condition; add in its place: “and any up-to-date copy will be retained in the venue’s Operations Manual.

ⁱ Authorised Personnel only will have access to and sight of the Premises’ Operations Manual for reasons of safety; security and commercial sensitivity. It will therefore be a strictly confidential document only accessible by the Premises Licence Holder’s staff (or third parties as authorized by it) and by the Responsible Authorities duly authorised officers (including the Responsible Authority

Contacts).

ii The Procedures can be actively approved by email by the Licensing Authority or shall be deemed approved where they have been provided to the Licensing Authority and the Licensing Authority has not provided any comment concerning possible revision within 28 days of receipt.

iii The Procedures can be actively approved by email by the Licensing Authority or shall be deemed approved where they have been provided to the Licensing Authority and the Licensing Authority has not provided any comment concerning possible revision within 28 days of receipt.

iv It is acknowledged by all that the Operations Manual (except for the Appendix 1 Procedures) must remain a 'live' document capable of change by EAL Management without the need for external input. This is to enable its licensed operation to be conducted in a manner consistent with best industry practice/its developing operational knowledge/requirements and/or to remain current, in a changing commercial environment. Insignificant derogation from the Operations Manual (other than from the Appendix 1 Procedures) shall consequently not amount to a breach of conditions.

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BEFORE MANCHESTER CITY COUNCIL’S
LICENSING SUB-COMMITTEE

“CO-OP LIVE”

Etihad Campus, Manchester, M11 3FF

AO ARENA’S (ASM GLOBAL) SUBMISSIONS

For Hearing: 21 February 2024

Introduction & Summary of Submissions

1. This submission is made on behalf of ASM Global, the tenant and operator of Manchester’s AO Arena, in response to the premises licence application made by Eastlands Arena Ltd in relation to “Co Op Live”, a new arena complex situated on the Etihad Campus in Manchester. ASM Global’s representation is in the main Agenda Papers at pages 119-132
2. The AO Arena is proud to play a significant role in the cultural life of Manchester. Its operator, the performers and events it hosts, and the hundreds of thousands of Manchester-based visitors who pass through its doors each year, all share a legitimate interest in promoting and preserving the City’s international reputation as a safe and vibrant place for people to enjoy themselves. At the same time, all wish to ensure that Manchester’s leisure and night-time ecosystem does not disproportionately harm the lives of residents who live close to any particular venue. “Brand Manchester” is worthy of protection. The introduction of Co Op Live into this ecosystem will bring both

benefits and potential harms. Therefore, this application merits the full and proper scrutiny that this licensing sub-committee will, undoubtedly, give it. The operators of the AO Arena wish to assist the licensing sub-committee in this task. No more and no less.

3. Contrary to views expected to be expressed by the applicant, to the effect that ASM Global is merely trying to prevent a competitor from operating in Manchester, having considered all the documentation and other representations, ASM Global **does not object to the grant of a premise licence** if the sub-committee is satisfied that doing so will promote the licensing objectives and, in particular, safeguard public safety and the prevention of public nuisance.
4. Instead, these submissions are focused on ensuring that the hours permitted, and conditions imposed, on any licence properly reflect:
 - a. Co Op Live's sensitive location outside the City Centre and near densely populated residential roads.
 - b. The limitations on transport options in the early hours of the morning on dispersal.
 - c. The current absence of in-place methods of dispersal to safely and effectively disperse customers from the auditorium bowl (with a capacity of 23,500) and ancillary spaces (with a capacity of 6,000) in the early hours of the morning without creating a real risk of disturbance to residents or endanger public safety.

5. ASM Global invites the sub-committee to conclude that the licensing objectives, particularly the prevention of public nuisance and public safety, would be appropriately and proportionately promoted by ensuring the following restrictions are imposed on the licence to be granted:
- a. The terminal hour for licensable activities in the auditorium bowl, “ancillary spaces” and any other licensed areas, shall all be 23:30hrs with closing time no later than midnight.
 - b. The terminal hour for licensable activities in the “On the podium” external space shall be no later than 22:00hrs (as per the revised application, with closing at 22:30hrs¹).
 - c. There shall be no “extended hours” beyond these times (save those authorised by way of temporary event notices or following a successful variation application in the future).
6. ASM Global’s submissions are based on its experience of operating over 400 venues worldwide, which includes ten arenas, conference and exhibition centres and theatres in the UK, including the AO Arena. They are well-placed to understand the challenges in relation to the operation of the Co Op Live Arena, in particular the safety of its customers and the protection of the local community in line with the licensing objectives.

¹ See revised Draft Conditions in 3rd Supplementary Agenda, §3, p.5

7. These submissions have also been heavily informed, and supported, by an independent expert instructed by ASM Global to give his objective views on the potential impact of the application on the licensing objectives. Dr Philip Hadfield is among the country's leading experts on licensing policy and the impact of licensed venues on the night-time economy and local communities.² He has analysed both the original and revised licence application and provides two detailed and important reports to assist the sub-committee.
8. Dr Hadfield's first report, dated 18 January 2024, analysed the original application. This can be found in the 2nd Supplementary Agenda Papers at pages 4-70, with an Executive Summary at pages 7-10.
9. Dr Hadfield's second addendum report, dated 19 February 2024, reviews the revised application and applicant's supporting documents (some 500 pages worth) which were only disclosed to the interested parties late on 14 February 2024. It is anticipated that this report will be produced in a further Supplementary Agenda.
10. The sub-committee is respectfully invited to consider both of Dr Hadfield's reports in full. They provide expert insight into the likely impact of this application on the community. Dr Hadfield's concerns and findings are summarised further below.

The balancing exercise and precautionary approach

11. The sub-committee will wish to balance the commercial interests of the applicant and the wider economic benefits to the area of this development, with the no less important rights of local residents to the peaceful enjoyment of their homes, the promotion of the

² Dr Hadfield's expertise is set out at §1 of his report at p.10-11 of 2nd Supplementary Agenda and in the Appendix at p.69-70

licensing objectives, and the wider impact on Manchester's night-time economy and reputation.

12. Given the untried and untested impact of this venue's operation on the local community³, operating within this noise sensitive location close to residents' homes, the sub-committee is entitled to take a precautionary approach to this application. ASM Global, and a large number of residents who have expressed a view, would urge the sub-committee to conclude that the cautious and balanced approach is the correct one at this stage. This means not granting a licence that over-extends itself into the early hours of the morning.
13. If, in the months and years to come, Co Op Live's operators demonstrate that they can operate in this sensitive location in a manner that does not adversely impact on the local community late at night, then a future variation application permitting the venue to operate with more flexible hours may be submitted by the operator and considered on its own merits. But that time is clearly not now.
14. Much of the dispersal and transport plans put forward in the applicant's recently served "slide-deck presentation" are speculative, incomplete and appear rushed to coincide with the date of this licensing hearing. That is why it would be inappropriate to grant a licence permitting any part of the venue to operate past a closing time of midnight.
15. Put simply, the application is not in a state to give confidence to the sub-committee that the venue can operate well into the early hours of the morning without undermining the licensing objectives. Indeed, the evidence suggests that, at present, it cannot.

³ The Green Guide to Safety at Sports Grounds, referred to in the applicant's paperwork (e.g. at 1st Supplementary Agenda at p.52), recommends test events should be carried out for new grounds. This guide is generally used as a reference for large arenas in the UK, sporting or non-sporting.

Excessive hours, Ancillary Spaces & Cumulative Impact

16. The applicant proposes that the auditorium bowl (with a capacity of 23,500) is licensed until 23:30hrs.⁴ No closing time is proposed in the application, but the applicant appears to accept a midnight closure in its slide-deck presentation⁵. The closing time is important. That is the latest time visitors will leave Co Op Live and disperse into the surrounding community and so impact on residents. ASM Global agrees with this proposal on appropriate hours for the auditorium bowl.
17. However, the position is different with the excessive hours proposed by the applicant for the “ancillary spaces” and the extended hours sought for 24-hour operation of both the main auditorium and ancillary spaces on 25 occasions per year.
18. The applicant proposes that under its “standard hours”, up to 6,000 customers should be permitted to use all these spaces (if it so wishes) as alcohol-led nightclubs, vertical drinking spaces, noisy bars, lounges and event or party spaces until closing times of 01:30hrs (Sunday-Thursday) and until 02:30 (Friday & Saturday or on a Sunday prior to a Bank Holiday). It would, of course, take some time after these closing times for this number of visitors to fully disperse from these areas.
19. These “ancillary spaces”, many of whose names are suggestive of their intended use, include:⁶
- a) The 676-capacity “Amp Club”;
 - b) The 200-capacity “Decibel Club”;

⁴ Draft Premises Licence Conditions (16.2.24) §3.

⁵ Page 43 of the 1st Supplementary Agenda

⁶ See slide deck in 1st Supplementary Agenda p.25-41

- c) The 700-capacity “Backstage Club” (“*an area specially designed to be capable of providing exclusive entertainment, including music, post 23:00hrs*”);⁷
- d) The 57-capacity “Ciroc Vodka Lounge”;
- e) The 2,500 capacity “The Street” (an area “*designed to be able to accommodate events separately from the main arena bowl*”⁸).

20. The use to which these ancillary spaces are put can only be restricted by way of conditions on the licence. Notably, no such restrictive conditions (such as restaurant conditions) have been offered by the applicant. The mood-board images transposed by the applicant onto its slide deck presentation can offer no comfort that these spaces will not all be used as high-impact alcohol-led party venues both standalone and before or after events in the auditorium bowl. It seems likely that is their primary purpose. It is local residents who will feel the impact of their uncontrolled use when users of these spaces disperse into the community in the early hours of the morning, should this part of the application be granted.

21. In relation to these ancillary spaces, Dr Hadfield’s second report makes the following important points:

- a. There are 11 Ancillary Spaces with requested licensable activities. This demonstrates that the Arena is intended to be much more than simply a live events space finishing at 23:30 hrs. There is an intention to routinely accommodate up to 6,000 guests in other Ancillary Spaces within the complex up to 02:30hrs at weekends and up to 01:30hrs through the week. These hours, and details of the 11 Ancillary Spaces were not spelt out or focused upon in the

⁷ See Vanguardia noise report, §2.2, 1st Supplementary Agenda, p. 176

⁸ See Vanguardia noise report, §2.2, 1st Supplementary Agenda, p. 176

Planning process (where the “normal” overall terminal hour was conditioned to be midnight⁹).

- b. The Ancillary Spaces do not appear to include any formal restaurant facilities, in which the service of alcohol is ancillary to a table meal. Rather, the spaces appear to comprise variations of an alcohol-led theme of bar, lounge and night-club type offers.
- c. Slides are provided showing images of how some of the Ancillary Spaces will look and in some images the proportion of ‘vertical drinking space’ appears notably high.
- d. This very extensive additional licensed provision was not disclosed in the Planning Application presentations, reports and operational management plans, which focused on live events at the Bowl. This makes the Licensing Hearing an important opportunity to address new matters arising concerning the four Licensing Objectives.

22. Moreover, on 25 further occasions per year, the applicant, seeks a licence to operate both the 23,500 capacity auditorium bowl, plus the 6,000 capacity ancillary spaces, for 24 hours (i.e. right through the night) under the “extended hours” provisions.¹⁰

23. These requests are excessive and inappropriate, given that the customers will be dispersing into an area surrounded by residential roads. This is an area where there is currently little night-time activity (commercial or otherwise) and limited public

⁹ See planning condition 14 in 2nd Supplementary Agenda at p.240.

¹⁰ Draft Conditions §4

transport connectivity beyond 23:30hrs. No amount of marshalling, or signs requesting that dispersing customers do not raise their voices (the two modest measures proposed by the applicant), will prevent significant numbers of departing customers making their way close to residential homes and disturbing sleeping residents.

24. Whilst extended hours beyond midnight may be a luxury Co Op Live would like to have for commercial reasons, it cannot credibly be claimed they are essential to the financial viability of the whole project.
25. However, what can credibly be asserted is that if these post-midnight hours are granted by the licensing sub-committee at this stage then, more likely than not, local residents will repeatedly suffer from public nuisance associated with the crowds departing from the new venue. This is the near inevitable result of permitting so many customers of Co Op Live to drink, party and then depart well into the early hours applied for in the revised application.
26. Manchester’s Statement of Licensing Policy (“the Policy”) rightly recognises that operating hours which may be appropriate in a City Centre location (such as the AO Arena’s site), are unlikely to be appropriate in a more residential area. Co Op Live is only some 100 metres away from the nearest residential road (Alan Turing Way). The Policy acknowledges that reduced hours are better suited to venues in more densely residential areas.¹¹ To adopt the words of the Policy (with emphasis added):

7.31- *It is recognised that **in spite of the quality of the operation of the business**, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.*

¹¹ Statement of Licensing Policy (2021-2026), §7.29-7.33

7.32- *Therefore, where its discretion is engaged, **the authority will be mindful of the density of residential use in proximity to the premises and the level of risk of nuisance arising. The authority expects that terminal hours will normally be earlier to promote the licensing objectives for licensed premises located in areas with a higher density of residential property.***

27. If, separate from Co Op Live, this sub-committee were being asked to licence 11 separate bars and clubs, with an aggregate capacity of 6,000, all of whom wished to operate past midnight in a residential area, then it would be inconceivable that the sub-committee would be prepared to expose its residents to such excess. This is the equivalent of an average town centre's clubs and bars all being added into a residential area at once. Instead, the sub-committee would, more likely than not, curtail the hours of these venues to better suit the residential nature of the surrounding area. The same approach should be applied to the current application.

28. The Council is entitled to take into account the "cumulative impact" of all these venues operating until the early hours on the local community, even in the absence of a cumulative impact policy or assessment ("CIA"). The Secretary of State's Guidance to the Licensing Act 2003 ("s.182 Guidance") , to which the sub-committee must have regard, puts it this way [at §14.42]:

"The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

29. So many licensed venues, in such proximity to each other and residential roads, are bound to create a cumulative impact that will undermine the licensing objectives and impact on residents' quality of life. That is why the hours application for these venues requires restraining by the sub-committee.
30. There is a further legal prohibition on granting the revised extended hours application (i.e. 24 hours on 25 occasions per year). The original Premises Licence application only sought a maximum of 12 occasions per year when the venue could operate for 24 hours.¹² That was the application that went out for public consultation. The general public has never been given an opportunity to comment on the revised licensing proposal to operate for 24 hours on 25 occasions per year. The law does not permit any application to be amended so that it extends beyond the scope of the original application: see [*Taylor v Manchester City Council*](#) [2012] EWHC 3467. This part of the application should not be permitted as a matter of law.
31. The likely impact of these later hours is compounded by the unsatisfactory and half-baked transport and dispersal plans provided by the applicant just a few days before this hearing. These are examined further below. For these reasons, the sub-committee is asked to take a reasonable and justified approach in order to safeguard local residents and the licensing objectives by refusing to grant any application for extended hours of any sort that would permit any part of the premises to operate beyond midnight (with licensable activities ending at 23:30hrs).¹³

¹² See application form in Main Agenda Papers, p.31-43; Precis of Application at 2nd Supplement, p.125; paragraph 2.5.0 in the Officer's Report at p.8

¹³ Save for the external Podium where the applied for terminal hour for licensable activities is now reduced to 22:00hrs with closing at 22:30hrs (see revised Draft Conditions in 3rd Supplemental Agenda, 3, p.5

Late night dispersal & transport issues

32. The Metrolink Tram and public bus services are sparse after 23:30hrs. The Night Bus service has a 1-hour interval and the post-midnight Metrolink an interval of 24 minutes between services. Therefore, it is uncontroversial that these services will not have sufficient capacity to disperse the large numbers of customers Co Op Live wish to host after 23:30hrs.
33. Co Op Live have, in the past few days, unveiled plans to “transform” a walking route between the Etihad campus and the Holt Town Metrolink tram stop by way of an application for planning permission validated on 12 February 2024.¹⁴
34. This last-minute application discloses a regrettable lack of timely preparation by an operator of a major venue hoping to host events in just a few months’ time. This is particularly so as the significant late night dispersal problems have been apparent for some time. This proposal confirms the applicant’s acceptance that existing late night dispersal routes are insufficient to safely and quietly disperse expected visitors late into the night. It remains clear that these deficiencies, as already highlighted in Dr Hadfield’s first report disclosed to the applicant’s legal representatives as a courtesy on 6 February 2024, are not remedied by the current application to revamp a walkway to the Holt Town Metrolink tram stop, which is itself over a mile from the city centre (an application which may or may not be granted). In any event, in the early hours of the

¹⁴ <https://www.manchestereveningnews.co.uk/whats-on/whats-on-news/major-plans-unveiled-transform-walking-28634417> . Article published 15.2.24. The planning application was only lodged on 12 February 2024, see: <https://pa.manchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S8QMH2BCIGE00>

morning, these walkers will struggle to find trams with the capacity to take them onto the main railway stations.

35. Having reviewed the applicant's new proposals and documentation (including slide deck presentation), and having previously undertaken a detailed survey of the area and its transport facilities, Dr Hadfield opines as follows in his second report:

- a. The "new" walking route appears to be simply an upgrade of the existing City Link route, on a section closest to the Campus, between the Campus and Holt Town Tram Stop. This will not protect the majority of local residents who live alongside this route from noise disturbance, as their homes are closer to the City Centre in the flats of New Islington (a location specifically identified as sensitive to noise nuisance in Manchester's Statement of Licensing Policy with a Special Hours Policy in place to address this).
- b. The slide (on p.67) makes clear that 4 SIA door supervisors will be assigned to prevent patrons from using any of the three available walking routes after midnight (although this is not offered as a Draft Condition). Accordingly, the slides (on p.70 and 71) showing the proportions of customers it is estimated will use the 'walking route' transport mode when leaving after midnight is set at zero. This appears to be a tacit admission that the walking routes are considered unsafe after midnight. The Ashton Canal Towpath and Ashton New Road routes appear to be dealt with, not by improving them, but by preventing people from using them after midnight.

- c. The fact that the Applicant has applied for planning permission for a new route suggests the Applicant accepts that the existing walking routes are unsafe and unsuitable.
- d. Even if restrictions are put in place after midnight patrons can still use the canal towpath to walk to the venue, therefore the risks posed by this route still need to be addressed, even if the Applicant is discouraging its use. With guardianship only imposed after midnight there are particular risks of harm for anyone ejected from the venue part-way through an event. For example, an individual ejected for being drunk, who is therefore, parted from their friends is at risk of serious injury or even death if they attempt to walk along the canal by themselves in the dark.
- e. Whilst the Planning Committee Report ‘Travel Plan’ for the Arena stated that the aim was to reduce car journeys and “encourage” walking and public transport (see §5.7 and §5.9 on Dr Hadfield’ first report), in the Licensing Application we are now told that private cars will be the dominant mode of customer ingress and egress (slides 68-71). This change may reflect that a dominant concern within the Planning process was traffic congestion and the parking of visitor’s vehicles in local residential areas, whereas, in licensing terms, private car use is a generally low impact agenda as it aids rapid dispersals (that is assuming the absence of driving under the influence of alcohol or drugs).
- f. With the applicant’s (unsubstantiated) forecast that 49% of patrons will use cars to get to and from the Arena it is apparent that there will not be enough parking spaces on-site to accommodate the numbers. It is surprising that at this stage the Applicant is still “*working on solutions*” and “*in discussions*” with landowners

about off-site car parking solutions (Slide 72, p.76). Until solutions are found local residents can presumably expect to experience added nuisance from the ‘overspill’; with cars parked around their homes and thoroughfares.

- g. Slide 85 (page 89) effectively clarifies that the Metrolink tram service is currently insufficient to accommodate the projected audiences after 23:30hrs and that no solution has yet been found. The use of Shuttle Buses is mentioned, but again there are no firm proposals for a regular service that might offer reassurance. Dr Hadfield believes it is imperative that such services be established and explained before the Arena opens to the public. It would not be sufficient, for example, for the Shuttle Buses and additional tram services to be organised only on the (unlawfully applied for) 25 occasions per annum that the Bowl Arena wishes to open for 24 hours.
- h. Slides 70 and 71 are presented in such a way as to suggest that Metrolink Tram and Shuttle Bus services will be routinely available to users of the Ancillary Spaces after midnight, although this has not been guaranteed and no timetables are provided. The Applicant has combined Metrolink Tram and Shuttle Buses modes to show that 43% of people staying in the Ancillary Spaces (open until 02:30 hrs as now proposed) will use those transport methods (Slides page numbered 70 and 71). As trams and Shuttle Buses are quite distinct categories of transport it is not clear why they have been counted together. Those amongst the 2,600 people projected to use these methods and wanting to use the last tram would have to leave over an hour before closure of the Ancillary Space they were attending if they were to catch this Metrolink service.

- i. In the Transport Mode of Egress data one sees a projection that 300 people who have attended the premium Ancillary Spaces after midnight will get the bus and that 20 will cycle. The basis for this unusual assumption is not set out. Catching a bus would mean crossing the Etihad Campus to south of the Stadium in order to access the bus stop on Ashton New Road where only limited services are available (as described in my report). Proposals for Arena patrons to egress onto Ashton New Road are not mentioned elsewhere within the Application.

36. It is apparent from the applicant's newly served documentation, and Dr Hadfield's review of their proposals, that the applicant's dispersal and transport plans post-midnight remain a speculative work in progress. It is not known whether planning permission will be given or, if it is, when the new walking route would be in full use. In any event, it will not resolve the difficulties.

37. The sub-committee is obliged to consider the impact of the grant of later hours now, rather than on the basis of future plans which may, or may not, materialise. As of today, Co Op Live cannot demonstrate that it can safely and quietly disperse its customers in the early hours of the morning in an area with a high density of residential homes. To permit them to do so poses a serious risk to the licensing objectives. This late hours part of the premises licence application ought to be refused.

Planning Condition 13

38. There is an important condition on the Planning Permission that requires insertion into the premises licence in order to safeguard the licensing objectives, i.e. planning condition 13 which reads: *“The arena capacity hereby approved shall not be used by more than 23,500 spectators at any time and there shall be no more than 15 arena events per year which take place at the same time as events at the Etihad Stadium (of which no more than 5 would coincide with the evening peak)”*.¹⁵

Conclusion

39. Given the proximity of residential premises to Co Op Live, and the obvious deficiencies in the applicant’s transport and dispersal plans, if the sub-committee is minded to grant a premises licence, then ASM Global respectfully invites the sub-committee to ensure that:

- a. The terminal hour for licensable activities in the auditorium bowl, “ancillary spaces” and any other licensed areas, shall all be 23:30hrs with closing time no later than midnight.
- b. The terminal hour for licensable activities in the “On the podium” external space shall be no later than 22:00hrs (as per the revised application, with closing at 22:30hrs).

¹⁵ See 2nd Supplementary Agenda at p.239.

- c. There shall be no “extended hours” beyond these times (save those authorised by way of temporary event notices or following a successful variation application in the future).

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19 February 2024

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REPORT ADDENDUM

Response to the CO-OP Live Premises Licence Application and Draft Conditions, released 14 February, 2024

Introduction

1.1 Further to preparation of my main report in this matter, the Applicant's Premises Licence application bundle was made available on Wednesday 14 February 2024. The documents within the bundle clarify a number of points regarding the Applicant's intentions regarding licensable activities and intended methods of operation at the Co-op Live Arena.

1.2 I would like to raise a number of points with regards to these proposals.

Licensed Spaces within the Development

2.1 The Applicants provide presentation slides with regards to how Co-op Live will operate from a licensing perspective. The slides at Page 21 and Page 47 confirm the Trading Hours requested for different spaces within the development. These Hours are also set out in the Applicant's list of suggested Draft Conditions:

Bowl Arena – this is the main area for live performances, put forward for Standard Hours to 23:30hrs (Draft Condition 3) with ability to apply for ‘Extended Hours’.

Ancillary Spaces for up to 6,000 persons (across all such spaces in total Draft Condition 5b), each to close at 02:30 hrs (weekends / Sundays prior to Bank Holidays); and 01:30hrs other nights including Sundays.

Extended Hours (Draft Condition 4), through to 04:00hrs – 05:00hrs as stated on the Premises Licence application, to be used on up to 25 occasions per annum.

2.2 There are 11 Ancillary Spaces (see Draft Conditions Schedule 1 p.148 of the bundle) with requested licensable activities. This demonstrates that the Arena is intended to be much more than simply a live events space finishing at 23:30 hrs. There is an intention to routinely accommodate up to 6,000 guests in other Ancillary Spaces within the complex up to 02:30hrs at weekends and up to 01:30hrs through the week.

2.3 The Ancillary Spaces do not appear to include any formal restaurant facilities, in which the service of alcohol is ancillary to a table meal. Rather, the spaces appear to comprise variations of an alcohol-led theme of bar, lounge and night-club type offers.

2.4 Slides are provided showing images of how some of the Ancillary Spaces will look and in some images the proportion of ‘vertical drinking space’ appears notably high. The bundle does not contain detailed floor plans

for these defined licensed spaces so it is not possible to verify the arrangement of fixed furnishings.

2.5 This very extensive additional licensed provision was not disclosed in the Planning Application presentations, reports and operational management plans, which focused on live events at the Bowl. This makes the Licensing Hearing an important opportunity to address new matters arising concerning the four Licensing Objectives.

2.6 Clearly, there appears to be a plan for several drink-led venues under one roof; variations on the bar theme. This seems focused on a narrow young-adult market of relatively affluent customers which is already provided for within the bars of Manchester City Centre. Arena venues have the opportunity to attract a broad range of audiences, including families, and the local communities that surround them. The proposals to simply offer more of what is already available in the City Centre may disappoint a number potential customer demographics within the Greater Manchester and wider catchment area.

Walking Routes and Transport

3.1 Slides Page 67-71 set out the intention for patrons to use a new improved walking route from the Arena to the City Centre, for which planning permission has only recently been requested. The application does not include a map or plans for this route. However, I understand from a Manchester Evening News report that the 'new route' is simply an upgrade of the existing City Link route, on a section closest to the Campus, between the Campus and Holt Town Tram Stop. This will not

protect the majority of local residents who live alongside this route from noise disturbance, as their homes are closer to the City Centre in the flats of New Islington (as the images from along the City Link route show in my main report).

3.2 The slide on p.67 makes clear that 4 SIA door supervisors will be assigned to prevent patrons from using any of the three available walking routes after midnight (although this is not offered as a Draft Condition). Accordingly, the slides on p.70 and 71 showing the proportions of customers it is estimated will use the 'walking route' transport mode when leaving is set at zero. This appears to be a tacit admission that the walking routes are considered unsafe after midnight. The Ashton Canal Towpath and Ashton New Road routes appear to be dealt with, not by improving them, but by preventing people from using them after midnight.

3.3 The fact that the Applicant has applied for planning permission for a new route suggests the Applicant accepts that the existing walking routes are unsafe and unsuitable. To give one example, although there is an intention to comply with Manchester City Council's 'Glass Policy' within the premises (p.160 Operational Management in Applicant's Bundle) I have provided images in my report of significant glass waste close to hand on the City Link walking route, just south of Holt Town.

3.4 Even if restrictions are put in place after midnight patrons can still use the canal towpath to walk to the venue, therefore the risks posed by this route still need to be addressed, even if the Applicant is discouraging its use. With guardianship only imposed after midnight there are particular risks of harm for anyone ejected from the venue part-way through an event. For example, an individual ejected for being drunk, who is

therefore, parted from their friends is at risk of serious injury or even death if they attempt to walk along the canal by themselves in the dark.

3.5 It is of concern that the planning application for the new walking route has only recently been submitted, with no planning decision available ahead of the Licensing Hearing to provide clarity and reassurance. The first public event at Co-op Live is due to take place in May, with test events in advance. The new walking route will clearly not be operational by May. Unless the applicant is intending to delay opening until the new walking route is completed, licensing measures are needed to include appropriate mitigation of the public safety risks in the interim period.

3.6 It is of note that the Planning Committee Report 'Travel Plan' for the Arena stated that the aim was to reduce car journeys and "encourage" walking and public transport (see 5.7 and 5.9 on my report). In the Licensing Application we are now told that Private Cars will be the dominant mode of customer ingress and egress (slides 68-71). This change may reflect that a dominant concern within the Planning process was traffic congestion and the parking of visitor's vehicles in local residential areas, whereas, in licensing terms, private car use is a generally low impact agenda as it aids rapid dispersals (that is assuming the absence of driving under the influence of alcohol or drugs).

3.7 With a forecast that 49% of patrons will use cars to get to and from the Arena it is apparent that there will not be enough parking spaces on-site to accommodate the numbers. It is surprising that at this stage the Applicant is still "working on solutions" and "in discussions" with landowners about off-site car parking solutions (Slide 72, p.76). Until solutions are found local residents can presumably expect to experience

added nuisance from the 'overspill'; with cars parked around their homes and thoroughfares.

3.8 Slide 85 (page 89) effectively clarifies that the Metrolink tram service is currently insufficient to accommodate the projected audiences after 23:30hrs and that no solution has yet been found. The use of Shuttle Buses is mentioned, but again there are no firm proposals for a regular service that might offer reassurance. I believe it is imperative that such services be established and explained before the Arena opens to the public. It would not be sufficient, for example, for the Shuttle Buses and additional tram services to be organised only on the 25 occasions per annum that the Bowl Arena opens with Extended Hours.

3.9 Slides 70 and 71 are presented in such a way as to suggest that Metrolink Tram and Shuttle Bus services will be routinely available to users of the Ancillary Spaces after midnight, although this has not been guaranteed and no timetables are provided. The Applicant has combined Metrolink Tram and Shuttle Buses modes to show that 43% of people staying in the Ancillary Spaces (open until 02:30 hrs) will use those transport methods (Slides page numbered 70 and 71). As trams and Shuttle Buses are quite distinct categories of transport it is not clear why they have been counted together. Those amongst the 2,600 people projected to use these methods and wanting to use the last tram would have to leave over an hour before closure of the Ancillary Space they were attending if they were to catch this Metrolink service.

3.10 Also in the Transport Mode of Egress data one sees a projection that 300 people who have attended the premium Ancillary Spaces after midnight will get the bus and that 20 will cycle. It would be helpful to

know the basis for these assumptions as they seem exaggerated. Catching a bus would mean crossing the Etihad Campus to south of the Stadium in order to access the bus stop on Ashton New Road where only limited services are available (as described in my report). Proposals for Arena patrons to egress onto Ashton New Road are not mentioned elsewhere within the Application.

Noise evidence

- 4.1 The Applicants have included Expert Witness evidence from the Acoustics Consultancy Vanguardia, and their Director and Founder Mr Jim Griffiths. The focus of this evidence is primarily on the measures taken to avoid 'noise break out' from the venue, especially from large music events of a kind proposed for the Bowl Arena.
- 4.2 The evidence has very little to say or recommend in relation to operational matters concerning the control of noise from patrons in external areas such as the canal-side terrace and on egress from the building's various spaces at night. The advice on these subjects amounts to little more than recommending 'signage' requesting people respect the venue's neighbours and the use of 'stewards' to ensure compliance, by which is hopefully meant SIA-registered door supervisors. One might have expected to see some suggested Draft Conditions as to the minimum number of SIA door supervisors required to perform these tasks allocated to different noise sensitive areas in and around the building.
- 4.3 In licensing terms the key concern in relation to noise is, of course, the Licensing Objective of 'preventing Public Nuisance'. It is mentioned at

p.184-5 that customer egress 'may take place in the early hours of the morning' from smaller capacity licensed spaces within the arena. I am not an Acoustician, however, I do read and use 'noise evidence reports' such as they impact upon my assessments in Licensing. Here I might have expected to see projected noise modelling on the risk of public nuisance during customer egress. Measurable and perceived noise impacts will vary depending on the specific hours in question, for example, the ambient and incidental noise environment around the Arena will almost certainly be lower at 02:30hrs than at 23:30hrs. As a result, the introduction of new noise sources late at night will create more public nuisance when introduced into environments where no licensed premises currently operate and there is a general linear decline in noise as nights progress. This is clearly part of the thinking behind Manchester City Council's Hours Policy with regards to the Northern Quarter and New Islington as discussed in my report. Unfortunately, it appears that the intentions of MCC's policies may, in this case, be frustrated by the insertion into this residential area of new noise impacts arising from licensable activities that lie beyond the boundaries of the Licensing Authority's special policy area controls.

4.4 A further failure to engage with and fully comprehend the Licensing Objectives is demonstrated at p.184 where we see a suggestion for pre- and post- show 'bar offerings' to stagger departures. The potential for increased alcohol-related harms is not acknowledged or addressed, eg., such promotions may encourage patrons to drink more alcohol and leave later which will be more impactful on local residents. Later egress means that there may be fewer, if any, public transport options, with use of the walking routes prevented. This encourages the use of private cars and by extension, the temptation to drink-drive.

4.5 My general impression is that the Vanguard / Griffiths work mostly addresses issues that have been considered in Planning. The Witnesses have little to say about how the Licensing Objective of preventing Public Nuisance may be promoted other than through the use of basic industry-wide procedures, eg signage, and supervisory staff. The failure to recommend set levels of SIA Door Supervision, to suggest post-event drinks offerings as a positive and to omit modelling of overnight crowd egress noise impacts are some of the issues which demonstrate the Planning focus, with thin or absent reference to Licensing matters within this evidence.

Conclusions

5.1 The Responsible Authorities and Interested Parties making Representations in this matter have had less than one week to respond to a set of very extensive 'game changing' new proposals for licensing of the Co-op Arena. The proposals of 14 February 2024 alter Co-op Live's intended uses and impacts in relation to promotion of the Licensing Objectives quite fundamentally.

5.2 Co-op Arena is now proposed to house 12 licenced venues within one, the licensing sought for 11 of those venues would permit up to 6,000 persons to be retained within the premises until hours at which there is currently little if any public transport provision and the main projected mode of egress is now private cars. Moreover, only the Bowl Arena has requested Standard Hours to 23:30hrs and a core function primarily around its entertainment offer; the other 11 licensed venues appear to be drink-led, with no proposals in any of these spaces for the sale of alcohol to be ancillary to a table meal.

5.3 I believe, these extensive propositions now require very careful scrutiny to ensure the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. I cannot see that the Applicants have provided sufficient evidence to suggest these Statutory Objectives will be met, particularly, in the post-midnight period, both in relation to patrons of the venues within the Arena and local communities living nearby and on the transportation routes.

Declaration

I understand that my duty as an expert witness is to the Hearing and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe that the facts I have stated in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional upon the outcome of the case in any way whatsoever.



P.M. Hadfield, Monday 19 February 2024

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