

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Wednesday, 21 February 2024

Present: Councillor Connolly – in the Chair

Councillors: Evans and T Judge

LCHP/24/11. Application for a New Premises Licence - Co-op Live, Etihad Campus, Manchester, M11 3FF

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation.

A Licensing Officer attended and addressed the panel, providing an update on the position of the application. They stated that an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made on 10 November 2023 by Eastland Arena Ltd in respect of Co-op Live, at the Etihad Campus, Manchester in the Ancoats & Beswick ward of the city. They noted that the premises was a purpose-built, multi-use arena within the wider Etihad Campus. The premises was to comprise of an Auditorium Bowl (maximum capacity 23,500), 5 internal multi-use levels and a “Podium” space which is the external walkway area. The Licensing Officer noted the operating times as originally applied for.

Following receipt of the application, a 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations. During the consultation period, a total of 48 representations were received opposing one or more aspects of the application. There were no representations in support of the application. Representations were received from Greater Manchester Police, Manchester Licensing Authority, Manchester Trading Standards Service, Manchester Out of Hours Compliance Team, Manchester Department of Public Health, six Ward Councillors, 35 residents, ASM Global (tenant and operator of the AO Arena), and Music Venue Trust (a grassroots music charity). Details of those representations had been detailed within the report.

Following discussions between the applicant’s representative and the ward councillors, GMP, Trading Standards and Out of Hours Compliance, revised terms and operating hours were agreed as follows:

- Regulated Entertainment and the Sale of Alcohol (and Late Night Refreshment for consumption indoors only) shall only take place in the following areas during the authorised hours:
Auditorium Bowl: 10am to 11.30pm each day
Ancillary Spaces: Sunday – Thursday 10am to 1am (with 1.30am close), and Friday and Saturday (and Sundays prior to a Bank Holiday) 10am to 2am (with 2.30am close).
On the Podium: 10am to 10pm.

- Extended Hours may apply in the Auditorium Bowl and Ancillary Spaces up to 10am (i.e., 24 hours) on a maximum of 25 occasions per year, and for no more than 3 consecutive nights.
- Any activity in the Ancillary Spaces shall only be authorised after midnight:
 - 1) Where a 'Strategy for Ancillary Spaces Use' has been agreed with the Licensing Authority
 - 2) Where the total capacity of patrons in the Ancillary Spaces does not exceed 6000 people
 - 3) For consumption of alcohol indoors only; and
 - 4) Where Eastland Arena Ltd has undertaken a written risk assessment to consider whether or not under 18s should be permitted entry and/or permitted to remain in the Premises.

A number of conditions had also been amended and agreed, detailed in the sixth supplementary agenda. Following agreements, GMP, Trading Standards, Out of Hours Compliance and 5 of the ward councillors had withdrawn their representations. All parties were informed of the agreements reached. Five residents subsequently withdrew their representations. Representations remaining for consideration were from the Licensing Authority, Public Health, ASM Global, Music Venue Trust and 32 residents. It was confirmed to the panel's legal representative, by the Co-op Live's agent during the hearing, that a further two residents had withdrawn their representations and therefore only 30 remained.

The Chair invited questions from parties in attendance to the Licensing Officer. A ward Councillor queried if it had been considered to resubmit the application rather than amending a significant amount of it. The Licensing Officer noted that under the Licensing Act 2003 regulations, agreements can be reached between parties to amend an application.

Music Venue Trust representatives queried how the number of extended hours events applied for had been allowed to increase from 12 to 25. The Licensing Officer stated that would be better answered by the applicant.

The Chair moved on and invited the applicant and their representatives to make their opening statement. The applicant's agent began by stating that this was to be the largest purpose-built arena in the UK. The application was a joint venture between two established and responsible operators. They noted that the Planning application was determined in September 2020 after a great deal of consultation. The application was approved subject to 43 conditions and a Section 106 agreement. The premises uses energy saving and environmentally friendly equipment. They noted that there had originally been 48 representations received, however that all Responsible Authorities had now withdrawn, except Public Health and the Licensing Authority with issues remaining relating to vaping. They also noted that all ward Councillors except one had withdrawn their representations. The applicant's agent stated their intention to invite representatives of the applicant to address the panel on their areas of expertise.

The Chair noted that the written statements had been received and read, requesting that representatives provide a summary of those.

The Senior VP, Venue Development and Operations, at the Oak View Group addressed the panel. They noted the experience of the Oak View Group in operating such a venue, noting plans for this venue. A video was shown to the panel and all parties in attendance regarding the plans for Co-op Live. They explained that the venue would be a music first arena. They noted that sustainability was a key element of the premises, providing examples such as rainwater harvesting. They explained how the arena would be accessible to all, providing examples such as audio enhancements. The Premises had been extensively tested for acoustics and sound proofing, with the design of the Auditorium Bowl providing world class sound but limiting emanation for residents. They noted that the Premises would provide jobs for local residents. A model of the arena had been brought to the Council Chamber for attendees to view.

The Chair invited questions of the Senior VP, Venue Development and Operations, at the Oak View Group. A ward Councillor queried what the hours of last entry would be and sought clarity on the hours of operation. The applicant's agent stated that this would be better answered by the Assistant General Manager, Operations Director and proposed Designated Supervisor who was due to address the panel next.

A panel member queried the timescale on the improved walking route into the city centre as per page 117 of the private fifth Supplementary agenda. The Senior VP, Venue Development and Operations, at the Oak View Group stated that Planning Permission had been applied for to improve this route. The improvements were intended to take place in two phases, through the original Section 106 agreement (which was close to completion) and this further application for permission to go over and above their original investment. The venue was scheduled to hold a test event on 20 April 2024, with their first event on 23 April 2024. The route was ready to use for those events and the application for Planning Permission was simply to enhance that. An exact timescale could not be provided as it was unsure when the application would go before the Planning & Highways Committee. However, it was noted that items for the enhancement works were now being manufactured and would be ready to be installed should approval be given.

The Assistant General Manager, Operations Director and proposed Designated Supervisor gave their statement to the panel, noting their written statement was contained at page. 101 of the private fifth supplementary agenda. They provided the panel with a background of their experience and what their job role at Co-op Live would involve. It was noted that the Operations Manual was a 'live document' that would develop once the venue was open. It had already over 100 procedures contained within. The document could not be shared publicly due to the extensive security plans contained within but had been shared with the relevant Responsible Authorities. They noted that the venue would operate 3 types of event: Bowl Events, Ancillary Space events and Concurrent events with City Football Group. There was a modal structure for events and a Tactical Planning Group across venues at the Etihad Campus.

They noted that there had been work with the ward Councillors for Miles Platting & Newton Heath, with resident objections having been received from that ward. Representations had been received that raised concerns regarding the post-midnight operation. A detailed egress strategy and post-midnight plan had been shared with

Responsible Authorities, with the applicant believing they were sufficient to alleviate concerns. Concerns had also been raised in representations regarding off-sales, which was dealt with at Condition 21 listed on page 9 of the third supplementary agenda. That condition read:

“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.”

Bowl events would usually finish at between 10 and 11pm. Ancillary Spaces had a strategy for use that had been shared with the Responsible Authorities. The applicant had requested that on 25 occasions a year, Bowl and Ancillary Space Events could be held for 24 hours, for no more than three consecutive nights. The applicant had provided a stewarding plan, dispersal plan and traffic plan, amongst others, to alleviate resident concerns regarding noise and dispersal. The applicant had worked extensively with experts on those plans.

In terms of transport and walking route, it was reiterated that the applicant had made an application for Planning Permission for the walking route. It was stated that without the Planning Permission, the route was still accessible and could be managed. There would be SIA staff stationed along the route who would discourage customers from using the canal. There would be cleaning and waste management in operation along the walking route on event and non-event days. A safeguarding strategy would also be in place for the walking route. The transport plan was in development, working alongside key stakeholders such as Transport for Greater Manchester. The applicant was looking into a Shuttle Bus that would operate until the end of events, only ending once all customers had left the site.

Public Health had raised concerns regarding vaping on-site. It was stated that vaping would be permitted on the concourses of the venue and the applicant would monitor legislation relating to vaping. The premises would operate a no re-entry policy and therefore customers would not be allowed outside the premises to smoke as the Etihad Campus is smoke free.

In terms of concerns relating to the extended events, it was noted that they would have specific, dedicated plans. Part of the Planning Permission for the premises provided for the extended events.

The Chair invited questions to the Assistant General Manager, Operations Director and proposed Designated Supervisor. A ward Councillor queried how disruptive the plans to enhance the walking route would be for residents. It was noted that the aim was to keep the route as accessible as possible throughout the improvements, but the applicant would work with ward Councillors throughout the process.

They queried if there would be a process in place to provide information to police forces outside of Greater Manchester for those who come to the venue from out of area. It was confirmed that information sharing would happen.

They then questioned how robust a transport plan would need to be for an extended hours event to be granted. It was confirmed that an extended hours event would not take place without a robust transport plan.

They also queried why the hours of operation on a Friday and Saturday had been moved to 2am (with a 2.30am close). It was confirmed that this happened following extensive discussions with the Responsible Authorities and ward Councillors. The premises had strong plans in place to manage these hours.

Public Health questioned if vaping devices would be sold in the venue and how that would be managed. There were no confirmed plans to sell vaping devices, but it was a potential. There was no detail on how to manage that as no decision had been made.

A representative for local residents queried how customers would be kept away from residential homes, if the balcony area would close at 10pm, and how residents could complain if necessary. In relation to egress, a strategy was in place. There would be communication on the website and screens within the venue that would direct customers at the end of an event too. It was correct that the 'Podium' would close at 10pm. To make a complaint, residents would be provided with a phone number and email address. A security team would always monitor the phones. Residents would be informed via various communication tools such as newsletters.

A resident objector questioned how egress would be managed for local people who know the quickest route home rather than using the walkway. It was noted that the premises was aware of other routes and would monitor them with trained stewards. There would be engagement with ticket holders to direct them prior to events. There would be information at the event regarding egress. It would also be possible to use a ticket for an event as a tram ticket.

The Music Venue Trust questioned if the venue would lease out the Ancillary Spaces and where the Shuttle Buses would take customers to. It was confirmed that the Ancillary Spaces would all be managed internally. In terms of the Shuttle Bus, it would be managed on an event-by-event basis dependant on ticket data.

ASM Global's agent raised concerns that the Ancillary Spaces could become alcohol-
led venues and queried if the applicant would consider a restaurant condition or a substantial food condition. The applicant was not willing to accept either condition.

The panel questioned how the sale and use of vaping devices would be managed. The Senior VP, Venue Development and Operations at the Oak View Group noted that their vaping policy was in line with other similar venues. Smoking and vaping would not be permitted in the Auditorium Bowl, with anyone wishing to vape directed to the concourses. The sale of vapes was only an option and was not a commitment.

The Chair queried how long after an event the Shuttle Buses would operate. It was confirmed that they would run until the last customer had left the campus.

The panel's legal representative queried, if vaping was allowed, what measures would be in place to uphold the Licensing Objective of the protection of children from

harm. The Assistant General Manager, Operations Director and proposed Designated Supervisor answered that they had shared the full safeguarding approach with the Responsible Authorities. There would be various staff training on safeguarding, along with several policies in relation to this that would be under constant review. The applicant committed to no vaping when a family event was being held.

The panel's legal representative then sought clarity regarding the contact information that would be provided to residents and how that would be managed. It was confirmed that there would be two officers in the security offices to deal with communication. They would escalate that as necessary. The security staff would have other duties.

The Chair clarified that the applicant would be willing to not sell vapes, as well as not allowing their use, on family events. That was confirmed as correct.

As questions had come to an end for the Assistant General Manager, Operations Director and proposed Designated Supervisor, the Chair adjourned the meeting for 45-minutes.

After the adjournment, the Assistant General Manager, Operations Director and proposed Designated Supervisor noted that there would be CCTV on the walking route when the premises was due to open, and GMP will support that route as and when required from their guidance.

The Director of Safety and Security at Manchester City Football Club then addressed the panel, noting that they had been advising the applicant throughout the process. They noted that Etihad Campus was used to dealing with people from out of area and therefore equipped for information sharing with other police forces. Any steward at Manchester City Football Club would now have to complete mandatory training on their relationship with Co-op Live. They noted that there was a detailed operations manual and Counter Terrorism strategy that had been shared with the relevant Responsible Authorities. They accepted that there will be difficulties when managing events across the Campus but felt that it was possible. They had confidence that there was a strong operational plan to uphold safety across the Campus.

A ward Councillor questioned if nearby roads would be closed on event days, as they are when there is football. It was stated that they would not be, however the panel's legal representative felt that it had been stated in the operations manual that they would be.

The ward Councillor also queried if portaloos were to be installed nearby. It was confirmed that there would be along the walking route, but they were not to be installed or managed by Manchester City Football Club.

The Director of Vanguardia, an Independent Acoustic Consultancy who had been advising the applicant on noise management and produced a noise management report on their behalf, addressed the panel. They noted that the noise management report was contained within the first supplementary agenda at page 269, with their witness statement in the same agenda at page 319. They had specifically

investigated noise breakout and egress sounds, spending a significant amount of time getting them right in the design stage. They were satisfied that all criteria could be met. In terms of egress, their report showed that there was no increase in noise level for residents if the dispersal policy is met. There was a negligible impact on all areas and the Director of Vanguardia stated that this upheld the prevention of public nuisance Licensing Objective. The Noise Management Plan would need to be agreed before holding a Licensed event but that would be a live document that could be edited as necessary.

The panel asked what negligible meant and if the applicant would be willing to accept a condition relating to the timescale in which a resident complaint would be dealt with. Negligible was confirmed as meaning that the noise level would have no interference with a resident's activity but did not mean that noise could not be heard. The applicant's agent noted that condition 24 could be expanded to include a timescale.

The COO of Oak View Group addressed the panel, noting that their written statement was at page 3 of the private fifth supplementary agenda. They explained to the panel their background and experience. They noted that concerns had been raised relating to ticket prices but stated that ticket prices were set by the act and their promoter. A ballot system would be in place for residents to access free tickets for events. The application would create 2,000 jobs, with a number going to local people. The primary function of the Ancillary Spaces would be to provide a range of hospitality offer to customers attending events. All spaces within the building are managed by the applicant. Activity would be required in the Ancillary Spaces on non-event days.

They noted the applicant's continued engagement with residents. However, they felt that the ASM Global representation was based on competition. They also felt that the reason for the Music Venue Trust's representation was due to the applicant declining to support them as requested due to supporting grassroots venues in other ways.

The venue would look to serve food at all times that they are operating and would not become a nightclub. They were willing to discuss a condition relating to not vaping at family events, but still wanted the flexibility to allow vaping at other events. They noted that Public Health had suggested a dedicated area for vaping but felt that was not possible. They noted that the AO Arena allowed vaping.

The panel's legal representative noted that it was not relevant to consider what was allowed at other premises and that the panel had to consider this application on its own merit, as per the Section 182 guidance. They noted that paragraph 9.14 of that guidance dealt with representations from businesses.

Public Health queried how the premises would enforce the ban on vaping in the Auditorium Bowl and what the smoking and vaping policy was at Manchester City Football Club. It was noted that SIA teams would be proactively engaged in enforcing the ban on vaping, using a step-by-step process. There would also be signage and CCTV. The panel's legal representative stated that the smoking and vaping policy at Manchester City Football Club was not relevant to this application.

A resident and a resident's representative sought clarity on communication between the applicant and residents. It was noted that over 700 responses had been received to communications asking residents to attend a meeting. More was to be sent out and the applicant was willing to take feedback from residents. It was noted as common practice that information was published through a website and social media. The applicant would use a monthly resident newsletter, event diary and other methods to communicate with residents. The applicant wanted to be paperless but acknowledged that was not accessible for all residents and stated that they would do a physical delivery of information.

A resident queried what was meant by the Ancillary Spaces having a range of offers. It was noted that on an Auditorium Bowl event day, they would offer food and drink for ticket holders. On non-event days, the spaces would be flexible in their use.

The panel questioned how many of the 2,000 jobs referenced were full-time and how many were part-time. There were 150 full-time jobs, with the rest as part-time or flexible working.

The panel's legal representative noted that the applicant had stated that vaping on the concourse could not be regulated but that it could be in the Auditorium Bowl. They queried why that was the case. It was noted that the concourse was a much more fluid area with people moving around and making it difficult to identify people who were vaping. It was stated that it could have an impact on security too and that allowing vaping on the concourse gave chance for de-escalation if a member of the security team saw someone vaping in the Bowl. The applicant felt that it was not necessary to have a dedicated area for vaping as customers had access to all areas of the concourse and there were significant amounts of extraction across the venue.

The panel's legal representative then raised questions regarding the food and drink offer at the venue, specifically regarding food. They noted that food had only been referenced once in all paperwork that had been provided yet had been mentioned a number of times in oral representations. The COO of Oak View Group noted that it was not possible to have a food offer at all times. They felt it would not be appropriate during the daytime, particularly for community uses. They stated their belief that it would be difficult to draft and enforce a condition relating to this, but they were happy to be guided by their legal team.

Public Health raised further queries on how under 18 vaping would be challenged. The COO of Oak View Group stated that they understood this would be difficult but there would be appropriate training and policies in place.

The Chair queried what the age range would be to be considered a family event. It was noted that a family event would be difficult to define but up to the age of 14 was considered as that.

Concerns continued to be raised regarding the use of Ancillary Spaces. It was noted that the capacity for Ancillary Spaces would be 3,590.

The Chair, due to the availability of those in attendance, amended the procedure to allow for questions to Dr Philip Hadfield regarding their independent report

commissioned by ASM Global. The applicant's agent questioned Dr Hadfield regarding several points, with Dr Hadfield's responses summarised below.

Dr Hadfield disagreed that they were appearing as an expert on behalf of a trade objector, stating that they had been asked to look at the application in respect of the Licensing Objectives and felt they had done that. They had looked at other venues as part of their report, but the relevance of that comparison was to the Licensing Objectives only.

Dr Hadfield stated that they could not comment on the motivations of ASM Global in making their representation as they had only discussed the Licensing Objectives with them.

Dr Hadfield noted that the application appeared to be a rapidly developing set of proposals and that they were aware of the withdrawals of some Responsible Authorities but did not know the basis for those decisions. Dr Hadfield accepted that the panel should consider Responsible Authorities as the experts but gave the panel a background to their experience in Licensing Consultancy. Dr Hadfield had conducted a site visit but accept that they were not a local practitioner.

Dr Hadfield agreed that a key feature of the Licensing Act 2003 was the flexibility of the review process, allowing for operators to be held to account. Dr Hadfield also agreed that when writing their report, they were not aware that there were kitchens throughout the premises that would allow for food to be provided. They were unaware of whether the AO Arena had a restaurant condition on their licence as they had not been instructed to look at the AO Arena.

Dr Hadfield noted that they had stated there appeared to be a focus on a narrow, young market of affluent customers specifically in relation to the Ancillary Spaces and the price of tickets for currently announced events.

Dr Hadfield had concerns that, whilst oral submissions had provided more information, there appeared to be several important things still in flux, such as the transport plan. Dr Hadfield felt that the application appeared to be a conversation rather than a concrete set of proposals.

Dr Hadfield accepted that they were not an acoustic expert but did still have concerns regarding public nuisance after reading the report of Vanguardia. Dr Hadfield accepted having not raised questions with the Director of Vanguardia regarding that but felt that the main egress after midnight being by private vehicle would not be without impact. Dr Hadfield felt they had adequately raised their concerns in their second report.

The agent of ASM Global then asked questions of Dr Hadfield. During this questioning, Dr Hadfield noted that they had completed a considerable amount of work for Local Authority's on cumulative impact assessments. Dr Hadfield had not skewed their findings to fit the view of those who had instructed the work. An unvarnished view was given.

Dr Hadfield agreed that there was still a number of questions that had not been resolved, particularly relating to transport and egress management.

Dr Hadfield accepted that an alcohol-led venue led to a negative impact on the Licensing Objectives. Dr Hadfield felt that operation after midnight tended to mean an alcohol-led venue. They raised concerns about the offers of drink incentives to slow dispersal after events and felt a lot of unknowns remained within the application. Dr Hadfield felt it unusual for the applicant to refuse a variation of a food-offer condition and accepted that without it, there was little to stop the Ancillary Spaces being used as alcohol-led venues.

Dr Hadfield noted that there was nothing to stop people taking their own route home, regardless of how robust a dispersal policy was in place. Dr Hadfield also noted that within the paperwork, it appeared that walking was discouraged post-midnight. Dr Hadfield felt that transport plans were lacking.

The Music Venue Trust's representative addressed the panel, raising concerns that the applicant had accused them of keeping their representation simply due to the applicant declining to support them. They felt that the applicant's misleading approach typified the approach of the applicant in general, refusing to answer questions and engage with others. They noted that they had no objection to the Auditorium Bowl but that their concerns related to the clarity on upholding the Licensing Objectives. They stated that grassroots venues were the feeders to arena venues and felt their views should not be ignored. There were concerns regarding the impact of the arena on grassroots venues. The Music Venue Trust was willing to support the application to be Licensed until 23:00 to prove there would be no impact on the Licensing Objectives. They felt the application to be inconsistent with the area.

The panel's legal representative stated that the impact on venues that were far away was not a consideration in the panel's decision-making.

Public Health then addressed the panel, raising their concerns on the applicant's ability to uphold the Prevention of Public Nuisance and the Protection of Children from harm. Concerns were raised regarding vaping on concourses and the potential of this to encourage others to vape. They referenced a report of the Chief Medical Officer that children should not vape and felt that allowing vaping unrestricted on concourses would undermine that. Public Health asked that vaping not be allowed where Under 18's are permitted, and that vaping is only allowed in a designated area for over 18's. They noted that the family event condition as referenced earlier would not protect 14 – 17-year-olds at non-family events.

The Chair invited questions to Public Health. The applicant's agent began with questions, with Public Health noting that whilst they accepted that there was no legal prohibition on vaping indoors, it was still illegal to vape under 18. Public Health were unsure on how the premises would manage preventing under 18's being able to vape and had concerns that there had been nothing mentioned regarding proxy sales. Whilst accepting that their request went beyond what the law required, they felt that the application as it stood did not meet the Licensing Objective of protecting children from harm. Whilst the agent felt that Public Health had no evidence of that, Public Health stated that allowing vaping would normalise it to children which would cause

harm. They stated that the consumption of alcohol was a different issue and irrelevant to the consideration of vaping. Public Health had only considered new applications regarding vaping and had no plans to review other Licences that permit vaping on the premises.

The agent for ASM Global asked Public Health if they were happy to know that the AO Arena was to ban vaping indoors from March. Public Health confirmed that they were.

The Licensing Authority then made their statement to the panel, accepting that the Operations Manual had developed but there remained one issue which was vaping. They noted that Manchester was committed to making smoking history, and that whilst vaping helps, it is not harmless. Proposals had been made but they had been rejected by the applicant. There was a lack of information regarding how the premises would manage a situation where an under 18 was found with a vape. The Licensing Authority accepted the difficulties to enforce but noted that just because the law allows for it, does not mean it is appropriate for the venue. The long-term effects of vaping were not fully understood, and the Licensing Authority asked the panel to take a precautionary approach.

The agent for ASM Global asked the Licensing Authority if they were happy to know that the AO Arena was to ban vaping indoors from March. The Licensing Authority confirmed that they were.

The panel's legal representative questioned if the Licensing Authority would have withdrawn their representation if not for the issues around vaping. They confirmed that to be the case.

The Chair informed all parties present that the hearing would be adjourned until the following day, Thursday 22 February 2024. The hearing would restart at 11.00am.

At the beginning of the following day, the panel's legal representative informed all parties present that Public Health, the Licensing Authority and the applicant had agreed that no vaping would be allowed within the Co-op Live premises at any time. The conditions were to be amended to reflect that change. Public Health and the Licensing Authority did not withdraw their representations but remained at the hearing if there were any questions for them. None were forthcoming when invited by the Chair.

A ward Councillor addressed the panel, noting their concerns regarding the applicant's ability to uphold the prevention of crime and disorder, and the prevention of public nuisance. The ward Councillor stated that the amended hours were a positive step but there were still concerns. They felt that 2am (with 2.30am close) was still too late for the Ancillary Spaces to close on a Friday and Saturday with a 3,590 capacity. They noted that the last tram was at 1.00am but accepted that discussions were ongoing with Transport for Greater Manchester. This would mean that the venue would require a large amount of Shuttle Buses to ensure all customers had left the Campus. It is referenced that the last entry for ticketed events would be 11.30pm, yet there was no mention of a last entry for non-ticketed events. The ward Councillor noted that local parking enforcement schemes end at 11.00pm and

allowing entry until 11.30pm would increase public nuisance as people would utilise parking in areas when enforcement ends. They asked the panel to consider a condition that restricted last entry to 11.00pm for all late-night events.

The Chair moved on to questions of the ward Councillor. The applicant's agent noted that the maximum number permitted as per their fire safety certificate was 6,000 for Ancillary Spaces. The panel's legal representative interrupted and stated that on the first day, the applicant had said the capacity was 3,590. The Senior VP, Venue Development and Operations at the Oak View Group noted that the slides shown on the previous day were the maximum number permitted within each Ancillary Space but did not account for the number permitted on the concourses at the same time. The numbers provided were for a typical non-bowl event and the applicant was asking for the flexibility of up to 6,000.

It was noted that the maximum capacity of the venue was 23,500 for a bowl event. The panel's legal representative questioned if the capacity was 3,590 post-midnight. It was stated that a standard non-bowl event would be around that figure, but the applicant sought flexibility for non-standard events. 6,000 people could be permitted, with those not in Ancillary Spaces being on the concourses.

The Chair returned to questions of the ward Councillor. The applicant's agent noted that the ward Councillor raised concerns regarding transport availability. However, the agent stated that officers in the Council had agreed that the availability was acceptable and asked if the Councillor agreed with this. The ward Councillor noted that they could not speak for officers and had not seen their agreements.

The agent for ASM Global asked the ward Councillor if the walking routes went through residential areas of their ward. The ward Councillor confirmed that the walking route took people towards residential areas, and it was inevitable at the end of the route that people would go through residential areas.

A representative of resident objections then addressed the panel. They noted they were they to represent the views of resident 16, 21 and 22 as per the paperwork. They felt that the questions they had asked across the hearing pertained to those representations. They asked that condition 24 be amended to ensure that a contact number was provided to residents if they needed to make a complaint.

ASM Global's agent then addressed the panel. They stated that their representation would only relate to the potential impact of the application on the four Licensing Objectives. They felt that representatives of Co-op Live had attacked ASM Global and Dr Hadfield, raising questions regarding their independence, whilst questioning the integrity of the Music Venue Trust. The agent stated that they were not there to object to the granting of a Premises Licence but to highlight the deficiencies in the application as it stood. They were asking for the Licence to be tailored to respect the location, noting there was a vast difference between the City Centre and Etihad Campus. They argued that residents of the City Centre have different expectations regarding noise than others, noting that is recognised in Manchester's Statement of Licensing Policy.

The agent noted that they had set out the relevant parts of Licensing Policy to be considered in the sixth supplementary agenda, pages 17 to 34. They felt it was important that any new venue enhanced the City, not diminished. They argued it was not good enough for Co-op Live to say that they had been through a long Planning process, and this was agreed. Later hours were not focused on during Planning. They noted that the granted Planning permission was contained in the first supplementary agenda at page 451. They felt that there was a lack of detail regarding Ancillary Spaces and their use in conditions 13 to 16. However, the agent did ask that condition 13 of the Planning permission was added to the Licence, which read:

“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).”

The agent noted that the ‘evening peak’ should be classed as between 5.00pm and 7.30pm. It was stated that condition 14 allowed for 25 extended hours events per year with the agreement of the Local Authority, with normal hours of operation as 0900 to 0000, Monday to Sunday. There were no specifics contained in condition 15 regarding the hours of use for the Ancillary Spaces. The agent referenced case law that stated there must be due regard to the decisions made in Planning in the Licensing process. They argued that a midnight close should be the norm for the venue on that basis.

The agent argued that the views of Responsible Authorities were not determinate of the panel’s decision. They referenced paragraph 9.12 of the Section 182 guidance which states that the evidence of officers needs to stand up to scrutiny but ultimately it was the panel’s decision. They noted that 32 resident objectors remained, all referencing post-midnight operation. The area was deemed to be a sensitive and residential area, there were issues with transport in the application and there appeared to be an absence of plans for dispersal, particularly in the early hours which would cause a public nuisance. They proposed that the terminal hour for all Licensable activity was 11.30pm with a 12.00am close and that no hour’s post-midnight were allowed. They noted that they had submitted alternative conditions to the panel for consideration.

The agent drew the panel’s attention to the two reports submitted by Dr Hadfield, which they felt provided detail on the deficiencies in the application. Nothing raised by Dr Hadfield had been disputed, with the applicant only stating that they were working to a solution. The applicant had accepted that dispersal post-midnight was not currently adequate. The agent stated that the panel had to make their decision on the day and if solutions were found in the future, the applicant should submit a variation application. They felt that it was unsafe to grant a licence post-midnight under the current proposals and a cautionary approach was needed.

The agent then discussed the Ancillary Spaces, arguing that the maximum flexibility requested by the applicant would undermine the Licensing Objectives. They felt that the spaces were to be alcohol-led venues. The total capacity of 6000 was the equivalent of the night-time economy of an area such as Didsbury and the panel

were being asked to place that in a residential area without a night-time economy. They stated that they had asked the applicant to agree a restaurant condition for those spaces which they refused, despite saying that they would be food-led. The applicant had also refused a substantial food condition which could prevent the spaces being alcohol-led.

The agent drew attention to the applicant requesting 25 occasions where they could operate for 24 hours. Whilst that had been granted in Planning, the original application had only requested 12 occasions. The agent noted the case law of Taylor vs Manchester City Council which states an application cannot be allowed that is out with the original application as submitted. The agent raised their concerns that there had been no consultation on the increase to 25 and objectors had only had the opportunity to make a representation on the 12 originally requested. The agent argued that the panel should only approve 12 occasions if minded to do so, but they requested that the panel did not approve any extended hours events to prevent public nuisance. The applicant, according to the agent, had acknowledged that public nuisance can be caused in later hours by reducing the hours applied for. They questioned why the extended hours events would not cause a public nuisance if the applicant had agreed to reduce their normal hours of operation.

Whilst egress noise was stated to be negligible, it was accepted that noise could be heard by residents. The agent noted that the negligible conclusion had been reached based on proper stewarding and dispersal policies to protect residents. In reality, that does not always work as there is nothing to stop customer choosing their own route home that could potentially disturb residents. They raised concerns that all walking routes would go through or end in residential areas.

The agent suggested that the Ancillary Spaces were not necessary to the viability of the venue and were simply a commercial luxury. The closest residents live 100 metres from the Premises and the panel were entitled to consider the cumulative impact on the area, even if there is no specific policy, as per paragraph 14.2 of the section 182 guidance. The agent queried what the impact would be of 11 bars with little conditions.

The agent then raised concerns regarding the lack of transport, noting the tram network to be sparse post 11.00pm. The applicant had offered Shuttle Buses but had provided no detail on how they would operate. In the first supplementary agenda at pages 70-71, the applicant accepts that post-midnight 0% of customers would use the walking routes, with 45% using motor vehicles which did not align with the sustainability aims of the venue. This amount of vehicle movement during the early hours would have an impact on residents and therefore cause a public nuisance.

The agent noted that the applicant had said during the hearing that they would put as much in place as possible before opening. The agent felt they had not provided enough detail for the panel to grant the late hours and it was not safe to grant them on speculation. The agent accepted that the panel may not agree with what they had requested in their statement and had therefore provided them with an alternative set of conditions. They were as follows:

“Notwithstanding ASM Global’s primary submissions that the grant of a premises licence permitting the premises (including ancillary spaces) to operate after midnight is likely to undermine the licensing objectives, if the licensing sub-committee is minded to grant such a licence then they are respectfully invited to impose the following conditions as a minimum in order to promote the licensing objectives in an appropriate and proportionate manner:

Food conditions

Either (full restaurant condition):

1. The supply of alcohol in all ancillary spaces shall only be to a person taking a substantial meal there and for consumption by such a person as ancillary to their meal.*

**For the purpose of this condition “Substantial Table Meal” means a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.*

Or (substantial food available)

2. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all ancillary spaces where alcohol is sold or supplied for consumption on the premises.

Walking route(s) marshalling

3. In compliance with a risk assessment, the premises licence holder shall ensure that an adequate number of marshals and SIA door supervisors shall be posted along the walking route(s) from the premises to the City Centre of Manchester to steward customers safely and quietly away from the premises into the City Centre.

Shuttle buses

4. From midnight, the licence holder shall provide sufficient private shuttle buses from the premises into the City Centre to transport leaving visitors in numbers that exceed the available capacity on trams and public buses.

Ancillary Spaces hours

5. The permitted terminal hour for licensable activities (closing time) in the following ancillary spaces identified in the application (page 40 of 1st Supplementary Bundle) shall be restricted to 23:30hrs (midnight) with the maximum permitted capacities as indicated:

- a. Co Op Backstage - Level 1 (700 capacity)*
- b. Premium Suites - Level 2 (578 capacity, 16 per suite)*

- c. North and West Gallery - Level 2 (254 capacity, 127 each)*
- d. Sky VIP Hangout - Level 4 (150 capacity)*
- e. South Hangout – Level 4 (150 capacity)*

6. The total capacity of the remaining ancillary spaces shall not exceed 3,614 persons.

Coincidental events at both Etihad Stadium and Co Op Live (i.e. planning condition 13)

7. The arena (including all ancillary spaces) 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).

Vaping

8. The licence holder shall not permit customers to smoke or vape products containing nicotine.”

The agent acknowledged that the applicant had already agreed to not permitting customers to vape on the premises during the hearing. They also added their support to the ward Councillor’s request for last entry to be 11.00pm, not 11.30pm.

The Chair invited questions to ASM Global and their agent. A ward Councillor queried if the shuttle buses offered would be sufficient. The agent felt that they would not be as there would be a surplus of customers requiring this service. This offer was not enough to deal with the transport needs at the time requested.

The panel queried what was meant by a substantial food offer. The agent stated that ultimately that decision would be left to a Court to decide and was done on a case-by-case basis.

The Chair, in reverse order, invited parties to sum up their case. ASM Global’s agent had nothing to add.

The representative of residents requested that the panel be mindful of resident concerns in their decision-making.

A ward Councillor summed up their case by requesting that the panel consider the late hours applied for, reiterating their belief that the egress strategy was not strong enough. They requested that the panel restrict last entry to 11.00pm, not 11.30pm.

The agent for the applicant provided their closing submissions in written and oral form to all parties present. This was read as follows:

“1. This is an application which offers:

a. A world-leading venue – in terms of design, acoustics, consumer experience, sustainability and reputation;

- b. The potential to attract the world's leading acts (which historically would not have visited this City);*
 - c. Employment opportunities and regeneration;*
 - d. An enhanced East Manchester Resident Parking Scheme;*
 - e. Considerable new income streams for charitable causes through the Co-op Live Foundation;*
 - f. An approach wholly aligned to key Manchester Strategy Outcomes¹.*
 - g. Welcome (and very necessary) healthy competition for the existing Arena;*
 - h. An opportunity make Manchester 'top choice' for entertainment/sports fans nationally and internationally (in preference to Leeds/Liverpool and the South), and*
 - i. All underpinned by a superb, experienced and professional management team and a robust Operations Manual running to over 100 procedures (consistent with the Green Guide, the Manchester Inquiry Recommendations and the Manchester Standards).*
- 2. The planning application which preceded it in 2020 was meticulously scrutinised by your planning colleagues, who concluded that² the venture would confer great benefits upon this city and the wider North-West region.*
 - 3. The scheme has progressed and the investment has been made. We are less than 9 weeks from launch.*
 - 4. The application before your committee has been subjected to the closest scrutiny, as befits a project of this size, complexity & ambition. The discussions (supported by detailed plans and policies lodged through a secure portal to maintain security and confidentiality) have been with those who have properly and legitimately taken the closest interest in the scheme: the GMP, the City Council's Licensing Authority, Licensing and Out of Hours team, its Trading Standards department, as well as those of your colleagues whose Wards are potentially affected. These have resulted in the offer of additional binding Conditions (as appended). They ensure that the benefits flowing from the project will be accompanied by appropriate and proportionate protections for those who might be affected."*

At this point, the agent moved to Appendix 2 of the document submitted at the Hearing which contained the Draft Premises Licence Conditions. They read as follows:

"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 approved 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 approved 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.*
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.*
 - (h) *Standard Operating Procedure for Vaping (added during the oral submission)*
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.

The Chair invited questions from all parties regarding the draft conditions as presented. The panel’s legal representative sought clarity on several issues, with the applicant’s agent providing answers to them. It was stated that, in relation to the extended hours events, one event would be 24 hours, therefore there could be no more than three consecutive events. It was offered that a definition of an Extended Hours Event could be added to the conditions. Whilst the applicant had suggested there would be two members of security manning the telephones for resident complaints, they did not want a condition requiring this in case of emergencies. The agent noted that the Planning Permission granted was a formation document and the applicant intended to meet the conditions set out within that. There was no intention for any of the Ancillary Spaces to be used as a nightclub.

The panel's legal representative discussed the hours that had been approved in the Planning permission for clarity, however recognised that was not a consideration for the panel and that they could only consider the merits of the application in Licensing terms.

The applicant's agent continued with their closing submission:

"The additional issue of vaping has latterly occupied much of the debate in this Chamber. The reluctance of the operator to accede immediately to this final restriction was not due to any failure to appreciate the points being raised by the Public Health team, or the Committee, but rather reflected its appreciation of the very real practical difficulties (as demonstrated every weekend at football grounds) of securing an effective outright complete ban on what remains, at present, a lawful activity.

Nonetheless, the operator is prepared in good faith to mirror the generous offer volunteered yesterday by the AO Arena and to use its best endeavours to prohibit the sale and/or use of vapes at all locations within the Co-Op Live building. The appropriate operational policy has been drawn up overnight and offered to Public Health and the Licensing Authority for its consideration.

Objections have, of course, remained. We understand and respect the concerns expressed by those residents who still harbour fears for the future. We sincerely hope the evidence volunteered by the senior management team in these proceedings will have served to allay to some degree the fears of those who attended to learn more of the proposal.

Similarly, we regret our difference of opinion with the MVT, but hope that organisation understands and appreciates the desire of the venture itself to identify the particular local bodies and charitable entities it chooses to support.

I regret that the same cannot be said of ASM and the AO Arena it seeks to protect. As Mark Donnelly expressed (with some feeling) the Arena has for the past four years or so sought to take every opportunity available to it to prevent or, if unable, to restrict, the proposal before you.

It will not assist this Committee one jot in determining the application before it if I were to take up very much further time listing the (quite frankly ludicrous) disingenuous and wholly misleading representations advanced by this trade objector. Suffice to say that I invite the Committee not to accept that (emphasis added):

- a. *“.. the AO Arena wish to assist the licensing sub-committee in this task.
No more and no less.”*
- b. *“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 ...**”*
- c. *The ‘evidence’ offered by Dr Hadfield, commissioned and paid for by a trade competitor, could in any sense be regarded or considered to be ‘independent’ or ‘objective’ or without – at the very least – the strong appearance of bias. Such a witness in the present circumstances would never be accepted by any court of law as capable of acting as an expert witness to the court, independent of either party.*
- d. *The restrictions on hours proposed by AO Arena in respect of any licence that might be granted to its potential competitor, are in any way justified.*
- e. *That ASM Global are in any way better placed than the Applicant and its specialist, local expert team 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”*
- f. *That the entirely legitimate and proper interests of local residents should in any sense be conflated with the commercial interests of the AO Arena;*
- g. *That Co-op Live’s meticulously designed, state-of-the-art and premium ancillary spaces - benefitting from Oak View Group International’s unique experience as the leading global operator of such venues - can or should properly be characterised by AO Arena as “alcohol-led nightclubs, vertical drinking spaces, noisy bars...”*
- h. *That there would be any remote justification (as suggested by Mr Grant in his question to Ms Roberts) in requiring those local, regional or international customers attending Co-op Live to have a table meal before partaking of any drink with alcohol;*
- i. *That the evidence of the criminologist (non-acoustician) Dr Hadfield, or the submissions of counsel for the AO Arena, in relation to noise and disturbance to residents, should override the detailed, meticulous (and unchallenged in questions before the Committee) Report and Statement of*

Mr Jim Griffiths of Vanguardia, the internationally renowned expert in the field;

- j. That the AO Arena are in any position – either as a licensing objector, or a trade competitor without access to Co-op Live’s sensitive commercial data – to say that “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”;*

And so on... You get the idea. There is little point trawling through the remainder of the submissions (I am only one-third of the way through) for further examples. They are all of a piece and fundamentally at odds with this Licensing Authority’s key policy 3.49:

“The need for licensed premises

3.49 The licensing authority shall not take into account ‘need’ or commercial demand, which is a matter for the market, when exercising any licensing function.”

There are, however, one or two specific further inaccuracies which I should put to bed.

First, it is suggested by Mr Grant [para 27 – 29] that there is a ‘cumulative impact’ issue, having regard to the different offers in the ancillary spaces. Although I naturally have the greatest respect for him as an advocate, that proposition is a nonsense. The design of the venue achieves an appropriate balance between the 23,500 capacity Auditorium and the significantly smaller ancillary spaces, which are designed to accommodate not only those attending a Bowl event, but also at other times private parties, business meetings and conferences etc. As the Planning Report confirms, the authorities specifically requested that the Arena should be operational outside Bowl event periods, as facilitated by the flexibility of the ancillary spaces and the external Podium. None of the Responsible Authorities have taken any issue with this arrangement.

Second, it is suggested that the application has been “amended so that it extends beyond the scope of the original application: see Taylor v Manchester City Council [2012] EWHC 3467”. As illustrated in the attached Table (Appendix 1), this represents a fundamental misunderstanding of the original application and the extent to which its scope was, in fact, subsequently significantly reduced at the request of the Responsible Authorities.

Night dispersal & transport issues – Sarah Roberts, in particular, provided the Committee with detailed, comprehensive and persuasive information concerning the extensive work that had been undertaken on this issue. That was not challenged in questions put to her by either Mr Grant or Mr Hadfield. Assurances were offered regarding the provision of a comprehensive Transport Management Plan (TMP) incorporating appropriate transport provision including the tram and shuttle buses on Bowl Event days. Put simply, the very extensive evidence offered by the applicant in this context should be preferred to that of the AO Arena.

In summary, this is an application for a venue which deserves to be warmly welcomed and encouraged by all those with an interest in achieving the highest standards in the licensed premises of this remarkable City.

I commend it to you accordingly.”

Clarity was sought regarding the extended hours events that were applied for originally and what was now being requested. The applicant stated that they were willing to revert to 12 extended hours events, provided that the panel approved 13 other occasions where bowl events could have a 4.00am finish.

The Chair drew the hearing to a close. The panel's legal representative informed all parties that they would be notified of the panel's decision within 5 working days. All parties left and the panel withdrew to deliberate.

In reaching its decision, the Panel has considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act as well as the licensing objectives. The panel considered that, as their experts as prescribed in the Section 182 guidance, most Responsible Authorities withdrew their representations prior to the hearing. They attached considerable weight to that, accepting that this effectively endorsed the application as amended. Whilst the Licensing Authority and Public Health kept their representations, the panel noted that agreement was reached regarding their remaining issue of vaping. The panel also accepted that ward Councillors had agreed conditions with the applicant and subsequently withdrew their representations. The panel were satisfied that those conversations that led to withdrawal would have been done so with local residents concerns about the impact of the application taking into account. The panel did note that 30 resident objections, as well as a ward Councillor objection, remained. The panel were satisfied that, as amended, the application had addressed the promotion of the Licensing Objectives.

The panel accepted that there were matters that were still to be determined for example, planning permission for the improved walkway (recently submitted), planning permission for the operation of the ancillary spaces after midnight for non-event use (i.e. use of the ancillary spaces when the arena is not used), the extension

of the hours for the operation for the tram network, etc. Additionally, items such as the Operations Manual were also a 'live' document that could be amended and improved in light of operational experience and consultation with the Responsible Authorities and local representatives. The panel did accept that the premises would only operate when all relevant authorisations and measures were in place. The panel were satisfied that the applicant had, and would continue to, work alongside the Etihad Stadium, the Campus, Responsible Authorities and local Councillors to continue reviewing and improving operations.

The panel had heard resident concerns about the application, both orally and in their written representations. They felt it appropriate to further amend condition 24 to ensure that there was a dedicated person to answer local complaints. They also felt it necessary to amend condition 28 to ensure that information relating to the local community, engagement and a complaints procedure are all communicated to residents.

The panel had heard from ASM Global's representative that they had concerns regarding the venue, particularly the Ancillary Spaces, becoming alcohol led. They had requested a condition relating to the serving of food. The panel accepted that a food offering does have a significant role in mitigating the adverse impacts on the promotion of the licensing objectives. The panel were satisfied that a food condition was in-keeping with the proposed operation of the application. The panel therefore added Condition 31 to the Operating Schedule:

Substantial food and non-intoxicating beverages, including drinking water, shall be available on the premises when alcohol is sold or supplied for consumption on the premises.

The panel had also been informed of condition 13 on the applicant's planning permission, that prevented more than 15 events being held at the same time as events at the Etihad Stadium, with no more than 5 of them coinciding with the evening peak. The panel accepted that the 'evening peak' had not been defined in the planning condition but accepted that during the hearing, it had been defined as 5.00pm – 7.30pm. The panel therefore considered it appropriate to add Condition 32 to the Operating Schedule:

The arena (including all ancillary spaces) 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). Evening peak is defined as 5pm – 7.30pm.

Decision

To grant the Premises Licence, with the following conditions and hours:

Co-op Live - Operating Schedule

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 and as identified on the plans of the Premises as incorporated in the Operations Manual

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.

1.10A **"Extended Hours Event"** means any day when the Auditorium Bowl and Ancillary Spaces licensing hours detailed in Condition 3.1 and 3.2 are extended, pursuant to condition 4 For the avoidance of doubt an extended hours event that includes a Friday and Saturday will count towards two extended hours events; an extended hours event that includes a Friday, Saturday and Sunday will count towards three extended hours events.

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).

INFORMATIVES: 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.

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).

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.

1.21 **“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.

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:

3.1 Auditorium Bowl: 10:00 to 23:30, daily.

3.2 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)

3.3 **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:

- o specific Event Safety;
- o Egress/crowd management;
- o Transport Management and
- o Noise Management arrangements), that will apply during the specific Extended Hours sought,

4.2 ‘Extended Hours’ may apply, extending the terminal hour in 3.1 and 3.2 to (a maximum of):

A) 10:00 on a maximum of 12 occasions per annum; and

B) 04:00 on a maximum of 13 occasions per annum.

(INFORMATIVE: 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].

5. Ancillary Spaces Activities:

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

5.1 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.

5.2 Where the total capacity of patrons in the Ancillary Spaces does not exceed 6000;

*5.3 For sales of alcohol only for consumption **within the Premises**; and*

5.4 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:

8.1 At any Co-op Live Event (and/or in the Ancillary Spaces) until the Appendix 1 Procedures has been reviewed at an Event Review Meeting chaired by a representative of the licensing authority in good time ahead of the first event and/or

8.2 In the Ancillary Spaces, on a non Co-op Live Event day until the Strategy for Ancillary Spaces Use has been reviewed at an Event Review Meeting as detailed in condition 8.1.

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

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 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.

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 and Licensing Out of Hours (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.

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)

- (p) EAL Management will ensure that the event complies with the rules and regulations of the governing body sanctioning the event or contest.*

Safety Audit

- (q) 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

(r) 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.

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.

15.1 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.

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;*
- (d) Any refusal of the sale of alcohol during trading hours;*
- (e) Any accident or incident causing injury to a member of the public;*
- (f) All first aid or medical treatment provided;*
- (g) Any emergencies or evacuations; and*
- (h) Any call to an emergency service by the venue.*

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.

(a) As a minimum 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 4 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.

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 website contact information and a dedicated mobile & landline numbers for use in the event of complaints arising, relating to licensable activities being conducted at the Premises.

24.1 The dedicated mobile & landline telephone number shall be 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 manned and operated by a dedicated member of staff at all times that the premises is operating and 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

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.

25.1 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.

25.2 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.

26. The capacity for guests/spectators in the licensed premises 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:

(i) Event Safety Policy;

(j) Generic Event Management Plan and Event Specific Instructions (where required);

(k) Contingency Plans;

(l) Alcohol Management Procedures;

(m) Crowd Management and Ingress/Egress Management Plans;

(n) Security and Counter Terrorism plans and procedures (including CCTV);

(o) Training Procedures and Record Keeping; and

(p) Standard Operating Procedure for Vaping (22 February 2024) which, for the avoidance of doubt, provides that the use of vapes will not be allowed within the Co-op Live building.

(q) Local Community Information, Engagement and Complaints Procedure (including a dedicated manned mobile and landline for complaints which shall be manned by a dedicated member of staff at all times that the premises is operating.

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, and any up-to-date copy will be retained in the venue's Operations Manual.*

31. *Substantial food and non-intoxicating beverages, including drinking water, shall be available on the premises when alcohol is sold or supplied for consumption on the premises.*

32. *The arena (including all ancillary spaces) 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). "Evening peak" is defined as 5pm – 7.30pm, Monday to Fridays.*

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. *An Extended Hours Event shall not be held for more than 3 consecutive nights.*

4. *A ward councillor from Miles Platting and Newton Heath is represented alongside the Responsible Authorities when reviewing Extended Hours documentation (referenced in condition 4).*

The matter was reviewed, and clerical mistakes and omissions were corrected under regulation 33 The Licensing Act 2003 (Hearings) Regulations 2005 after the decision notice was sent out to all parties. The amended decision notice was reserved on all parties.