

GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	[REDACTED]
Contact Telephone Number	[REDACTED]

About the Premises

Application Reference No.	LPV 261981
Name of the Premises	AO Arena
Address of the premises including postcode	Hunts Bank Approach, Manchester M3 1AR

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the variation on the licensing objectives on and in the vicinity of the premises in question.

Please accept this as formal notification of the Greater Manchester Police objection to the variation to the premises licence in relation to the above premises on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.

The application seeks to update the operating schedule of the Premises Licence with a set of up to date, relevant conditions which is a proposal that GMP welcome, however, the way in which some of these conditions are worded is too open to interpretation and lack specific detail.

The first condition offered refers to an event and site specific Operational Management Plan (OMP) and includes a non-exhaustive list of plans and procedures which will be included in the OMP. These plans and procedures are what GMP would expect to see within an OMP and we are satisfied that, dependant on their content, they would form a comprehensive OMP. However that is the issue that GMP has with agreeing this variation in its current wording, we haven't seen an example of any of these plans or procedures.

GMP would have expected to have had sight of an overarching OMP which would form the framework for how all events are managed and then examples of event specific plans and procedures so that we could see whether they stood up to scrutiny and were fit for purpose.

The application states that a specific event, written risk assessment form will be completed and made available for any event that is carried on by any person not affiliated with the venue which implies that they wouldn't have to do this for an act or show that was affiliated to the venue, but this could result in a situation where numerous events were not risk assessed. Also the same condition states that these risk assessments will be made available at least 7 days before the date of the event but GMP do not believe that this is a sufficient amount of time to draw up any policing plans or contingencies which may be required to safely police events.

The CCTV condition which has been offered states that the system will be operated in accordance with pieces of legislation, which GMP clearly have no issue with, but it doesn't state how long footage will be stored for, that it will be made available to responsible authorities or that there whilst the premises is open there will always be a member of staff fully conversant with the CCTV system who is able to show and download footage, subject to the correct GDPR requests. Also the condition states that the CCTV will operate at all times whilst the premises are open for licensable activity but, whilst it is accepted that a premises licence and the conditions therein are only in force during the hours stated on the premises licence, GMP would be more comfortable if the CCTV was in operation 24 hours a

day and that the condition was worded to this effect.

The condition relating to the new Protect Duty legislation mentions training but it doesn't state if this includes every person working at the venue or only specific persons and it doesn't say how often this training will be refreshed.

GMP completely understands the intention to make the premises licence more fit for purpose but until our concerns, which are outlined in this representation, are satisfied we would not support the variation being granted.



Licensing & Out of Hours Compliance Team - Representation

Name	Robert Mason
Job Title	Neighbourhood Team Lead
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	[REDACTED]
Telephone Number	[REDACTED]

Premise Details

Application Ref No	261981
Name of Premises	Manchester Arena
Address	Phones 4U Arena, Victoria Station, Long Millgate, Manchester, M3 1AR

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of the granting this variation taking into account a number of factors, including the nature of the business, the size of the premise and the ability to uphold the four licensing objectives; specifically the public nuisance objective

The premise is a large event space with a capacity of 21,000 located within Victoria Train Station in Manchester City Centre. The surrounding area is a mix of residential, commercial properties and educational buildings. The application is to update the Operational Management Plan (OMP). While we understand and appreciate that the OMP's are 'living documents' dependant on the type of event being held: the LOOH team would have expected to have been able to view a base line OMP in order to fully understand what detail to expect from these documents.

Historically the premises have operated on a fairly insular level and there have been times when this has made the job of investigating complaints more difficult than it would be at other licensed premises. Recent communication with the venues licensing representatives have revealed that the venues reluctance to share these OPM's in full is due to them being 'operationally highly sensitive'. Given that both Manchester City Council and GMP have full operational oversight over all major events that take place throughout Manchester, it is difficult to accept that the OMP's for events taking place at this premises are too operationally sensitive for local authorities and GMP to have sight of.

Pre pandemic the premises had received a number of noise complaints relating to sound testing, events and the rig and de-rig of events. The council had a total of ten complainants from both Manchester & Salford, complaints reported the following issues as an example:

'Significant vibration and extreme bass/noise'

'Depending on type of music we can feel vibrations and hear the bass'

'It is rattling my windows'

'So loud and bassy that the vibrations in my flat are rattling all the glass and a frame just fell off my wall. Louder than it has ever been before.'

'Noise is from the large trucks and motor bikes coming out of the premises venue into their outside yard and revving engines very loud and screeching and banging. The customer explained the noise is so loud they can't hear their television.'

Without seeing a benchmark for the noise management plans offered in the first condition, the LOOH team are unable to confirm if any such plan would be sufficient to address the aforementioned problems and the ability of the premises to uphold the licensing objective relating to nuisance.

The application has referred to a smoking area. Given the historical problems with smoking on the site due to the lack of a smoking area, the addition of a smoking area is very much welcomed. However, there is very little detail on the location of this area within the application or how this area will be managed other than 'signage will be placed in the area asking customer to respect the local residents and use the area quietly'. The LOOH would require further information including but not limited to the location, numbers, how any noise disturbance would be handled.

While there is no suggestion that the premises were complicit in allowing patrons to smoke in the toilets, given the security levels around the site, the LOOH team have to overcome various levels of questioning and radio calls before being able to gain access to the premises to investigate jobs of this nature. Often there has been evidence of people smoking within the premises but by the time officers have gained entry all toilets have been cleared of any patrons smoking. The LOOH team would like the premises to consider a way of enabling access to Council officers on production of relevant ID without long delays in gaining entry.

The applicant has offered a number of conditions relating to CCTV but these conditions do not confirm that responsible authorities can request to review/obtain a copy of the footage. In addition to this the applicant has only offered to record footage during the hours of licensable activity. Given that there will be times when complaints are received about the premises outside of licensable activity, the offer of continuous footage would aid the LOOH team to fully investigate any complaints made.

In terms of Stewards and SIA staff at the venue, LOOH would like to see a proposal that would allow for clear identification of these separate roles. Different uniforms or different coloured high vis vests, as an example, would enable authorities to be able to differentiate staff types both when in the premises and when viewing CCTV.

As a final point of note, events at the premises often attract a large number of

illegal street traders selling counterfeit merchandise, often believed to have been obtained in the Cheetham Hill area of Manchester, which is believed to fund organised crime. LOOH officers often attend the area around the arena to deter this type of activity from taking place. However, when officer's are unable to obtain police support they are often threatened with violence while trying to carry out this work. The LOOH would like to see a greater 'buy in' from the premises around this work. On occasion there have been some people employed to tackle counterfeit merchandise but this is often at the request of the artist playing the venue rather than the venue itself. The presence of illegal street traders and street trading carts amongst dispersing crowds poses not only a dispersal issue but should also be considered as a means for implementing a hostile attack.

Finally, the application makes a number of references to the training of staff yet there is no detail on when the initial training will be conducted.

Given the concerns raised in this representation we are unable to support the variation in its current form being granted.

Representation on behalf of the Licensing Authority

Fraser Swift, Principle Licensing Officer and Acting Unit Manager
Licensing Unit
Manchester City Council
PO Box 532
M60 2LA
[REDACTED]

In respect of the following Application:
AO Arena Variation Application Reference 261981

I have considered this application having regard to the Licensing Act 2003, the section 182 Guidance, Manchester City Council's current Statement of Licensing Policy 2016-2 and other relevant documents referred to within the representation.

The Arena hosts a diverse range of events – pop concerts, family theatrical performances, comedy shows, world title boxing and mixed martial arts events and caters for a diverse array of audiences. To effectively regulate this requires an ongoing arrangement to ensure that effective planning, assessments and procedures are in place to enable the authorities to support the safe delivery of public events at the Arena.

This revision of the Arena's licence conditions gives us an opportunity to establish an exemplar model for the licensing of large-scale public built arenas given there is no established guidance on how such venues should be operated, although a variety and combination of different guidance documents are relevant:

1. the Purple Guide (<https://www.thepurpleguide.co.uk>) which is most typically linked to the carrying on of large scale licensed public events but mainly outdoor events;
2. the Green Guide (<https://sgsa.org.uk/greenguide/>) for the operation of sports arenas
3. The Arena Association guidance (https://www.nationalarenasassociation.com/public/A-Guide_2020.pdf) prepared by the NAA's Safety Advisory Group (SAG), consisting of representatives from member venues which are the 23 largest indoor Arenas in the UK and Ireland.

Whilst there is separate legislation covering safety at sports grounds, which underpins the Green Guide, that would not be relevant to the operation of entertainment arenas, many of the principles of the guidance to promote a safe, secure environment for the public is aligned with the objectives of the Licensing Act 2003. The purpose of the Green Guide is primarily safety. Whilst it recognises security as a sub-category of safety, other matters relevant to the licensing objectives – particularly public nuisance – are not addressed and so it cannot be regarded as an all-encompassing basis for the carrying out of licensable activities.

It is proposed that the licensing of venues such as the AO Arena, and the licence conditions, should align as far as possible with relevant principles and frameworks established in the Green Guide, Purple Guide and Arenas Association Guidance insofar as they are relevant to the operation of this venue. One example where this might be achieved is incorporation of relevant considerations from the Green Guide's proposed format for an Operations Manual, which is a similar principle to the Operational Management Plan proposed in this application's operating schedule. Likely valuable additions would be the inclusion of (but not limited to):

- Spectator safety or event safety policy
- Safety Management Structure, or chain of command
- Stewarding Plan

and incorporating the respective guidance for each.

At this stage, we would like clarification on whether the operational management plan would be overarching, generic documents (rather than event-specific), how the plans would be available to the Licensing Authority and Safety Advisory Group (SAG), and the scope of influence of the Licensing Authority and SAG on the content of the plans. It is important for any Licensing Authority and SAG to be able to review and advise specific event management plans.

Whilst the operating schedule includes provisions for event risk assessments to be made available 7 days in advance, we want to ensure that there will be information available to SAG members (including the Licensing Authority) on the arrangements that are proposed to be in place at specific events. We consider that the Green Guide's recommendation of an Event Management Plan template, which is included in the Operations Manual/Operational Management Plan, and used as the basis for event-specific documents, setting out in detail the operational procedures required for the delivery of the event in a manner promoting the licensing objectives, would be a more appropriate process.

CCTV

We would request further information on training arrangements for staff operating CCTV and how recordings would be made available to the licensing authority and police where required. A venue of the nature of the AO Arena requires a highly sophisticated CCTV (and remote surveillance) provision.

Counter-Terrorism

The licensing authority has adopted model conditions relating to Martyn's Law, the precursor to the proposed Protect Duty. This includes training requirements for staff at the venue and it is unclear from the proposed operating schedule how far the training in place at the Arena would extend.

The Chair to the Arena Inquiry has made a number of recommendations in Volume 1 of his report, and we consider it appropriate that these are demonstrably addressed in the proposed operating schedule, particularly those that relate to operational matters relevant to promotion of the licensing objectives at this venue.

Notice provided to responsible authorities

The operating schedule contains several provisions for 7 days notice to be provided to the licensing authority. However, these timescales are too limited to enable any real engagement.

First Aid

Whilst the OMP provides for a Medical Management Plan, we would like further information on the proposed provision of appropriate medical equipment at the venue, particularly in the event of an emergency, to ensure public safety.

Cleansing

Several aspects of the operating schedule including litter and cleansing measures are too limited in scope as proposed and are unlikely to be sufficient to ensure the promotion of the licensing objectives. We would expect there to be a more comprehensive cleansing strategy, particularly given the volume of people. This is something that can be incorporated in the OMP and kept under review.

Safeguarding

Any child welfare/vulnerable persons policy should also incorporate safeguarding. Again, the Green Guide provides a useful benchmark with a Safeguarding Plan incorporate in the Operations Manual.

Summary

We welcome the Operational Management Plan and SAG proposal but consider that more information is needed on the purpose, scope, role and process of how they would operate in practise so as to ensure the promotion of the licensing objectives.

We also consider that the conditions of this licence would benefit from being more closely aligned to relevant national guidance, particularly the Green Guide, We welcome further discussions on potential changes to the operating schedule to achieve these aims.