



Licensing Act 2003 Sub-Committee

Date:	Monday, 22 December 2008
Time:	10.00 am
Venue:	Committee Room 3 - Wallasey Town Hall

Contact Officer: Trevor Brassey
Tel: 0151 691 8492
e-mail: trevorbrassey@wirral.gov.uk
Website: <http://www.wirral.gov.uk>

AGENDA

1. **APPOINTMENT OF CHAIR**
2. **DECLARATIONS OF INTEREST**

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda, and, if so, to declare them and state what they are.

3. **THE COOL ROOM, CONWAY STREET, BIRKENHEAD (Pages 1 - 28)**
4. **THE BEACH, CONWAY STREET, BIRKENHEAD (Pages 29 - 62)**

LUNCH BREAK

5. **BET EXPRESS (Pages 63 - 80)**
6. **ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR**

To consider matters which the Chair accepts as being urgent.

This page is intentionally left blank

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE

LICENSING ACT 2003 SUB-COMMITTEE – 22 DECEMBER 2008

REPORT OF THE DIRECTOR OF REGENERATION

NAME OF PREMISES: COOL ROOM, 44 CONWAY STREET, BIRKENHEAD

NAME OF APPLICANT: MERSEYSIDE POLICE

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to consider an application to review a Premises Licence under the provisions of the Licensing Act 2003.

2.0 RELEVANT BACKGROUND

2.1 The Cool Room currently has a Premises Licence to allow the following Licensable Activities:

Supply of Alcohol

Sunday to Saturday 11.00am to 3.00am

Hours Open to the Public

Sunday to Saturday 11.00am to 3.30am

Regulated Entertainment (Live Music and Recorded Music)

Sunday to Saturday 11.00am to 3.00am

Provision of Entertainment Facilities (Facilities for Dancing)

Sunday to Saturday 11.00am to 3.00am

2.2 A copy of the Premises Licence setting out the above hours and conditions attached to the licence is available.

2.3 The Licensing Act 2003 Sub-Committee may, having regard to the application for review and any relevant representations, take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Modify the Licence conditions (permanently or for a temporary period of up to 3 months).
- Exclude a licensable activity from the scope of the Licence (permanently or for a temporary period of up to 3 months).
- Remove the Designated Premises Supervisor (if applicable).
- Suspend the Licence for a period not more than 3 months.
- Revoke the Licence.

The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

3.0 APPLICATION

3.1 An application has been received from Merseyside Police to review the Premises Licence for the premises known as The Cool Room, 44 Conway Street, Birkenhead. Merseyside Police have advised that the grounds for review are in relation to the prevention of crime and disorder and public safety.

3.2 Further information to support the above grounds for review is included within the application which is available.

3.3 Further to the application, a written response from the Solicitors, Haworth and Gallagher representing the Premises Licence Holder, has been received. A copy of this response is available.

4.0 RELEVANT REPRESENTATIONS

4.1 There have been no representations received from the following Responsible Authorities:

Wirral Area Child Protection Committee
Trading Standards
Environmental Health
Planning Authority
Fire Authority

5.0 FINANCIAL AND STAFFING IMPLICATIONS

5.1 There are no financial implications and my existing Licensing staff will deal with this application.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 There are none arising from this report.

7.0 LOCAL AGENDA 21 IMPLICATIONS

7.1 There are none arising directly from this report.

8.0 LOCAL MEMBER SUPPORT IMPLICATIONS

8.1 The premises are located in the Birkenhead and Tranmere Ward.

9.0 HUMAN RIGHTS IMPLICATIONS

9.1 Article 6 and Article 1 of the First Protocol which is concerned with the protection of property is most likely to have a particular impact.

10.0 COMMUNITY SAFETY IMPLICATIONS

10.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

11.0 **PLANNING IMPLICATIONS**

11.1 The are no planning implications arising from this report.

12.0 **BACKGROUND PAPERS**

12.1 Application form applying to review a Premises Licence.

12.2 Operating Schedule relating to the Premises Licence for The Cool Room.

13.0 **RECOMMENDATIONS**

13.1 The Licensing Act 2003 Sub-Committee are asked to consider the application for the review of a Premises Licence in respect of the above premises.

Alan Stennard
Director of Regeneration

This report was prepared by Richard Leyland who can be contacted on 691 8478.

This page is intentionally left blank

01517772939

Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Sgt Dave Peers

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Cool Room, 40/44 Conway Street, Birkenhead.	
Post town Wirral	Post code (if known) CH41 6JD
Name of premises licence holder or club holding club premises certificate (if known) Anthony Reed	
Number of premises licence or club premises certificate (if known) LN/206001104	

Part 2 - Applicant details

I am

- | | |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | Please tick yes |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |

01517772939

- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

01517772939

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sgt 6555 Peers Merseyside Police Licensing Wallasey Police Station Manor Road Wallasey CH44 1DA
Telephone number (if any) 0151 777 2944
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

In April this year there was an incident where a patron in the premises was subjected to an assault in which a bottle was used as a weapon.

01517772939

Please provide as much information as possible to support the application
(please read guidance note 2)

On the 26th April 2008 a male was subjected to an unprovoked attack during which he was struck to the head with a bottle he later required stitches.

As a result of the above incident this would indicate that persons who attend premises in this vicinity are prepared to resort to high levels of violence and use glass as a weapon. These are very serious offences that always result in very serious injury. These offences clearly undermine the crime and disorder objective. The premises already has doorstaff and a comprehensive CCTV system. Merseyside Police are seeking a condition on the licence that no glass is served to any customers and plastic glasses and bottles must be used while the premises are open. This does not prevent glass bottles being purchased but they must be transferred into a plastic glass at the point of sale. This premises is connected by means of a Stairway to its adjoining premises the 'Beach', patrons move between these two premises during the course of the evening and therefore the issuing of the plastic glasses must be attached as a condition on both premises.

01517772939

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

01517772939

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature


Date 23th October 2008

Capacity Licensing Sgt

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: [Redacted]

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: [Redacted]

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: [Handwritten Signature]

Date 26/4/08

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am the above named person and I live at the address stated overleaf.

At about 01.50 hours on Saturday 26th April 2008 I was in the Cool Rooms, Conway Street Birkenhead. I had been out most of the evening and had consumed about 5 bottles of beer. I was on the dance floor and was dancing on the floor was another lad called [Redacted]. I know him through social friends and have seen him on number of times. We started friendly banter on the dance floor and it got a bit competitive when for some reason in an unprovoked attack he hit me on the head with a bottle. I can't remember exactly what happened next, I just know I was covered in blood and lots of people were around me. I was led outside and spoke to the police and was then taken to Aintree Hospital. I have a cut to the top of my head that needs stitches.

I am willing to abide by any decision the police make in regards to this matter.

Signature: [Handwritten Signature]

Signature witnessed by:

1138

THE COOL ROOM**RESPONSE TO APPLICATION TO REVIEW OF LICENCE****BY****MERSEYSIDE POLICE**

1. The Respondent takes issue with service in this matter. The Service of the Review did not take place in accordance with Schedule 8 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates 2005). The holder of the Premises Licence was not served with a copy of the Application for Notice of Review with any accompanying documents on the same day that the Application for Review was given to the Licensing Authority.
2. It is contended the premises known as The Cool Room, 40-44 Conway Street, Birkenhead, CH41 6JD is properly and adequately run under the current Premises Licence in place.
3. It is believed the incidents related to The Cool Room are no worse than any other premises in the area but would aver are considerably better than most.
4. There is no evidence within the written application save one incident that the premises are ill conducted. There is no suggestion of covert drug taking, under age drinking or a failure to properly manage the premises including SLA Door Personnel in accordance with the terms and conditions of the licence.
5. In the application the Police refer to only one incident of a glassing of an individual within the club. This incident is highly regrettable and viewed extremely seriously by the Management Team at The Cool Room. However, it is contended that the action the Police are seeking to impose as a condition of the premises given that the premises have been open two to three days each week, fifty two weeks a year are excessive in all the circumstances.

- 6. The club will contend that one such incident during the past opening period of the premises under the Licensing Act 2003 in no way indicates that the club is frequented by persons likely to resort to violence as stated in the application. The applications have to be proportionate to the harm overall and the club feels that the Police have not been level handed in addressing this issue on the factual history of this club.

- 7. The Proprietors are extremely enthusiastic to work alongside the Police to achieve the licensing objectives but aver that unfortunately incidents will occur in nightclub premises from time to time notwithstanding the efficiency of management.

- 8. To the Respondent's knowledge there have been no other complaints seeking a review of the licence from the general public or indeed from any other interested authorities who deal with licensing applications.

Dated this 24th day of November 2008

Haworth & Gallagher
 39 Hamilton Square
 Birkenhead
 Wirral
 CH41 5BP

Haworth & Gallagher

Licensing Act 2003 Premises Licence

The Cool Room

44 Conway Street, Birkenhead, Wirral, CH41 6JD
Tel: 666 2577

Licensable Activities Authorised by this Licence and the hours permitted are as follows:

	• Sale by Retail of Alcohol	• Live Music • Recorded Music	• Facilities for Dancing
Monday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Tuesday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Wednesday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Thursday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Friday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Saturday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Sunday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00

The Licence authorises supplies of alcohol for consumption on/off the premises.

Opening hours of Premises:

Sunday to Saturday - 11:00 to 03:30

Wirral Licensing Authority, Wirral Metropolitan Borough Council, hereby grant this Premises Licence to:

Mr Anthony Reed
30 Priory Wharfe
Birkenhead
Wirral
CH41 5LD

Telephone Number: 666 2577

Details of Designated Premises Supervisor:

Mr Adam Coburn
1 Barren Grove
Oxton
Wirral
Merseyside
CH43 5TJ

Personal Licence number: LN/205000320

Dated 15th September 2006



Alan Stennard
Director of Regeneration
(Authorised Officer)

Annexe 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol	<p>(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.</p> <p>(2) The first condition is that no supply of alcohol may be made under the premises licence-</p>
	<p>a) at a time when there is no designated premises supervisor in respect of the premises licence, or</p>
	<p>b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.</p> <p>(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.</p>

Annexe 2 – Conditions consistent with your Operating Schedule

General

All staff will be trained and knowledgeable on all four licensing objectives.

The prevention of crime and disorder

Door supervisors to be positioned in and around the premises, randomly searching on the door, and checking for drugs, weapons or potential violence.

Public safety

Fire exits and extinguishers regularly maintained.

Stairways kept clear.

All staff trained in evacuation procedure.

The prevention of public nuisance

Signs are placed to ask people to leave quietly.

No bottles or glasses are allowed off the premises.

The protection of children from harm

No under 18's allowed in at any time, people will be asked randomly for I.D checks.

Annexe 3 – Conditions attached after hearing by the Licensing Authority

- Current public entertainment licence conditions to apply.

PUBLIC ENTERTAINMENT LICENCE CONDITIONS

Cool Room

- | | | |
|----|-------------------------------|---|
| 1. | Definition | For the purposes of these conditions the Licensing Authority shall be Wirral Borough Council. |
| 2. | The Licensee | The Licensee, or some responsible person nominated by him/her in writing shall be in charge of and be upon the licensed premises for the whole of the time the premises are open to the public. The person in charge shall not be engaged in any duties that prevent him/her from exercising general supervision. The Licensee remains responsible at all times for the observance of the Licensing Conditions. |
| 3. | Permitted Hours | <p>The premises shall only be used for public entertainment on the days and during the hours indicated below:</p> <p>As amended (see premises licence)</p> |
| 4. | Maximum Occupancy | <p>The maximum number of persons allowed in the licensed premises shall be as indicated below:</p> <p>200 Loose Seated</p> <p>The Licensee/person nominated by the Licensee shall ensure that the maximum occupancy specified above is not exceeded and shall be aware of the number of the public on the premises. This information shall be provided to any Authorised Officers immediately on request.</p> |
| 5. | Safety Stewards to be on Duty | <p>The minimum number of competent Safety Stewards to be on duty during the whole time that public entertainment is taking place shall be as indicated below:</p> <p>Three Safety Stewards</p> <p>The primary duty of Safety Stewards is to ensure that safe conditions are maintained in the premises and to achieve this they must:</p> <p>a) have received training and written instructions on basic fire prevention and action to be taken in the event of an emergency</p> |

- b) keep all gangways and exits clear at all times
- c) prevent standing on seats and furniture
- d) ensure the safe evacuation of the premises in the event of an emergency and be aware of any special requirements in these circumstances

Safety Stewards should be readily identifiable to the public by wearing a badge or other distinctive marking.

A record of Safety Stewards on duty must be in a form prescribed by the Licensing Authority and must be kept for a period of 12 months from the date of last entry in the book.

6. Door Supervisors

The minimum number of Door Supervisors to be on duty during the whole time that public entertainment is taking place shall be as indicated below:

Three Door Supervisors (one of which must be female)

The number of Door Supervisors required is subject to amendment following any change of circumstances relating to the premises.

A Door Supervisor is responsible for security, protection, screening the suitability of people entering the premises and dealing with conflict within the premises.

Anyone employed as a Door Supervisor must be registered with the Security Industry Authority (SIA).

All Door Supervisors must wear their SIA Badge (licence) where it can be seen clearly and distinctly at all times when working.

The Licensee shall keep and maintain a Door Supervisors Register issued by the Licensing Authority in accordance with the notes of guidance on the inside cover of the register. The register shall be produced on demand to any Authorised Officer and must be kept for a period of 12 months from the date of the last entry in the book.

7. CCTV cameras

The requirement for CCTV cameras on the Licensed premises shall be as indicated below:

Premises that are required to have CCTV installed must meet the minimum specification approved by the Licensing Authority and Merseyside Police (See Appendix 1). This specification will be subject to change as technology advances. Certified proof of compliance with this specification must be provided to the Licensing

Authority.

Recordings must be kept for a minimum of 31 days. An Authorised Officer may at any time request to view a recording. Failure to comply with this request will be regarded as a serious breach of this condition.

Licensees must be able to demonstrate that they have devised a recording management system that prevents recordings being tampered with, stolen, misplaced or a failure to record.

In the event of a breakdown of the system, the licensee must notify the Police Licensing Section and the Licensing Authority as soon as possible and arrange for its repair without undue delay.

8. Incident Record Book

The Licensee shall keep and maintain an Incident Report Book issued by the Licensing Authority. This book must be maintained in accordance with the notes of guidance on the inside cover of the book. This book is to record incidents in and around the licensed premises. The book shall be produced on demand to any Authorised Officer and must be kept for a period of 12 months from the last date of entry.

9. Drug Safe

The requirement of a Drug Safe shall be as indicated below:

Where it is specified above that a Drug Safe is required on the premises the following conditions will apply:

a) The Licensee shall install in the premises within a period of one month from the grant of the Public Entertainment Licence a drug safe approved by the Chief Constable of Merseyside Police or his representative in a location and in a manner approved by the Chief Constable of Merseyside Police or his representative.

b) The Licensee thereafter shall ensure that the drug safe is at all times maintained in such agreed location.

c) The Licensee shall immediately notify both the Licensing Authority and the representative of Merseyside Police if the drug safe is in any way damaged.

d) The Licensee shall ensure that all substances confiscated from persons entering or within the premises are immediately deposited in the drug safe and entries made in the premises incident record book recording details of the items seized, date and time

of seizure.

e) The Licensee shall afford Merseyside Police Officers reasonable access to remove the substances deposited in the drug safe.

10. Display of Licence

Copies of the Licence and the Licensing Conditions must be available for inspection at the premises at all times by authorised officers of the Licensing Authority, Merseyside Fire Brigade and any Police Officer.

11. Management of Premises

The Licensee shall in all things conduct the premises quietly, decently, soberly and in an orderly manner and shall seek to promote the following objectives at all times:

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance
The Protection of Children from Harm

The Licensee shall not allow any function, performance or entertainment to take place on the premises which is contrary to common law statute or any other unlawful act.

12. Authorised Officers

Admission to any part of the licensed premises shall be given at all reasonable times to authorised officers of the Licensing Authority, Merseyside Fire Brigade and to any Police Officer.

13. Safety Precautions

The Licensee shall take all due precautions for the safety of the public, performers and staff and shall make suitable arrangements as to the action which shall be taken in the event of fire, panic or other emergencies and shall instruct all performers and staff in these arrangements, which at all times must be to the satisfaction of the Licensing Authority.

The Licensee/person nominated by the Licensee shall ensure that all necessary safety checks have been carried out before the admission of the public.

14. Fire Warning

The premises shall be provided with appropriate means of giving warning in case of fire, to the satisfaction of the Chief Fire Officer.

15. Fire Notices

Notices detailing the actions to be taken in the event of a fire or other emergencies, including how the Fire Brigade can be summoned shall be prominently displayed and shall be protected from damage or deterioration.

16. Certification:

Suspended Ceilings
Electrical Installation

The premises shall not be used for public entertainment unless there are in force current satisfactory certificates of safety for electrical installation and suspended ceilings.

17. Drapes, Props All drapery and props used in connection with any stage shall be made of material which is not readily inflammable or of a material which has been rendered fire retardant in either case to the satisfaction of the Chief Fire Officer.
18. First Aid The Licensee/person nominated by the Licensee shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises
19. Number, Size and Markings of Doors The number, size and position of all doors or openings provided for the purpose of the egress of the public from the premises shall be to the satisfaction of the Licensing Authority.
20. Exits to open Outwards All exit doors and gates shall be constructed to open outwards, except that external doors or gates opening inwards shall be permitted provided that such doors or gates shall be locked back open and shall not form an obstruction while members of the public are on the licensed premises.
21. Exits and Exit Fastenings Each exit shall permit uninterrupted egress at all times. In addition each exit shall be kept free and unobstructed and be clearly indicated by the word 'EXIT'. All exit doors must be easily opened without the use of a key, card, code or similar means. Doors affording means of exit shall only be secured in a manner approved by the Licensing Authority.
- NOTE: The area(s) shaded green (fire exits) on the plan attached to the Licence are fire exits.
22. Exit Notices Exit notices shall be to an approved specification and illuminated when the premises are in use. The specification and method of illumination shall be to the satisfaction of the Licensing Authority.
23. Floor Coverings All floor coverings shall be secured and maintained so that they will not be likely to ruck or to be in any way a source of danger.
24. Steps/Stairways The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
25. Emergency Lighting A system of emergency lighting shall, if required, be provided on the premises to the satisfaction of the Licensing Authority.
26. Gangways should be kept clear No person except the Licensee, safety stewards or door supervisors shall be permitted to stand, sit or remain in any vestibule, passageway, staircase, lobby, corridor, gallery or vacant space forming part of any exit way of the licensed premises or to use the same for any

purpose except that of passing to or from the licensed premises or any part thereof.

27. Sanitation Adequate separate toilet accommodation shall be provided and ventilated to the satisfaction of the Licensing Authority. All public toilets on the premises shall be kept properly cleansed and disinfected and supplied with all proper requisites.
28. Food Hygiene Regulations The facilities for and the preparation of food and drink shall comply with the Food Safety (General Food Hygiene) Regulations 1995 and any other relevant statutory provisions.
29. Heating All heating appliances shall be protected to the satisfaction of the Licensing Authority. The use of any portable or mobile heating appliance is prohibited without the express written consent of the Chief Fire Officer. Appliances using petroleum fuels shall not be used or stored in the licensed premises.
30. Furnishing Materials The provision, repair, renovation and renewal of soft floor coverings and upholstered furniture shall be carried out with materials that will achieve the fire retardant standards required by the Chief Fire Officer.
31. Compliance with other statutory requirement The Licensee/person nominated by the Licensee shall comply with any other statutory requirements and provide any necessary certification as required by the Chief Fire Officer, Merseyside Police, Environmental Health and any other responsible body.
32. Production of Relevant Insurance Documents If required by the Licensing Authority any insurance documents in relation to the licensed premises shall be produced for inspection at any time by the Licensee to Authorised Officers of the Licensing Authority, Merseyside Fire Brigade and any Police Officer, at the premises or at any other location at their discretion.
33. Smoking Smoking shall be prohibited on any stage and stage area except insofar as may be necessary in connection with the programme when suitable precautions against risk of fire shall be taken. Notices stating that smoking is prohibited shall be posted in suitable positions near the stage. Real flame shall not be employed on the stage without the consent of the Chief Fire Officer.
34. Housekeeping No accumulation of rubbish or other combustible material shall be permitted to remain in any part of the licensed premises.
35. Explosives, inflammables, Smoke or Fog-producing Machines Explosives, inflammable liquids or highly inflammable articles shall not be brought into or used in any portion of the licensed premises. Flash powder, smoke or fog-producing machines may only be used with the written consent of the Chief Fire Officer.

36. Alterations or Additions No alterations to the premises whether temporary or permanent shall be made without the written consent of the Licensing Authority.
37. Quiet Notice If required by the Licensing Authority, the Licensee shall cause to be displayed in a conspicuous position in the premises a Notice requesting patrons to leave the premises in a quiet and orderly fashion.
38. Hypnotism Performance No person shall give at the premises (otherwise than as provided by section 5 of the Hypnotism Act, 1952) any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance on which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
39. Variations The Licensing Authority may waive or modify any of the Conditions of this Licence when requested to do so by the Licensee, such waiver or modification will be in writing and signed by the Director of Regeneration.
40. Fly Posting
- a. Licensees shall ensure that their premises are not in any way promoted by the use of illegal fly posting or unauthorised advertisements attached to street furniture.
 - b. Licensees shall ensure that contracts with promoters for their premises or events to be held at their premises prohibit the use of fly posting and/or advertisements attached to street furniture.
 - c. The Licensee shall explicitly warn promoters that if they do fly post or display any other unauthorised advertisements they will be pursued for the costs of removal that fall on the Licensee and that no further work will be placed with them by the Licensee or any employee of the Licensee.
 - d. The Licensee shall ensure that contracts with promoters include an indemnity to the Licensee for any costs associated with the removal of illegal fly posting or other unauthorised advertisements incurred by the Council.
 - e. The Licensee shall co-operate fully with the Council and assist with identifying and taking action against any suspected promotion of their premises by illegal fly posting and unauthorised advertisements.
 - f. The Licensee shall ensure that whenever their premises and/or events at their premises are promoted by the use of 'flyers':

(1) The distributor shall take responsibility for picking up all discarded flyers within 100 metres of the point of

distribution and does so every 15 minutes when distributing.

(2) Where leaflets are dropped in close proximity to the distributor they should be picked up immediately.

(3) Where a distributor fails to do so, no further work will be placed with them by either the Licensee or any other employee of the licensed premises.

g. Licensees shall co-operate fully with the Council and assist with identifying and taking action against any distributors who are suspected of causing unreasonable littering by flyers.

Licensing Act 2003
Premises Licence
(Summary)

The Cool Room

44 Conway Street, Birkenhead, Wirral, CH41 6JD

Tel: 666 2577

Licensable Activities Authorised by this Licence and the hours permitted are as follows:

	• Sale by Retail of Alcohol	• Live Music • Recorded Music	• Facilities for Dancing
Monday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Tuesday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Wednesday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Thursday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Friday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Saturday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Sunday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00

The Licence authorises supplies of alcohol for consumption on/off the premises.

Opening hours of Premises:

Sunday to Saturday - 11:00 to 03:30

Name and Address of Premises Licence Holder:

Mr Anthony Reed
30 Priory Wharfe
Birkenhead
Wirral
CH41 5LD

Designated Premises Supervisor:

Mr Adam Coburn

Dated: 15th September 2006



Alan Stennard
Director of Regeneration
(Authorised Officer)

This page is intentionally left blank

WIRRAL COUNCIL

LICENSING ACT 2003 COMMITTEE

LICENSING ACT 2003 SUB-COMMITTEE – 22 DECEMBER 2008

REPORT OF THE DIRECTOR OF REGENERATION

NAME OF PREMISES: THE BEACH, 40-44 CONWAY STREET, BIRKENHEAD

NAME OF APPLICANT: MERSEYSIDE POLICE

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to consider an application to review a Premises Licence under the provisions of the Licensing Act 2003.

2.0 RELEVANT BACKGROUND

2.1 The Beach currently has a Premises Licence to allow the following Licensable Activities:

Supply of Alcohol

Sunday to Saturday 11.00am to 3.00am

Hours Open to the Public

Sunday to Saturday 11.00am to 3.30am

Regulated Entertainment (Live Music and Recorded Music)

Sunday to Saturday 11.00am to 3.00am

Provision of Entertainment Facilities (Facilities for Dancing)

Sunday to Saturday 11.00am to 3.00am

2.2 A copy of the Premises Licence setting out the above hours and conditions attached to the licence is available.

2.3 The Licensing Act 2003 Sub-Committee may, having regard to the application for review and any relevant representations, take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- Modify the Licence conditions (permanently or for a temporary period of up to 3 months).
- Exclude a licensable activity from the scope of the Licence (permanently or for a temporary period of up to 3 months).
- Remove the Designated Premises Supervisor (if applicable).
- Suspend the Licence for a period not more than 3 months.
- Revoke the Licence.

The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.

3.0 APPLICATION

- 3.1 An application has been received from Merseyside Police to review the Premises Licence for the premises known as The Beach, 40-44 Conway Street, Birkenhead. Merseyside Police have advised that the grounds for review are in relation to the prevention of crime and disorder and public safety.
- 3.2 Further information to support the above grounds for review is included within the application which is available.
- 3.3 Further to the application, a written response from the Solicitors, Haworth and Gallagher representing the Premises Licence Holder, has been received. A copy of this response is available.

4.0 RELEVANT REPRESENTATIONS

- 4.1 There have been no representations received from the following Responsible Authorities:

Wirral Area Child Protection Committee
Trading Standards
Environmental Health
Planning Authority
Fire Authority

5.0 FINANCIAL AND STAFFING IMPLICATIONS

- 5.1 There are no financial implications and my existing Licensing staff will deal with this application.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 6.1 There are none arising from this report.

7.0 LOCAL AGENDA 21 IMPLICATIONS

- 7.1 There are none arising directly from this report.

8.0 LOCAL MEMBER SUPPORT IMPLICATIONS

- 8.1 The premises are located in the Birkenhead and Tranmere Ward.

9.0 HUMAN RIGHTS IMPLICATIONS

- 9.1 Article 6 and Article 1 of the First Protocol which is concerned with the protection of property is most likely to have a particular impact.

10.0 COMMUNITY SAFETY IMPLICATIONS

- 10.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

11.0 PLANNING IMPLICATIONS

- 11.1 There are no planning implications arising from this report.

12.0 **BACKGROUND PAPERS**

- 12.1 Application form applying to review a Premises Licence.
- 12.2 Operating Schedule relating to the Premises Licence for The Beach.

13.0 **RECOMMENDATIONS**

- 13.1 The Licensing Act 2003 Sub-Committee are asked to consider the application for the review of a Premises Licence in respect of the above premises.

Alan Stennard
Director of Regeneration

This report was prepared by Richard Leyland who can be contacted on 691 8478.

This page is intentionally left blank

Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all
cases ensure that your answers are inside the boxes and written in black ink. Use
additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Sgt Dave Peers

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Beach, 40/44 Conway Street, Birkenhead.	
Post town Wirral	Post code (if known) CH41 6JD
Name of premises licence holder or club holding club premises certificate (if known) Adam Richard Coburn	
Number of premises licence or club premises certificate (if known) LN/205000396	

Part 2 - Applicant details

I am

- | | Please tick yes |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |

01517772939

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

01517772939

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sgt 6555 Peers Merseyside Police Licensing Wallasey Police Station Manor Road Wallasey CH44 1DA
Telephone number (if any) 0151 777 2944
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Between June and August this year there have been 2 incidents where patrons in the premises have been subjected to assaults in which glasses and bottles have been used as weapons.

01517772939

Please provide as much information as possible to support the application
(please read guidance note 2)

On the 22nd June this year a female was struck to the right eye with a glass, resulting in a cut to her ear lobe, swelling and bruising to the face

On the 24th of August 2008 a female was struck to the side of her head with a heavy drinking glass and struck a second time on the forehead, this resulted in the injury being 'glued', she also had swelling to the mouth and facial area.

There have now been two incidents of glassings within these premises within 12 months. This indicates that persons who attend premises in this vicinity are prepared to resort to high levels of violence and use glass as a weapon. These are very serious offences that always result in very serious injury. These offences clearly undermine the crime and disorder objective. The premises already has doorstaff and a comprehensive CCTV system. Merseyside Police are seeking a condition on the licence that no glass is served to any customers and plastic glasses and bottles must be used while the premises are open. This does not prevent glass bottles being purchased but they must be transferred into a plastic glass at the point of sale. This premises is connected by means of a Stairway to its adjoining premises the 'Cool Rooms', patrons move between these two premises during the course of the evening and therefore the issuing of the plastic glasses must be attached as a condition on both premises.

01517772939

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

*DPEG*Date 23rd October 2008

Capacity Licensing Sgt

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of:

Age if under 18: 018 (if over 18 insert 'over 18')

Occupation:

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:

[Handwritten signature]

Date

23/6/08

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am the above named person and I live at the address overleaf. On Sunday 22nd June 2008 I was in Birkenhead town centre with my friends Jamie-Lee MYLES, Ann Morris, and Jamie-Lee's sister Hannah MYLES.

I had been drinking but I would say I was drunk. We arrived at 'THE Reacti' club at about 23.45 hrs. There was a band on and me and my friends were dancing on the dance floor just by the toilets.

As I was dancing I accidentally bumped into a male who was behind me. I immediately apologised. There was a female with the male. The female said 'oh your sorry ARE YOU' The female

Signature:

[Handwritten signature]

Signature witnessed by:

→ [REDACTED]

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED] Page No. 2 of 3

then pushed me. My friend Jamie-Lee asked the female what she was doing. The next thing I knew I saw a glass coming towards me, I then felt the glass hit me to my right eye. I felt pain straight away. The glass did not smash. I did not see who threw the glass.

As I turned around I saw my friend Jamie-Lee on the floor, I think there was another female on the floor with her. I bent down to pick her up, Jamie-Lee. The next thing I know I felt a punch to my right eye. I didn't see who had punched me. The next thing I knew a female tancer took me to a back room and put ice on my eye. Shortly after I attended Alcease Park Hospital in an ambulance. I was examined and I returned home at approximately 02:30. Jamie-Lee came back to my house.

Injuries which I have obtained is a small cut to my

Signature: Owen
Signature witnessed by: _____

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED]

Page No. 5 of 5

right ear lobe. The right side of my face is bruised + Swollen. My forehead is swollen. My right eye is very bruised and Swollen. I am in pain and am taking pain killers for relief.

I would describe describe the female who pushed me as a white female, although her skin looked tanned. She had shoulder length dark hair. She looked young and was slim. I think she was wearing a light dress. This was the female who pushed me. I couldn't say whether she was responsible for throwing the glass or punching me. I do not think I would recognize her again.

The male who I bumped into I cannot describe at all.

No-one has the right to assault me. I give Merseyside Police permission to access my medical records. I have provided a victim personal statement.

I am willing to attend court and will abide by the chief constable's decision.

Signature: Owen

Signature witnessed by: [REDACTED]

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN [] [] [] []

Statement of: [Redacted]

Age if under 18: 018 (if over 18 insert 'over 18')

Occupation: [Redacted]

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: X [Signature]

Date 25 Aug 08

Tick if witness evidence is visually recorded

(supply witness details on rear)

I am the above named person and I reside at the address stated overleaf. At approximately 2200hrs on Sunday 24 August 2008 I went out for the evening with my partner Luke Kenny to Bickon Hays town centre. We visited a number of the bars until we arrived at the "Beach" bar on Conway Street at just after midnight. Having been there for about thirty minutes I met a friend of mine Hannah Jones and we chatted for a couple of minutes when Hannah said she was going to the toilets. I followed her over and just before we reached the ladies Hannah was pushed in the back by a female standing by one of the stone pillars. I recognised this female as she used to go to my school but I only remember her as Holly. The force of the push almost knocked Hannah over as

Signature: [Signature]

Signature witnessed by: [Signature]

8687

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED]

He stumbled forward. I couldn't tell if Hannah had knocked her arm or something but if he did it was only an accident and didn't warrant such a reaction. Hannah just continued to walk on and didn't want any trouble. As I was following behind her and saw what had happened I just turned and said to Helen "THERE WAS NO NEED FOR THAT" as Hannah is quite small and slim. Helen said nothing so I just turned around and was about to follow Hannah to the toilet when I was struck over the side of the head with a heavy drinking glass.

This blow came "out of the blue" from a record female who was standing next to Helen. I did recognize this female as she also used to go to my old school of Rock Ferry High. This female I know to be [REDACTED] who lives at [REDACTED]. I know this as we used to be friends years ago. I have not seen her though for over three years. Then records later as I was still stood there in shock she hit me again on the forehead with the glass again but this time I could see I was now covered in

Signature: [Signature]

Signature witnessed by: [Signature] 363

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED]

blood. Without being able to do anything in my defence she just dived at me grabbing my hair with both hands and then took a bite at my right cheek. She kept this bite on my cheek as I tried to punch her off me - the more I struggled the harder she bit into my face. As STANISLA is much bigger and taller than me her bodyweight forced me over onto the floor. As I tried to pull her off by her hair she was kicking out with her feet at my legs.

After what seemed like minutes the doorman ran over and pulled us apart, we were taken over to the door and [REDACTED] was thrown out. I was sat down on the window ledge whilst somebody went for some tissues to stop the bleeding to my forehead. An ambulance was requested and a message was put out over the P.A system for LUKE as he was outside having a smoke. I was escorted to the ambulance and conveyed to the A+E Department at Alameda Park. I was taken to the triage for assessment and then told there was a four hour

Signature: *X S. Khan*

Signature witnessed by: *[Signature]*

RESTRICTED (when complete)

Continuation of Statement of: [Redacted Name]

wait to be seen again. As I was now feeling unwell I decided to go home and return again later that morning.

At 0900 hrs I returned again and my injuries were treated. I have had a 1" cut to my right forehead "glued" as it was in the hairline. X-Rays taken to confirm that no glass was present in the wound. I have a second swelling on the top of my head, a swelling to my upper lip from my teeth breaking the skin and it now bruised. I have a two inch square bruise to my left foot and a large bite mark to my right cheek that has broken the skin. I was given an anti-biotic ~~course~~ course of tablets to prevent any infection from the wound.

At 1100 hrs I attended at Bienenstam police station to report this assault. I have provided the officer dealing with this matter with a number of photographs of my wounds. I have no idea why I was assaulted. I was not drunk as I only had five half pints of lager and have in nearly three hours. I could not say either way if [Redacted] was drunk as the never spoke to me.

Signature: X S. Berry Signature witnessed by: [Redacted Signature] 2031

RESTRICTED (when complete)

Continuation of Statement of: [REDACTED]

Page No. 5 of 5

or ever shouted anything during the incident.

The VPS has been explained to me but at this time I do not wish to make one. I am aware I can do so at any time. I will attend court if required, nobody has the right to assault me.

Signature: *X [Signature]* Signature witnessed by: *[Signature]*

THE BEACH**RESPONSE TO APPLICATION TO REVIEW OF LICENCE****BY****MERSEYSIDE POLICE**

1. The Respondent takes issue with service in this matter. The Service of the Review did not take place in accordance with Schedule 8 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates 2005). The holder of the Premises Licence was not served with a copy of the Application for Notice of Review with any accompanying documents on the same day that the Application for Review was given to the Licensing Authority.
2. It is contended the premises known as The Beach, 40-44 Conway Street, Birkenhead, CH41 6JD is properly and adequately run under the current Premises Licence in place.
3. It is believed the licensing incidents related to The Beach are not frequent occurrences and when objectively viewed would be considered to be at the low level of crime and disorder incidents within the club environment within the Birkenhead nightclub scene.
4. There is no evidence within the written application save two incidents that the premises are ill conducted. There is no suggestion of covert drug taking, under age drinking or a failure to properly manage the premises including SIA Door Personnel in accordance with the terms and conditions of the licence.
5. In the application the Police refer to only two incidents of glassing of individuals within the club. These incidents are highly regrettable and viewed extremely seriously by the Management Team at The Beach Room. However, it is contended that the action the Police are seeking to impose as a condition

of the premises given that the premises have been open two to three days each week, fifty two weeks a year are excessive in all the circumstances.

6. The club will contend that one such incident during the past opening period of the premises under the Licensing Act 2003 in no way indicates that the club is frequented by persons likely to resort to violence as stated in the application. The applications have to be proportionate to the harm overall and the club feels that the Police have not been level handed in addressing this issue on the factual history of this club.
7. The Proprietors are extremely enthusiastic to work alongside the Police to achieve the licensing objectives but aver that unfortunately incidents will occur in nightclub premises from time to time notwithstanding the efficiency of management.
8. To the Respondent's knowledge there have been no other complaints seeking a review of the licence from the general public or indeed from any other interested authorities who deal with licensing applications.

Dated this 24th day of November 2008

Haworth & Gallagher
39 Hamilton Square
Birkenhead
Wirral
CH41 5BP

Haworth & Gallagher

Licensing Act 2003 Premises Licence

The Beach

40-44 Conway Street, Birkenhead, Wirral, CH41 6JD
Tel: 666 2577

Licensable Activities Authorised by this Licence and the hours permitted are as follows:

	• Sale by Retail of Alcohol	• Live Music • Recorded Music	• Facilities for Dancing
Monday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Tuesday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Wednesday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Thursday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Friday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Saturday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Sunday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00

The Licence authorises supplies of alcohol for consumption on/off the premises.

Opening hours of Premises:

Sunday to Saturday 11:00 to 03:30

Wirral Licensing Authority, Wirral Metropolitan Borough Council, hereby grant this Premises Licence to:

Mr Adam Coburn
1 Barren Grove
Oxton
Wirral
CH43 5TJ

Telephone Number: 07714 207 455

Details of Designated Premises Supervisor:

Mr Anthony Reed
30 Priory Wharf
Birkenhead
Wirral
CH41 5LD

Personal Licence number: LN/205000555

Dated 15th September 2006



Alan Stennard
Director of Regeneration
(Authorised Officer)

<p>Mandatory conditions where licence authorises supply of alcohol</p>	<p>(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.</p> <p>(1) The first condition is that no supply of alcohol may be made under the premises licence-</p> <ul style="list-style-type: none">a) at a time when there is no designated premises supervisor in respect of the premises licence, orb) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. <p>(2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.</p>
---	--

General

All staff will be trained and will be knowledgeable on all four Licensing Objectives.

The Prevention of Crime and Disorder

Door Supervisors to be positioned in and around the premises randomly searching on the door and checking for drugs, weapons or potential violence.

Public Safety

Fire exits and extinguishers are regularly maintained. Stairways are kept clear. Staff are trained in evacuation procedures.

The Prevention of Public Nuisance

Signs are placed to ask people to leave quietly. No bottles are allowed to leave the premises.

The Protection of Children from Harm

No one under 18 is allowed on the premises. People will be asked randomly for ID checks.

Operating Schedule

The Beach

Public Safety

1. Two safety stewards will be identified and trained. They will be provided with easily identifiable clothing, which will be worn during an emergency.
2. CCTV is currently in use, there are 20 cameras covering all the entrance and exits and all the main areas.
3. We are currently members of the Birkenhead Pub watch initiative. These cameras are currently monitored by Chris King online at the Birkenhead crime reduction offices, and will be monitored by the central police control room in 3 weeks time as they're having the software installed at the moment.
4. All images of CCTV will be kept for a minimum of 31 days and handed to the Police on request.
5. A maximum occupancy of 200 persons controlled by door supervisors by way of clickers entering and leaving the premises.
6. A minimum of 3 Door supervisors will be on duty from 10pm till close on all the nights we open.

The prevention of crime and disorder

1. A minimum of 3 Door supervisors will be on duty from 10pm till close on all the nights we are open.
2. CCTV is currently in use, there are 20 cameras covering all the entrance and exits and all the main areas.
3. An incident book will be used to log any reported incidents immediately.

The prevention of public nuisance

1. Door supervisors will be extra vigilant with regards to customers leaving the premises with glasses/bottles, and as has always been the policy ALL bottles and glasses are strictly left on our premises.
2. Signs will be put up inside requesting customers leave quietly at all Times.
3. A Free telephone will be available to call Taxis if and when required.

Protection of Children

1. Any persons who look under the age of 21 years will be asked to produce identification or they will not be allowed entry.

Annexe 3 – Conditions attached after hearing by the Licensing Authority

- Current Public Entertainment Licence conditions to apply

PUBLIC ENTERTAINMENT LICENCE CONDITIONS
THE BEACH

1. **Definition** For the purposes of these conditions the Licensing Authority shall be Wirral Borough Council.
2. **The Licensee** The Licensee, or some responsible person nominated by him/her in writing shall be in charge of and be upon the licensed premises for the whole of the time the premises are open to the public. The person in charge shall not be engaged in any duties that prevent him/her from exercising general supervision. The Licensee remains responsible at all times for the observance of the Licensing Conditions.
3. **Permitted Hours** The premises shall only be used for public entertainment on the days and during the hours indicated below:

As Amended (see premises licence)
4. **Maximum Occupancy** The maximum number of persons allowed in the licensed premises shall be as indicated below:

200 Loose Seated

The Licensee/person nominated by the Licensee shall ensure that the maximum occupancy specified above is not exceeded and shall be aware of the number of the public on the premises. This information shall be provided to any Authorised Officers immediately on request.
5. **Safety Stewards to be on Duty** The minimum number of competent Safety Stewards to be on duty during the whole time that public entertainment is taking place shall be as indicated below:

Three Safety Stewards

The primary duty of Safety Stewards is to ensure that safe conditions are maintained in the premises and to achieve this they must:
 - a) have received training and written instructions on basic fire prevention and action to be taken in the event of an emergency
 - b) keep all gangways and exits clear at all times

- d) ensure the safe evacuation of the premises in the event of an emergency and be aware of any special requirements in these circumstances

Safety Stewards should be readily identifiable to the public by wearing a badge or other distinctive marking.

A record of Safety Stewards on duty must be in a form prescribed by the Licensing Authority and must be kept for a period of 12 months from the date of last entry in the book.

6. Door Supervisors

The minimum number of Door Supervisors to be on duty during the whole time that public entertainment is taking place shall be as indicated below:

Three Door Supervisors (one of which must be female)

The number of Door Supervisors required is subject to amendment following any change of circumstances relating to the premises.

A Door Supervisor is responsible for security, protection, screening the suitability of people entering the premises and dealing with conflict within the premises.

Anyone employed as a Door Supervisor must be registered with the Security Industry Authority (SIA).

All Door Supervisors must wear their SIA Badge (licence) where it can be seen clearly and distinctly at all times when working.

The Licensee shall keep and maintain a Door Supervisors Register issued by the Licensing Authority in accordance with the notes of guidance on the inside cover of the register. The register shall be produced on demand to any Authorised Officer and must be kept for a period of 12 months from the date of the last entry in the book.

7. CCTV cameras

The requirement for CCTV cameras on the Licensed premises shall be as indicated below:

Premises that are required to have CCTV installed must meet the minimum specification approved by the Licensing Authority and Merseyside Police (See Appendix 1). This specification will be subject to change as technology advances. Certified proof of compliance with this specification must be provided to the Licensing Authority

Recordings must be kept for a minimum of 31 days. An Authorised Officer may at any time request to view a recording. Failure to comply with this request will be regarded as a serious breach of this condition.

Licensees must be able to demonstrate that they have devised a recording management system that prevents recordings being tampered with, stolen, misplaced or a failure to record.

In the event of a breakdown of the system, the licensee must notify the Police Licensing Section and the Licensing Authority as soon as possible and arrange for its repair without undue delay.

8. Incident Record Book

The Licensee shall keep and maintain an Incident Report Book issued by the Licensing Authority. This book must be maintained in accordance with the notes of guidance on the inside cover of the book. This book is to record incidents in and around the licensed premises. The book shall be produced on demand to any Authorised Officer and must be kept for a period of 12 months from the last date of entry.

9. Drug Safe

The requirement of a Drug Safe shall be as indicated below:

Where it is specified above that a Drug Safe is required on the premises the following conditions will apply:

a) The Licensee shall install in the premises within a period of one month from the grant of the Public Entertainment Licence a drug safe approved by the Chief Constable of Merseyside Police or his representative in a location and in a manner approved by the Chief Constable of Merseyside Police or his representative.

b) The Licensee thereafter shall ensure that the drug safe is at all times maintained in such agreed location.

c) The Licensee shall immediately notify both the Licensing Authority and the representative of Merseyside Police if the drug safe is in any way damaged.

d) The Licensee shall ensure that all substances confiscated from persons entering or within the premises are immediately deposited in the drug safe and an entry is made in the premises incident record book recording details of the items seized, date and time of seizure.

e) The Licensee shall afford Merseyside Police Officers ready access to remove the substances deposited in the drug safe.

10. Display of Licence Copies of the Licence and the Licensing Conditions must be available for inspection at the premises at all times by authorised officers of the Licensing Authority, Merseyside Fire Brigade and any Police Officer.
11. Management of Premises The Licensee shall in all things conduct the premises quietly, decently, soberly and in an orderly manner and shall seek to promote the following objectives at all times:
- The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance
The Protection of Children from Harm
- The Licensee shall not allow any function, performance or entertainment to take place on the premises which is contrary to common law statute or any other unlawful act.
12. Authorised Officers Admission to any part of the licensed premises shall be given at all reasonable times to authorised officers of the Licensing Authority, Merseyside Fire Brigade and to any Police Officer.
13. Safety Precautions The Licensee shall take all due precautions for the safety of the public, performers and staff and shall make suitable arrangements as to the action which shall be taken in the event of fire, panic or other emergencies and shall instruct all performers and staff in these arrangements, which at all times must be to the satisfaction of the Licensing Authority.
- The Licensee/person nominated by the Licensee shall ensure that all necessary safety checks have been carried out before the admission of the public.
14. Fire Warning The premises shall be provided with appropriate means of giving warning in case of fire, to the satisfaction of the Chief Fire Officer.
15. Fire Notices Notices detailing the actions to be taken in the event of a fire or other emergencies, including how the Fire Brigade can be summoned shall be prominently displayed and shall be protected from damage or deterioration.
16. Certification:
Suspended Ceilings
Electrical Installation The premises shall not be used for public entertainment unless there are in force current satisfactory certificates of safety for electrical installation and suspended ceilings.
17. Drapes, Props All drapery and props used in connection with any stage shall be made of material which is not readily inflammable or of a material which has been rendered fire retardant in either case to the satisfaction of the Chief Fire Officer.

- | | | |
|-----|------------------------------------|---|
| 18. | First Aid | The Licensee/person nominated by the Licensee shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises |
| 19. | Number, Size and Markings of Doors | The number, size and position of all doors or openings provided for the purpose of the egress of the public from the premises shall be to the satisfaction of the Licensing Authority. |
| 20. | Exits to open Outwards | All exit doors and gates shall be constructed to open outwards, except that external doors or gates opening inwards shall be permitted provided that such doors or gates shall be locked back open and shall not form an obstruction while members of the public are on the licensed premises. |
| 21. | Exits and Exit Fastenings | Each exit shall permit uninterrupted egress at all times. In addition each exit shall be kept free and unobstructed and be clearly indicated by the word 'EXIT'. All exit doors must be easily opened without the use of a key, card, code or similar means. Doors affording means of exit shall only be secured in a manner approved by the Licensing Authority. |
| | | NOTE: The area(s) shaded green (fire exits) on the plan attached to the Licence are fire exits. |
| 22. | Exit Notices | Exit notices shall be to an approved specification and illuminated when the premises are in use. The specification and method of illumination shall be to the satisfaction of the Licensing Authority. |
| 23. | Floor Coverings | All floor coverings shall be secured and maintained so that they will not be likely to ruck or to be in any way a source of danger. |
| 24. | Steps/Stairways | The edges of the treads of steps and stairways shall be maintained so as to be conspicuous. |
| 25. | Emergency Lighting | A system of emergency lighting shall, if required, be provided on the premises to the satisfaction of the Licensing Authority. |
| 26. | Gangways should be kept clear | No person except the Licensee, safety stewards or door supervisors shall be permitted to stand, sit or remain in any vestibule, passageway, staircase, lobby, corridor, gangway or vacant space forming part of any exit way of the licensed premises or to use the same for any purpose except that of passing to or from the licensed premises or any part thereof. |
| 27. | Sanitation | Adequate separate toilet accommodation shall be provided and ventilated to the satisfaction of the Licensing Authority. All public toilets on the premises shall be kept properly cleansed and disinfected and supplied with all proper requisites. |

28. Food Hygiene Regulations The facilities for and the preparation of food and drink shall comply with the Food Safety (General Food Hygiene) Regulations 1995 and any other relevant statutory provisions.
29. Heating All heating appliances shall be protected to the satisfaction of the Licensing Authority. The use of any portable or mobile heating appliance is prohibited without the express written consent of the Chief Fire Officer. Appliances using petroleum fuels shall not be used or stored in the licensed premises.
30. Furnishing Materials The provision, repair, renovation and renewal of soft floor coverings and upholstered furniture shall be carried out with materials that will achieve the fire retardant standards required by the Chief Fire Officer.
31. Compliance with other statutory requirement The Licensee/person nominated by the Licensee shall comply with any other statutory requirements and provide any necessary certification as required by the Chief Fire Officer, Merseyside Police, Environmental Health and any other responsible body.
32. Production of Relevant Insurance Documents If required by the Licensing Authority any insurance documents in relation to the licensed premises shall be produced for inspection at any time by the Licensee to Authorised Officers of the Licensing Authority, Merseyside Fire Brigade and any Police Officer, at the premises or at any other location at their discretion.
33. Smoking **Smoking shall be prohibited on any stage and stage area except insofar as may be necessary in connection with the programme when suitable precautions against risk of fire shall be taken. Notices stating that smoking is prohibited shall be posted in suitable positions near the stage. Real flame shall not be employed on the stage without the consent of the Chief Fire Officer.**
34. Housekeeping No accumulation of rubbish or other combustible material shall be permitted to remain in any part of the licensed premises.
35. Explosives, inflammables, Smoke or Fog-producing Machines Explosives, inflammable liquids or highly inflammable articles shall not be brought into or used in any portion of the licensed premises. Flash powder, smoke or fog-producing machines may only be used with the written consent of the Chief Fire Officer.
36. Alterations or Additions No alterations to the premises whether temporary or permanent shall be made without the written consent of the Licensing Authority.
37. Quiet Notice If required by the Licensing Authority, the Licensee shall cause to be displayed in a conspicuous position in the premises a Notice requesting patrons to leave the premises in a quiet and orderly fashion.

38. Hypnotism Performance No person shall give at the premises (otherwise than as provided by section 5 of the Hypnotism Act, 1952) any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance on which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

39. Variations The Licensing Authority may waive or modify any of the Conditions of this Licence when requested to do so by the Licensee, such waiver or modification will be in writing and signed by the Director of Regeneration.

40. Fly Posting

a. Licensees shall ensure that their premises are not in any way promoted by the use of illegal fly posting or unauthorised advertisements attached to street furniture.

b. Licensees shall ensure that contracts with promoters for their premises or events to be held at their premises prohibit the use of fly posting and/or advertisements attached to street furniture.

c. The Licensee shall explicitly warn promoters that if they do fly post or display any other unauthorised advertisements they will be pursued for the costs of removal that fall on the Licensee and that no further work will be placed with them by the Licensee or any employee of the Licensee.

d. The Licensee shall ensure that contracts with promoters include an indemnity to the Licensee for any costs associated with the removal of illegal fly posting or other unauthorised advertisements incurred by the Council.

e. The Licensee shall co-operate fully with the Council and assist with identifying and taking action against any suspected promotion of their premises by illegal fly posting and unauthorised advertisements.

f. The Licensee shall ensure that whenever their premises and/or events at their premises are promoted by the use of 'flyers':

(1) The distributor shall take responsibility for picking up all discarded flyers within 100 metres of the point of distribution and does so every 15 minutes when distributing.

(2) Where leaflets are dropped in close proximity to the distributor they should be picked up immediately.

(3) Where a distributor fails to do so, no further work will be placed with them by either the Licensee or any other employee of the licensed premises.

assist with identifying and taking action against any distributors who are suspected of causing unreasonable littering by flyers.

Licensing Act 2003
Premises Licence
(Summary)

The Beach

40-44 Conway Street, Birkenhead, Wirral, CH41 6JD

Tel: 666 2577

Licensable Activities Authorised by this Licence and the hours permitted are as follows:

	• Sale by Retail of Alcohol	• Live Music • Recorded Music	• Facilities for Dancing
Monday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Tuesday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Wednesday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Thursday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Friday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Saturday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00
Sunday	11:00 to 03:00	11:00 to 03:00	11:00 to 03:00

The Licence authorises supplies of alcohol for consumption on/off the premises.

Opening hours of Premises:

Sunday to Saturday 11:00 to 03:30

Name and Address of Premises Licence Holder:

Mr Adam Coburn
1 Barren Grove
Oxton
Wirral
CH43 5TJ

Designated Premises Supervisor:

Mr Anthony Reed

Dated: 15th September 2006



Alan Stennard
Director of Regeneration
(Authorised Officer)

LICENSING ACT 2003 COMMITTEE

LICENSING ACT 2003 SUB-COMMITTEE – 22 DECEMBER 2008

REPORT OF THE DIRECTOR OF REGENERATION

NAME OF PREMISES: BET EXPRESS, 11 MILTON PAVEMENT, BIRKENHEAD**NAME OF APPLICANT: PETER COWAP**

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to consider an application for the grant of a Betting Premises Licence under the provisions of the Gambling Act 2005.

2.0 RELEVANT BACKGROUND

2.1 In considering an application for a Betting Premises Licence the Licensing Act 2003 Sub-Committee may either grant it or reject it. Where a licence is granted the Sub-Committee may attach conditions to the licence and/or exclude a condition that would otherwise be attached to the licence by virtue of section 168 of the Gambling Act 2005. A copy of these conditions are available together with the mandatory conditions applicable to Betting Premises Licences under the Gambling Act 2005.

2.2 If a Betting Premises Licence is granted the licence authorises the holder to make up to four gaming machines, each of which must be of Category B, C or D, available for use. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines. Details of the list of categories are available for Members information which provides details of the stake limits and prize limits.

2.3 These premises are currently split into two premises and both have the benefit of an Adult Gaming Centre Premises Licence.

3.0 APPLICATION

3.1 An application has been received from Peter Cowap for the grant of a Betting Premises Licence. The application and a plan of the premises is available for Members information which details the proposed area for the Betting Premises Licence. If this application is granted the Adult Gaming Centre Premises Licence which is to be replaced by the Betting Premises Licence will have to be surrendered.

4.0 RELEVANT REPRESENTATIONS

4.1 Representations must be made in accordance with the following Licensing Objectives of the Gambling Act 2005:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.2 Interested Party

A person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority:

(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

(b) has business interests that might be affected by the authorised activities

4.3 In respect of this application two representations have been received from Local Residents which relate to one or more of the above Licensing Objectives. A representation has also been received from Oasis Amusements Limited who have business interests that might be affected by the application. Copies of the representations are available.

4.4 There have been no other representations received from the following Responsible Authorities:

Gambling Commission
HM Revenue and Customs
Fire Authority
Local Safeguarding
Environmental Health
Planning Authority
Merseyside Police

5.0 FINANCIAL AND STAFFING IMPLICATIONS

5.1 A statutory fee has been paid in respect of the application, which goes towards administrative and enforcement costs.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 There are none arising from this report.

7.0 LOCAL AGENDA 21 IMPLICATIONS

7.1 There are none arising directly from this report.

8.0 LOCAL MEMBER SUPPORT IMPLICATIONS

8.1 The premises are located in the Birkenhead and Tranmere Ward.

9.0 HUMAN RIGHTS IMPLICATIONS

9.1 Article 6, of the First Protocol, concerned with the right to a fair hearing, may be applicable.

10.0 COMMUNITY SAFETY IMPLICATIONS

10.1 Effective control of Licensing Legislation can assist in raising standards and improve the perception of community safety.

11.0 PLANNING IMPLICATIONS

11.1 There are none arising from this report.

12.0 ANTI-POVERTY IMPLICATIONS

12.1 In accordance with the Licensing Act 2003 the Licensing Authority is responsible for protecting vulnerable persons from being harmed or exploited by gambling when considering applications.

13.0 SOCIAL INCLUSION IMPLICATIONS

13.1 There are none arising from this report.

14.0 BACKGROUND PAPERS

14.1 Application form applying for a Betting Premises Licence

14.2 Representations received from Local Residents.

15.0 RECOMMENDATIONS

15.1 The Licensing Act 2003 Sub-Committee are asked to consider the application for the grant of a Betting Premises Licence in respect of the above premises.

Alan Stennard
Director of Regeneration

This report was prepared by Richard Leyland who can be contacted on 691 8478

This page is intentionally left blank

Application for a premises licence
under the Gambling Act 2005 (standard form)

Rec'd
13/06/08
Paid £400
301 808

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 - Type of premises licence applied for

Regional Casino Large Casino Small Casino
Bingo Adult Gaming Centre Family Entertainment Centre
Betting (Track) Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 - Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: COWAP Other name(s): PETER ANDREW
[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business - (delete as appropriate)):

11 MILTON PAVEMENT

BIRKENHEAD

Postcode: CH41 2YA

4(a) The number of the applicant's operating licence (as set out in the operating licence):

000 - 003398 - R - 102611 - 001

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation:

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

Postcode:

8(a) The number of the applicant's operating licence (as given in the operating licence):

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 - Premises Details

10. Proposed trading name to be used at the premises (if known):

BET EXPRESS / KINGS GAMING CENTRE

11. Address of the premises (or, if none, give a description of the premises and their location):

11 MILTON PAVEMENT

BLAKENHEAD

Postcode:

CH41 2YA

12. Telephone number at premises (if known): 0151 - 643 - 2375

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

RETAIL SHOP UNIT - TWO FLOORS

14(a) Are the premises situated in more than one licensing authority area?
Yes/No *[delete as appropriate]*

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, other than the licensing authority to which this application is made:

Part 4 - Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? Yes/No *[delete as appropriate]*
[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	Start	Finish	Details of any seasonal variation
Mon	9 AM hh:mm	10 PM hh:mm	
Tue	9 AM	10 PM	
Wed	9 AM	10 PM	
Thurs	9 AM	10 PM	
Fri	9 AM	10 PM	
Sat	9 AM	10 PM	
Sun	10 AM	6 PM	

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 - Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? Yes/No [delete as appropriate]

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority? Yes/ ~~No~~ [delete as appropriate]

19(b). If the answer to question 19(a) is yes, please provide full details:

ADULT GAMING CENTRE LICENCE.

20. Please set out any other matters which you consider to be relevant to your application:

Part 6 - Declarations and Checklist (Please tick)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/ We confirm that the applicant(s) have the right to occupy the premises.

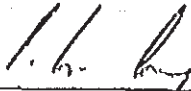
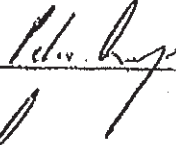
Checklist:

- Payment of the appropriate fee has been made/ is enclosed
- A plan of the premises is enclosed
- I/ we understand that if the above requirements are not complied with the application may be rejected
- I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name:

PETER COWAP

Date:

12.06.2008 (dd/mm/yyyy)

Capacity:

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date:

(dd/mm/yyyy)

Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

PETER COWAP

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

07985 030 973

24. Postal address for correspondence associated with this application:

5 THE HOWIES

WIGAN

Postcode:

WN1 0NQ

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

DETAILS

WOJSTENHOLME
SIGNS

THE SIGN WORKS (2006) LTD
2024 ST ANNES RD, BLACKPOOL, FY4 4JX
TEL: 01752 404444 FAX: 01752 414443
EMAIL: WJSTENHOLME@SIGNSWORKS.CO.UK

CUSTOMER

Kings Gaming Centre

JOB NUMBER

0645-07

DATE

7-9-07

APPROVED

SIGNED

DRAWN BY

Rob

PLEASE NOTE:
DRAWINGS ARE TO BE USED BY THE CUSTOMER.
THE SIGN WORKS (2006) LTD ACCEPTS NO LIABILITY
FOR ANY DAMAGE TO PROPERTY OR PERSONS
DUE TO THE USE OF THESE DRAWINGS.
DRAWING IS THE PROPERTY OF THE SIGN WORKS (2006) LTD.

GROUND FLOOR PLAN OF KINGS GAMING CENTRE

9 - 11 Milton Pavement, Grange Shopping Centre, Birkenhead, Wirral CH41 2RA

SCALE

13850mm

3300mm

3400mm

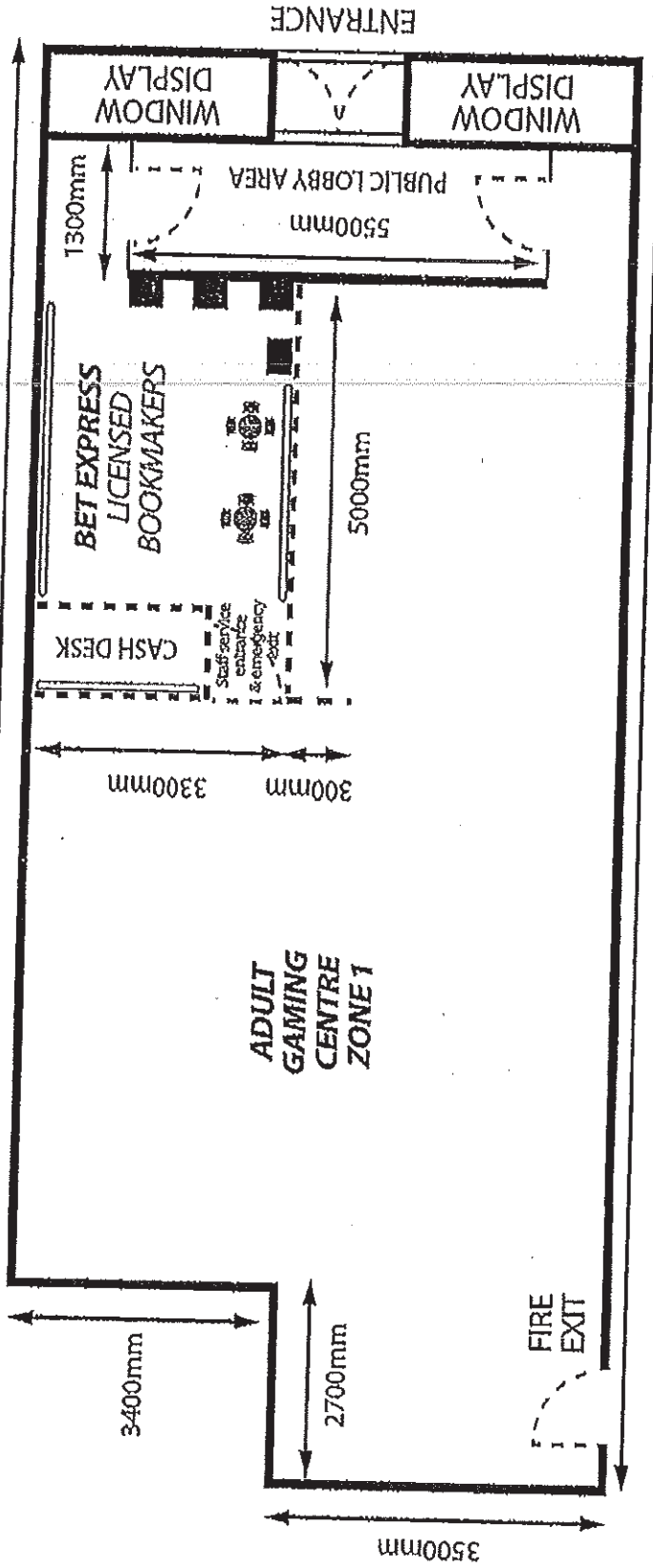
300mm

2700mm

5000mm

3500mm

16550mm



- Key
- = seating & tables
 - = gaming & refreshment machines
 - = slimline display modules
 - = floor to ceiling studded partitions

This drawing is intended for use by the client for their own purposes. It is not to be used for any other purpose. The client is responsible for ensuring that the drawing is used in accordance with the intended purpose. The client is also responsible for ensuring that the drawing is used in accordance with the intended purpose.



Betting Shop – Premises Licence Conditions

Mandatory Conditions

1. The conditions specified below shall be attached to every Premises Licence

- The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.
- The layout of the premises shall be maintained in accordance with the plan.
- The premises shall not be used for—
 - (a) the sale of tickets in a private lottery or customer lottery, or
 - (b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited^(a).

2. The conditions specified below shall be attached to every Betting Premises Licences (other than Track Premises Licences)

- A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- Access to the premises shall be from a street or from other premises with a betting premises licence.
- Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
- Subject to anything permitted by virtue of the 2005 Act, or done in accordance with the paragraphs below, the premises shall not be used for any purpose other than for providing facilities for betting.
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—
 - (a) communicating information about, or coverage of, sporting events, including—
 - (i) information relating to betting on such an event; and

^(a) See the National Lottery Regulations 1994 (S.I. 1994/189) which prohibits the sale of National Lottery tickets in specified premises licensed for gambling activities.

- (ii) any other matter or information, including an advertisement, which is incidental to such an event;
- (b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

- No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.
- No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.
- (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.
(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.
- A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

3. Default conditions attached to Betting Premises Licences (other than in respect of tracks)

- No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

4. The following are legal requirements of the Gambling Act 2005

Door Supervision:

- (1) Where a condition for door supervision is attached to a premises licence subsection (3) shall apply in relation to the licence.
- (2) In subsection (1) "condition for door supervision" means a condition requiring that one or more persons be responsible for guarding the premises against unauthorised access or occupation, against outbreaks or disorder or against damage.
- (3) If the person carrying out the guarding mentioned in subsection (2) is required by the Private Security Industry Act 2001 (c. 12) to hold a licence under that Act authorising the guarding, the requirements under that Act shall be treated for the purpose of this Act as if it were a condition of the premises licence attached by virtue of this section.

Christmas Day:

A premises licence shall, by virtue of this section, be subject to the condition that the premises shall not be used to provide facilities for gambling on Christmas Day.

Annual Fee:

- (1) The holder of a premises licence-
 - a. Shall pay a first annual fee to the licensing authority within such period after the issue of the licence as may be prescribed, and
 - b. Shall pay an annual fee to the licensing authority before each anniversary of the issue of the licence.

Availability of licence:

- (1) The holder of a premises licence shall-
 - a. Keep the licence on the premises, and
 - b. Arrange for the licence to be made available on request to-
 - i. A constable
 - ii. An enforcement officer, or
 - iii. An authorised local authority officer.

Change of circumstance:

- (1) If the holder of a premises licence ceases to reside or attend at the address specified in the licence under section 151(1)(b) he shall as soon as is reasonably practicable-
 - a. Notify the licensing authority, and
 - b. Inform the licensing authority of a home or business address at which he resides or attends.
- (2) The Secretary of State may make regulations requiring the holder of a premises licence-
 - a. To notify the licensing authority of any change of circumstances of a prescribed kind in relation to him or to an authorised activity, and
 - b. To give the licensing authority prescribed details of the change.

Categories of gaming machines

Category	Stake Limits	Prize Limits
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£1	£500
B4	£1	£250
C	50p	£35
D	10p	£5 cash
	30p for non-exchangeable prizes	£8 non-cash

RECEIVED

RECEIVED

18 JUL 2008

Dear Sir

SEACOMBE OSS
WIRRAL COUNCIL

I wish to object to the New Betting Shop advertised in Kings gambling Arcade, on Milton pavement, Birkenhead

I feel there are enough Betting Shops and Arcades in Birkenhead, in fact there are too many, and the £500 machines are ruining people's lives by Enticing them to gamble money they cannot afford. Not just myself but a lot of people I know in the Birkenhead area agree this is something we could clearly have less of

yours faithfully

Wirral borough
council

[REDACTED]
[REDACTED]
Birkenhead
merseyside
[REDACTED]
[REDACTED]

Dear Sirs,

I object to the possible new betting shop at Kings arcade in the precinct Birkenhead. There are already two betting shops in the precinct and I cannot see how another betting shop is needed. I am not against betting shops but I feel there are too many. It helps people gamble away too much money. At the moment people do not have that kind of money. There are already enough betting shops and arcades where people can lose money.

yours faithfully

[REDACTED]

RECEIVED AT
RECEPTION
18 JUL 2008
SEACOMBE
WIRRAL CO

[Redacted]

2 add by email on 12/7/08

Licensing Department
Wirral Borough Council
Town Hall
Wallasey
CH44 8ED
11.07.08

Dear Sirs

Ref : Application for Betting Shop License at 11 Milton Pavement, Birkenhead

I wish to object to the above on various grounds, however the application does not have much detail and therefore my objections may be somewhat general and make some assumptions.

If possible, with the chairman's approval, I would ask that I am allowed to attend the committee meeting and object in person.

As you are no doubt aware, there is currently a consultation document following on from the guidelines issued by the Gambling Commission which has implications with regard to this type of application and the DCMS and Local Government are party to this consultation. see attached.

I would ask that my objections may be modified to reflect any possible changes in the guidelines in due course.

I list below some of my grounds :

- 1/ Betting shops and amusement centres are not in the same planning class and therefore the premises needs planning permission as a stand alone betting shop I understand no application has been submitted for planning permission, which is normally sought prior to the license application.
- 2/ When the applicant applied for his initial arcade license an approval letter from the landlords agent was submitted as part of the application. No approval letter for betting shop usage has been submitted in this instance.
- 3/ I understand the guidelines for a betting shop ask for a distinct separate entrance from the public pathway and in this instance I cannot see how an entrance from a private foyer meets this requirement.

[Redacted]

[REDACTED]

4/ The application is for a betting shop license where horse race betting etc is the prime use ,however very little detail is given as to how this is achieved. The facilities and the size are very restricted and no provision is made for toilets whatsoever especially for disabled customers .The plans do not appear to offer all that is required for an independent free standing business.

5/ Trading hours are requested for up to 10pm for the betting shop and in the original submission for the arcade license a closing time of 6.30pm was agreed by the applicant with the committee .Does the applicant intend to trade the two premises separately as he is supposed to and is the betting shop capable of trading as a stand alone entity with its small size and lack of facilities. Will the betting shop be capable of trading when the arcade is closed.

6/ As you are aware a betting license allows for 4 FOBT machines which are not allowed in AGC's and are generally agreed to provide a better return for the operator. Despite the very small area of the proposed betting shop the applicant still shows 4 FOBT machines as part of the plan and to me that indicates the prime intended usage are the FOBT's not normal betting ,especially as there is a betting shop next door. The plans currently show general betting facilities but plans can be changed. Indeed the applicants original plan presented to the committee as part of the arcade application in Aug 06,did not happen and no disabled toilets or indeed any toilets were installed. Eventually the staff toilets on the first floor were made public. Also the frontage was reduced from two external entrances to one

7/I agree I am trade objector, however I am objecting on the grounds that this license creates an unfair advantage by providing FOBTs in what is basically an AGC. As mentioned earlier, this is part of the Gambling Commission consultation exercise and indeed the Minister for Sport expressed only last week his concern that we are in danger of creating gambling sheds on the British high street.

In conclusion, I would ask that you consider rejecting this application, however if the committee are minded to approve this application, I would ask they consider making the license conditional on planning approval being obtained prior to the issue of the license and also that the prime usage of the betting shop remains general horse race betting etc and the ancillary FOBT machines can only be operated provided the prime use is active.

I would appreciate if you could keep me informed as to the status of this application.

Yours faithfully

[REDACTED]

[REDACTED]