\boxtimes



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

THE POLLOWING INSTRUCTIONS FIRST	
Before completing this form please read the guidance notes at the end of If you are completing this form by hand please write legibly in block capita cases ensure that your answers are inside the boxes and written in black i additional sheets if necessary. You may wish to keep a copy of the completed form for your records.	the form. Is. In all nk. Use
I Sgt Dave Peers (Insert name of applicant)	
apply for the review of a premises licence under section 51 / apply for review of a club premises certificate under section 87 of the Licensing for the premises described in Part 1 below (delete as applicable)	the Act 2003
Part 1 – Premises or club premises details	
Postal address of premises or, if none, ordnance survey map reference description	e or
The Cool Room, 40/44 Conway Street, Birkenhead.	
Post town Wirral Post code (if known) CH416	ID
Name of premises licence holder or club holding club premises certific known)	ate (if
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)	ck yes
a) a person living in the vicinity of the premises	
 b) a body representing persons living in the vicinity of the premises 	_
 a person involved in business in the vicinity of the premises 	<u>-</u>
d) a body representing persons involved in business in the vicinity of the premises	

2) a responsible authority (please complete (C) below)

Please tick Mr 🔲 Mrs	☐ Mis	ss 🗌	Ms		Other title (for example, Rev)
Surname			Fì	rst names	
i am 18 years old o	or over		<u></u>	· ·	Please tick y
Current postal address if different from premises address	,				
Post town				Post Code	
Daytime contact te	lephone n	umber			
E-mail address (optional)					
(B) DETAILS OF O	THER APP	LICANT			
Name and address				50-1.	
Telephone number (i	F 0001			•	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sgt 6555 Peers	
Merseyside Police Licensing	
Wallasey Police Station	
Manor Road Wallasey	•
CH44 1DA	
	<u></u>
Telephone number (if any)	
0151 777 2944	
E-mail address (optional)	
This application to review relates to the following I	icensing objective(s)
	Please tick one or more bo
 the prevention of crime and disorder public safety 	
_, _,,	
the prevention of public nulsance	[]
3) the prevention of public nuisance 4) the protection of children from harm Please state the ground(s) for review (please read of the protection of the protection of children from harm.	uidance note 1)
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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.

,	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

Capacity Licensing Sgt	
Date 23 th October 2008	
Signature DOS	
Signature of applicant or applicant's solicitor or other duly authorised (See guidance note 4). If signing on behalf of the applicant please state capacity.	
Part 3 - Signatures (please read guidance note 3)	
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING A TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION	
I understand that if I do not comply with the above requirements my-application-will-be-rejected my-application-will-be-rejected my-application-will-be-rejected	
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	⊠

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 I	rocedure	Rules 20	05, Rule	27.1)	
	URN			· · ·	
Age if under 18: O.D. (if over 18 insert 'over 18'). Occupation:					
This statement (consisting of page(s) each signed by me) is true and belief and I make it knowing that, if it is tendered in evidence, I shall stated in it, anything which I know to be false or do not believe to be true.	to the bes	st of my k	nowledge ecution i	e f I have	wilfull
Signature:	I	Date_Z	6/4/	00	
Tick if witness evidence is visually recorded (supply witness det	ails on re	ar)			 -
at the address stated overleaf.	·			live	
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gnature: Signature witnessed by:			 	<u>-</u>	
					

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 SIA 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

Harvar - Games red



Premises Licence Number: LN/206001104

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)

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

Annexe 2 - Conditions consistent with your Operating Schedule

General

All staff will be trained and knowledgable 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.

•	Current public entertainment licence conditions to apply.
	•

Annexe 3 - Conditions attached after hearing by the Licensing Authority

Metropolitan Borough of Wirral Local Government (Miscellaneous Provisions) Act 1982 – Schedule 1 (as amended)

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** 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:

have received training and written instructions a) 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
- 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 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 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.

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.

Fire Notices

Notices detailing the actions to be taken in the event of a fire or other emergences, 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 The facilities for and the preparation of food and drink Regulations 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 The Licensee/person nominated by the Licensee shall comply with any other statutory requirements and statutory requirement provide any necessary certification as required by the Chief Fire Officer, Merseyside Police, Environmental Health and any other responsible body. 32. Production of Relevant If required by the Licensing Authority any insurance Insurance Documents 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, Explosives, inflammable liquids or highly inflammable inflammables, Smoke or articles shall not be brought into or used in any portion Fog-producing of the licensed premises. Flash powder, smoke or fog-Machines 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)