

Entertainment Facilities (Facilities for Dancing)

Friday to Sunday 19:30 to 01:00

Entertainment Facilities (Facilities for Making Music and Anything of a Similar Description) - UNCHANGED

Friday to Sunday 20:00 to 00:00

Non Standard Timings

When New Years Eve falls on a Monday to Thursday the above Qualifying Club Activities have been requested to be extended as follows:

New Years Eve - 19:30 to 01:00

The applicant had also requested to remove the following condition currently imposed on the Club Premises Certificate:

- Live Music (only) is permitted within a marquee on two occasions per year.

Following representations received from Environmental Health, the Secretary had agreed to limit the number of occasions that the marquee may be used to three occasions per year. The Secretary had also agreed to reduce the hours requested within the marquee to 00.00 for the days requested as a consequence. Environmental Health had subsequently withdrawn their representation.

In respect of this application, a representation had been received from two local residents. The representations related to noise coming from the Club and excessive noise from Entertainment coming from the marquee which is currently a problem to local residents. Copies of the representations were made available.

The Licensing Officer confirmed that all documents had been sent and received.

Mr J Mitchell, Club Chairman attended the meeting and addressed the Sub Committee and gave a brief description of the premises. The reason for the application was that the Cricket Club was looking to increase revenue and the bar was vital to ensure the Club's survival. He explained that cricket players may not attend events until 9.30am if they were coming from away matches/events. He reported that the Cricket Club performed an important role in the local community.

Mr Mitchell responded to questions from Members of the Sub Committee.

Members listened carefully to the evidence provided and determined the application with regard to the four licensing objectives. Members noted the fact that no representation had been made from Wirral Safe Guarding Children Board, Trading Standards, Environmental Health (Health & Safety), Planning Authority, Merseyside Police and the Fire Authority regarding this application.

In determining the application the Licensing Act 2003 Sub Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Department of Culture, Media and Sport Guidance issued under Section 182 of the Licensing Act 2003.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application to vary the Premises Licence under the provisions of the Licensing Act 2003 be granted as follows:

Supply of Alcohol

Monday to Thursday 11:00 to 00:00
Friday to Sunday 11:00 to 00:30

Hours Open to Members and Guests

Monday to Thursday 10:00 to 00:00
Friday to Sunday 10:00 to 01:00

Regulated Entertainment (Live Music)

Friday to Sunday 19:30 to 00:00

Regulated Entertainment (Recorded Music)

Friday to Sunday 19:00 to 00:30

Entertainment Facilities (Facilities for Dancing)

Friday to Sunday 19:30 to 00:30

Entertainment Facilities (Facilities for Making Music and Anything of a Similar Description)

Friday to Sunday 20:00 to 00:00

Non Standard Timings

When New Years Eve falls on a Monday to Thursday the above Qualifying Club Activities have been extended as follows:

New Years Eve - 19:30 to 01:00

Members of the Sub-Committee also resolved to remove the following condition from the Club Premises Certificate:

- **Live Music (only) is permitted within a marquee on two occasions a year**

The Licensing Act 2003 Sub-Committee determined that in addition to the appropriate conditions proposed in the operating schedule, as well as existing conditions on the certificate, the following condition be applied:

- The use of a marquee is limited to three occasions per year giving the Licensing Authority seven days notice prior to any event taking place.
- All Qualifying Club Activities must cease no later than 00:00 in the marquee.

38 **KK FOOD AND WINE, 702 BOROUGH ROAD, BIRKENHEAD**

The Director of Law, HR and Asset Management reported upon an application that had been received from Mathiyaparanam Kokilarajan for the grant of a Premises Licence in respect of KK Food and Wine, 702 Borough Road, Birkenhead, under the provisions of the Licensing Act 2003, for the following hours:

Supply of Alcohol

Monday to Saturday	08:00 to 23:00
Sunday	10:00 to 22:30

Hours Open to the Public

Sunday to Saturday	07:00 to 23:00
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The applicants were required to submit an operating schedule setting out how they would conduct/manage their business in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the licence be granted.

Two representations had been received from Ward Councillors in respect of this application. The representations related to anti-social behaviour which was currently a problem within the vicinity of the premises. A representation had also been received from Devonshire Park Residents Association, which included a petition that contained 30 signatures, which also related to anti-social behaviour within the vicinity of the premises. Copies of the representations and petition were available.

Mr Kokilarajan, his brother and Ms Hussein, Solicitor, acting on his behalf attended the meeting to outline his application. Representatives of the Devonshire Park Residents Association also attended the meeting and made representations on behalf of the petitioners.

The Licensing Officer confirmed that all documents had been sent and received.

Ms Hussein explained that the premises were a very small shop and that the alcohol sold would be confined to a small section for wine behind the counter and beers kept in a fridge. She commented that the sale of alcohol was essential to the business and that no issues had been raised by people backing onto the premises. Mr Kokilarajan also informed the Sub-Committee that himself, his brother or his wife

would always be present on the premises and they all held a Licence. Any new staff employed would be trained. He also reported that appropriate signage would be displayed and that the premises had CCTV cameras both inside and out. Mr Kokilarajans solicitor further noted that she did not believe that anti-social behaviour was a significant issue as she believed Merseyside Police would have made representations against the application.

Mr P McNeale attended the meeting and made representations to the Sub-Committee on behalf of the petitioners. He stated that Borough Road was a unique shopping experience – there were other premises in the area selling alcohol and he questioned the need of another outlet selling alcohol in such a small footfall. He also reported that in the past there had been anti-social behaviour in the area and he now hoped that the status quo would be maintained. Mr McNeale further noted that other shops in the area that sold alcohol closed at 22:00 – this application was for 23:00 which he believed would exacerbate the potential for anti-social behaviour.

Mr Kokilarajan responded to questions from Members of the Sub-Committee and Mr Abraham, legal advisor to the Sub-Committee.

In determining the application the Licensing Act 2003 Sub-Committee had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Department of Culture, Media and Sport Guidance issued under Section 182 of the Licensing Act 2003.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application for a Premises Licence in respect of KK Food and Wine be granted with the following hours:

Supply of Alcohol

Monday to Saturday	08:00 to 23:00
Sunday	10:00 to 22:30

Hours Open to the Public

Sunday to Saturday	07:00 to 23:00
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(3) That the following conditions be attached to the Premises Licence

- **Staff must attend training on under age sales provided by Wirral Trading Standards.**
- **Records of training must be supplied to the Licensing Authority when this training has taken place.**
- **The premises must adopt a Challenge 25 Policy and display the appropriate posters.**