



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

MONDAY 10TH NOVEMBER 2014
AT 2.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors C. J. Spencer, J. M. L. A. Griffiths and P. A. Harrison
(Reserve Member) L. J. Turner

AGENDA

LICENSING SUB-COMMITTEE HEARING PROCEDURES (Pages 1 - 4)

1. Appointment of Chairman for the meeting
2. To receive apologies for absence and notification of substitutes
3. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
4. Application for a Premises Licence in respect of Moto Hospitality Limited. Moto Frankley Service Area (Northbound), M5 Motorway Illey Lane, Birmingham, B32 4AR (Pages 5 - 28)
5. Application for a Premises Licence in respect of Moto Hospitality Limited, Moto Frankley Service Area (Southbound), M5 Motorway, Illey Lane, Birmingham, B32 4AR (Pages 29 - 52)
6. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the

commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

31st October 2014



Bromsgrove
District Council
www.bromsgrove.gov.uk

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- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

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Appendix

LICENSING SUB-COMMITTEE (Premises)

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce members of the Sub-Committee and officers present.
2. The Chairman will ask parties to the proceedings to introduce themselves.
3. In the event the Applicant is not represented, the Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Licensing Officer, Worcestershire Regulatory Services will present the report.
5. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Licensing Officer.
6. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.
7. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Applicant and/or his/her representative.
8. The Chairman will invite the Responsible Authorities to present their representations. New representations must not be raised. The Responsible Authorities will be allowed a total of 10 minutes to present their case(s). If two or more Responsible Authorities wish to address the Sub-Committee the 10 minutes will be divided between them.
9. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Responsible Authorities.
10. All other Parties to the proceedings will be invited to present their representations or elect a spokesperson to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Parties to present their case(s). If two or more Parties wish to address the Sub-Committee the 10 minutes will be divided between them.

Appendix

11. **The Chairman will invite Members of the Sub-Committee, the applicant / applicant's representative and the Responsible Authorities to put any relevant questions to the other Parties**
12. **The other Parties will be invited to sum up. A maximum of 5 minutes will be allowed.**
13. **The Responsible Authorities will be invited to sum up. A maximum of 5 minutes will be allowed.**
14. **The Applicant and/or his/her representative will be invited to sum up. A maximum of 5 minutes will be allowed.**
15. **The Chairman will ask the Legal Advisor if there is any legal advice to be given.**
16. **At the conclusion of the hearing Members of the Sub-Committee, the Legal Advisor and the Democratic Services Officer will withdraw from the meeting room so that the Sub-Committee can reach its decision in private.**
17. **Once the Sub-Committee has reached its decision, all parties will return and the meeting will reconvene. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.**
18. **The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations.**

Please Note:

1. ***Each application coming before the Licensing Sub-Committee will be treated on its own merits, and the Sub-Committee will take its decision based upon:***
 - a) ***the promotion of the four licensing objectives, as given by the Licensing Act 2003, namely:***
 - ***the prevention of crime and disorder;***
 - ***public safety;***
 - ***the prevention of public nuisance; and***
 - ***the protection of children from harm;***
 -
 - b) ***Bromsgrove District Council's Statement of Licensing Policy;***
 - c) ***guidance issued under section 182 of the Licensing Act 2003; and***
 - d) ***the Licensing Act 2003.***
2. ***The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.***
3. ***Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.***
4. ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
5. ***Late evidence will only be considered with the agreement of all parties present.***
6. ***In cases where a decision cannot be given at the end of the hearing, the decision will be made within 5 working days.***
7. ***An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which all parties were notified in writing of the decision of the Licensing Sub-Committee.***

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BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

10 November 2014

APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003

Relevant Portfolio Holder	Councillor R. L. Dent
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jorden – Head of Worcestershire Regulatory Services.
Wards Affected	Uffdown
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 An application under the Licensing Act 2004 [“the Act”] has been made by Moto Hospitality Limited to Bromsgrove District Council [“BDC”] the local licensing authority, for a Premises licence to: 1) sell alcohol off the premises, and 2) provide Late Night Refreshment at the MOTO Frankley Motorway Service Area [“MSA”] (North), M5 Motorway, Illey Lane, Birmingham, B32 4AR.

An objection to the application in relation to the sale of alcohol has been made by the local licensing authority and the matter is brought before the Licensing Sub-Committee for its consideration.

2. RECOMMENDATIONS

- 2.1 **The Sub-Committee is asked to RESOLVE**

whether or not, having regard to the Licensing Act 2003, the four licensing objectives; the Guidance issued under section 182 of the Act; BDC’s Statement of Licensing Policy, the applicant’s proposed Operating Schedule and relevant representations made by responsible authorities;

- 1) **To grant or refuse the application, as shown in the application form attached at Appendix 1 to the report.**
- 2) **If the Licensing Sub-Committee is minded to approve the application;**
 - a) **To attach relevant Mandatory Conditions; and**
 - b) **To consider, with due regard to the statutory licensing objectives and the relevant representation received, whether to attach any appropriate conditions.**

3. KEY ISSUES

Financial Implications

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- 3.1 The Statutory Fee of £635.00 has been paid, and the application has been duly advertised in accordance to the requirements of the Act. Should the application be refused by the Sub-committee, there is a right of appeal to Magistrates Court. The Magistrates may make an order for costs on an appeal.

Legal Implications: General

- 3.2 In considering the application, the Sub-Committee should have regard to the provisions of the Licensing Act 2003 and in considering a decision should also determine an application with regard to the National Guidance issued under s182 of the Act; BDC's Statement of Licensing Policy and the promotion of the licensing objectives which are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm.
- 3.3 The Sub-Committee must also have regard to the representations made and the evidence presented at the hearing.
- 3.4 The Committee must take such of the following steps as it considers necessary to comply with the Act and for the promotion of the licensing objectives:
- (a) Grant the application as asked
 - (b) Modify or impose conditions on the licence, by altering or omitting or adding to them.
 - (c) Reject the application.
- 3.5 Any modification or imposition of conditions must be necessary to promote the licensing objectives.
- 3.6 The Human Rights Act 1998 incorporates human rights under the European Convention into English law. Article 6 provides that, in the determination of a person's civil rights, everyone is entitled to a fair and public hearing.

Legal Implications: Particular to the Application:

- 3.7 An application for a new Premises Licence for Moto Frankley Service Area (North), M5 Motorway, Illey Lane, Birmingham, B32 4AR made by Moto Hospitality Limited was received by Bromsgrove District Council on the 19th September 2014 for the:

Sale of alcohol off the Premises: Monday to Sunday 07:00 – 23:00.
Late Night Refreshment: Monday to Sunday 23:00 – 05:00.

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A copy of the application is attached as **Appendix 1**.

- 3.8 A representation has been received from Bromsgrove District Council, in its capacity as the Local Licensing Authority, on the basis that the premises would appear to be “excluded premises” as defined in s176 and accordingly should not be licensed for the sale of alcohol.

A copy of the representation is attached at **Appendix 2**

NOTE: No objection has been raised in relation to the granting of a premises licence for the provision of late night refreshment

3. 9 In relation to the sale of alcohol, s 176 Licensing Act 2003 provides:

(1) “No premises license, club certificate or temporary event notice has the effect to authorise the sale by retail or supply of alcohol on or from excluded premises.

(2) In this section “excluded premises” means— .

(a) premises situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes); or

(b) premises used primarily as a garage or which form part of premises which are primarily so used.

(3) [not relevant]

(4) For the purposes of this section—

(a) “special road” and “special road authority” have the same meaning as in the Highways Act 1980 (c. 66), except that “special road” includes a trunk road to which (by virtue of paragraph 3 of Schedule 23 to that Act) the provisions of that Act apply as if the road were a special road,

(b) “class I” means class I in Schedule 4 to the Highways Act 1980 as varied from time to time by an order under section 17 of that Act, but if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in subsection (2)(a) to traffic of class I so as to take account of the additional class

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- 3.10 In submitting its application for the sale of alcohol to the local licensing authority, for consideration under the Licensing Act 2003, the applicant has indicated that it considers that the premises are not “excluded premises” for the purposes of the Act.”
- 3.11 The BDC representation is that as the site comprises an “excluded premises”, it would be inappropriate for the Sub-Committee to grant a licence for the sale of alcohol in relation to them.
- 3.12 Whether the application site comprises “excluded premises” for the purposes of the Act is part of the determination to be made by the Sub-Committee and whether to consider granting a licence for the sale of alcohol under the Licensing Act 2003, and if so on what terms.
- 3.13 Prior to 1992, the Department of Transport had responsibility for developing MSAs: acquiring land, funding construction and leasing the completed sites to operating companies. This is the status of the Frankley Motorway Services Areas. The site was sold to Granada in 1995 and to the applicant in 1999.
- 3.14 Since 1992, government policy has been that the private sector should acquire MSA sites and seek planning consent from local planning authorities to develop and open MSAs
- 3.15 The applicant takes the view that since the sites are now in their private ownership, they qualify for consideration by the local licensing authority to be licensed under the Licensing Act 2003.
- 3.16 The BDC objection is based on the premise that as the site was originally acquired by a special road authority its status is that of “excluded premises” for the purposes of the Licensing Act, and that being sold into the private sector since then does not alter that status.
- 3.17 In 2012 the Home Office carried out consultation on reviewing the prohibition on the sale of alcohol from MSAs but no proposals have as yet been forthcoming.

Service/Operational Implications

- 3.18 The Licensing Authority is required to comply with the statutory timescales for arranging hearings under the Licensing Act 2003.

Customer / Equalities and Diversity Implications

- 3.19 The Licensing Sub-Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to

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eliminate discrimination and to increase equality of opportunity.
Applications received will be treated in accordance with BDC's Equal Opportunities policy.

4. RISK MANAGEMENT

4.1 None

5. APPENDICES

Appendix 1 Application Form

Appendix 2 Objection letter from Local Licensing Authority

6. BACKGROUND PAPERS

Licensing Act 2003

Guidance under S182 of the Licensing Act 2003

BDC Statement of Licensing Policy

AUTHOR OF REPORT

Name: Sayful Alom – Licensing Officer

E Mail: sayful.alom@worcsregservices.gov.uk

Tel: (01905) 822799

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Bromsgrove District Council

Application for a premises licence to be granted
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.

We Moto Hospitality Ltd

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Moto Frankley Service Area Northbound M5 Motorway Illey Lane			
Post town	Birmingham	Post code	B32 4AR
Telephone number at premises (if any)	0121 550 3131		
Non-domestic rateable value of premises	£390,000		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | <input checked="" type="checkbox"/> | please complete section (B) |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Moto Hospitality Ltd
Address Toddington Service Area Junction 11/12 M1 Southbound Toddington LU5 6HR
Registered number (where applicable) 00734299
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year		
A	S	A

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year		

A

Please give a general description of the premises (please read guidance note 1)

A Motorway Service Area adjacent to the M5 Motorway providing a rest area with the provision of hot food. The amenity area is open on a 24 hour basis and includes franchise operations for popular and household named operators.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)

Agenda Item 4

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>	
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>	
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)	
Day	Start	Finish		
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
State any seasonal variations for indoor sporting events (please read guidance note 4)			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3)	
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			State any seasonal variations for the performance of live music (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		

G

Performances of dance Standard days and timings (please read guidance note 6)			Indoors <input checked="" type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish			
Mon			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)		
Tue					
Wed			Please give further details here (please read guidance note 3)		
Thur			State any seasonal variations for the performance of dance (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Mon					
Tue					
Wed			Please give further details here (please read guidance note 3)		
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23:00	05:00			
Tue	23:00	05:00			
Wed	23:00	05:00			
Thur	23:00	05:00			
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun	23:00	05:00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	07:00	23:00			
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	23:00			
Fri	07:00	23:00			
Sat	07:00	23:00			
Sun	07:00	23:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	Linda Mary Parslow
-------------	--------------------

Address [REDACTED]	
Postcode	[REDACTED]
Personal Licence number (if known) 18050780	
Issuing licensing authority (if known) Bromsgrove District Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00:00	24:00	
Tue	00:00	24:00	
Wed	00:00	24:00	
Thur	00:00	24:00	
Fri	00:00	24:00	
Sat	00:00	24:00	
Sun	00:00	24:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Moto Hospitality operate amenity areas through the country to include the provision of the sale of alcohol. Moto Hospitality have a significant amount of data to support the provision of such amenities and the positive impact upon their customers.

The promotion of the four licensing objectives at their other units confirms not only to robust and an informed approach to the retail of alcohol but also demonstrates a unique knowledge of the operation of Service Areas and the requirements of customers who frequent them.

Issues identified in previous applications relating to the provision of alcohol under the Sporting Events (Control of Alcohol) Act 1985 have been considered at all of the areas currently supplying alcohol through Marks & Spencer PLC. There has never been an issue in respect of consumption of alcohol in motor vehicles travelling to football matches from customers who have visited Moto Service Areas as advised by any Police Force. Whilst the operators are aware of their responsibilities in respect of the Act, there is currently no evidence that would suggest that those wishing to attend football matches and using motor vehicles also use Moto Service Areas to obtain alcohol.

b) The prevention of crime and disorder

1. The siting of the CCTV system will be agreed with Bedfordshire Police prior to installation and will comply with that agreement at all times.
2. The system is to be operational at all times when licensed activities are being carried out. The system is to be adequately maintained and be capable of downloading recorded material onto removable media.
3. CCTV footage will be made secure and retained for a minimum of 28 days. CCTV footage to be supplied to the Police and authorities officers of Central Bedfordshire Council upon request.
4. At all times when the premises are open to the public there will be a member of staff on duty who is conversant with the operation of the CCTV system and who is able to download immediately any footage as requested by the Police or an officer from Bromsgrove District Council.

c) Public safety

1. Fire safety measures and procedures are in operation in accordance with Fire Safety Regulations.
2. Provision will be made for the disabled to ensure safe evacuation in the event of fire or other emergency and general access.

d) The prevention of public nuisance

1. Procedures will be established to prevent noise disturbance from deliveries and all plant and machinery.
2. Measures will be in place to ensure the proper disposal of all waste.

e) The protection of children from harm

1. Staff will be trained to ensure that in case of any doubt whether a purchaser is over the age of 18, sale will be refused unless valid identification is produced.
2. Till prompts will remind staff at point of sale of alcohol to ensure the purchaser is over 18.
3. All displays of alcohol will be appropriately ticketed to advise purchasers that it is an offence for those under 18 to purchase alcohol.
4. Till points will be monitored by the digital CCTV system.
5. An Age Challenge Scheme with an Age Challenge of not less than 25 years is in force for persons who appear less than 25.

- | | |
|---|-------------------------------------|
| | Please tick yes |
| • I have made or enclosed payment of the fee or | <input checked="" type="checkbox"/> |
| • I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy | <input type="checkbox"/> |
| • I have enclosed the plan of the premises | <input checked="" type="checkbox"/> |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable | <input checked="" type="checkbox"/> |
| • I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable | <input checked="" type="checkbox"/> |
| • I understand that I must now advertise my application | <input checked="" type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be rejected | <input checked="" type="checkbox"/> |

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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	[Redacted]
Date	17 September 2014
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

[Redacted]
37 Stoney Street
The Lace Market

Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9487410		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[Redacted]			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

NW

**CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS
PREMISES SUPERVISOR**

To be completed in block capitals

I, Linda Mary Parslow of [REDACTED] hereby confirm that I give my consent to be specified as the Designated Premises Supervisor in relation to the application for a New Premises Licence by Moto Hospitality Ltd relating to a Premises Licence for Moto Frankley Service Area Northbound, M5 Motorway, Illey Lane, Birmingham, B32 4AR and any premises licence to be granted or varied in respect of this application made by Moto Hospitality Ltd concerning the supply of alcohol at Moto Frankley Service Area Northbound, M5 Motorway, Illey Lane, Birmingham, B32 4AR.

I also confirm that I hold a personal licence, details of which I set out below:

Personal Licence Number:- 18050780

Personal Licence Issuing Authority:- Bromsgrove District Council

Signed [REDACTED]

Name Printed LINDA MARY PARSLOW

Dated 5/9/14

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**Bromsgrove
District Council**

www.bromsgrove.gov.uk

Licensing Department
Bromsgrove District Council
Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

**Worcestershire
Regulatory Services**

Supporting and protecting you

**TRADING STANDARDS,
ENVIRONMENTAL HEALTH &
LICENSING**

Direct line: 01905 822799

Fax: 01905 617132

Email: wrsenquiries@worcsregservices.gov.uk

Our ref: 14/05269/PREMLI

26 September 2014

Dear Sirs,

Moto Frankley Service Area (North), M5 Motorway, Illey Lane, Birmingham, B32 4AR
Licensing Act 2003 – Application for New Premises Licence

I am writing on behalf of Bromsgrove District Council in its capacity as the licensing authority under the Licensing Act 2003 to make representations in respect of the above application for the grant of a premises licence.

The application seeks authorisation for the use of the premises for the sale by retail of alcohol and the provision of late night refreshment. The licensing authority is concerned that granting the application would have an adverse effect on the promotion of the licensing objective of prevention of crime and disorder for the following reasons.

The licensing authority has received information from the Highways Agency that suggests that the premises are situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class 1 (with or without other classes). As such the premises would appear to be "excluded premises" as defined by section 176 of the Licensing Act 2003.

Section 176 (1) of the Licensing Act 2003 states:

"No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises"

Therefore if a premises licence were granted, and alcohol sold at the premises in reliance on that licence, offences would be committed under section 136 of the Licensing Act 2003, which states:

A person commits an offence if—

- (a) *he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*
- (b) *he knowingly allows a licensable activity to be so carried on.*

continued....

Worcestershire Regulatory Services
PO Box 866, Worcester, WR1 9DP
General Enquiries: 01905 822799 wrsenquiries@worcsregservices.gov.uk www.worcsregservices.gov.uk

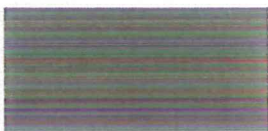
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The licensing authority therefore believes that to grant the part of the application which seeks authorisation for the use of the premises for the sale by retail of alcohol, would be to encourage the commission of serious offences which carry heavy maximum penalties. For this reason the licensing authority objects to the granting of a premises licence in respect of the above mentioned premises which would authorise the use of the premises for the sale by retail of alcohol.

For the sake of clarity, no objection is raised in relation to the granting of a premises licence authorising the use of the premises for the provision of late night refreshment.

If the applicant can produce evidence to satisfy the licensing authority that the premises are not excluded premises, this representation may be withdrawn.

Yours sincerely



Dave Etheridge
Senior Licensing Practitioner
Worcestershire Regulatory Services

On behalf of Bromsgrove District Council

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

10 November 2014

APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003

Relevant Portfolio Holder	Councillor R. L. Dent
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services.
Wards Affected	Uffdown
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 An application under the Licensing Act 2004 [“the Act”] has been made by Moto Hospitality Limited to Bromsgrove District Council [“BDC”] the local licensing authority, for a Premises licence to: 1) sell alcohol off the premises, and 2) provide Late Night Refreshment at the MOTO Frankley Motorway Service Area [“MSA”] (South), M5 Motorway, Illey Lane, Birmingham, B32 4AR.

An objection to the application in relation to the sale of alcohol has been made by the local licensing authority and the matter is brought before the Licensing Sub-Committee for its consideration.

2. RECOMMENDATIONS

- 2.1 **The Sub-Committee is asked to RESOLVE**

whether or not, having regard to the Licensing Act 2003, the four licensing objectives; the Guidance issued under section 182 of the Act; BDC’s Statement of Licensing Policy, the applicant’s proposed Operating Schedule and relevant representations made by responsible authorities;

- 1) **To grant or refuse the application, as shown in the application form attached at Appendix 1 to the report.**
- 2) **If the Licensing Sub-Committee is minded to approve the application;**
 - a) **To attach relevant Mandatory Conditions; and**
 - b) **To consider, with due regard to the statutory licensing objectives and the relevant representation received, whether to attach any appropriate conditions.**

3. KEY ISSUES

Financial Implications

LICENSING COMMITTEE

10 November 2014

- 3.1 The Statutory Fee of £635.00 has been paid, and the application has been duly advertised in accordance to the requirements of the Act. Should the application be refused by the Sub-committee, there is a right of appeal to Magistrates Court. The Magistrates may make an order for costs on an appeal.

Legal Implications: General

- 3.2 In considering the application, the Sub-Committee should have regard to the provisions of the Licensing Act 2003 and in considering a decision should also determine an application with regard to the National Guidance issued under s182 of the Act; BDC's Statement of Licensing Policy and the promotion of the licensing objectives which are:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm.
- 3.3 The Sub-Committee must also have regard to the representations made and the evidence presented at the hearing.
- 3.4 The Committee must take such of the following steps as it considers necessary to comply with the Act and for the promotion of the licensing objectives:
- (a) Grant the application as asked
 - (b) Modify or impose conditions on the licence, by altering or omitting or adding to them.
 - (c) Reject the application.
- 3.5 Any modification or imposition of conditions must be necessary to promote the licensing objectives.
- 3.6 The Human Rights Act 1998 incorporates human rights under the European Convention into English law. Article 6 provides that, in the determination of a person's civil rights, everyone is entitled to a fair and public hearing.

Legal Implications: Particular to the Application:

- 3.7 An application for a new Premises Licence for Moto Frankley Service Area (South), M5 Motorway, Illey Lane, Birmingham, B32 4AR made by Moto Hospitality Limited was received by BDC on the 19 September 2014 for the:

Sale of alcohol off the Premises: Monday to Sunday 07:00 – 23:00.
Late Night Refreshment: Monday to Sunday 23:00 – 05:00.

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A copy of the application is attached as **Appendix 1**.

- 3.8 A representation has been received from Bromsgrove District Council, in its capacity as the local licensing authority, on the basis that the premises would appear to be “excluded premises” as defined in s176 and accordingly should not be licensed for the sale of alcohol.

A copy of the representation is attached at **Appendix 2**

NOTE: No objection has been raised in relation to the granting of a premises licence for the provision of late night refreshment

3. 9 In relation to the sale of alcohol, s 176 Licensing Act 2003 provides:

(1) “No premises license, club certificate or temporary event notice has the effect to authorise the sale by retail or supply of alcohol on or from excluded premises.

(2) In this section “excluded premises” means— .

(a) premises situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes); or

(b) premises used primarily as a garage or which form part of premises which are primarily so used.

(3) [not relevant]

(4) For the purposes of this section—

(a) “special road” and “special road authority” have the same meaning as in the Highways Act 1980 (c. 66), except that “special road” includes a trunk road to which (by virtue of paragraph 3 of Schedule 23 to that Act) the provisions of that Act apply as if the road were a special road,

(b) “class I” means class I in Schedule 4 to the Highways Act 1980 as varied from time to time by an order under section 17 of that Act, but if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in subsection (2)(a) to traffic of class I so as to take account of the additional class

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- 3.10 In submitting its application for the sale of alcohol at the premises, for consideration under the Licensing Act 2003, the applicant has indicated that it considers that the premises are not “excluded premises” for the purposes of the Act.
- 3.11 The BDC representation is that as the site comprises an “excluded premises”, it would be inappropriate for the Sub-Committee to licence them for the sale of alcohol.
- 3.12 Whether the application site comprises “excluded premises” for the purposes of the Act is part of the determination to be made by the Sub-Committee and whether to consider granting a licence for the sale of alcohol under the Licensing Act 2003, and if so on what terms.
- 3.13 Prior to 1992, the Department of Transport had responsibility for developing MSAs: acquiring land, funding construction and leasing the completed sites to operating companies. This is the status of the Frankley Motorway Services Areas. The site was sold to Granada in 1995 and to the applicant in 1999.
- 3.14 Since 1992, government policy has been that the private sector should acquire MSA sites and seek planning consent from local planning authorities to develop and operate them.
- 3.15 The BDC objection is based on the fact that s176 excludes premises from being able to sell alcohol if they were originally acquired by a special road authority regardless of whether they have entered the private sector since then, as in the case of the Frankley MSA
- 3.16 The applicant takes the view that since the sites are now in their private ownership, they qualify for consideration by the local licensing authority to be licensed under the Licensing Act 2003, even if not wholly acquired and developed by a private owner since 1992.
- 3.17 In 2012 the Home Office carried out consultation on reviewing the prohibition on the sale of alcohol from MSAs but no proposals have as yet been forthcoming.

Service/Operational Implications

- 3.18 The Licensing Authority is required to comply with the statutory timescales for arranging hearings under the Licensing Act 2003.

Customer / Equalities and Diversity Implications

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- 3.19 The Licensing Sub-Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity. Applications received will be treated in accordance with BDC's Equal Opportunities policy.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 Application Form

Appendix 2 Objection letter from Local Licensing Authority

6. BACKGROUND PAPERS

Licensing Act 2003

Guidance under S182 of the Licensing Act 2003

BDC Statement of Licensing Policy

AUTHOR OF REPORT

Name: Sayful Alom – Licensing Officer

E Mail: sayful.alom@worcsregservices.gov.uk

Tel: (01905) 822799

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Bromsgrove District Council

**Application for a premises licence to be granted
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.

We Moto Hospitality Ltd

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Moto Frankley Service Area Southbound M5 Motorway Illey Lane			
Post town	Birmingham	Post code	B32 4AR

Telephone number at premises (if any)	0121 550 3131
Non-domestic rateable value of premises	£575,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | <input type="checkbox"/> | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

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* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Moto Hospitality Ltd
Address Toddington Service Area Junction 11/12 M1 Southbound Toddington LU5 6HR
Registered number (where applicable) 00734299
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional) <div style="background-color: black; width: 200px; height: 15px; margin-top: 5px;"></div>

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year			
A	S	A	O		

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year			

A

Please give a general description of the premises (please read guidance note1)

A Motorway Service Area adjacent to the M5 Motorway providing a rest area with the provision of hot food. The amenity area is open on a 24 hour basis and includes franchise operations for popular and household named operators.

There is the provision of a Travelodge Hotel connected to the Service Area and the amenity area is used to provide nourishment for hotel guests.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)

Agenda Item 5

- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

Sun			
-----	--	--	--

C

Indoor sporting events Standard days and timings (please read guidance note 6)	<u>Please give further details</u> (please read guidance note 3)		
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)	<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
Day	Start	Finish	Outdoors <input type="checkbox"/>
Mon			Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)
Wed			
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)
Fri			
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sun			

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E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
Day	Start	Finish			Outdoors <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		Both <input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
Mon					Outdoors <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		Both <input type="checkbox"/>
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	23:00	05:00			
Tue	23:00	05:00			
Wed	23:00	05:00			
Thur	23:00	05:00			
Fri	23:00	05:00			
Sat	23:00	05:00			
Sun	23:00	05:00			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	07:00	23:00			
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	23:00			
Fri	07:00	23:00			
Sat	07:00	23:00			
Sun	07:00	23:00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Linda Mary Parslow

Address [REDACTED]
Postcode [REDACTED]
Personal Licence number (if known) 18050780
Issuing licensing authority (if known) Bromsgrove District Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)	<u>State any seasonal variations</u> (please read guidance note 4)																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Day</th> <th style="width: 15%;">Start</th> <th style="width: 15%;">Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>00:00</td> <td>24:00</td> </tr> <tr> <td>Tue</td> <td>00:00</td> <td>24:00</td> </tr> <tr> <td>Wed</td> <td>00:00</td> <td>24:00</td> </tr> <tr> <td>Thur</td> <td>00:00</td> <td>24:00</td> </tr> <tr> <td>Fri</td> <td>00:00</td> <td>24:00</td> </tr> <tr> <td>Sat</td> <td>00:00</td> <td>24:00</td> </tr> <tr> <td>Sun</td> <td>00:00</td> <td>24:00</td> </tr> </tbody> </table>	Day	Start	Finish	Mon	00:00	24:00	Tue	00:00	24:00	Wed	00:00	24:00	Thur	00:00	24:00	Fri	00:00	24:00	Sat	00:00	24:00	Sun	00:00	24:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Day	Start	Finish																							
Mon	00:00	24:00																							
Tue	00:00	24:00																							
Wed	00:00	24:00																							
Thur	00:00	24:00																							
Fri	00:00	24:00																							
Sat	00:00	24:00																							
Sun	00:00	24:00																							

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Moto Hospitality operate amenity areas through the country to include the provision of the sale of alcohol. Moto Hospitality have a significant amount of data to support the provision of such amenities and the positive impact upon their customers.

The promotion of the four licensing objectives at their other units confirms not only to robust and an informed approach to the retail of alcohol but also demonstrates a unique knowledge of the operation of Service Areas and the requirements of customers who frequent them.

Issues identified in previous applications relating to the provision of alcohol under the Sporting Events (Control of Alcohol) Act 1985 have been considered at all of the areas currently supplying alcohol through Marks & Spencer PLC. There has never been an issue in respect of consumption of alcohol in motor vehicles travelling to football matches from customers who have visited Moto Service Areas as advised by any Police Force. Whilst the operators are aware of their responsibilities in respect of the Act, there is currently no evidence that would suggest that those wishing to attend football matches and using motor vehicles also use Moto Service Areas to obtain alcohol.

b) The prevention of crime and disorder

1. The siting of the CCTV system will be agreed with Bedfordshire Police prior to installation and will comply with that agreement at all times.
2. The system is to be operational at all times when licensed activities are being carried out. The system is to be adequately maintained and be capable of downloading recorded material onto removable media.
3. CCTV footage will be made secure and retained for a minimum of 28 days. CCTV footage to be supplied to the Police and authorities officers of Central Bedfordshire Council upon request.
4. At all times when the premises are open to the public there will be a member of staff on duty who is conversant with the operation of the CCTV system and who is able to download immediately any footage as requested by the Police or an officer from Central Bedfordshire Council.

c) Public safety

1. Fire safety measures and procedures are in operation in accordance with Fire Safety Regulations.
2. Provision will be made for the disabled to ensure safe evacuation in the event of fire or other emergency and general access.

d) The prevention of public nuisance

1. Procedures will be established to prevent noise disturbance from deliveries and all plant and machinery.
2. Measures will be in place to ensure the proper disposal of all waste.

e) The protection of children from harm

1. Staff will be trained to ensure that in case of any doubt whether a purchaser is over the age of 18, sale will be refused unless valid identification is produced.
2. Till prompts will remind staff at point of sale of alcohol to ensure the purchaser is over 18.
3. All displays of alcohol will be appropriately ticketed to advise purchasers that it is an offence for those under 18 to purchase alcohol.
4. Till points will be monitored by the digital CCTV system.
5. An Age Challenge Scheme with an Age Challenge of not less than 25 years is in force for persons who appear less than 25.

Agenda Item 5

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	[Redacted]
Date	17 September 2014
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

[Redacted]
37 Stoney Street
The Lace Market

Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9487410		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
[Redacted]			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

NW

**CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS
PREMISES SUPERVISOR**

To be completed in block capitals

I. Linda Mary Parslow of [REDACTED] hereby confirm that I give my consent to be specified as the Designated Premises Supervisor in relation to the application for a New Premises Licence by Moto Hospitality Ltd relating to a Premises Licence for Moto Frankley Service Area Southbound, M5 Motorway, Illey Lane, Birmingham, B32 4AR and any premises licence to be granted or varied in respect of this application made by Moto Hospitality Ltd concerning the supply of alcohol at Moto Frankley Service Area Southbound, M5 Motorway, Illey Lane, Birmingham, B32 4AR.

I also confirm that I hold a personal licence, details of which I set out below:

Personal Licence Number:- 18050780

Personal Licence Issuing Authority:- Bromsgrove District Council

Signed

[REDACTED]

Name Printed

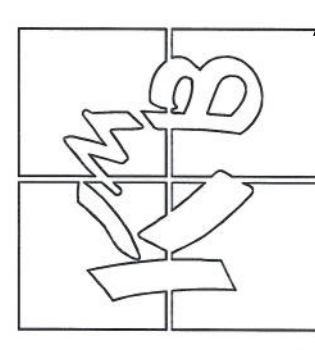
LINDA MARY PARSILOW

Dated

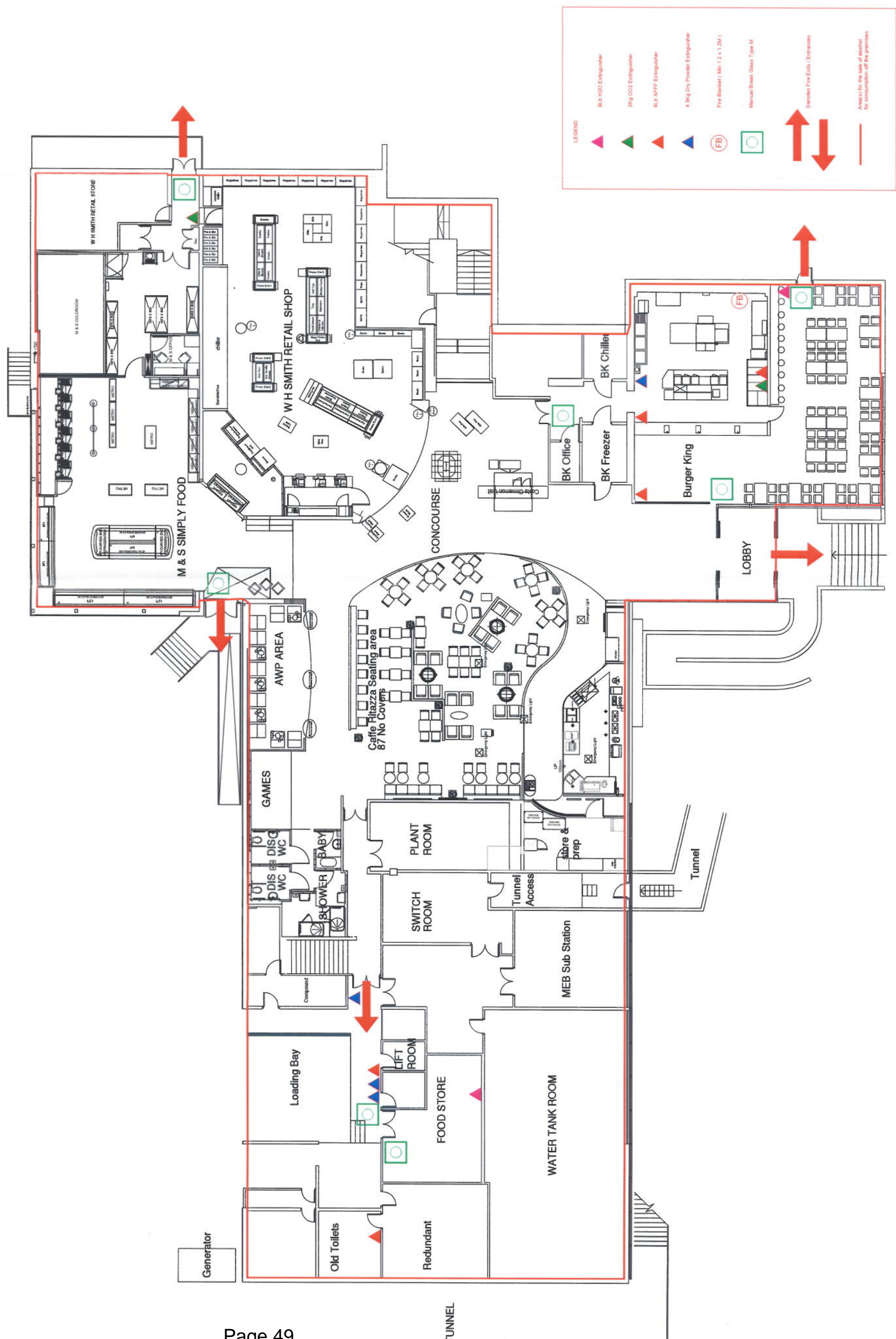
5/9/14

Copyright Moto Hospitality Ltd.
 Do Not Scale This Drawing For Construction Purposes
 CDM - Significant Design Hazards

Rev	Date	Description	Drawn	Checked

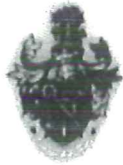


PROJECT: Licensing
 CLIENT: Moto Hospitality Ltd
 SITE: Frankley SB
 SCALE: 1:100 @ A1
 DATE: Sept 2014
 DRAWN BY: GREGORY
 CHECKED BY: DH
 PROJECT NO: 4354_00_33
 ST Luke's Chapel, Burton Road, Stoddart, Manchester, M32 6RB
 T: 0161 477 7799 e: tim@lmb-3d.co.uk



TUNNEL

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**Bromsgrove
District Council**

www.bromsgrove.gov.uk

Licensing Department
Bromsgrove District Council
Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

**Worcestershire
Regulatory Services**

Supporting and protecting you

**TRADING STANDARDS,
ENVIRONMENTAL HEALTH &
LICENSING**

Direct line: 01905 822799

Fax: 01905 617132

Email: wrsenquiries@w.orcsregservices.gov.uk

Our ref: 14/05269/PREML1

26 September 2014

Dear Sirs,

**Moto Frankley Service Area (South), M5 Motorway, Illey Lane, Birmingham, B32 4AR
Licensing Act 2003 – Application for New Premises Licence**

I am writing on behalf of Bromsgrove District Council in its capacity as the licensing authority under the Licensing Act 2003 to make representations in respect of the above application for the grant of a premises licence.

The application seeks authorisation for the use of the premises for the sale by retail of alcohol and the provision of late night refreshment. The licensing authority is concerned that granting the application would have an adverse effect on the promotion of the licensing objective of prevention of crime and disorder for the following reasons.

The licensing authority has received information from the Highways Agency that suggests that the premises are situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes). As such the premises would appear to be "excluded premises" as defined by section 176 of the Licensing Act 2003.

Section 176 (1) of the Licensing Act 2003 states:

"No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises"

Therefore if a premises licence were granted, and alcohol sold at the premises in reliance on that licence, offences would be committed under section 136 of the Licensing Act 2003, which states:

A person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*
- (b) he knowingly allows a licensable activity to be so carried on.*

continued...


Worcestershire Regulatory Services
PO Box 866, Worcester, WR1 9DP
General Enquiries: 01905 822799 wrsenquiries@w.orcsregservices.gov.uk www.worcsregservices.gov.uk

The licensing authority therefore believes that to grant the part of the application which seeks authorisation for the use of the premises for the sale by retail of alcohol, would be to encourage the commission of serious offences which carry heavy maximum penalties. For this reason the licensing authority objects to the granting of a premises licence in respect of the above mentioned premises which would authorise the use of the premises for the sale by retail of alcohol.

For the sake of clarity, no objection is raised in relation to the granting of a premises licence authorising the use of the premises for the provision of late night refreshment.

If the applicant can produce evidence to satisfy the licensing authority that the premises are not excluded premises, this representation may be withdrawn.

Yours sincerely

A large black rectangular redaction box covering the signature of Dave Etheridge.

Dave Etheridge
Senior Licensing Practitioner
Worcestershire Regulatory Services

On behalf of Bromsgrove District Council