

**BROMSGROVE DISTRICT COUNCIL**

**Licensing  
Sub-Committee**

14th January 2013

**APPLICATION FOR A PREMISE LICENCE UNDER THE LICENSING ACT  
2003**

Relevant Portfolio Holder	Councillor Kit Taylor
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 To consider an application for a Premise licence made by Moto Hospitality Limited to sell alcohol off the premise at Moto Frankley Service Area (South), M5 Motorway, Illey Lane, Birmingham, B32 4AR. This application is brought before the Licensing Sub-Committee following receipt of relevant objections.

**2. RECOMMENDATIONS**

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

**whether or not, having regard to the licensing objectives, the Guidance issued under section 182 of the Licensing Act 2003, the District Council'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**

- 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 Licensing Act 2003. Should the application be refused by the Sub-committee, there is a right of appeal to Magistrates Court. Should an appeal be successful the Magistrates may make an order for costs.

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### **Legal Implications**

- 3.2 The Sub-Committee should have regard to any National Guidance set down under S182 of the Licensing Act 2003 and Bromsgrove District Council's Statement of Licensing Policy.
- 3.3 The Committee is obliged to determine this application with a view to 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.
- 3.4 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 3.5 The Committee must take such of the following steps as it considers necessary 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.
- 3.6 The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.
- 3.7 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. In this respect, third parties whose property rights may be adversely affected and, of course, applicants themselves, should be allowed to address the Committee if they

### **Service/Operational Implications**

- 3.8 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 Bromsgrove District Council on the 16<sup>th</sup> November 2012, for the:

Sale of alcohol off the Premises: Monday to Sunday 07:00 – 23:00.

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- 3.9 The Licensing Authority has received a letter of objection from West Mercia Police, objecting to the application made by Moto Hospitality Limited. Malthurst Limited. Copy of the representation is attached as **Appendix 2**.
- 3.10 Attached as **Appendix 3** (copies to be provided on the day) is the response from Responsible Authorities under the Licensing Act 2003 informing us that they do not have any objections to the grant of the application.

### **Customer / Equalities and Diversity Implications**

- 3.11 None

### **4. RISK MANAGEMENT**

- 4.1 None

### **5. APPENDICES**

Appendix 1 Application Form, Plan  
Appendix 2 Objection letter from Police  
Appendix 3 Response from Responsible Authorities

### **6. BACKGROUND PAPERS**

Licensing Act 2003  
Guidance under S182 of the Licensing Act 2003  
Statement of Licensing Policy

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