



**Bromsgrove  
District Council**

www.bromsgrove.gov.uk

Licensing Department  
Bromsgrove District Council  
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**Worcestershire  
Regulatory Services**

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LICENSING**

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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...

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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

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