

TITLE OF REPORT: **Application for the variation of a Premises Licence:**
Moto Washington (Northbound and Southbound), A1,
Portobello, Birtley, Chester Le Street, DH3 2SJ

REPORT OF: **Strategic Director, Communities and Environment:**
Licensing Officer

1. **PURPOSE OF THE REPORT**

The Sub-Committee is asked to consider the application from Moto Hospitality Limited to vary the premises licence for Moto Washington, A1, Portobello, Birtley, Chester Le Street, DH3 2SJ.

2. **BACKGROUND**

The Application

The application submitted by Moto Hospitality Limited ('Applicant') to vary the premises licence for Moto Washington, A1, Portobello, Birtley, Chester Le Street, DH3 2SJ is attached at Appendix 1.

The variation application that has been submitted seeks to add the sale of alcohol (off the premises) both northbound and southbound in the amenity areas and the forecourt shops Monday to Sunday 07:00-23:00 hours.

Licence history

Moto Hospitality Limited applied for a premises licence for Moto Washington, A1, Portobello, Birtley, Chester Le Street, DH3 2SJ on August 2005. The application was to convert an existing licence to a premises licence for the provision of late night refreshment Monday to Sunday 23:00-05:00 hours

There were no objections to the application and the premises licence was granted in September 2005. The times the Premises Licence authorises the carrying out of licensable activities are:

For the provision of late night refreshment:

Monday to Sunday 23:00 – 05:00 hours

A copy of the Premises Licence is attached at Appendix 1.1

3. **REPRESENTATIONS**

The following representations were received:

- Northumbria Police (Appendix 2)
- Gateshead Council's Licensing Authority (Appendix 2.1)

4. MEDIATION

There has been email correspondence between the parties and the Applicant's agent has confirmed that in order to try and resolve the issues raised their client would be happy to amend the application to remove the sale of alcohol from the forecourt shop but would wish to have the sale of alcohol off the premises from the amenity area as shown in the application. This email is attached at Appendix 2.2.

Northumbria Police and Gateshead Council's Licensing Authority still have concerns.

5. PARTIES

The Parties to the hearing will be:

- a) Moto Hospitality Limited will be represented by a representative from Poppleston Allen
- b) Inspector Michael Robson, Northumbria Police
- c) John Bradley, Licensing Authority

6. FOR CONSIDERATION

The areas for consideration by the Sub-Committee are:

- The variation application
- The representations; and
- Whether or not the variation application should be granted.

7. THE POLICY & GUIDANCE

When carrying out its functions the Sub-Committee must have regard to:

- (a) the Statement of Gateshead Council's Licensing Policy, and
- (b) the Amended Guidance issued by the Secretary of State

Some relevant parts of the Policy and Amended Guidance are reproduced in Appendices 3 and 4.

Also included are Department of Transport Policies as Appendices 5 and 6 and a Home Office Impact Assessment as Appendix 7.

The parties may refer to any part of the Policy and Guidance during the hearing.

8. FOR DECISION

The Sub-Committee is asked to consider the variation application, decide whether or not it should be granted, and if relevant, attach such conditions as it deems appropriate for the promotion of the Licensing Objectives.

APPENDICES

Appendix	1	Application to vary the Premises Licence
	1.1	Premises Licence
Appendix	2	Representation from Northumbria Police
	2.1	Representation from the Licensing Authority
	2.2	Email from Applicant's Agent dated 13 April 2018
Appendix	3	Relevant Extracts from Gateshead Council's Licensing Policy
Appendix	4	Relevant Extracts from the Guidance issued under Section 182 of the Licensing Act 2003
Appendix	5	Department of Transport Policy on Service Area and Other Roadside Facilities on Motoways and All-Purpose Truck Roads in England (2 April 2008)
Appendix	6	Department of Transport The Strategic Road Network and the Delivery of Sustainable Development (10 September 2013)
Appendix	7	Home Office Impact Assessment (18 July 2012)
Appendix	8	Area Plan