



Northumbria Police Licensing
 Central Area Command (Gateshead)
 Eldon Square, Floor 1
 Central Management Office
 Eldon Court, Percy Street
 Newcastle upon Tyne NE1 7JB

Forwarded to:
Licensing@gateshead.gov.uk
a.gardner@popall.co.uk

Date: 4th April 2018

OBJECTION NOTICE UNDER THE LICENSING ACT 2003
 Application to vary a premises licence

Applicant:
Moto Hospitality Ltd

Premises:
Moto Washington
(Northbound and Southband)
A1 Portobello, Birtley,
Chester-le-Street DH3 2SJ

Proposed Variation

- To add the sale of alcohol North and Southband in the amenity area and forecourt shops
- Licensable activities: the sale by retail of alcohol off the premises
- Monday to Sunday between 0700-2300hrs
- Premises are open to the public 24 hours daily

Northumbria Police, hereby give an objection notice to this application to vary the premises licence.

In Birtley anti-social behaviour is already high. We are concerned the sales of alcohol from the premises will increase the existing problems of public disorder and in turn undermine the licensing objectives.

The area and the vicinity of the premises is already experiencing a significant issues with theft. Matters which have to date not been prevented or put sufficiently under control.

Northumbria Police can have no confidence that the applicant can implement measures necessary to prevent the already existing issues with anti-social behaviour & criminal activities from worsening and to achieve the promotion of licensing objectives.

We are satisfied that the licensing objectives of the ' prevention of crime and disorder, public safety and protection of children from harm will be undermined, should the sale of alcohol be permitted.

P.S: Further information will follow

Inpsector 7293 Robson
 Central Area Command



Representations on a Current Application for a Grant/Variation/Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003

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.

I/We (Insert name)

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description	
Moto Washington (Northbound and Southbound) A1 Portobello, Birtley	
Post Town Gateshead	Post Code DH3 2SJ

Name of premises licence holder or club holding club premises certificate (if known)
Moto Hospitality Limited

Number of premises licence or club premise certificate (if known)
00CH03038

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

- | | |
|--|-------------------------------------|
| | Please
Tick ✓ |
| 1) A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 2) A member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |
| 3) Other persons (Please complete (A) or (B) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

Mr Mrs Miss Ms Other Title (for example, Rev)

Surname

First Names

I am 18 years old or over Yes (Please Tick)

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g Body or Business)

Name and Address
<input type="text"/>

Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address
Licensing Authority
Gateshead Council
Civic Centre
Regent Street
Gateshead, NE8 1HH

Telephone Number (If any)	0191 433 4741
E-Mail address (optional)	Licensing@gateshead.gov.uk

This representation relates to the following licensing objective(s)

	Please Tick ✓
1. The Prevention of Crime and Disorder	<input type="checkbox"/>
2. Public Safety	<input type="checkbox"/>
3. The Prevention of Public Nuisance	<input type="checkbox"/>
4. The Protection of Children From Harm	<input type="checkbox"/>

Please state the ground(s) for representation (please read guidance note 1)

The Licensing Authority (in its capacity as a Responsible Authority) have a number of concerns regarding this application to vary the current Licence to allow the sale of alcohol (off the premises) 0700 to 2300 seven days a week from the North and South bound service and forecourt areas.

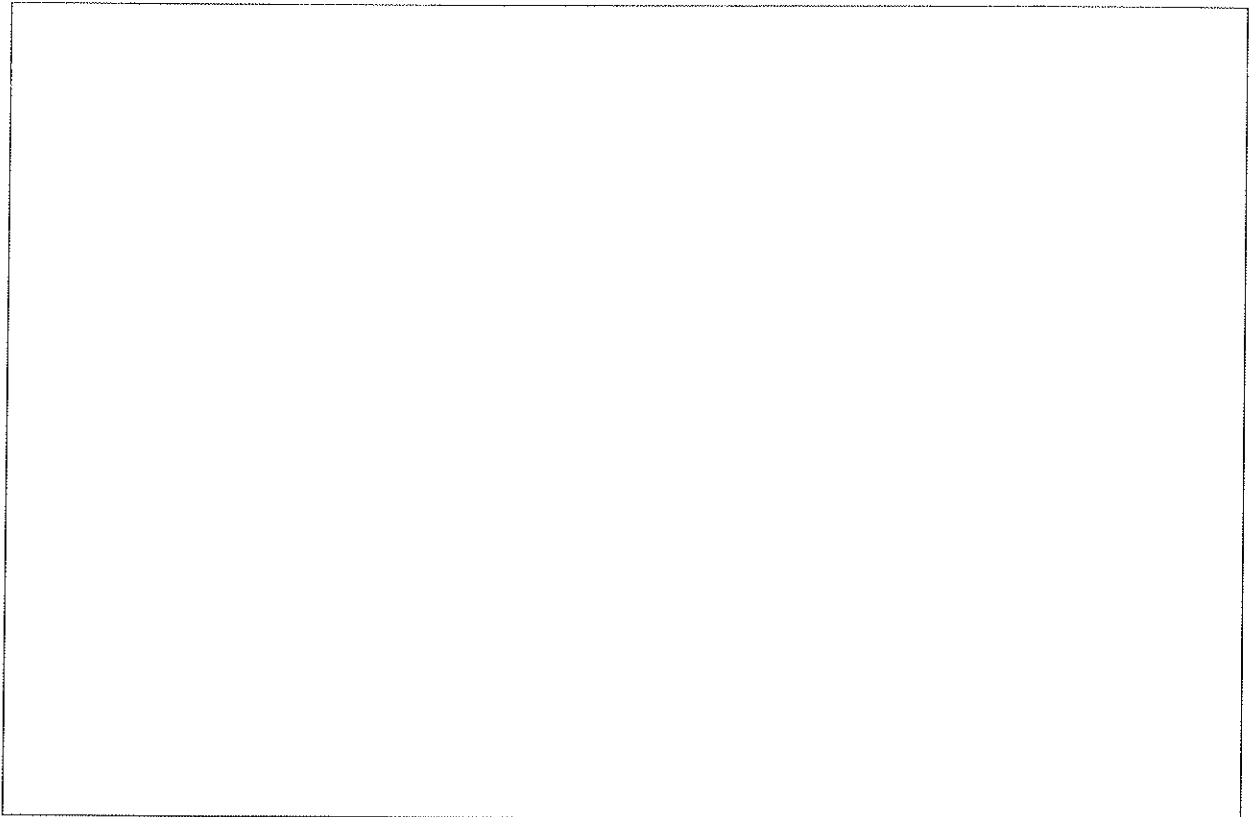
An email was sent to the applicant's agent on 29 March 2018 raising a number of concerns. No response has been received to date as such those concerns remain outstanding.

There are separate concerns regarding more specific issues such as for example, no coverage of external areas with CCTV and patrons leaving in close proximity to hotel premises possibly following a night out having arrived by taxi and stocked up on alcohol to continue drinking. This adds a new dimension to the existing operation.

There is also a concern that the already high levels of anti-social behaviour may be worsened by the addition of alcohol sales in this location and it has not been adequately demonstrated that management arrangements could overcome this concerns or others.

In light of the above the Licensing Authority considers that all four Licensing objectives will be undermined.

The Authority reserves the right to make further submissions in accordance with the relevant legislation and regulations.



Please provide as much information as possible to support the representation

(Please read guidance note 2)

Email sent to applicant on 29/3/18 attached.


Please
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premises please state what they were and when you made them.

 **How We Collect And Use Information**

The information collected, on this form and from supporting evidence, by Gateshead Council will be used to process your application. The information may be passed to other Enforcement Agencies as permitted by law.

We may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties, or give information to them to check the accuracy of information, to prevent or detect crime, or to protect public funds in other ways, as permitted by law. These third parties include Government Departments and local authorities.

We will not disclose information about you to anyone outside Gateshead Council nor use information about you for other purposes unless the law permits us to.

Gateshead Council is the Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about what information we have about you, or the way we use your information, you can ask at Civic Centre, Regent Street, Gateshead, NE8 1HH

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representatives solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

Signature	Licensing Authority	Date	4/4/18
Capacity	Licensing Authority in its capacity as a Responsible Authority		

Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5)	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

Notes for Guidance

1. The ground(s) for representation **must** be based on one or more of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this representation.
6. For further information about the Licensing Act 2003 please contact: The Licensing Act Section, Development & Public Protection, Civic Centre, Regent Street, Gateshead Tyne and Wear NE8 1HH
Tel: 0191 433 3918 or 0191 433 3178

Rebecca L Sparrow

From: John Bradley
Sent: 29 March 2018 15:38
To: 'a.gardner@popall.co.uk'
Subject: Moto Hospitality Limited - Premises Licence Application - Gateshead Council
Attachments: chart.jpg

Dear Sir/ Madam,

Your client : Moto Hospitality Limited

Re : Licensing Act 2003

Premises Licence Application : Moto Washington (Northbound and Southbound) A1 Portobello Birtley
DH3 2SJ

I am writing to you on behalf of Gateshead Licensing Authority in its capacity as a Responsible Authority under the Licensing Act 2003.

I note your client's application for a premises licence to sell alcohol at Moto Washington services ("the Premises") for consumption off the premises between the hours of 7am and 11pm every day.

I am concerned that section 176 of the Act appears to have been drafted with the intention of excluding premises of a similar description to the Premises from being authorised for the sale by retail of alcohol. As you will be aware, subsection 2(a) refers to, "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", and the A1 is a special road for these purposes.

Your client will be aware also of the Department for Transport Policy on Service Areas and Other Roadside Facilities on Motorways and All-Purpose Trunk Roads in England dated 2 April 2008, paragraph 116 of which states, "There is to be no sale or consumption of alcohol anywhere on the premises of a MSA or MRA" (i.e. motorway service area or motorway rest area).

Your client will be aware also that in 2012 the Government consulted on potentially removing the prohibition on the sale of alcohol at motorway service areas. The Impact Assessment produced as part of that consultation recognised the risk, "of an increase in alcohol related crime and health harms due to increased consumption". The Impact Assessment also recognised, "public order concerns surrounding the enforcement of legislation prohibiting the consumption of alcohol on vehicles travelling to football matches"; and a lack of clarity, "based on current evidence, whether this policy would have any potential impact on drink driving incidents". The proposals were not taken forward so the prohibition remains in place. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157767/ia-motorway-service-area.pdf

Your client will be aware, also, that the Premises are located in an area with a relatively high crime rate, as shown in the attached chart which is further particularised from the following website - <https://www.crime-statistics.co.uk/postcode/DH32SJ>

There is also a concern that the two forecourt areas may be precluded from being licenced by virtue of Section 176 (2) (b). As such the Licensing Authority would request that data be provided to confirm that the forecourt sites are not 'excluded premises'.

Based on these concerns, the Authority's intention is to submit a representation in respect of your client's application setting out concerns regarding the promotion of the licensing objectives of the prevention of crime and disorder and public safety.

I would welcome your client's comments.

Yours faithfully,

John Bradley

Reference:

John Bradley
Development and Public Protection
Communities and Environment
Gateshead Council
Civic Centre, Regent Street, Gateshead, Tyne & Wear, NE8 1HH.

Tel No: (0191) 433 3905
Fax No: (0191) 477 4827
E-mail: johnbradley@gateshead.gov.uk
Website: www.gateshead.gov.uk

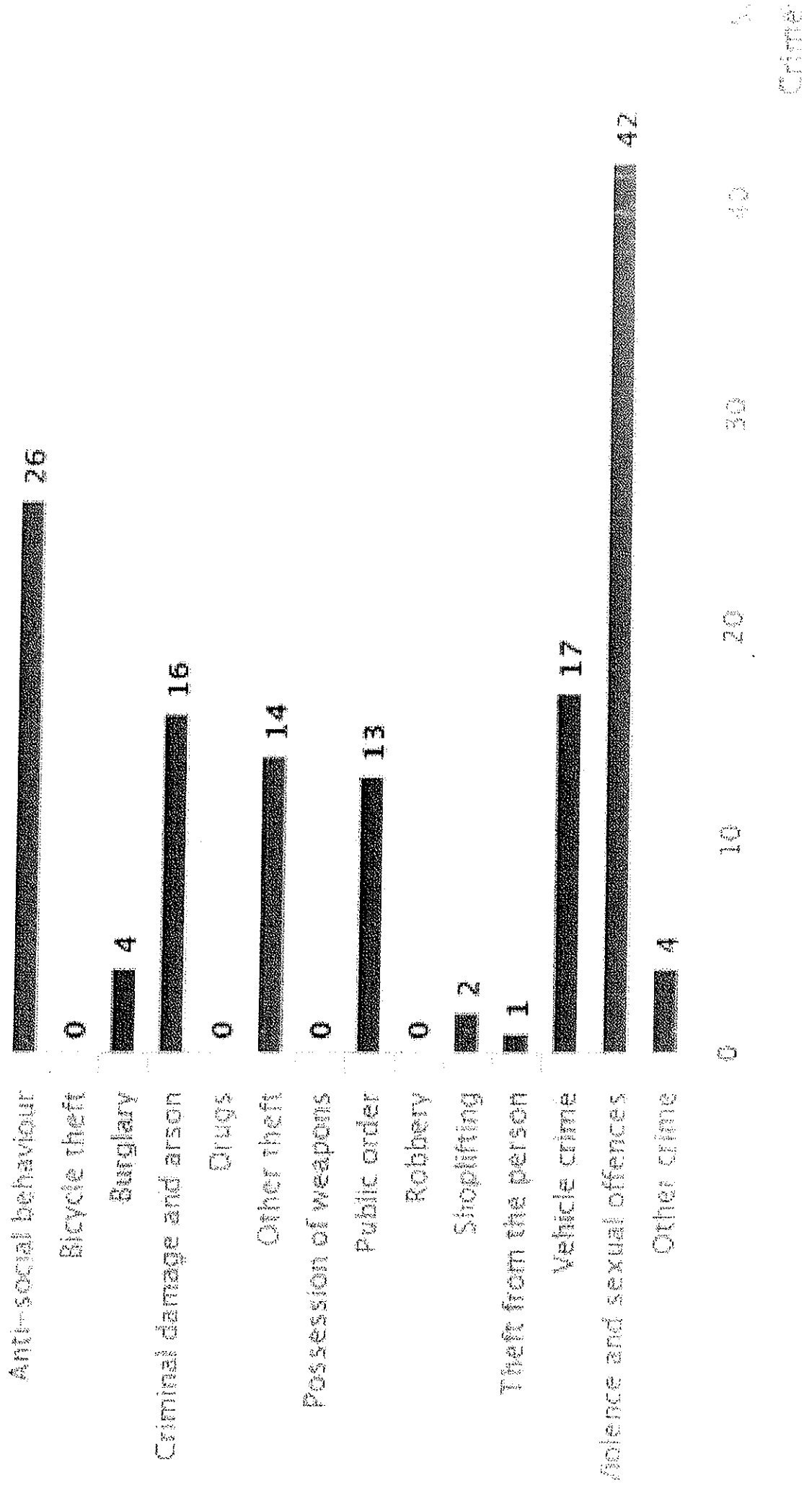
For Restricted and Confidential information, please send to my secure email address
johnbradley@gateshead.gcsx.gov.uk

In the interests of the environment, please only print this email if absolutely necessary.

Please note: On 17 January 2018 the planning fees will increase so that any applications validated after the end of the day on the 16 January 2018 will require the increased fee. The relevant legislation can be accessed via the link below:

<http://www.legislation.gov.uk/uksi/2017/1314/contents/made>

Number of Crimes in Birtley, Tyne and Wear, DH3 2SJ, England January 2018



Rebecca L Sparrow

From: Angie Gardner <A.Gardner@popall.co.uk>
Sent: 13 April 2018 11:26
To: CE Licensing^; 'Ivana Draper 6544'
Subject: RE: Moto Hospitality Ltd - Moto Washington

Morning Rebecca / Ivan

Apologies for the delay in responding to you. As you know we were awaiting a conversation with the client regarding your representations.

Having now spoken to the client they are struggling to make a date to meet and discuss the application. However, to try and resolve the issues raised our clients 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 applied for.

We are in the process of obtaining the forecourt shop back from Shell UK Limited and this is currently being negotiated so the removal of this from our current application is probably the most sensible action.

In terms of the email received from John Bradley on 29th March 2018 regarding "Special Road Authority" I would point out that whilst the sites were originally acquired by "Special Road Authority" they are now privately owned and as such do not engage Section 176 of the Licensing Act 2003 which states inter alia "excluded premises means – 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 1 (with or without other classes).

The title to the land is owned by Moto Hospitality Limited and no longer falls within the description of "excluded premises".

This is the case for most Moto Amenity Areas and is the reason we now have sale of alcohol both on and off the premises, in some sites, for around 70 motorway service amenity areas.

We believe our clients have taken all reasonable and responsible steps to alleviate any issues regarding the inclusion of the sale of alcohol off the premises by including a Challenge 25 policy, CCTV within the premises, trained staff to deal with the sale of alcohol and keeping records of this training.

I would be grateful for your response to the above by return but am happy to discuss any further points with you should you wish to call me.

Thanks

From: CE Licensing^ [mailto:Licensing@Gateshead.Gov.UK]
Sent: 09 April 2018 15:50
To: Angie Gardner
Subject: RE: Moto Hospitality Ltd

Hi Angie

Please see the attached notice of hearing in relation to the variation application from Moto Hospitality Ltd. A hearing has been arranged for Tuesday 24th April 2018 at 1.30pm at Gateshead Civic Centre.

This hearing has been arranged in case a mediation meeting cannot be arranged or if a meeting goes ahead but is unsuccessful. I was wondering whether you had heard back from your client yet as to whether they wished to attend a mediation meeting?

I look forward to hearing back from you.

Kind regards

Rebecca Sparrow
Licensing Officer
Development & Public Protection

: Direct Line 0191 433 3178

: Ext 3178

<mailto:rebeccasparrow@gateshead.gov.uk>

Gateshead Council Website: www.gateshead.gov.uk

In the interests of the environment, only print this email if absolutely necessary.

From: Angie Gardner [<mailto:A.Gardner@popall.co.uk>]

Sent: 05 April 2018 13:55

To: CE Licensing^

Subject: RE: Moto Hospitality Ltd

Hi Rebecca

I will be speaking to my client regarding the representations. I have sent a separate email to John regarding his rep as I had not had previous sight of this email (albeit I was on holiday for the last week and half).

I will come back to you with a response as soon as possible.

Thanks

Angie Gardner | Paralegal

Poppleston Allen

E: A.Gardner@popall.co.uk | T: 0115 9349 157 | M: 07967 642 424 | W: www.popall.co.uk

Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS



Announcing Virtual Pub

You can now learn how to spot and solve common licensing problems with this simple free training video.



From: CE Licensing^ [<mailto:Licensing@Gateshead.Gov.UK>]

Sent: 05 April 2018 10:55

To: Angie Gardner

Subject: Moto Hospitality Ltd

Good Morning Angela

As you aware the last date for representation on your application to vary the premises licence for Moto Hospitality Ltd, A1, Portobello, Birtley, DH3 2SJ was yesterday. Objections were received from the Licensing Authority and Northumbria Police. I have attached these objections for your information.

I think a mediation meeting may assist. Would this be something that your client would be willing to attend? If so, could you provide some dates that you and your client would be available and will try and arrange with the Licensing Authority Responsible Authority Representative and the Police.

I look forward to hearing back from you.

Kind regards

Rebecca Sparrow
Licensing Officer
Development & Public Protection

☎ : Direct Line 0191 433 3178
☎ : Ext 3178
✉ <mailto:rebeccasparrow@gateshead.gov.uk>
🌐 Gateshead Council Website: www.gateshead.gov.uk

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