

# **LICENSING SUB-COMMITTEE MINUTES OF THE MEETING HELD ON MONDAY, 16 MARCH 2015**

**Councillors Present:** Paul Bryant, Manohar Gopal and Andrew Rowles (Chairman)

**Substitute:** Peter Argyle

**Also Present:** Emilia Matheou (Licensing Officer), Elizabeth Varcoe (Solicitor), Robert Alexander (Policy Officer) and Jude Thomas (Member Services Officer)

## **PART I**

### **1 Declarations of Interest**

There were no declarations of interest received.

### **2 Application No. 1500099LQN - Moto Chieveley Service Area, Oxford Road, Hermitage, RG18 9XX**

Prior to the Licensing Sub-Committee commencing, Mr Leo Charalambides asked if the sub-committee, and all parties present, would be minded to review supplementary information that had already been supplied to the Parish Council and Councillor Hilary Cole (as Ward Member). All parties present approved and Members reviewed the supplementary information.

*The start of the Licensing Sub-Committee was delayed until 2:05pm to allow those present to digest the information.*

The Sub-Committee considered a report (Agenda Item 2(1)) concerning Licensing Application 15/00099/LQN in respect of Moto Chieveley Service Area, Hermitage.

In accordance with the Council's Constitution, Emilia Matheou (Licensing Officer, West Berkshire Council), Mr Leo Charalambides (Counsel for Moto Services) with Mr Tim Moss (CEO Moto Services) and Councillor Hillary Cole (Ward Member and Objector) addressed the Sub-Committee on this application.

Ms Emilia Matheou, in addressing the Sub-Committee, raised the following points:

- West Berkshire Council received an application made under Section 34 of the Licensing Act 2003 for a premises licence for Moto Chieveley Service Area, Hermitage.
- The application was accepted on 20<sup>th</sup> January 2015 and the responsible authorities were advised of the application by email the same day.
- The new application was for the provision of the sale of alcohol in a restaurant. Monday to Sunday from 11:00 to 23:00 hours - for consumption on the premises only.
- The 28 day consultation period ran until the 18<sup>th</sup> February 2015.
- During the statutory consultation period of 28 days, two representations had been received; the first, by Chieveley Parish Council and the second by Councillor Hillary Cole.
- The objections took into account two of the licensing principles; "The prevention of crime and disorder" and "the protection of children from harm".
- The Parish Clerk of Chieveley notified the local authority on the 13 March 2015 that following subsequent information from Mr Nick Walton, the agent, they had decided

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to no longer object to the application and therefore the licensing authority were minded to class this as a withdrawal of representation.

- The application had been advertised in accordance with the regulations with blue notices displayed at the premises, witnessed by an officer and by publishing a notice in a local newspaper.
- No representations were received from Responsible Authorities.

Councillor Paul Bryant sought clarification on a point within the applicant's submissions which stated that the sale of alcohol was designed to complement a meal. Emilia Matheou confirmed that if Members were minded to permit licensing the applicant to sell alcohol for consumption on the premises, no restrictions could be placed on the type of alcohol offered. Ms Matheou confirmed that another premise on the site, Marks and Spencer Simply Food, had a license for the sale of alcohol for consumption off the premises.

Mr Leo Charalambides, in addressing the Sub-Committee, raised the following points:

- The application was seen as modest for the site and Moto Hospitality was already a licence holder at the site.
- The site was highly regulated due to the adult gaming section and the sale of fuel. There had not been any issues in the 20 years Moto had been operating at the site and this was evident in no responsible authorities being present. Moto Services currently had 64 premises licenses.
- The due diligence of the Designated Premises Supervisors was recorded in a folder. However due to the location and requiring to drive to reach it, it was not viewed as being at risk of having a high number of under age attempts to purchase alcohol.
- It was mentioned that the restaurant would be Moto's own brand and was a new venture for the group. It would aim to source local staff and local foods and was already in talks with a bakery in Newbury.
- Despite the menu not being available it was proposed that there would be 12 wines, 3 ciders, 5 lagers and one draught available. Mr Charalambides alluded to the fact that this would be deemed as an adult offering for diners.
- Mr Charalambides informed the sub-committee that a similar site at Donnington Services only sold, on average, 35 drinks a day and the average spend was £6.75.
- The concern raised by the Ward Member in regards to increased risk of drink driving was addressed. Mr Charalambides allowed that it was a natural assumption and advised that Moto Services sought to cater for customers who were settled on or near the premises overnight including customers of the Travelodge, Lorry Park and Hilton Hotel. Moto sought to encourage customers to park, sit and rest and this was compliant with road safety recommendations.
- The closing remark made by the applicant was that there were 12 to 15 personal licence holders at Moto Chieveley, which would mean there would be 3 or 4 personal licence holders on the premises at any one time.

Councillor Andrew Rowles queried whether the red line on the location plan should be extended to include the seating area. Mr Leo Charalambides responded that the seating area for the restaurant was inside the red line and was more visible in the supplementary pack. Mr Charalambides further mentioned that the flooring in the venue would make it clear when you left the restaurant area as it would be a different design.

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Councillor Paul Bryant enquired when Moto Services had their first premises licence granted. Mr Tim Moss replied that it was 1986 in Exeter and that all 64 licences were for Service Stations on transportation routes.

Councillor Hilary Cole, in addressing the sub-committee, raised the following points:

- The main concern was the message that was sent out regarding the sale of alcohol at service stations. Councillor Cole believed that as a local authority it was sending out the wrong message granting this application.
- The nature of a service station might mean diners consumed alcohol and then returned to driving after doing so.
- The Health and Wellbeing Strategy adopted by West Berkshire Council listed alcohol as its fifth priority, approving this application would be a contradictory message.
- The seating area was open and visible to children.
- The area was well provided for alcohol and refreshments, Councillor Cole mentioned the Fox and Hounds pub was not too far away and the Hilton Hotel had a restaurant and bar area.

Councillor Paul Bryant sympathised with Councillor Cole, however he mentioned that with 64 other premises licenses he could not see how the application could be denied. Councillor Cole responded that it was a subject she felt strongly about and that was why she made a representation. Councillor Cole questioned how many of the 64 licenses had been reviewed or revoked.

Mr Leo Charalambides thanked Councillor Cole for her representations and addressed the Sub-Committee. He argued that it would not be proper use of Section 18 of the Act to make a decision in order to send a message and stated that messages regarding road safety and alcohol had changed. Mr Charalambides understood that a concern for road safety was a demonstration of a legitimate fear but believed that it did not represent legitimate fact. Mr Charalambides informed the sub-committee that none of the 64 licenses issued had been review or revoked and in closing invited the Sub-Committee to approve the application.

The Sub-Committee retired at 2:37pm to make its decision.

Having taken the representations into account, the Licensing Sub-Committee **RESOLVED** that Application 15/00099/LQN for a Premises Licence at Moto Chieveley Service Area, Oxford Road, Hermitage, RG18 9XX be granted, subject to the conditions set out in the operating schedule and any relevant mandatory conditions as prescribed by the Licensing Act 2003 or secondary legislation.

*(The meeting commenced at 2.05 pm and closed at 2.37 pm)*

**Name** .....  
**Date of Signature** .....

**Name** .....  
**Date of Signature** .....

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