



Ribble Valley  
Borough Council  
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**SECTION 18 LICENSING ACT 2003**  
**NOTICE OF DETERMINATION IN RESPECT OF A HEARING**  
**WHICH TOOK PLACE ON FRIDAY 15 NOVEMBER 2019**  
**TO DETERMINE AN APPLICATION BY MS DIANE MARIA DESPARD**  
**FOR A PREMISES LICENCE IN RESPECT OF DMD DESIGN & THE GIN & TEA LOUNGE**  
**(CURRENTLY MOSS), 1 LOWER LANE, LONGRIDGE, PR3 3SL.**

The Licensing Sub-Committee met on 15 November 2019. The Sub-Committee comprised the following members:

Councillor G Mirfin - Chair  
Councillor N Walsh  
Councillor A Knox

Also in attendance:

Solicitor (RVBC)  
Administration and Licensing (Alcohol & Entertainment) Officer (RVBC)  
Ms D M Despard (applicant)  
Mrs J Rainford (owner of the premises).  
Cllr J Clark (relevant representation)  
M Johnson (relevant representation)  
A P Nelson (relevant representation)  
Y Johnson (relevant representation)  
P Bibby (relevant representation)  
H Knight (relevant representation)  
D Walmsley (relevant representation)  
M Wilkinson (relevant representation)  
D Tennant (relevant representation)  
D Robinson  
E Bibby (relevant representation)  
L Kiernan (relevant representation)  
H Hargreaves (relevant representation)  
J Houghton (relevant representation)  
J Coar  
R Smith (relevant representation)  
M Barton (relevant representation)

The Sub-Committee met to consider the application of Diane Maria Despard for a premises licence in respect of DMD design & the Gin & Tea Lounge (currently Moss), 1 Lower Lane, Longridge, PR3 3SL ("the premises")

The Sub-Committee considered the contents of the report of the Head of Legal and Democratic Services dated 7 November 2019 and its appendices ("**Report**").

The solicitor advised the Sub-Committee that the notices were sufficient to meet the requirements of the legislation, and reminded those present of the Licensing Objectives and that the sub-Committee did not have planning responsibilities.

The applicant made verbal representations to the Sub-Committee and responded to points and questions put by attendees who had made relevant representations. She explained her history of work and enterprise in Longridge, including the establishment and operation of Quench, licensed premises on Berry Lane.

She advised the Sub-Committee of the trading difficulties experienced at the premises over recent years, and her plans to expand the operation of the premises to include her own design business. As part of the concept, it was intended to provide customers with the opportunity to purchase refreshments, including alcohol. Although larger businesses could provide such refreshment free of charge, her business model was such that customers would be charged.

She also explained about the various types of functions and events which were contemplated at the premises. She explained that, while application was made for hours concluding at 23.00 each day of the week, the opening hours would normally be much reduced from the hours sought ("the reduced hours"). She wished the full hours applied for to be available to enable small functions to take place on days and at hours other than the reduced hours, and for provision for workshops on the premises which might be held perhaps twice each month.

She did not consider that the premises would be attended by customers going out for an evening in Longridge, but accepted that she had written that she hoped, in partnership with the new licensee of the Old Oak, to bring the Lower Lane part of Longridge back to life. She explained her intended role in supervision of the premises, and how she would reconcile that with her other business interests in Longridge.

In response to a question from the Sub-Committee she stated that, while she had expressed an intention normally to operate within the reduced hours, this would not allow the flexibility to provide workshops or cater for small weddings and funerals seven days a week. She did not consider that the availability of 15 Temporary Event Notices in a calendar year gave her sufficient scope to provide the functions and events which would be held outside the reduced hours.

The premises owner explained the history of her operation of the premises and responded to points made by attendees who had made relevant representations. She explained her concept for the use of the premises during the day and in the evening. She said that she understood the concerns of those who had made representations, and conceded that the application might have been handled in a better way.

Representations were made in response to the application by a number of residents, including Mr Johnson, Mrs Knight, Mrs Kiernan, Mrs Walmsley, and Rev. Barton.

Concerns were raised with regard to issues of crime and disorder in Longridge, and the risk that this would arise at the premises, particularly when a customer had been refused admission.

Issue was also raised in relation to the risk of public nuisance occurring, including noise from inside the premises, from customers using the external tables, and from customers leaving the premises; storage of waste; parking of vehicles; and light pollution.

Concern was also expressed at the lack of precision and clarity in the application in relation to promotion of the Licensing Objectives, and how the detail in the application was in conflict with the verbal representations of the applicant and with a letter which the applicant had circulated to neighbours.

The Licensing Sub-Committee gave careful consideration to the representations made by all parties, both written and verbal. The Sub-Committee also considered the Licensing Act 2003 (“the Act”), the guidance issued under the Act, the Licensing Objectives, the relevant regulations and the Ribble Valley Borough Council Licensing Policy.

Having considered all of the above, the Sub-Committee resolved to refuse the application for the following reasons:-

- The applicant had failed to provide clear evidence to demonstrate how she would control noise arising from the use of the premises, and from customers using the external tables at night; this did not adequately address the Licensing Objective of prevention of public nuisance
- The evidence of the applicant in relation to her management and control of the premises was unclear and contradictory in parts.
- Some evidence contained in the letter in support of the application was in conflict with the applicant’s verbal presentation and other engagement with neighbours including in particular the letter of 14 October 2019.
- The Licensing Sub-Committee did not consider that the applicant had provided sufficient information in the application to enable them to determine whether the proposed steps were appropriate to promote the Licensing Objectives in the local area (as contemplated by part 8.47 of the revised guidance issued in April 2018 under section 182 of the Licensing Act 2003).