



SECTION 35 LICENSING ACT 2003
NOTICE OF DETERMINATION IN RESPECT OF A HEARING
WHICH TOOK PLACE ON FRIDAY 9 JULY 2021
TO DETERMINE AN APPLICATION BY DMD DESIGN (LONGRIDGE) LIMITED
FOR VARIATION OF THE PREMISES LICENCE IN RESPECT OF 1 LOWER LANE,
LONGRIDGE, PR3 3SL.

The Licensing Sub-Committee met on 9 July 2021. The Sub-Committee comprised the following members:

Councillor J Alcock
Councillor S Brunskill
Councillor S O'Rourke

Also in attendance:

Solicitor (RVBC)
Ms D M Despard (applicant)
Mrs G Sherratt (applicant's representative)
M Johnson (relevant representation)
Y Johnson (relevant representation)
H Knight (relevant representation)
L Kiernan (relevant representation)

The Sub-Committee met to consider the application of DMD Design (Longridge) Limited for variation of the premises licence in respect of 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 and its appendices ("**Report**").

Mrs Sherratt made verbal representations to the Sub-Committee and responded to points and questions put by the sub-committee and by attendees who had made relevant representations. She advised the sub-committee of the nature of the business at the premises, and that the intention of the applicant was to provide a good experience for customers who wished to browse at the retail premises. She reiterated that the premises are a retail outlet, and that there was no intention for the premises to become a bar. Her client was aware of the planning requirement for the premises to be used as a retail outlet. As with other high street businesses, the applicant sought to provide an experience which made the business stand out from online retailers.

She advised the sub-committee that the applicant sought variation of condition 5 of annex 2 of the licence, to remove the limit on the number of tables and chairs which could be used for consumption of alcohol outdoors on the premises. She explained that the original condition, including the limit

of one table and four chairs, had been offered at a previous hearing to address concerns about noise, nuisance and anti-social behaviour.

The applicant sought a substitute condition to read

“Customers shall only be allowed to consume alcohol outdoors on the premises when seated at tables located at the front of the premises. The tables and chairs shall be located in such a position as not to obstruct the exit from the premises”.

She explained the successful operation of the business using Temporary Event Notices over recent months and sought to address relevant concerns which had been expressed by those who had made written representations. In relation to concerns about the licensing objective of public safety, she drew attention to the lack of concern expressed by the responsible authorities. The sub-committee’s attention was also drawn to the statutory guidance under s 182 of the Licensing Act 2003 and the decision in R on the application of Bristol Council -v- Bristol Magistrates’ Court (2008) (“the Bristol case”) that licence conditions should not duplicate other regulatory legislation.

Verbal representations were made by way of objection to the application by several residents, being Mr Johnson, Mrs Johnson and Mrs Knight. The particular concern was in relation to the licensing objective of public safety and possible obstruction of the exit in the event of emergency. Reference was made to the requirements of the Regulatory Reform (Fire Safety) Order 2005 and discussion with the Fire Safety Officer.

The Licensing Sub-Committee carefully considered 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 Bristol case, the Licensing Objectives, the relevant regulations, and the Ribble Valley Borough Council Licensing Policy.

Having considered all the above, the Sub-Committee resolved to grant the application as applied for with the exclusion of the final sentence.

The sub-committee determined that condition 5 of annex 2 of the Premises licence should be amended to read

“Customers shall only be allowed to consume alcohol outdoors on the premises when seated at tables located at the front of the premises”.