

Statutory Licensing Sub-Committee

18th September 2020

Application for the grant of a Premises Licence

Ordinary Decision



Report of Alan Patrickson Corporate Director of Neighbourhoods and Climate Change

Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Climate Change

Electoral division(s) affected: Ferryhill

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for La Mensa 12-13 Main Street, Ferryhill, Co Durham DL17 8LA.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application is for the grant of a new Premises Licence for La Mensa 12-13 Main Street, Ferryhill, Co Durham. The applicant states it is an Italian bar and restaurant, family run on one level, outside garden bar and toilets kitchen and bar all inside restaurant.

The original application was for the following activities:

- Live Music (indoors and outdoors) Saturday 18:00 until 22:00 hrs and New Year's eve 18:00 until 24:00 hrs
- Recorded Music (indoors & outdoors) Monday to Sunday 12:00 until 22:00 hrs and News Year's Eve 12:00 until 01:00 hrs
- Sale by Retail of Alcohol (on the premises) Monday to Saturday 12:00 hrs until 23:00 hrs, Sunday 12:00 hrs until 22:00 hrs & New Year 12:00 hrs until 01:00 hrs
- Proposed Opening Times Monday to Saturday 12:00 hrs until 23:00 hrs and Sunday 12:00 hrs until 22:00 hrs and New Year's Eve 12:00 hrs until 01:00 hrs

However, the applicant has amended the application and removed Live and Recorded music. The applicant has also confirmed the closure of the outdoor area at 8pm each day.

- 4 The licensing authority received responses from Durham Constabulary and Durham Safeguarding Children Partnership, both agreed further conditions with the applicant. County Durham & Darlington Fire and Rescue Service and Durham County Council Environmental Health had no comments to make. Durham County Council Planning submitted an email which was forwarded to the applicant.
- 5 The licensing authority received two letters in opposition to the application, one from Mr & Mrs Bates and one from Mr Rotherham of Higginbothams Pharmacy. (other persons).
- 6 Following the amendment by the applicant to remove Live and Recorded music from the application and close the outside area at 8pm, Mr & Mrs Bates withdrew their representation. Mr Rotherham's representation remains.

Recommendation(s)

- 7 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 8 The Sub-Committee is recommended to give appropriate weight to:
 - (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representation (including supporting information) presented by all parties;
 - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6.
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 7.

Background

- 9 Background information – The application form was submitted by Mr Diako Varan.

Type of Application: Grant of a premises licence	Date received: 24 th July 2020	Consultation ended: 21 st August 2020
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Details of the application

- 10 An application for the grant of a premises licence was received by the Licensing Authority on 24th July 2020. A copy of the application is attached at Appendix 3.
- 11 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 12 The revised activities now requested are as follows:

Licensable Activities	Days & Hours
Sale by Retail of Alcohol (on the premises)	Monday to Saturday 12:00 hrs - 23:00 hrs Sunday 12:00 hrs - 22:00 hrs New Year 12:00 hrs - 01:00 hrs
Hours open to the public	Monday to Saturday 12:00 hrs – 23:00 hrs Sunday 12:00 hrs – 22:00 hrs New Year 12:00 hrs – 01:00 hrs

- 13 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.

The Representations

- 14 The Licensing Authority received two letters of representation during the consultation period from, one from Mr & Mrs Bates and one from Mr Rotherham of Higginbottom Pharmacy. (other persons).

Following the amendment by the applicant to remove Live and Recorded music and close the outside area at 8pm Mr & Mrs Bates withdrew their representation. Mr Rotherham's representation remains.

- 15 The licensing authority deemed the representations as relevant, relating to the following licensing objectives:
- Public Safety
 - The Prevention of Public Nuisance

- 16 Copies of the representation from Mr Rotherham is attached at Appendix 4. The licensing authority corresponded with Mr Rotherham regarding the amendments to the application, in an attempt to alleviate his concerns, however the representation remains.

Copies of these responses are attached at Appendix 4.

- 17 Responses were received from the following Responsible Authorities:

Following mediation two Responsible Authorities agreed further conditions with the applicant, namely Durham Constabulary and Durham Safeguarding Children Partnership.

County Durham & Darlington Fire & Rescue Service and Durham County Council's Environmental Health Department had no comments to make.

Durham County Council Planning submitted an email which was forwarded to the applicant.

See Appendix 5.

The Parties

- 18 The Parties to the hearing will be:

- Mr Diako Varan (Applicant)
- Mr Rotherham – Higginbottom Pharmacy (other person)

Options

- 19 There are a number of options open to the Sub-Committee:

- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;
- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor;

- (e) To reject the application.

Main implications

Legal Implications

- 20 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

Consultation

- 21 The premises licence application was subject to a 28 day consultation.

See Appendix 1

Conclusion

- 22 The Sub-Committee is asked to determine the application for the grant of a premises licence in light of the representation received.

Background papers

- Durham County Council's Statement of Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)

Other useful documents

- None

Contact: Helen Johnson

Tel: 03000 265101

Appendix 1: Implications

Legal Implications

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that:

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this, it was stated that any condition attached to the licence should be an enforceable condition.

Consultation

The premises licence application was subject to a 28 day consultation in accordance with the Licensing Act 2003 and its regulations.

The Responsible Authorities were consulted on the application.

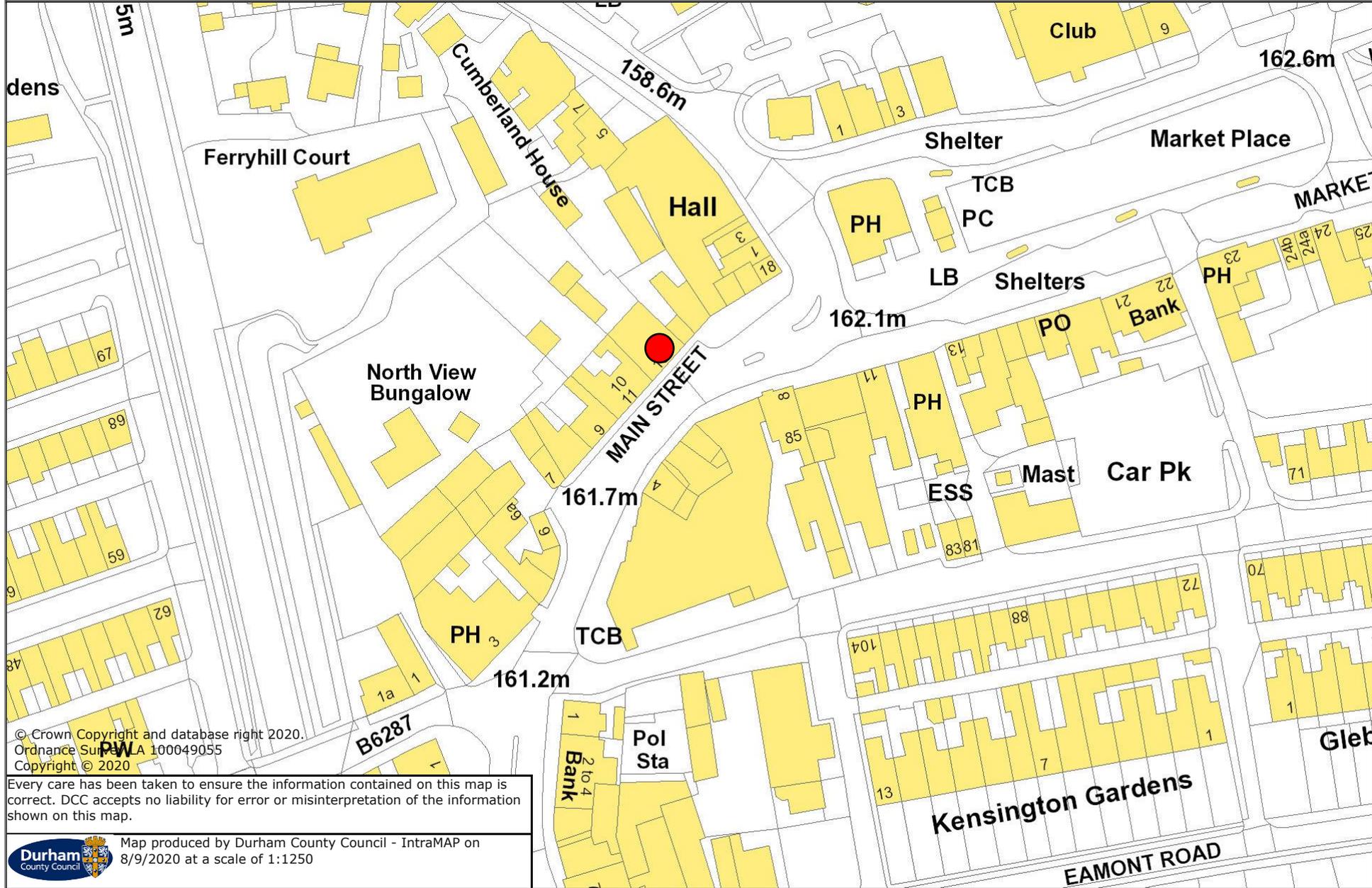
The notice of application was displayed on the premises for a period of 28 days.

Notice of the application was published in a newspaper which was circulated within the vicinity of the premises.

In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

Appendix 2: Location Plan

Durham County Council - IntraMAP



Appendix 3: Application Form

DURHAM COUNTY COUNCIL, Licensing Services, PO Box 617, Durham. DH1 9HZ

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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 Diako varan

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
La mensa 12 -13 main street Ferryhill			
Post town	Durham	Postcode	DI17 8la

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 11,750

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	Mr
Surname Varan			First names Diako		
Date of birth			I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality Iranian					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Sole trader
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY

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If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY

--	--	--	--	--	--	--	--

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>Italian bar and restaurant family run All one level with disabled access and toilet Outside garden and bar and toilets Kitchen and bar all inside restaurant</p>

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |

- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4) We may not and then have a singer in the restaurant or outside on the decking area .this won't be a regular thing but maybe a one off		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) New years eve singer or band from 6pm until 12pm latest		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) New years eve 18:00 until 24:00		
Sat					
	18.00	22:00			
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Cd Radio Mp3 Alexa		
Mon	12:00	22:00			
Tue	12:00	22:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) New years eve 12:00 - 01:00		
Wed					
	12:00	22:00			
Thur					
	12:00	22:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) 12:00pm until 01:00 new years eve		
Fri	12:00	22:00			
Sat	12:00	22:00			
Sun	12:00	22:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) <p style="text-align: center;">New years eve</p>		
Mon	1200	2300			
Tue	1200	2300			
Wed					
	12:00	2300			
Thur					
	12:00	2300			
Fri					
	1200	2300	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) <p style="text-align: center;">New years eve 12.00 until 01:00</p>		
Sat					
	1200	2300			
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Postcode	DI17 8la
Personal licence number (if known)	
Issuing licensing authority (if known) Durham county council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)	
Day	Start	Finish		
Mon	12:00	23:00	New years eve 12.00 to 01:00	
Tue	12:00	23:00		
Wed	12:00	23:00		
Thur	1200	2300		<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) New years eve 12pm to 1am
Fri				
	1200	2300		
Sat				
	1200	2300		
Sun				
	1200	2200		

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Cctv
Work closely with local authorities

b) The prevention of crime and disorder

Cctv
Contact with local police who are straight opposite our building

c) Public safety

All fire alarms equipment etc up to date
Third party liability insurance
Cctv
More staff in busier times
Any intoxicated customers will not be allowed in

d) The prevention of public nuisance

No large crowd
No underage drinking
Music turned down later at night and kept at a minimum
No intoxicated people late drinking

e) The protection of children from harm

No under age drinking
All children to be accompanied by an appropriate adult
Any intoxicated people asked to leave

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
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	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	22/07/2020
Capacity	Owner

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

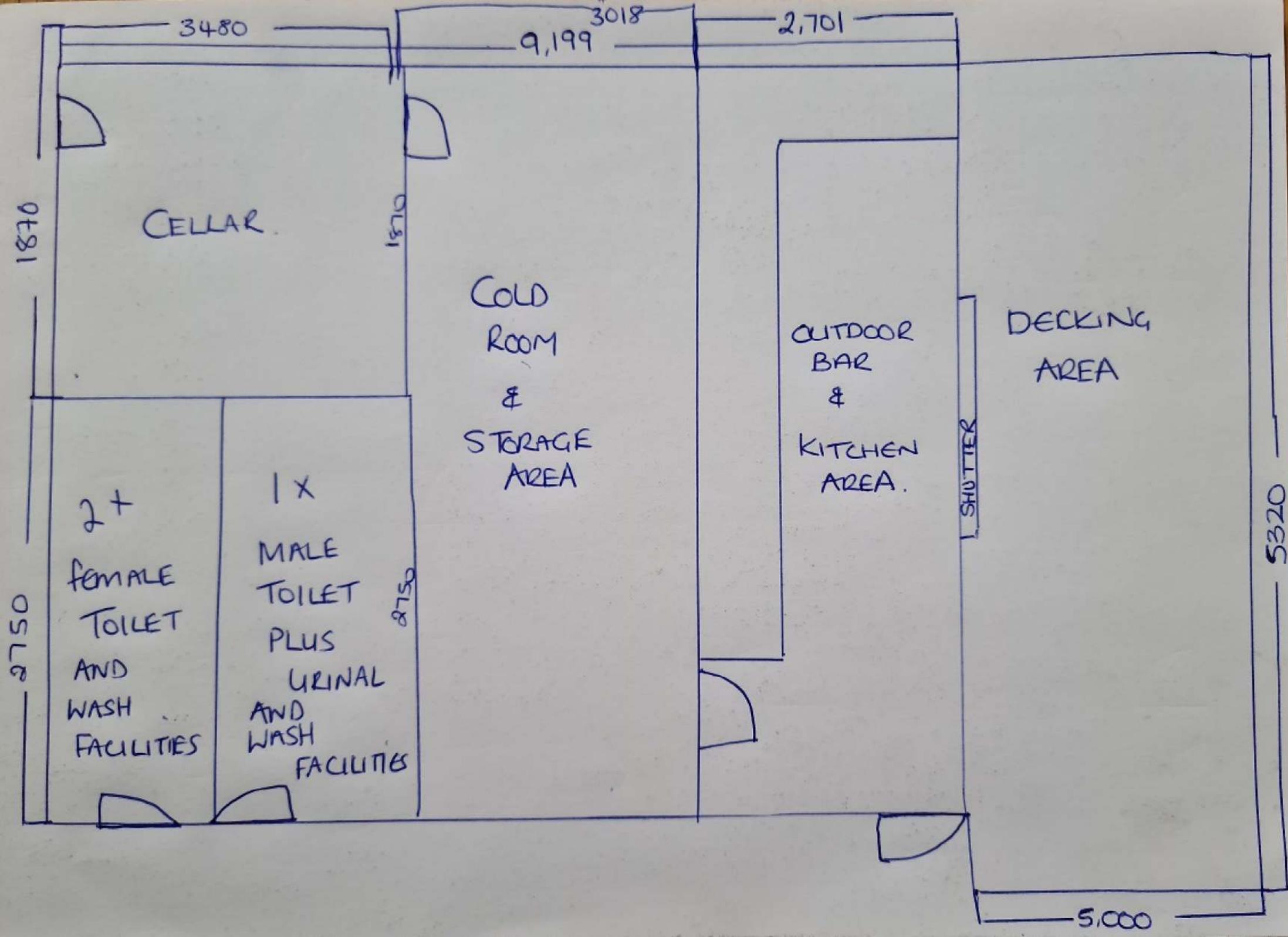
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



GROUND FLOOR
COMMERCIAL UNIT.

(Meter Scale)



Appendix 4: Representation

From: j rotherham
Sent: 21 August 2020 09:38
To: AHS Licensing <Licensing@durham.gov.uk>
Subject: Licence application for La Mensa 12-13 Main Street Ferryhill

To whom it may concern ,

I am writing to you with regard to the application made by Mr Diako Varan for La Mensa , 12-13 Main Street , Ferryhill, DL17 8LA I am the owner of Higginbottom Pharmacy, 11 Main Street, which is the premises adjacent to the planned restaurant. As you can appreciate the pharmacy has been a long standing part of the community for over 40 years now and being able to serve the community is vital to the area. My concern centres around the granting of a music license during the hours of 12pm -10pm . The pharmacy is a place which requires a quiet and confidential environment in order for the staff to concentrate and ensure levels of safety are paramount as thousands of prescriptions are dispensed on a weekly basis that need to be accurately checked and assembled with minimal distraction . As well as this patients and customers a like often come to the pharmacy for advice . In the current Covid climate due to lack of availability of GP appointments it is important that the environment they come to is free from distraction and noise as more and more patients access pharmacies for support. My concern is that by granting a music license during the hours the pharmacy operates, it will have an adverse affect on my business and the wider communities ability to use the pharmacy without distraction . It would obviously have a detrimental affect to the pharmacy if music is pumping out of outdoor speakers front or back as the Pharmacy dispensary runs along side the property and to the rear of the building and therefore would be affected by such noise. Internally I am unaware of any sound proofing that has been done to prevent noise transferring through the walls into the pharmacy premises. The Previous tenants had several battles with the landlord over noise from the old wine bar and we also suffered with noise leakage through the walls to the Pharmacy which was very distracting although the tenants then reduced the sound and played low level music during the day after several complaints.

I'm not opposed to the business and wish them every success however they have never explained any of there plans to myself about the music application . As you can appreciate this could have a profound impact on my business and the accessibility and safety to patients if the licence is granted during the Pharmacy opening hours. If you decide that it is fair to grant the license then I am asking for assurances from yourselves that the level of noise is controlled and kept to a minimum during the pharmacies opening hours of 8.30am - 5.30pm Monday to Friday to avoid any potential problems . I feel it would be completely unacceptable for the council to grant an application without considering the safety aspect of the conditions required in the pharmacy and , if it does grant the application , to not control aspects of that application that could affect neighbouring business' and the safety of the community and there right to a quiet confidential place to discuss there healthcare needs .

I look forward to your response in this matter.

Appendix 5: Responsible Authorities Comments

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 06 August 2020 09:17
To: Tracey Lock
Cc: Karen Robson; Yvonne Raine
Subject: FW: Licence Application La MENSA Ferryhill

Hi Tracey

Please see below conditions agreed with the applicant and police.

Thanks

Helen Johnson
Licensing Team Leader
Community Protection Service
Neighbourhoods and Climate Change

From: Paul Conroy
Sent: 05 August 2020 18:55
To: Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>
Cc: Caroline Dickenson
Subject: FW: Licence Application La MENSA Ferryhill

Hi Helen,
These are the conditions for LA MENSA, could they be added to the licence please?

Regards,

Paul

From: kerry varan
Sent: 05 August 2020 18:16
To: Paul Conroy
Subject: RE: Licence Application

Hi Paul

Yes not a problem at all I agree to all the above and will make sure everything in place for opening

Regards
Kerry

On Wed, 5 Aug 2020 at 18:14, Paul Conroy

 wrote:

Hi Kerry,

Please see below the conditions we discussed today, Please check them and let me know.

- All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to the Police or an authorised officer of the council upon request.
- The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- The premises shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.
- A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff. All public areas will be covered, including entrances, exits and outside area.
- CCTV will cover all areas where alcohol is served and all entrances and exits.

- Recording will be retained for a minimum of 28 days.

- The premises will ensure that at least one trained member of staff is available to operate the system at all times the premises is open and download any images requested by an authorised officer and provided within 7 days.

- The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premises in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licenced premises. These documents will be made available to officers and responsible authorities when requested.

- The premises will have a drugs policy in place.

Regards,

Paul

From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 20 August 2020 10:34
To:
Cc: Tracey Lock
Subject: La Mensa, 12-13 Main Street, Ferryhill - new premises licence application
Importance: High

Dear Diako

As you are aware the above application is going through the consultation period. I have today received a response from Durham Safeguarding Children Partnership who would like to see the following steps in the promotion of the licensing objectives:

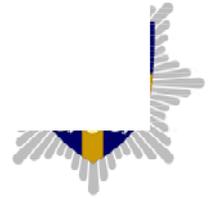
- Verification of age – safeguards to be in place to see that alcohol is not served to or purchased on behalf of under age children. A 'Challenge 25' age verification policy is operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy to be regularly monitored.
- Minimise the risk of proxy sales – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- Maintain a refusals register – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register / log to be updated. The register to be made available to the police on request.
- Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

I would be grateful if you could let me know by the end tomorrow as that is when the consultation ends, if you are happy with them to be included within the operating schedule.

Look forward to hearing from you.

Kind regards

Helen Johnson
Licensing Team Leader
Community Protection Service
Neighbourhoods and Climate Change



Chief Fire Officer: Stuart Errington

Fire and Rescue Service Headquarters,
Belmont Business Park, Durham, DH1 1TW

Date: 27 July 2020

This matter is being dealt with by: Jonathan Smith

Ext:

Our Ref: 7A70600090

Your Ref: LA MENSA

Direct Di

E-mail: j

1

Tracey Marie Lock
Licensing Officer
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Dear Tracey

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
La Mensa, 12-13 Main Street, Ferryhill, DL17 8LA

I acknowledge your application dated 24 July 2020 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

No representations will be made to the Licensing Authority subject to the responsible person for the above premises ensuring compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

For further guidance please refer to <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents> which provides information about the Regulatory Reform (Fire Safety) Order 2005.

Should you require any further information please do not hesitate to contact me on the telephone number or e-mail address shown above or visit our website www.ddfire.gov.uk and follow the link to Fire safety at work.

Yours faithfully

Jonathan Smith
Fire Safety Section



From: Sarah Clement-Dawson
Sent: 11 August 2020 13:49
To: Tracey Lock
Cc: AHS Licensing
Subject: LICENSING ACT 2003 - APPLICATIONS RECEIVED - LA MENSA 12-13 MAIN STREET
FERRYHILL DL17 8LA



MEMO

To: Mrs Tracey Lock
Licensing Services

From: Dr Sarah Clement-Dawson
Neighbourhoods and Climate Change

Date: 11 August 2020

Re: **Licensing Application New premises licence, 12-13 Main Street, Ferryhill, DL17 8LA**

With reference to the above licensing application received on 27 July 2020.

I have assessed the application with reference to the public nuisance licensing objective and would confirm I have no objection to raise in relation to the granting of the above new premises licence.

Sarah Clement-Dawson
Senior Contaminated Land Officer
Development Assessment Team
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

From: Tracey Lock
Sent: 21 August 2020 08:28
To:
Subject: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE - LA
MENSA 12-13 MAIN STREET FERRYHILL DL17 8LA
Attachments: CON28/20/01994 - 12-13 Main Street, Ferryhill

Tracey Marie Lock
Licensing Officer
Durham County Council
Environment, Health & Consumer Protection
PO Box 617
Durham
DH1 9HZ

Mr Diako Varan
La Mensa
12-13 Main Street
Ferryhill
DL17 8LA

21 August 2020

Dear Mr Varan

**THE LICENSING ACT 2003- APPLICATION FOR A PREMISES LICENCE
LA MENSA 12-13 MAIN STREET FERRYHILL DL17 8LA**

Please find attached an email from the Planning Department for your information.

If you require any further information, please do not hesitate to contact the Licensing Section.

Yours faithfully

Tracey Marie Lock
Licensing Officer
Community Protection Service
Neighbourhood and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

From: Jayne Pallas
Sent: 19 August 2020 20:12
To: Tracey Lock
Subject: CON28/20/01994 - 12-13 Main Street, Ferryhill
Attachments: PreApplicationAdviceProtocol.pdf; PreApplicationEnquiryForm.pdf

Good evening Tracey,

Thank you for your consultation in relation to 12-13 Main Street, Ferryhill.

I can advise that planning approval 7/2002/0653/DM restricted the operating hours at the property to the below:-

Monday to Saturday – 9am to midnight

Sunday – 9am to 10.30pm

The above should be adhered to at all times in order to comply with this planning permission. Any alterations would be subject to a further planning application.

The enquiry has been supported by a plan showing an outdoor bar and kitchen area with decking. The precise location of this is unclear, however it appears that this may be contained within a detached building to the rear, previously detailed as a storage building in the 2001 consent (7/2001/0164/DM).

Due to the uncertainties regarding the work that has taken place, and the overall operation of the site, it is recommended that the applicant submit a pre application enquiry to the Local Planning Authority with full details to establish whether or not planning permission would be needed.

I have attached the relevant pre application enquiry form and a copy of the Council's Pre Application Protocol. Please note that there is a fee for this advice, which will be confirmed when the work proposed on site has been established.

I hope the above is of assistance, however please do not hesitate to contact me if you would like to discuss further.

Kind regards

Jayne Pallas
Planning Officer – South West Area Office

Planning Development
Regeneration, Economy and Growth
Room G73 – 82
County Hall
Durham
DH1 5UQ

www.durham.gov.uk

Appendix 6: Statement of Licensing Policy

7.2 Public Safety - The Act covers a wide range of premises that require licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants and people in the immediate vicinity who may be affected by the premises and activities taking place therein.

Applicants are advised to seek advice on such matters from the council's occupational health and safety team, Health and Safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service. They should incorporate any recommendations from these responsible authorities in their Operating Schedule before submitting their applications. Matters for consideration include:

- First Aid
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Transport
- Drink driving issues
- Occupancy levels

In addition to the information provided above, **Table 2 in Appendix VI** provides recommendations, suggestions and examples of how to prevent the specific dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.3 Prevention of Public Nuisance - Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping near the premises.

The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The **council will expect** applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.

If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the **applicant will be expected** to offer measures designed to minimise its impact on residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used or appropriate signage requesting customers to consider residents and monitoring of such areas by staff.

The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway, relevant authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, the use of tables and chairs outside may be allowed however, the **council will normally expect** them to be removed before the premises close, and any resulting litter/debris cleared away.

Applicants should consider reducing potential noise nuisance by, for example (this list is not exhaustive):

- Assessment of likely noise levels in the premises
- Assessment of likely noise levels if outdoor drinking is allowed
- The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation)
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises)
- Dispersal of patrons – where necessary the council will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits
- Ways to limit noise / disorder from patrons leaving the premises

The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

Applicants are advised to seek advice from Durham County Council's Environmental Health team and incorporate any recommendations in their operating schedule before submitting their applications.

Takeaways and fast-food outlets - The council expects takeaways and late-night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also display notices advising customers of the location of bins and patrons should be encouraged to use the bins made available.

Important note: The council considers that it will be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).

Takeaway premises are often open late at night and in the early hours of the morning. They can be associated with disorder as people under the influence of alcohol may congregate outside takeaways after leaving or in some cases having been ejected from late-night licensed premises.

Takeaways operate within the night time economy but without the same framework around them, e.g. pubwatch, use of security staff etc. In addition, alcohol sold from takeaways could readily be consumed in public spaces and may not be subject to the same controls associated with other types of licensed premises.

From a health perspective, obesity levels are rising nationally and locally; without action the health of the population will continue to suffer. Responsible licensees can support the ‘Working toward a healthy weight in County Durham’ goals and the council would see the following steps as a contribution to reducing health harms and health inequalities:

- Menu to display calories per portion information for all food offers.
- Menu to offer at least one clear and stated, 'healthy option' and to be priced competitively.
- Menu to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day for men it's 2,500).
- Menu to offer smaller / half portions.
- Salt and pepper available upon request rather than always on the table

In addition to the information provided above, **Table 3 in Appendix IV** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

Appendix 7: Section 182 Guidance

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.