
Appendix 5: Objections

From: R Humphrey
Sent: 07 September 2021 17:06
To: AHS Licensing <
Cc: 'J Wilcockson'
Subject: Application for License for Brewdog retail Ltd Millburngate

Dear Durham Licensing Authority,

It has come to our attention that Brewdog Retail Limited have applied for a Premises Licence for Unit 6, at the Waterside development, Milburngate, to permit the sale of alcohol between 10 am and 1am daily, and for longer on New Year's Eve.

The Sidegate Residents Association objects to this application in the strongest possible terms, and we believe that the granting of the application would seriously cause unreasonable interference with the use and enjoyment of our own homes. We therefore believe that the application fails to meet one of the key licensing objectives laid out in the Licencing Act 2003, namely the prevention of public nuisance.

The members of our Association live extremely closely to the Waterside development, and we are all very worried about the noise and disturbance that could well result in and around our neighbourhood after the building works are over, unless premises are tightly regulated by the Licensing Authority.

We would urge the Licensing Authority not to grant his application for serving alcohol outside of normal licensing hours, to Brewdog or to any other premises on the development that will serve alcohol.

Yours sincerely

R Humphrey
Co-Chair, Sidegate Resident's Association

From: K Horridge <
Sent: 01 September 2021 12:15
To: AHS Licensing <
Cc: I Horridge
Subject: Application for License for Brewdog retail Ltd Millburngate

We write with regard the application as posted opposite the Millburngate development as attached.

This will directly affect us at Sidegate, as the proposed premises are at the end of our garden. This will also affect our neighbours on Sidegate, Diamond Terrace and Highgate. We live in a quiet residential area of the city and enjoy the peace and quiet. We do object most strongly to the extended licensing hours as proposed, which will result in noise and public nuisance not only from the premises, but from folk coming and going, including after closing at 1am, including concern about the behaviour of folk who have been drinking alcohol into the early morning hours. This will impact significantly on our quality of life and have potential to disrupt the sleep of children in the street, including our daughter who is studying for her A levels.

When we originally met with the developers of Millburngate we expressed in the strongest terms that we did not want the area turning into a mini version of Newcastle's Quayside. We were reassured that this would not be the case. We are aware of complaints from residents about noise already from the Walkergate development, which is funnelled across into the night up to Diamond Terrace as well as causing noise nuisance to those staying in the current Premier Inn over the river. We really do not need any more noise and believe there needs to be much tighter regulation to prevent disturbance to the residents of our beautiful city.

Thank you for taking this into consideration.

Yours sincerely,

K and I Horridge
Sidegate Durham DH1 5SY

From: Adam Shanley <
Sent: 08 September 2021 10:20
To: AHS Licensing

Helen Johnson - Licensing Team Leader (N'hoods)

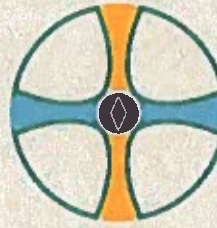
Subject: Application for a new premises licence by Brewdog

Dear colleagues,

Please find attached a copy of my Parish Council's response to this application.

Kindest regards,

Adam Shanley
Clerk to City of Durham Parish Council



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

Licensing Team
Durham County Council
Annand House
8RP, John Street North
Meadowfield
Durham
DH7 8RS

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA

8 September 2021

Dear Licensing team,

Re: Application for a new premises licence by Brewdog, Unit 6 The Waterside Milburngate House Durham DH1 5TL

With reference to the above licensing application, the City of Durham Parish Council wishes to object to this application under the objectives of public safety and preventing a public nuisance.

This application seeks permission for the provision of late night refreshment (indoors) Monday to Sunday 11.00pm to 1.00am and for the sale of alcohol (on and off the premises) Monday to Sunday 10.00am to 1.00am. In both cases, from the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

The Parish Council Licensing Committee considered this application at its meeting on 6th September 2021. In reaching its decision, the Parish Council Licensing Committee had regard to the Licensing Act 2003, the Section 182 Guidance and the County Council's Statement of Licensing Policy 2019 to 2024. The Parish Council Licensing Committee feels that, should this application be granted in its current form, it will fail to uphold two of the four licensing objectives. Each of which are addressed in turn.

Prevention of public nuisance

The prevention of public nuisance is an important licensing objective. Two of the greatest irritations to residents are noise and public nuisance associated with licensed premises. If representations are made, noise and nuisance might preclude the grant of a licence or certificate or, if one has already been granted, could be a ground for review, with a view to the imposition of further conditions or, if the licensing objectives cannot be achieved by such conditions, revocation of the licence or certificate.

When dealing with applications and issuing licences, the Council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas.

Proper consideration should therefore be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

It should be noted firstly that this application is outside the County Council's Licensing Framework for this type of premises (i.e. a premises licensed for the sale or supply of alcohol for consumption on or off the premises). The Council's Framework hours for this type of premises are 07:00 to 00:00 on weekdays and 07:00 to 01:00 on weekends. These 'framework hours' serve to identify those types of premises where the Council will pay particular regard to local factors and the likely effect on the local neighbourhood of carrying out the proposed licensable activities.

The Parish Council is unclear as to why the applicant is seeking permission for the sale of alcohol outside of the framework hours. Needless to say that this causes the Parish Council and local residents serious concerns in relation to the promotion of this important licensing objective. It is therefore imperative that the proposed hours of operation are reduced to the framework hours.

The Parish Council very much welcomes the applicant's commitment to provide notices to the exits of the building requesting customers to leave in a quiet manner. Similarly, the Parish Council is pleased to see that the applicant has a clear dispersal policy in place and hopes that this will be adhered to at all times.

That being the case, this premises is clearly within very close proximity to local residents in the Sidegate part of our Parish. Whilst the applicant states that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance, the Parish Council believes that windows and doors being closed from 10pm as opposed to 11pm (except for access and egress) would conform more closely to this commitment. This has an even greater importance in this part of the City given that the premises location – within the setting of the World Heritage Site and near to the River Wear - is particularly sensitive to excessive noise.

Similarly, the emptying of bins into skips and refuse collections must not take place between 10pm and 8am as opposed to the applicant's proposed 11pm and 7am, this is to avoid any late night disturbance from the tipping of glass bottles.

Public safety

Public safety is an important licensing objective as it is about protecting the safety and even the lives of everyone. It is expected that anyone visiting a licensed venue in the County can do so in complete safety, as they will be visiting premises that have been constructed or adapted with safety in mind.

The Licensing Authority expects that the applicant will detail in their operating schedule the steps that will be taken to promote public safety.

The Parish Council is extremely concerned at the plans submitted by the applicant. There appears to be some obstruction of at least one of the fire exits within the premises, which is completely unacceptable. The Parish Council welcomes the fact that the management of the premises shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations. However, the layout of the premises must be altered prior to the Parish Council being satisfied that the application in its current form promotes this important licensing objective.

For the reasons set out above, this application should therefore be refused in its current form.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council

From: J Wilcockson <
Sent: 07 September 2021 19:10
To: AHS Licensing <
Subject: Application for License for Brewdog retail Ltd Millburngate

To whom it may concern

I would like to object in the strongest possible terms against the granting of an extended license to Brewdog. I live at No. Sidegate behind Unit 6 Brewdog's premises.

I am deeply concerned about the effect extended licensing hours will have on the health and well-being of the neighbourhood as a result of the accompanying noise and disturbance caused by people leaving the premises up until 01 am.

Granting this extended license will create a public nuisance in a mixed residential area that includes young children, exam age pupils and working people.

Please do not grant an extended license in an area that will result in a public nuisance

Yours faithfully

Dr J Wilcockson
Sidegate
Durham
DH15SY

Sent from my iPhone

Appendix 6: Responses from Responsible Authorities

From: Licensed Economy Team

Sent: 19 August 2021 14:00

To: Karen Baker <

Subject: FW: Licensing - NEW premises licence application received Brewdog Unit 6, The Waterside, Milburngate, DH1 5TL

Hi

No objection from Durham Constabulary

Thanks

PC 1426 Iain Robertson
Licenced Economy Team

From: DSCP Secure <
Sent: 03 September 2021 15:23
To: Karen Baker <
Subject: RE: Licensing - NEW premises licence application received Brewdog Unit 6, The Waterside, Milburngate, DH1 5TL

My Ref: SW/2021/069

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the Licensing Act. I have received a copy of your application for a premises licence for your premises at Brewdog Unit 6, The Waterside, Milburngate, DH1 5TL.

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I have no comments or objections regarding your application.

Stephen Winship

Policy & Strategy Officer
Durham Safeguarding Children Partnership

Tel :
County Hall, Durham
DH1 5UJ



Durham Safeguarding Children Partnership (DSCP)
Keeping Children Safe

dscpsecure@durham.gov.uk
www.durham-scp.org.uk





Chief Fire Officer: Stuart Errington

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

Date: 13 August 2021

This matter is being dealt with by: Julie Knox

Our Ref: 7A40850510

Your Ref: 485593

Direct Dial Telephone:

E-mail:

Dear Karen,

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Brewdog Retail Limited, Brewdog, Unit 6 The Waterside, Milburngate House, Durham, DH1 5TL

I acknowledge your application dated 11 August 2021 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

Julie Knox
Fire Safety Section



www.ddfire.gov.uk



Appendix 7: Statement of Licensing Policy

Appendix II Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises

Category of Premises	Weekdays*	Weekends*	Bank Holidays*
Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garages	07.00 to 23.30	07.00 to 00.30	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises with licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed primarily for late night refreshment e.g. takeaways	01.00	02.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)

* **NOTE:** For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

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 8: 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 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.