



Agenda

Licensing Sub-Committee

Friday, 27 September 2019 at 5.00 pm

Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex
CM15 8AY

Membership (Quorum – 3)

Cllrs McLaren, Morrissey and Mynott

Agenda

Item	Item	Wards(s) Affected	Page No
-------------	-------------	------------------------------	----------------

Contents

1. **Appointment of Chair**

2. **Administrative Function**

Members are respectfully reminded that, in determining the matters listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.

3. **Licensing Act 2003 - Application for new premises licence - Dusk, Ongar Road, Pilgrims Hatch, Brentwood. CM15 9SS**



Steve Summers
Interim Chief Executive

Town Hall
Brentwood, Essex
19.09.2019

Information for Members

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Dates of the meetings are available at www.brentwood.gov.uk.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Private Session

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

modern.gov app

View upcoming public committee documents on your Apple or Android device with the free modern.gov app.

Access

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

Evacuation Procedures

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.

This page is intentionally left blank

27 September 2019

Licensing and Appeals Committee

**Licensing Sub-Committee Hearing in respect of an
Application for a New Premises Licence – Licensing Act 2003**

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

Report of: Dave Leonard – Licensing Officer

Wards Affected: Pilgrims Hatch

This report is: Public

1. Executive Summary

- 1.1 An application has been received for a new premises licence for the provision of regulated entertainment and late night refreshment only in respect of **Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS**. Fifteen relevant representations have been received. Members are requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

2. Recommendation(s)

- 2.1 That the Sub Committee:

Considers this report and appendices together with any oral submissions at the hearing and determines the application in line with the options open to the sub-committee under the Licensing Act 2003: However, the available options are:

- i) To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;
- ii) To grant the application, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives; or
- iii) To refuse the application in whole or in part

3. Introduction and Background

3.1 An authorisation is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- Sale of alcohol
- Supply of alcohol (in respect of a club)
- Regulated Entertainment
- Provision of Late Night Refreshment

3.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.

3.3 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times. The operating schedule of the application contains details of the activities applied for and the control measures that the applicant will have in place in order to promote these objectives. Such measures will, where appropriate, be converted into enforceable conditions on any licence issued.

3.4 The four licensing objectives are;

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

3.5 Any representation must be able to demonstrate that on the balance of probability the application in its current form will fail to adequately promote one or more of the licensing objectives. No other matters may be considered.

4. The Application

4.1 This application was received on 5th August 2019 from Mr Abul Uddin on behalf of Sisu Enterprises Ltd. in respect of ***Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS***. A copy of the application is attached at ***Appendix 1***.

4.2 This premise is a multi-cuisine, fine dining restaurant and lounge, with function room. A set of OS Street Maps and images to better identify the location are attached at ***Appendix 2***.

- 4.3 The applicant initially sought a new premises licence to conduct the licensable activities of showing films, live music, recorded music, performance of dance, anything similar to live music, recorded music, performance of dance, late night refreshment and included the supply of alcohol until 0200hrs at weekends. However, mindful of local opposition and a desire to revert back to their Bring Your Own alcohol business plan, the application was amended to:

Live Entertainment; Showing of Films & Performance of Dance;

Sunday 1300hrs-0000hrs, Monday-Saturday 1600hrs-0000hrs

Recorded Music:

Sunday 1300-0000hrs, Mon-Thurs 1600-0000hrs, Fri & Sat 1600-0130hrs

Late Night Refreshment:

Sunday-Thursday 2300-0000hrs, Friday & Saturday 2300hrs-0130hrs.

NO SALE OF ALCOHOL (see *Appendix 1*)

- 4.4 There has been one valid representation received from the Responsible Authorities.
- 4.5 Mr John Fairweather, a Brentwood Borough Council Environmental Health Officer, has concerns relating to potential noise nuisance in a semi-rural location. A DJ booth located next to the smoking area is by its nature open to the air and will be audible to nearby residential properties. He also has noise nuisance concerns that nearby neighbours will be disturbed by the late-night dispersal of patrons. Mr. Fairweather's representation is attached at ***Appendix 3***.
- 4.6 Essex Police Licensing Officer, Mrs. Jackie Cooper, responded to the applicant with a number of suggested conditions that would best enable her to support the application with confidence. The following police suggestions have been accepted by the applicant and should be considered as conditions to be attached if the Sub-Committee are minded to grant a licence;

The premises shall have installed and maintain a CCTV surveillance system which at all times complies with the below requirements:

- i. CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality {in all lighting conditions} particularly facial recognition;
- ii. CCTV cameras shall cover all entrances {and exits} and the areas where alcohol sales take place;

- iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;
Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided.

Signs must be displayed at all entrances advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.

An incident log shall be kept at the premises and made immediately available to police or licensing authority staff upon reasonable request.

The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.

Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:

- i. The day and date when door supervisors were deployed;
- ii. The name and SIA registration number of each door supervisor on duty at the premises; and
- iii. The start and finish time of each door supervisor's worked duty period.

This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.

A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement **and** is either a:

- Proof of age card bearing the PASS Hologram;
- Photocard driving licence;
- Passport; or Ministry of Defence Identity Card.

The premises shall clearly display signs advising customers that a 'Challenge 25' policy is in force. Such signs shall be a minimum size of 200mm x 148mm.

At all times drinks must only be served in polycarbonate/plastic and/or toughened glass containers.

Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. These signs shall be a minimum size of 200mm x 148 mm.

A copy of the agreed conditions is also attached at **Appendix 3**.

4.7 There have been 14 representations against the application received from Other Persons. The concerns raised by local residents generally relate to the potential for noise nuisance being caused by the playing of late-night music and the subsequent dispersal of patrons in an otherwise quiet, semi-rural location. A copy of the summarised and redacted representations has been attached at **Appendix 4**.

4.8 Any matters recorded in the Operating Schedule (Section O of the application form) will become conditions on the licence if this application is granted, the following conditions will be attached unless modified by this Committee:

- Bookings will be limited to a maximum of 300 persons.
- Door staff will be employed from 6pm till close.
- Persons leaving the premises will be chaperoned to their vehicles to minimize disruption

5. Reasons for Recommendation

5.1 These are the options available to the Sub-Committee under the Licensing Act 2003.

6. Consultation

6.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003.

6.2 Officers from the Licensing Authority have made checks on the display of public notices and in a local newspaper and are satisfied that these requirements have been met.

7. Statement of Licensing Policy

- 7.1 There are no specific issues arising from this application in relation to the Councils' Statement of Licensing Policy.

8. Relevant Sections of the Secretary of State's Guidance

- 8.1 The following Section 182 Guidance relates to determining applications and disclosure of personal details of persons making representations;

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- *the steps that are appropriate to promote the licensing objectives;*
- *the representations (including supporting information) presented by all the parties;*
- *this Guidance;*
- *its own statement of licensing policy.*

9. Legal Considerations

- 9.1 Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.
- 9.2 The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.
- 9.3 There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

Appendices to this report

- Appendix 1 - Application Form
- Appendix 2 - OS Street Plans & Images
- Appendix 3 - Representation from Responsible Authority
Mr John Fairweather - Environmental Health Officer
plus Advisories from Mrs Jackie Cooper - Essex Police Licensing
- Appendix 4 - Representations from Other Parties

Report Author Contact Details:

Name: Dave Leonard

Telephone: 01277 312523

E-mail: dave.leonard@brentwood.gov.uk

This page is intentionally left blank

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX 1

APPLICATION FORM

Application for a New Premises Licence

(Sisu Enterprises Ltd. T/A DUSK)

Application for a Premises Licence to be granted under the Licensing Act 2003



Please note: You must provide online payment for this licence after completing the form. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or debit card.

Before completing this form please read the guidance notes:

[Premises Licence Application Guidance Notes](#)

You should keep a copy of the completed application for your records, this will be attached (PDF format) to your acknowledgement email which you will receive upon completion of this application. By completing this application online, you will automatically be notifying the Responsible Authorities.

Cost of Licence

The fee you pay for your licence is based on the rateable value of the premises and if the premises is used exclusively or primarily for the supply of alcohol for consumption on the premises. If you do not know what the rateable value of your premises is, you can find this on the [Valuation Office Agency](#) website.

What is the Nondomestic rateable value of the premises?: 33001-87000

Cost of licence: £315

I/We,

Applicant first name: Abul

Applicant surname: Uddin

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.

Premises Details

Does the premises have a postal address, or would you like to enter ordnance survey map references, or a description of its location?: Yes, it has a postal address

Ordnance survey map reference or description:

Premises Address

Flat number (if any)

House number/name Dusk

Road name Ongar Road

Town Pilgrims Hatch

County Essex

Post Code

CM15 9SS

Daytime contact telephone number (if any): 01277424987

Premises email address (optional): info@duskbrentwood.co.uk

Please state whether you are applying for a Premises Licence as: (b) a person other than an individual: as a limited company; as a partnership; as an incorporated association; or other (for example, a statutory corporation)

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

Individual Applicants

Title:

First name(s):

Surname:

Date of birth:

I am 18 years old or older:

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):

Applicant Address

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Daytime contact telephone number:

Application email address (optional):

Second Individual Applicant (if applicable)

Title:

First name(s):

Surname:

Date of birth:

I am 18 years old or older:

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):

Applicant Address

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Daytime contact telephone number:

Application email address (optional):

Other Applicants

Please provide name and registered address of the 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: sisu enterprises LTD

Flat number (if any)

House number/name County service station

Road name essex gardens

Town hornchurch

County essex

Post Code rm11 3eh

Registered number (where applicable): 11278657

Description of Applicant: company

Telephone: 01277424987

Email: info@duskbrentwood.co.uk

Operating Schedule

When do you want the premises licence to start?: 01/08/2019

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

General description of the premises (Please read guidance note 1):

multi cuisine fine dining restaurant & lounge

Function room

Multi purpose venue

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 [section 1](#) and [section 14](#) of the Licensing Act 2003 and [Schedule 1](#) and [Schedule 2](#) to the Licensing Act 2003)

Provision of regulated entertainment for:

(b) films, (e) live music, (f) recorded music, (g) performances of dance, (h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment:

Yes

Supply of alcohol:

Yes

a) Plays

Will the performance of a play take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
------------	--------------	---------------

Please give further details here (please read guidance note 3):

State any seasonal variations for performing plays (please read guidance note 4):

Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed above, please list (please read guidance note 5):

b) Films

Will the exhibition of films take place indoors or outdoors or both? (please read guidance note 2):

Indoors

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	02:00
Saturday	16:00	02:00
Sunday	16:00	00:00

Please give further details here (please read guidance note 3):

we are an unlicensed multi cuisine fine dining restaurant, we would like our guests to enjoy live entertainments in our venue

State any seasonal variations for the exhibition of films (please read guidance note 4):

not anything yet will apply for a variation if needed

Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed above, please list (please read guidance note 5):

no

c) Indoor Sporting Events

Standard Days and Timings (please read guidance note 6)

Day Start Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for indoor sporting events (please read guidance note 4):

Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed above, please list (please read guidance note 5):

d) Boxing or Wrestling

Will the boxing or wrestling entertainment take place indoors or outdoors or both? (please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

Day Start Finish

Please give further details here (please read guidance note 3):

State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4):

Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed above, please list (please read guidance note 5):

e) Live Music

Will the performance of a live music take place indoors or outdoors or both? (please read guidance note 2): Indoors

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	02:00
Saturday	16:00	02:00
Sunday	13:00	00:00

Please give further details here (please read guidance note 3):

piano, violin, percussions, DJ

State any seasonal variations for the performance of live music (please read guidance note 4):

not at moment

Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed above, please list (please read guidance note 5):

will apply for a variation if needed

f) Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? (please read guidance note 2): Indoors

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	02:00
Saturday	16:00	02:00
Sunday	13:00	00:00

Please give further details here (please read guidance note 3):

we would like our guests to enjoy our djs with their food

State any seasonal variations for playing recorded music (please read guidance note 4):

not at moment

Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed above, please list (please read guidance note 5):

if we need to adjust we will apply for a variation

g) Performances of Dance

Will the performance of dances take place indoors or outdoors or both? (please read guidance note 2): Indoors

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	02:00
Saturday	16:00	02:00
Sunday	13:00	00:00

Please give further details here (please read guidance note 3):

enjoy fire breathers, belly dancers, stilt dancers

State any seasonal variations for the performance of dances (please read guidance note 4):

not at moment

Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed above, please list (please read guidance note 5):

will amend on variation form if needed

h) Anything of a Similar Description to that falling within (e) Live Music, (f) Recorded Music or (g) Performance of Dance

Please give a description of the type of entertainment you will be providing:

harpist, live singers, DJs, saxophonist, pianist, fire breathers, belly dancers

Will this entertainment take place indoors or outdoors or both? (please read guidance note 2):

Indoors

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	02:00
Saturday	16:00	02:00
Sunday	13:00	00:00

Please give further details here (please read guidance note 3):

enjoy a varied performance whilst dining in our fine dining establishment

State any seasonal variations for entertainment of similar description to that falling within (e), (f) or (g) (please read guidance note 4):

not at moment

Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed above, please list (please read guidance note 5):

will apply for a variation if needed

i) Late Night Refreshment

Will the provision of late night refreshment be taking place indoors or outdoors or both? (please read guidance note 2): Indoors

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	02:00
Saturday	16:00	02:00
Sunday	13:00	00:00

Please give further details here (please read guidance note 3):

we are UKs largest dry bar stockist, we will provide 0% drinks, coffees teas sandwiches, full meals
State any seasonal variations for the provision of late night refreshment (please read guidance note 4):

not at moment

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed above, please list (please read guidance note 5):

will apply for a variation

j) Supply of Alcohol

Will the sale of alcohol be for consumption on the premises, of the premises or both? (please read guidance note 7): On the premises

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	02:00
Saturday	16:00	02:00
Sunday	13:00	00:00

Please give further details here (please read guidance note 3):

storage of alcohol in our function room for wakes, ceremonies, however we are a still a non alcoholic unlicensed restaurant and aim to stay this way

State any seasonal variations for the supply of alcohol (please read guidance note 4):

not at moment

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed above, please list (please read guidance note 5):

if we need to vary will apply for a variation

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor:

Name: ABUL UDDIN

Address

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Personal Licence Number (if known): na

Issuing Licensing Authority (if known): na

I) Hours Premises are open to the public

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	02:00
Saturday	16:00	02:00
Sunday	13:00	00:00

State any seasonal variations (please read guidance note 4):

not at moment if business expands so will our timings

Non standard timings. Where you intend to have the premises to be open to the public at different times to those listed above, please list (please read guidance note 5):

will apply when need to vary

n) Adult Entertainment and Services

Please highlight any adult entertainment or services, activities, or 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 8):

we are a supervised over 8 dining in the restaurant where soft music instrumentals are played, in our lounge are there will be fire breathers and belly dancers where it is only over 18's only

o) Promoting Licensing Objectives

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

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9):

We use SENTRA for our security, at first instance they ID customers for age to prevent underage drinking, we have a strict dress code policy, CCTV all over the premises, plastic glasses in our lounge area

b) The prevention of crime and disorder:

prevention of crime and disorder - we have security at the doors every day we are open, our premises is connected to police incase of any danger, SENTRA on our doors a professional team, they have access to our radios and cctv, they vet IDs,

c) Public safety:

public safety - we have our own car park and are in a secluded area, ID check for underage drinking check, water always available, hot drinks always available, door staff available to check from 6pm till close, responsible drinking, chaperoned to their vehicles to minimise disruption and noise outside

d) The prevention of public nuisance:

public nuisance - once people leave the premises door staff escort to the cars, we limit our bookings to our maximum capacity of 300 people, we are an unlicensed premises so we don't sell alcohol, our premises is very well lit to prevent nuisance,

e) The protection of children from harm:

children over 8 dining whilst supervised by adult, if we see harm contact police, we are a family friendly fine dining business, in the restaurant there is no exposure to sexual references, we are an unlicensed premises so are staff will never make the mistake of serving alcohol to underage children.

Declaration

I agree to submit a plan of the premises: I agree

Alternatively these should be sent by post to:

Licensing, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY

Please include the reference number for this form, which will be produced when you submit it.

I will send copies of this application and the plan to the relevant authorities and others where applicable: I agree

I will submit a consent form completed by the individual I wish to be designated premises supervisor, if applicable (available as a separate online form on our website): I agree

I understand that I must now advertise my application: I agree

A copy of the Prescribed Form of Notice is available here:

[Public Notice of Application](#)

(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): I agree

I understand that if I do not comply with the above requirements my application will be rejected: I agree

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.

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.

Signature (name): abul uddin

Date: 05/08/2019

Capacity: director

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.

(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): I agree

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 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): I agree

Signature (name): abul uddin

Date: 05/08/2019

Capacity: director

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14):

Correspondence name:

Telephone number: 01277424987

Mobile telephone number: 

Correspondence Address

Flat number (if any)

House number/name Dusk

Road name Ongar Road

Town Pilgrims Hatch

County Essex

Post Code CM15 9SS

To receive email confirmation of your application and payment, please provide a correspondence

email address: sharif@duskbrentwood.co.uk

Notes

1. Do not scale the drawing
2. Drawings used for a building must be drawn on A3 paper
3. All dimensions and settings will be as shown in the drawing. Any dimensions and settings not shown will be as shown in the drawing. Any dimensions and settings not shown will be as shown in the drawing.
4. This is a CAD Drawing. The final copy will be printed on A3 paper. The final copy will be printed on A3 paper. The final copy will be printed on A3 paper.

Disclaimer
The final copy will be printed on A3 paper. The final copy will be printed on A3 paper. The final copy will be printed on A3 paper.



Copyright Reserved
The final copy will be printed on A3 paper. The final copy will be printed on A3 paper. The final copy will be printed on A3 paper.

Rev	Description	Date

Seesaw Studios

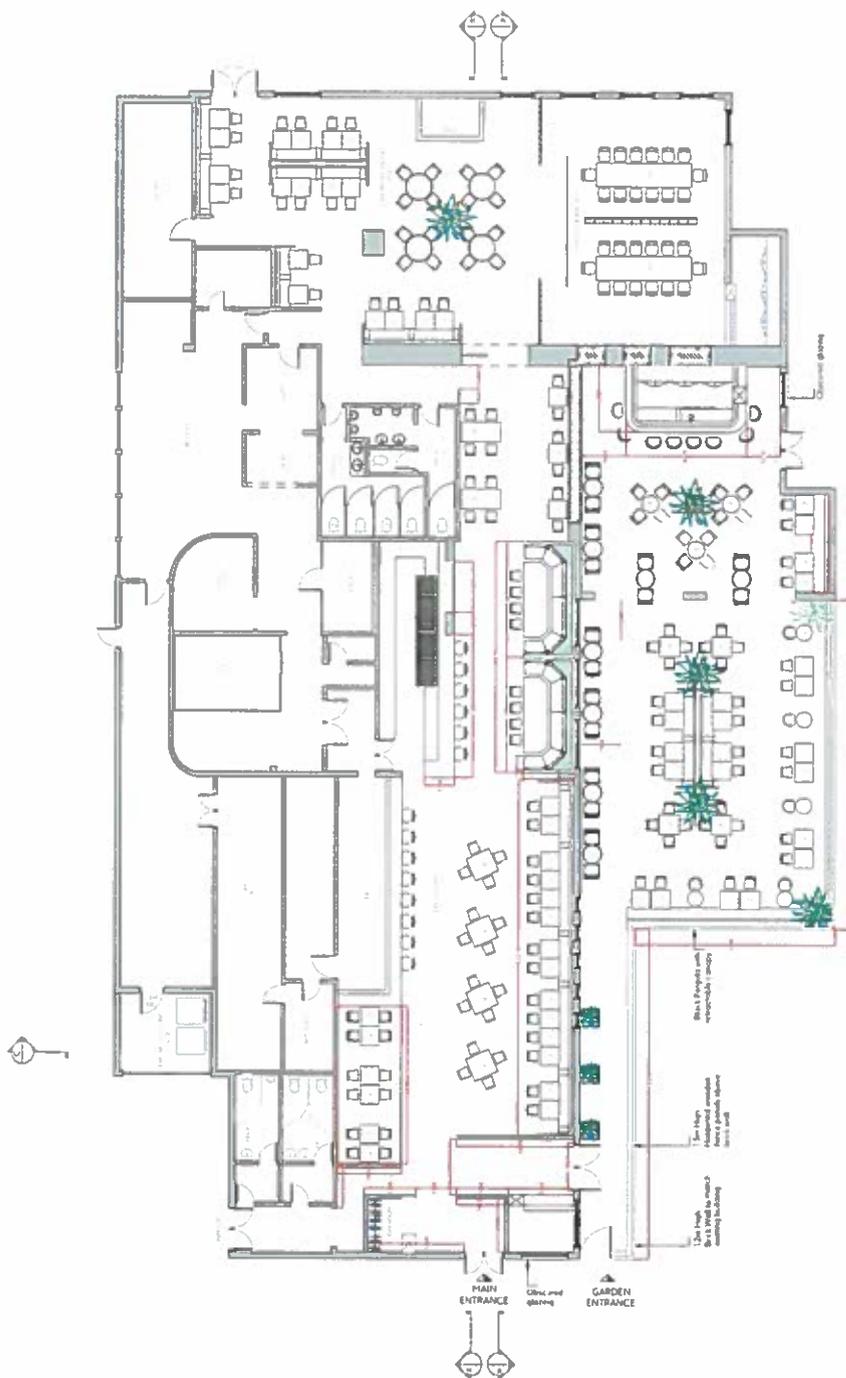
11, The Mall, London E1 2JZ
+44 (0) 20 7254 5479
info@seesawstudios.com

Client:
Sisu Enterprises

Project:
Joy Foot, Ongar Road, Essex, CM15 9SS

Drawing Title:
Proposed floor plan

Date	Drawing Status
11/07/18	Planning
Drawing Number:	Revision
EC1447-03/P	B
Scale	Drawn By:
1:100 @ A1	SK



1 Proposed Ground Floor Plan
Scale: 1:100 @ A1


**BRENTWOOD
BOROUGH COUNCIL**

Consent of Individual to Being Specified as a Premises Supervisor

I (full name of prospective premises supervisor): Abul Uddin

Supervisor Address:

cantFindAddress	Flat Number (if any)	House Number / Name	Road Name	Town	County	Postcode
Address not showing?						

hereby confirm that I give my consent to be specified as a designated premises supervisor in relation to an application to (type of application): Vary a premises licence to specify an individual as a designated supervisor under the Licensing Act 2003

by (name of applicant): abul uddin

relating to a premises at (premises licence number, if any):

for (name of premises): DUSK

(Address of premises):

Postcode	address	Flat Number (if any)	House Number / Name	Road Name	Town	County	Postcode
cm15 9ss	Dusk Ongar Road, Pilgrims Hatch		Dusk	Ongar Road	Pilgrims Hatch	Essex	CM15 9SS

and any premises licence to be granted or varied in respect of this application concerning the sale of alcohol made by (name of applicant): na

concerning the supply of alcohol at (name of premises supplying alcohol): na

(address of premises supplying alcohol):

cantFindAddress	Flat Number (if any)	House Number / Name	Road Name	Town	County	Postcode
Address not showing?		dusk	ongar road	brentwood	essex	cm15 9ss

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below: Yes

Personal licence number (if any): na

Personal licence issuing authority (if any): na

Personal licence issuing authority address (if any):

Postcode	cantFindAddress

Personal licence issuing authority telephone number (if any):

Signed (print name): abul uddin

Date: 05/08/2019

Correspondence email address:

Email Address	Re-enter email address
sharif@duskbrentwood.co.uk	sharif@duskbrentwood.co.uk

Dave Leonard

From: DUSK Brentwood <info@duskbrentwood.co.uk>
Sent: 12 August 2019 14:17
To: Dave Leonard
Subject: DUSK

Afternoon Dave,

Further to our conversation today these are the amendments to go on the application.

I will reprint all information on Blue Notice and replace the existing ones.

Let me know if this is ok.

Blue notice

Live Entertainment
Sunday 13.00-00.00
Monday - Saturday 16.00-00.00

Showing Film
Sunday 13.00-00.00
Monday - Saturday 16.00-00.00

Performance Dance
Sunday 13.00-00.00
Monday - Saturday 16.00-00.00

Recorded Music
Sunday 13.00-00.00
Monday - Thursday 16.00-00.00
Friday - Saturday 16.00-01.30

Late night refreshments
Sunday - Thursday 23.00-00.00
Friday - Saturday 23.00-01.30

NO SALE OF ALCOHOL

Best wishes
Sharif Uddin

--



T: 01277 424 987
E: info@duskbrentwood.co.uk
I: [@duskbrentwood](#)
W: www.duskbrentwood.co.uk

Click [here](#) to report this email as spam.

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex. CM15 8AY. This email (including any attachments) is intended only for the recipient(s) named above. It may contain restricted or privileged information and should not be read, copied or otherwise used by any other person unless express permission is given. If you are not a named recipient, please contact the sender and delete the email from the system. It is the recipient's responsibility to ensure that appropriate measures are in place to check for software viruses.

We will use your information to provide the service requested. We may share your personal data between our services and with partner organisations, such as government bodies and the police. We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to www.brentwood.gov.uk/privacy.

PUBLIC NOTICE OF APPLICATION

APPLICATION FOR A PREMISES LICENCE (Section 17, Licensing Act 2003)

Name of Applicant	DUSK
Postal address of premises or a description to enable the location to be identified.	Ongar Rd, Brentwood CM15 9SS, UK
Statement of Relevant Licensable Activities which it is proposed will be carried on on or from the premises.	
Live Entertainment Sunday 13.00-00.00 Monday - Saturday 16.00-00.00	Recorded Music Sunday 13.00-00.00 Monday - Thursday 16.00-00.00 Friday - Saturday 16.00-01.30
Showing Film Sunday 13.00-00.00 Monday - Saturday 16.00-00.00	Late night refreshments Sunday - Thursday 23.00-00.00 Friday - Saturday 23.00-01.30
Performance Dance Sunday 13.00-00.00 Monday - Saturday 16.00-00.00	NO SALE OF ALCOHOL

The Licensing Register may be inspected at the Town Hall, Ingrave Road, Brentwood, Essex, CM15 8AY between 8.30 am and 5.00 pm Monday to Thursday and between 8.30 am and 4.30 pm Friday, excluding public holidays. Details are also provided on Brentwood Borough Council's website at www.brentwood.gov.uk.

Any representations by a Responsible Authority or Interested Party must be made in writing to the Licensing Authority at the above address by.....09/09/2019.....

It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX 2

OS Maps & Images



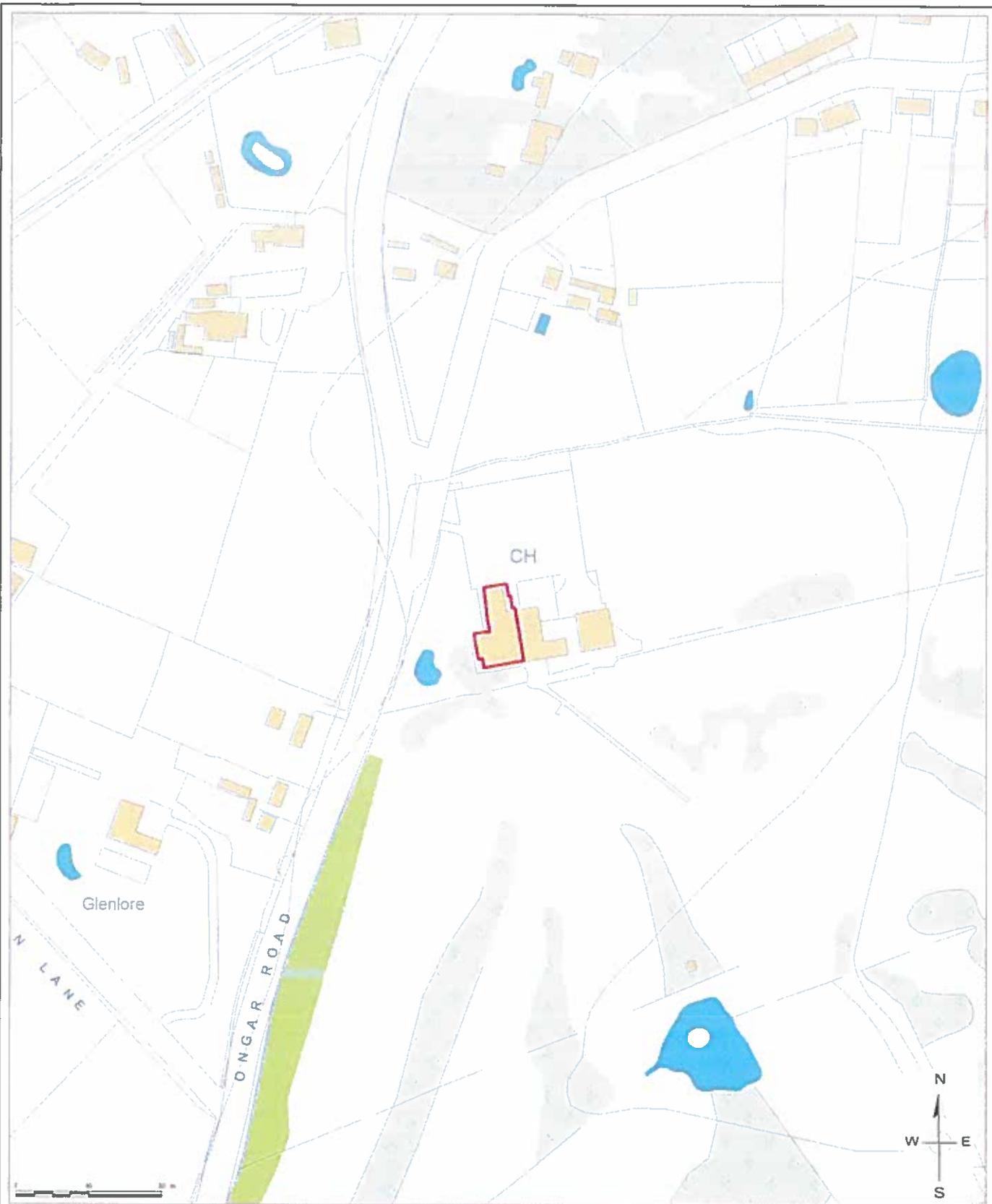
DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS



Drawing No. :
 Scale at A4 : 1:1500
 Drawn by : OSJ
 Service : ICT
 Date : 19th August 2019

© Crown copyright and database rights 2018 Ordnance Survey 100018309

Philip Ruck
 Chief Executive
 Brentwood Borough Council
 Town Hall, Ingrave Road
 Brentwood, CM15 8AY
 Tel.: (01277) 312500



DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

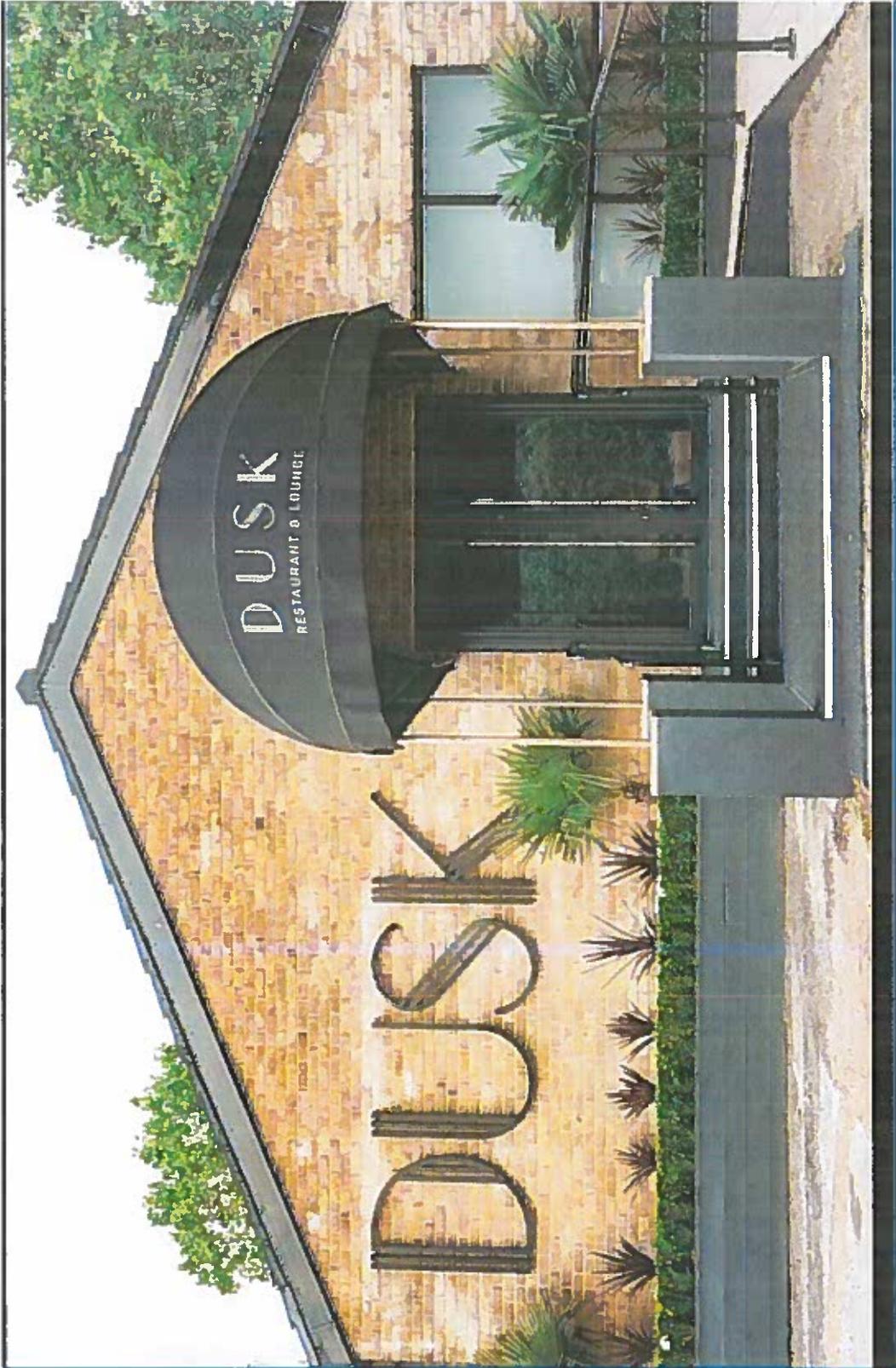


Drawing No. :
 Scale at A4 : 1:3000
 Drawn by : OSJ
 Service : ICT
 Date : 19th August 2019

© Crown copyright and database rights 2018 Ordnance Survey 100018309

Philip Ruck
 Chief Executive
 Brentwood Borough Council
 Town Hall, Ingrave Road
 Brentwood, CM15 8AY
 Tel.: (01277) 312500

DUSK



DUSK



Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Revenue	100	105	110	115	120	125	130	135	140	145
Expenses	90	95	100	105	110	115	120	125	130	135
Profit	10	10	10	10	10	10	10	10	10	10

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Revenue	100	105	110	115	120	125	130	135	140	145
Expenses	90	95	100	105	110	115	120	125	130	135
Profit	10	10	10	10	10	10	10	10	10	10

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX 3

REPRESENTATION

Responsible Authorities

Mr. John Fairweather – Environmental Health Officer

Plus

Mrs. Jackie Cooper – Essex Police Licensing Officer

Recommended Conditions agreed with the Applicant

MEMO From Mr John Fairweather

To: Licensing

Our ref 19/001508/LICON

Your ref

cc

Date 6th September 2019

Location	Dusk, Ongar Road, Pilgrims Hatch, Essex
Details	The application seeks to ensure that the restaurant venue, which currently boasts no sale of alcohol and trades until 0200hrs at weekends, does not breach the Licensing Act legislation with regards to regulated entertainment and late night refreshment. Whilst it is the intended business plan to continue with the no sale of alcohol policy (hence no DPS nomination), they do have a private function suite for hire and may wish to exercise the ability to supply of alcohol at a later date.

I would wish to express my concerns about the above application.

Noise

The premises are in a semi-rural location. At night the main source of sound is traffic noise. It is my experience in similar locations that the sound levels dropped markedly after midnight, when road traffic noise reduces.

The applicant wishes to have live and recorded music at the premises. The DJ booth is located next to the smoking area which by its nature is open to the air. I am concerned particularly late at night the sound of music will be audible in nearby residential properties. I cannot see how music can be played in this area other than as background music that will not disturb neighbours.

The application makes a virtue of not selling alcohol but does not restrict the clientele from bringing their own. This creates a potential problem of people consuming large quantities of alcohol and then leaving the premises late at night. The car park abuts residential properties, In the absence of any other noise source late at night the patrons leaving is very likely to disturb nearby residents.



Mr John Fairweather
Environmental Health Officer

Dave Leonard

From: Jackie Cooper 42072594 <Jackie.Cooper@essex.police.uk>
Sent: 13 August 2019 12:45
To: Dave Leonard
Subject: FW: Application for a Premises Licence - Dusk, Ongar Road, Pilgrims Hatch, Brentwood CM15 9SS
Attachments: Email-Signature.jpg; Dusk Proposed Conditions.docx

Hi Dave

Please see attached the proposed conditions which Mr Uddin has agreed to have attached. You will have to take a look and just attach the ones that appear relevant to the application.
Kind regards

72594 Jackie Cooper MB11

Essex Police Licensing Officer
Brentwood & Thurrock
LPSU
Grays Police Station
Brooke Road,
Grays
Essex
RM17 5BX

07973 881097 (only answered when on duty)
101 Internal Ext: 360381
e-mail: Jackie.cooper@essex.police.uk



From: Sharif D U S K <sharif@duskbrentwood.co.uk>
Sent: 12 August 2019 15:26
To: Jackie Cooper 42072594 <Jackie.Cooper@essex.police.uk>
Subject: Re: Application for a Premises Licence - Dusk, Ongar Road, Pilgrims Hatch, Brentwood CM15 9SS

Hi Ms Cooper

All read and understood, we will remain an unlicensed premises as per our other venues.

I don't intend to get any alcohol related licence unfortunately when filling the form it did not give me an option to unmark no alcohol licence is needed.

Thank you
Sharif Uddin

On Mon, 12 Aug 2019 at 13:53, Jackie Cooper 42072594 <Jackie.Cooper@essex.police.uk> wrote:

Dear Mr Uddin

I have received a copy of your application for a Premises Licence for the above.

I have noted that in Section L of the application that your closing time will be the same as the times that all the rest of your entertainment finishes including the sale of alcohol, when you obtain your Personal Licence. I would like to suggest that you change this time by 30mins to enable to activities to finish before closing the doors so to speak.

This change can be made by contacting Brentwood Licensing Department.

Section O of the application relates to the Promotion of the Licensing Objectives. I have attached to this e-mail a set of 11 conditions which the police would seek to be added to the Premises Licence when it issued. I understand that currently you do not sell alcohol but an agreement would negate an variation to the licence when or if you should decide to sell in the future.

Could you please read through the attached and let me know so that we may reach an agreement.

Any problems please contact me on the telephone number below so that we discuss.

Kind regards

72594 Jackie Cooper MB11

Essex Police Licensing Officer

Brentwood & Thurrock

LPSU

Grays Police Station

Brooke Road,

Grays

Essex

RM17 5BX

☎ 07973 881097 (only answered when on duty)

☎ 101 Internal Ext: 360381

e-mail: Jackie.cooper@essex.police.uk

Member



BII

BRITISH INSTITUTE OF IN-KEEPING



Institute of Licensing



This email and any other accompanying document(s) contain information from Kent Police and/or Essex Police, which is confidential or privileged. The information is intended to be for the exclusive use of the individual(s) or bodies to whom it is addressed. The content, including any subsequent replies, could be disclosable if relating to a criminal investigation or civil proceedings. If you are not the intended recipient, be aware that any disclosure, copying, distribution or other use of the contents of this information is prohibited. If you have received this email in error, please notify us immediately by contacting the sender or telephoning Kent Police on 01622 690690 or Essex Police on 01245 491491, as appropriate. For further information regarding Kent Police's or Essex Police's use of personal data please go to <https://www.kent.police.uk/policy/privacy,-cookies-and-legal-notice/> or <https://www.essex.police.uk/copyright-privacy/>



T: 01277 424 957

E: info@duskbrentwood.co.uk

I: [@duskbrentwood](#)

W: www.duskbrentwood.co.uk

This email and any other accompanying document(s) contain information from Kent Police and/or Essex Police, which is confidential or privileged. The information is intended to be for the exclusive use of the individual(s) or

bodies to whom it is addressed. The content, including any subsequent replies, could be disclosable if relating to a criminal investigation or civil proceedings. If you are not the intended recipient, be aware that any disclosure, copying, distribution or other use of the contents of this information is prohibited. If you have received this email in error, please notify us immediately by contacting the sender or telephoning Kent Police on 01622 690690 or Essex Police on 01245 491491, as appropriate. For further information regarding Kent Police's or Essex Police's use of personal data please go to <https://www.kent.police.uk/policy/privacy,-cookies-and-legal-notice/> or <https://www.essex.police.uk/copyright-privacy/>

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex. CM15 8AY. This email (including any attachments) is intended only for the recipient(s) named above. It may contain restricted or privileged information and should not be read, copied or otherwise used by any other person unless express permission is given. If you are not a named recipient, please contact the sender and delete the email from the system. It is the recipient's responsibility to ensure that appropriate measures are in place to check for software viruses.

We will use your information to provide the service requested. We may share your personal data between our services and with partner organisations, such as government bodies and the police. We will do so when it is of benefit to you, or required by law, or to prevent or detect fraud. To find out more, go to www.brentwood.gov.uk/privacy.

Suggested Conditions – Dusk

1	<p>The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:</p> <ul style="list-style-type: none"> i. CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality {in all lighting conditions} particularly facial recognition; ii. CCTV cameras shall cover all entrances {and exits} and the areas where alcohol sales take place; iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days; <p>Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided.</p>
2	<p>Signs must be displayed at all entrances advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.</p>
3	<p>An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request.</p> <p>The log must be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:</p> <ul style="list-style-type: none"> (a) {all crimes reported to the venue} (b) {all ejections of patrons} (c) {any complaints received concerning crime and disorder} (d) {any incidents of disorder} (e) {all seizures of drugs or offensive weapons} (f) {any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence} <p>The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least 12 months from the date of the last entry.</p>
4	<p>Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:</p> <ul style="list-style-type: none"> i. The day and date when door supervisors were deployed; ii. The name and SIA registration number of each door supervisor on duty at the premises; and iii. The start and finish time of each door supervisor's worked duty period.

	This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.
5	<p>Where SIA licensed door supervisors are employed at the premises (either directly or via a third party) a check of the current validity of each door supervisor's licence shall be conducted via the SIA website at the commencement of employment at the premises and monthly thereafter and recorded in a log.</p> <p>This log shall be retained for at least 6 months after the last recorded check and be immediately provided to police or licensing authority staff upon reasonable request.</p>
6	At all times drinks must only be served in polycarbonate/plastic and/or toughened glass containers.
7	<p>Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.</p> <p>These signs shall be a minimum size of 200mm x 148 mm.</p>
8	<p>A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:</p> <ul style="list-style-type: none"> • Proof of age card bearing the PASS Hologram; • Photocard driving licence; • Passport; or <p>Ministry of Defence Identity Card.</p>
9	<p>The premises shall clearly display signs at the each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.</p> <p>At the point of sale, such signs shall be a minimum size of 200mm x 148mm.</p>
10	<p>A refusals record shall be maintained at the premises, which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.</p> <p>All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request.</p> <p>The refusals record shall either be electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.</p>

11	<p>All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.</p> <p>Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.</p>
----	--

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX 4

REPRESENTATIONS

Other Persons

Resident 1 – Ongar Road

Megan Bashir, Kumar Lodge, Ongar Road

Date received: 10 August 2019

Comments Details

Neighbour

Customer objects to the Licensing Application

- Crime Objections
- Fitness of Applicant
- Noise Disturbance
- Opening Hours
- Parking
- Prevention of Crime and Disorder
- Public Safety
- The prevention of Public Nuisance

11:06 AM on 10 Aug 2019 There is a legal precedent to prevent any such licences being granted to the above premises. This goes back to multiple court cases being brought against former owners South Essex Motors. BBC and ourselves attended hearings at the local Magistrates Court and Chelmsford Crown Court; at enormous cost to ourselves, not to mention the huge emotional Distress that was caused in the two years it took to have them silenced. There is a Judgement in place and I have copies. The only way these premises can attract clients is by offering late night/early morning activities. We know this causes havoc to the local community. In his Judgement Judge Brian Watling has written "These premises, in its location, is not suitable for such activities." Further more, there is a Restriction on how many clients can attend at any one time 100 - 150 for private functions. There is also a noise limiter requirement. The ambient noise levels in this area drop quite dramatically after 6.30 pm (We had a sound expert from Southampton University carry out tests and present his evidence in Court). Simon Bennet from the Environmental Health Department at BBC also gave damning evidence in court having monitored noise levels here at my house for many months. The potential for severe noise nuisance late at night is a very real danger should any such licenses be granted.

If you would like to see the court documents or come and talk to me you would be most welcome. A neighbour from Frog Street placed information about these proposals in my letter box. If you know who that person is please do share this email with them.

I look forward to hearing from you.

Here is a further image. I tried to photo the glare of the light but my camera could not cope with the brightness. As you know, there are no street lights along this stretch of road and at the time this photo was taken the whole area should have been in total darkness. This image shows the extent to which the sky was lit up.



Please see the attached two images of flood lights positioned on the grass verge directly opposite our property. I counted nine of them in total.

We were woken by bright light at 0.44 this morning. The northern part of our garden was completely flood lit and the lights caused a bright glare that passed through the blinds at our bedroom windows. I telephoned the establishment and the call was diverted to one of the owners. I asked him to switch the lights off. He said he could not as he was at home. He said, 'I know you are having a go at me' and, 'The lights have been on for a year' A blatant lie which he later retracted. The lights were still on at 04.51 this morning.

This is a further example of the blatant disregard the new owners have for the rural location in which the premises stand, and a total lack of consideration and respect for those of us living nearby. They are causing nuisance and distress. As His Honour Judge Watling said in his Decision to revoke the Bugatti Licenses, " These premises in their location are not suitable for late night activity, neither now nor in the future." And incidentally, the owners of Bugatti's were forced by the Council to remove an internally lit sign. This flood lighting is much worse!





Addendum – Mrs Bashir also hand delivered historical files for the location that she believes supports her statement. See attached.

Kumra Lodge
Kelvedon Hatch
Brentwood
CM15 0JX

Mr Dave Leonard
Licensing Officer
Brentwood Borough Council

22 August 2019

Dear Mr Leonard

Re: Licensing Application 19/00072/LAPRE - Dusk, Ongar Road

Further to our recent telephone conversations in respect of the above. It was suggested to me by one of our local Borough Councillors, who is very familiar with the appalling history of noise nuisance emanating from these premises, that I forward certain documents and correspondence illustrating actions that have been taken by Brentwood Council and Licensing Justices in the past to try to secure the quiet enjoyment of the property of those of us living in close proximity to the premises, as is our entitlement in Law.

Whilst I concede this correspondence is anecdotal, including the application for an injunction, (later granted in the High Court), by ~~Mr and Mrs [redacted]~~ and ~~Mr [redacted]~~, the former owners of Kumra Lodge, I hope that you will bring this recorded history to the attention of the Licensing Committee for their serious consideration when the Applications by the current owners of the premises for new Licenses is presented to them in September.

The new owners are already causing distress to their neighbours from both noise nuisance and inappropriate flood lighting that lasts from around sunset to after 5 am each morning. And, incidentally, the area on the floor plan marked Patio used not to be covered over. I am informed that an area of this patio now has decking to provide a dance floor. I have not seen it but that is what I have been told. The ambient noise levels along this particular stretch of Ongar Road and Frog Street fall to between 34-36 decibels between 7.30 -8 pm and 6.30 am. And so it seems to me that it is not unreasonable to ask that similar restrictions to those attached to the Licences granted to ~~Mr and Mrs [redacted]~~ the Joy Fook Restaurant, both in terms of the numbers permitted to enter the premises, and music and dancing, be imposed and rigorously enforced should the Licensing Committee choose to grant any licenses.

Yours sincerely



Megan Bashir

Telephone:
(0277) 374314

Kumra Lodge,
Kelvedon Hatch,
Brentwood,
Essex CM15 0JX

Your Ref: AS/(C)/AS

1 March 1991

Dear Mr ~~XXXXXXXXXX~~

Thank you for your letter of 25 February in connection with the Joy Fook restaurant.

I am writing to confirm that I wish to attend the meeting of the Council's Licensing Sub-Committee on 5.3.91. I will not be accompanied by my legal representative on this occasion.

My objection to the granting of this licence comes about as a result of my family having been subjected to varying types of environmental nuisance emanating from the restaurant to the extent that we are frequently deprived of the quiet enjoyment of our property which is our right. I have informed Mr ~~XXXXXXXXXX~~ on at least three occasions that he is disturbing us, but despite the fact that we have made every effort to be sympathetic to the needs of his business, he has persistently shown a level of insensitivity towards his neighbours which has become intolerable. Since October 4 I have kept a diary, and recorded not less than 21 instances when we have been disturbed by activity from the restaurant, of these, four are listed below:

1. On October 4 1990 we were awoken by extremely loud disco music at 2.46.am This noise was quite as loud as any experienced during the Jacobs era.
2. On Friday October 12 1990 there was dancing at the restaurant, and flashing lights were being used above the dance floor until 2.15.am.
3. On February 2 1991 very loud bass sounds from the restaurant could be heard until 11.20.pm. Shortly after this a great many cars left.
4. On Saturday February 16 1991 the flashing lights above the dance floor were clearly visible as well as people dancing.

I understand that Mr ~~XXXXXXXXXX~~ has been contacted several times by officers of the Environmental Health Directorate in connection with his licences, and he could have been in no doubt as to the conditions attached to his licences. In any case, he is a resourceful businessman who has lived in Britain since the seventies, and will know that there are a number of prestigious Chinese legal firms in the City who specialise in the conveyancing of commercial/licensed premises, and who would be able to advise him - in Cantonese if necessary - about his various licences. As I understand it, it is his duty to obey the Law, and ignorance of it is never an acceptable excuse for breaking it.

As well as ignoring the fact that he is not entitled to have dancing on the premises at the moment, he has also carried out structural alterations to the building which interfere with the application of the Justices' Licences, and he has installed not less than five different systems to externally illuminate the premises. One of these systems, multi-coloured lights in trees, are particularly intrusive because they are clearly visible from both of our sitting rooms and three of our bedrooms. These lights have also been placed on land which is owned by the Highways Department. These numerous lighting systems cause great disturbance because they create a bright glow in the night sky, and are frequently left on until very late indeed or all night.

As far as I can remember, I did not object the transfer of the Public Entertainment Licence to either of the previous owners of the restaurant, neither did I ever have cause to complain about the way in which Mr ~~XXXXXXXXXX~~ or Mr ~~XXXX~~ conducted their businesses. I make this point so as to stress the extent to which we have been subjected to nuisance by Mr ~~XXXXXX~~ and I hope that you will lay this letter before members of the Licensing Sub-Committee for their consideration.

Thank you for your attention.

Yours sincerely

M.D. Bashir.

FOR THE ATTENTION OF THE DISTRICT COUNCIL

BRENTWOOD DISTRICT COUNCIL

COPY

cc Vallance Lickford, Solicitors, Regent House, 89 Kingsway, London, WC2B GRH
Assistant Chief Executive. Steve Boyle.
Mrs Bashir, Kumra Lodge, Ongar Rd, Bentley, Brentwood, Essex

DJC(EH)/LHJ/283

Mr D F Carter

282

13 May 1991

Dear Sir

Licensing Act 1964
Joy Fook Chinese Restaurant
Ongar Road, Brentwood, Essex

I refer to the above application for Justices Licences for the above premises which has been adjourned to the 22 May 1991. As you will note from your records, this adjournment was made at the request of Vallance Lickford, solicitors, by letter dated 2 April.

The letter states that 'these adjournments are requested because at present the District Council are maintaining their opposition to the grant of a Special Hours Certificate for these premises. Negotiations are continuing with the Council, and the adjournment is requested to allow those negotiations to be brought to fruition'.

As you are aware, this is the fourth date scheduled for this hearing, but despite these adjournments we would still seek to object to the granting of a Special Hours Certificate allowing the premises to remain open after midnight. I should advise you that we have had no contact with the applicants representatives since our telephone conversation and their letter of 2 April, and therefore no further negotiations have taken place.

It is our opinion that noise from music on the premises and vehicles leaving the premises later than midnight would be more likely to amount to a statutory noise nuisance, particularly as acoustic insulation previously installed has now been removed as part of the alterations.

We would therefore not wish to withdraw our objection to the Special Hours Certificate until it has been proven that the premises can operate in such a way that noise emitted does not give rise to nuisance.

Cont.

13 May 1991

I trust that the above information clarifies our position in this matter. If you have any queries please contact Mr Carter at these offices.

Yours faithfully


Head of Environmental Health Services

The Clerk of the Licensing Justices
South West Essex Licensing Division
The Magistrates Court
Great Oaks
Basildon
Essex SS14 1EH

B3819

from MRS M.D. BASHIR

Telephone:
(0277) 374314

20.5.91.

Kumra Lodge,
Kelvedon Hatch,
Brentwood,
Essex CM15 0J>

The Clerk to the Licensing Justices
South West Essex Licensing Division
The Magistrates Court
Great Oaks
Basildon
Essex SS14 1EH

Dear Sir

Licensing Act 1964
Joy Fook Chinese Restaurant
Ongar Road, Brentwood, Essex

I understand that an application for Justices Licences for the above premises will be made on 22 May 1991, at the Court House in Brentwood.

Whilst we have no objection to the granting of a Justices On-Licence and a Supper Hour Extension, we wish to object to the granting of a Special Hours Certificate.

Most of the nuisance which we have experienced in the past as a result of activities at these premises has occurred from midnight onwards into the early hours, when the ambient noise levels have been recorded at 34 decibels. The present owner has carried out extensive alterations to the premises, changing the internal arrangements and drastically damaging the acoustic insulation fabric of the building by removing it altogether in some areas. Even at the present time, with a licence up to midnight only, we are sometimes disturbed by people driving out of the restaurant car park well after 0100 hours. He has recently been advertising a disco on Thursday, Friday and Saturday nights, and I know that he has ignored condition 11 of the existing Justices Licences and continues to use flashing lights. We are therefore greatly concerned that the premises may revert back to the its former style under this new ownership unless the conditions on the existing licences are retained and enforced.

Would you be kind enough to present this letter of objection to the Justices at The Hearing. I expect to attend the proceedings myself.

Yours faithfully

M.D. Bashir

The Clerk of the Court,
Brentwood Magistrates Court,
Brentwood Essex.

~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~ Frog Street,
Kelvedon Hatch,
Near Brentwood,
Essex.

September 7th., 1986

Dear Sirs,

I have been resident in this area since before the Bentley Golf Club existed.

Over the last few years I have witnessed, with some dismay, how the club house became first a Public House, and then a Night Club.

I cannot, in all honesty, complain about the loud noise of music from which my less fortunate neighbour suffers, but have had to suffer the additional traffic, bright lights in the car park and the occasional problem of noisy disputes and car doors slamming at a late hour.

I did once complain about the parking on both sides of Frog Street and all over the greens and verges at the dangerous junction with the A123, but this has improved to some degree since the car park was enlarged.

My objections to the renewing of the licence of Buggatti's are founded on the belief that this kind of establishment is totally unsuitable for a semi-rural area such as Knightsbridge Corner, Kelvedon Hatch.

The original permission, even if given misguidedly, was for a public golf course and club house with restaurant. The subsequent changes bear little relationship to this and there seems to have been some laxity on the part of the Council, to allow them to happen without objection.

We are constantly reminded that we live in a strict Green Belt area. Indeed, one Council official described it to me as 'Golden Green Belt'. Does the existence of a so-called Night Club really fit in with this description? Is it really fair to the inhabitants of this area to have the amenity of their properties affected by traffic, lights and noise?

And possibly, the value of these properties lowered by the proximity of such an establishment?

I admit that my objections are subjective rather than objective but, as a resident and a rate-payer, I am sure this does not effect their validity.

I trust the wishes of those who actually live in this area will be taken into account when the issue is decided.

Yours faithfully

of Public Entertainment.

"Bugattis" Ongar Road, Brentwood.

1. Public entertainment shall end at 11.30 PM Mondays to Thursdays and at Midnight on Fridays and Saturdays.
2. Notices to posted within the licenced premises and in the car park requesting patrons to be quiet when leaving the premises in the interests of local residents.
3. A steward shall be on duty in the car park at all times that the licence is in force and until all patrons have vacated the premises so as to prevent disturbances to inhabitants of the neighbourhood.
4. Any sound emitted from the premises shall be so controlled as to be inaudible when assessed by the DOEH or his agents at or within neighbouring residential dwellings.
5. The output of all amplified audio equipment (including amplified live music) shall be controlled by a sound limiting device, the specification of which shall be to the satisfaction of the DOEH. The operation and adjustment of the sound limiting device shall be solely under the control of the management. The operational limit of the device shall be agreed in writing with the DOEH.
6. Fit a 30 milliamp residual current device to protect at source any electrical circuit used to supply portable or temporary electrical equipment, including audio visual equipment.

CONDITIONS/UNDERTAKINGS/CERTIFICATES

Protection Order

Transfer

Certificate under S.68 Licensing Act 1974 limited to areas hatched green and piano bar shown on deposited plan.

Conditions:

1. Intoxicating liquor may be sold or supplied only to:
 - (a) Members of the Bugattis Club and their bona fide guests.
 - (b) Persons attending by prior invitation a private or organised function in the premises.
 - (c) Persons taking a table meal in the restaurant area hatched green on the deposited plan.
2. No person shall be admitted to membership of the said Club without an interval of at least two days between nomination or application for membership and admission. The name and address of the person so applying must be prominently displayed in the Club for at least two days before election, in a part of the Club premises frequented by the members.
3. No off-sales except to a Member in person.
4. The number of persons (excluding staff) in the area marked 'Lower Bar' on the deposited plan shall be limited to 50 club members and guests at any one time.
5. The number of persons (excluding staff) in the restaurant areas hatched green on the deposited plan shall be limited to 60 at any one time.
6. The number of persons (excluding staff) in the area marked 'Piano Bar' on the deposited plan shall be limited to 40 at any one time.

Conditions (contd).....

7. The number of persons (excluding staff in the whole of the licensed premises shown on the deposited plan shall be limited to 150 at any one time.
8. A sealed compressor/limiter of studio quality shall be connected into the music signal feed to the amplifiers and the maximum output shall be 80 d B (A).
9. No live amplified music to be played except through the limiter.
10. Whenever a private or organised function is held on the premises the overall maximum number of person (excluding staff on the premises shall be reduced to 100.
11. There shall be no strobe or flashing lights in the dance area.

Undertakings

- The premises shall not be operative until the Licensing Justices are satisfied
- (a) that the limiter is sealed at 80 d B (A) in accordance with condition 8, and
 - (b) trees have been planted along the Ongar Road boundary to act as a sound baffle.



CHELMSFORD CROWN C

A

New Street, Chelmsford,

Tuesday, 3rd June 1986.

B

Before :

HIS HONOUR JUDGE WATLING, Q.C.

And other Justices.

C

IN THE MATTER OF

THE APPEAL

OF

D

ROBERT HENRY LINDNER

AND

ROBERT JOHN PAGE

E

(Transcript of the Shorthand Notes of Hibbit & Sanders,
Wisdown, Wadhurst, East Sussex TN5 6HN.)

F

MR. V. ROBINSON, Q.C. and MISS HILL appeared on behalf of the
appellants.

G

MISS M. ELLIS appeared on behalf of the respondents, Brentwood
District Council.

MR. E. ALEXANDER appeared on behalf of the respondent, Mrs. Bashi:

H

Tuesday, 3rd June, 1986.

D E C I S I O N .

JUDGE WATLING: I should like to begin if I may by thanking all counsel, who have been involved in this case, once again for their assistance. This appeal has lasted for some thirteen and a half hours, and as I indicated yesterday to Mr. Vivien Robinson, leading counsel for the appellants, we think it right in this case to give the reasons for the decision which we have arrived at, and I think I should also preface what I am going to say by indicating that the decision we have arrived at is our unanimous decision. We have written out our reasons, and my colleagues and I have had the opportunity of considering that format together, and therefore what I am about to say is the decision of all of us.

Because this hearing has lasted so long I shall not of course, in giving my reasons on behalf of all of us, go into all the evidence. Therefore those pieces of the evidence to which I refer are by no means all of the matters to which we have given consideration in arriving at our decision.

That brings me to our reasons. This is an appeal against a refusal by the Brentwood Licensing Justices on the 11th March 1986 to renew a supper and special hours certificated on-licence in respect of the premises known as Bugatti's night club in The Ongar Road, Brentwood. If we were, in considering this appeal, to take particular cognisance of the wording of the notice of the appeal itself that would be very restrictive. Because the notice of appeal says that the decision of the justices was contrary to the weight of the evidence, and that they failed to give any, or any sufficient,

weight to the expert evidence called on behalf of the present appellants. We would like to say that we think, on the evidence before them, the justices were absolutely right to reach the decision they did. Quite clearly, as we shall indicate later, there was a very serious continuing noise nuisance. We have no doubt, in reaching that decision, they did give weight to the evidence of the expert witness, Mr. Marriott, who was then called.

These proceedings are entirely impartial, and therefore I shall begin by dealing with one or two matters of law. Mr. Alexander, for one of the objectors, Mrs. Bashir, submits that the appellants are not entitled to rely on any events which have occurred since the 11th March. We reject that submission. This is ^ahearing de novo and not infrequently it is the presentation of fresh evidence to the appellants' tribunal that causes it to reach a different decision from that of the magistrates' at the first instance.

Secondly, we were exercised as to whether we were entitled to take into account the location and suitability of the premises generally, for use as a disco or discotheque, rather than merely confining ourselves to the question of noise propounded by Mr. Robinson.

Our attention has been drawn to the case of Lidster and another v. Owen which is reported in the (1983) 1 All E.R. 1012, where in relation to a music and dancing licence it was held that the magistrates did have a wide discretion as to such matters. However, Mr. Robinson submits that, even if we were entitled to look at Page 91 matters, he would seek to distinguish

the case of Lidster and another v. Owen from this present case. It would, he submits, be unfair to his clients the appellants, and in effect contrary to the rules of natural justice for us to do so.

We do doubt the suitability of these premises, in their location, for use as a discotheque but we wish to make it perfectly clear that we accede to Mr. Robinson's submission, and for the purposes of determining this appeal we have confined ourselves solely to answering the question which he himself posed this morning, in the terms in which he himself phrased it. The question is this: Is our view that as of now, and in the future, there will not be a noise nuisance of the sort which caused the licensing justices to take the view they did? We have heard a substantial body of evidence about this. There is not, in our view, the slightest doubt that up to and including the weekend of the 4th/5th May, and possibly a few days afterwards (that is some 8 weeks after the original hearing before the justices at Brentwood) there was a serious continuing noise nuisance emanating from these premises.

Nuisance can be defined as that which unreasonably and materially interfere with the quiet enjoyment by an individual of his or her premises. Mr. Dibble, the appellants present noise expert (the previous one Mr. Marriott having been dispensed with after the earlier hearing) concedes that on Saturday 15th March 1986, when he was first instructed, and attended the premises at 0100 hours: "The noise", to quote his evidence, "amounting to a nuisance would certainly have existed at that time"Page 92

We have heard a mass of evidence, and as I have already said I do not propose to go through anything like all of it, and if I fail to refer to a particular piece of evidence we are not to be taken as having left that out of account in reaching our decision.

The principal witness perhaps was Mrs. Lashir. It was suggested to her, in effect, that she was so obsessed by the question of noise emanating from the premises that she had exaggerated her evidence, and that in effect her intention was, if she could, to get the premises closed. This was put perfectly properly by Mr. Robinson, but with great firmness, and she dealt with the suggestion sensibly and fairly, and we think it right to her to say that we were impressed by her evidence. Understandably it may have become something of an obsession, but in our opinion this is hardly to be wondered at. We do not think that she was exaggerating. We think she has been through a nightmarish ordeal and we would like to say that she, in our view, conducted herself before us with dignity and propriety.

Three police officers were called to contradict her on this specific point. Two had visited the premises internally, and all had visited them externally a number of times. All said that in their view there was never, at any time, emanating from the premises such a noise as amounted to a nuisance. We reject that evidence. It is clear that there was a noise nuisance, and it is, to say the least of it, regrettable that the first officer, P.C. Rickford, who was called to establish the bona fides of the well run establishments, had an interest which he failed on two occasions to disclose. Which,

when reported to the appellants' legal representatives, and these specifically exclude counsel, was not disclosed to the court. We cannot help wondering why, if it is so well run, a more senior and independent officer was not called to say so. We certainly do not allow ourselves to be influenced in any way in reaching our decision by the absence of such evidence.

We accept the evidence of Mr. Grove that in the period 8th to the 31st May there was no, or virtually no, noise in the period running up to the appeal, but there is, as I think I have already made clear, a continuing history of noise nuisance.

As examples of, if you like, the warnings given to the appellants, at the Transfer Sessions on the 2nd July 1985, Mrs. Dahir made clear her objections. On the 14th October 1985 the Noise Abatement Notice was served by the District Council. On the 19th December 1985 there was a council meeting at which the views of the authorities were made plain, and on the 1st January 1986 the music and dancing licence was only renewed for 3 months, and the appellants therefore had ample warning. Ample warning that the premises were not complying, in the view of various interested parties, with the noise requirements, and we have to say that in our view they did not take, or rather took no, or no proper, notice because at all times there has always remained the simplest over-riding control, turning down the volume.

People go to a disco, there is some objection as to whether it should be called discotheque, one is a diminutive of the other. People go to a disco, and they go for the noise.

They get hyped up with drink, the music beat and noise. At 2 o'clock or thereafter they pour out, go into their cars and go off.

I want to take, for the purposes of these reasons, three illustrations from the evidence of Mr. Bennett, to whom the court is indebted, and from whom both Mrs. Bashir, and indeed the club itself, have had every possible assistance. We would like to make that clear as well. He made something like 21 or 22 visits, either to the premises themselves or to the surrounding locality, in the course of the pursuit of his employment as Assistant Environmental Health Officer. On the 1st January, as I said, the music and dancing licence was renewed only for 3 months, but on the 9th January at 2350 hours, in the first floor front right hand side bedroom with the window open, the bass was clearly audible, also when the disc jockey spoke, and there were occasional strains of other parts of the music including heavy guitar chords. In relation to that particular incident, only 8 days after the proprietors of this establishment had been put on the clearest possible notice that they were very much at risk.

Mr. Bennett was asked this question: "Did the noise in your view amount to a nuisance?", and without any hesitation he said: "Yes". On the 22nd February, with the hearing for the renewal of the licence coming up on the 11th March, the beat of the music was clearly audible inside the house, with the window open. When he went to the club the noise limiter was set at 110. This was the highest this machine was capable of being set at. There was some suggestion in evidence that 110

would blow the machine to smithereens, but if the management of this club was so anxious not to offend the local residents, and to comply with the noise requirements, we totally fail to understand why, on that occasion, the machine was set at the upper maximum limit.

Finally on the 7th March at 12.24 there was a record with a heavier bass content. It was even more intrusive than previously. That was outside Kumra Lodge. It was clearly audible. He says: "The noise was, in my opinion, sufficient to constitute a nuisance".

It is Mr. Bennett's view, and the view of Mr. Dibble, the appellants' sound expert, and I quote: "Sound insulation works to the premises alone are not sufficient without a limiter control". "It is my opinion", said Mr. Dibble in cross-examination, "The design of the building is such that volume regulation is essential if noise nuisance is to be avoided".

We come to the last piece of evidence of this kind, to which I propose to refer. It is the evidence of Mrs. Harley (now I am going slightly outside the rules) a lady, if I may say so speaking for myself, of the utmost respectability, by whose evidence I was very much impressed. She described what she heard that weekend, and this^{is} now the 4th/5th May and the club has not had its licence renewed: "When I went to bed and I lay my head on the pillow I used to hear this thump, thump, thump. I first heard this in the summer of 1985. Wednesdays and Saturdays of most weeks I heard it. I am a very heavy sleeper, but the noise prevented me from

getting off to sleep, and continued from 12.30/1.30 a.m. It was a continuous thudding noise, and it went on and on and on". Then she came to this particular weekend, and she said: "From the 30th April to the 4th May my husband also heard it for the first time and he has perforated ear-drums. It was noisier than it had ever been before. My husband opened the window and could hear nothing, but as soon as you put your head on the pillow you could hear this continuous thumping". Now that can only mean one thing. The sound was being transmitted by the ground.

Here is the club, so anxious to comply with the regulations and not to give offence. This is the weekend before: "We were very disturbed and because I had no sleep that Sunday night going into the Monday morning I had a very bad headache, which I get when I have no sleep". She said that the noise of the refrigerated lorries in the park, not far from the house, was quite a different noise which she could identify and distinguish. She said: "It isn't the same noise at all. A totally different noise".

There was also a failure to comply with the bank(?) laws. Not something to which we attach great importance but it is a fact. We understand only too well the importance to this club of this licence. There has been an investment of a million pounds. Though perhaps attention should be drawn to the fact that only 3% of that sum has been spent on sound insulation works, or works designed to control the sound. It has 4,000 members who pay about £25 membership and £3 entrance fee each time, Page 97 a guest. The turn over is

116,000 a week, getting on for £1,000,000 a year.

We understand, in reaching the decision we have arrived at, only too well the consequences for the club of our decision. It is said on behalf of the club by Mr. Robinson, in his most able, impressive and persuasive argument, that it would be manifestly unreasonable not now to allow the club a chance to show it has cured the problem, by renewing its licence.

We are afraid we disagree. We are unanimously of the opinion that we are not satisfied that now, and in the future, there will not be noise nuisance emanating from these premises. We do not consider that it is in the public interest, for these reasons, for this licence to be renewed, and accordingly this appeal is dismissed.

* * * * *

Resident 2 – Frog Street

Brian and Carolyne Billington, Orchardene, Frog Street, Kelvedon Hatch

Date received: 09 August 2019

DUSK Ongar Road, Brentwood, CM15 9SS application for entertainment licence and extended hours.

We would both like to place our objections to the above application. We have lived here for 29 years and the previous owners always closed at midnight on the weekends and were very respectful to their neighbours. Already, even before they have a licence they are creating noise and staying open hours past closing time. This is just not right or fair to neighbours. With an application to add entertainment it is going to be so loud at unreasonable hours. The previous owners were a restaurant only and did not play loud music.

Could you please confirm you have received these objections.

Resident 3 – Frog Street

Sue Norris, Cow Farm, Frog Street, Kelvedon Hatch

Received date: 09 August 2019

- Premises about which I am making representation:

Dusk, Ongar Road, Pilgrims Hatch CM15 9SS
- The licensing objective that I think will not be met if the application is granted:

The Prevention of Public Nuisance
- The reason(s) for my view and any evidence in support:

Frog Street is a quiet lane that has a number of sharp bends. It will inevitably be used as a cut through after Dusk closes by cars driving too fast and dangerously as occurred when Joy Fook had evening parties there in the past. The finish times requested of 00:00hr Mon-Thurs and Sunday and 02:00hr on Friday and Saturday will cause a public nuisance from cars on our lane and noise from the 'club'. I have no objection to a licence being granted for alcohol to be served but do object to the finish times they have requested.

Resident 4 – Ongar Road

**Mick Ballard, Farrington Cottage,
Received date: 15 August 2019**

I understand that Dusk restaurant on Ongar Road is applying for a late music/entertainment licence.

I am writing to formally object this application as we are close neighbours and have already experienced late evening noise and disturbance.

Myself and my wife have lived at Farrington Cottage for over 35 years and the previous owners of Joy Fook were a lot more considerate to their neighbours with minimal disturbance.

It is a green belt area not a high street so my wife and I would strongly object to a licence being granted.

Resident 5 – Ongar Road

**Myself, Mr M Ballard and my wife, Mrs J Ballard live at Farrington House,
Ongar Road, Brentwood, CM15 0JX
Received date: 15 August 2019**

To whom it may concern,

Please take this email as a formal objection to the application for a premises licence at Dusk, Ongar Road, Brentwood, Essex, CM15 9SS.

Myself, Mr M Ballard and my wife, Mrs J Ballard live at Farrington House, Ongar Road, Brentwood, CM15 0JX and we both agree to object to this Licence as we have a young family and the disturbance already is interrupting sleep. We both feel that there is no respect and consideration for its neighbours and as we have 3 young children they shouldn't have a successful application.

Please also note that the venue is often open way past these times and that the revving of cars and shouting in the carpark is often heard at late hours as customers are leaving.

Also the Public Notice of Application is displayed on private land (the carpark) and is not easy for other neighbours to see.

Thank you for your time in this matter,

Resident 6 – Frog Street

Des and Pat Taylor, Laburnum Cottage, Frog Street

Received date: 18 August 2019

We should like to register our objection to the proposed modification to the terms of the licence held by the operators of the above premises as it seems to be in direct contradiction of the area being Green Belt, and all that is implicit by it being so.

Extending the trading hours of the premises would bring further noise pollution - directly from the premises, as well as indirectly, from vehicles & people leaving in the wee small hours.

We are located in a short, direct line from the premises and noise generated is easily carried over open ground with just a few trees between it and our home. Other neighbours have agreed that they too can hear this and they may object separately.

In essence, our objection is based on (a) the insidious changes to a designated Green Belt area and all that means, and (b) the noise generated from such an operation will affect residents of the locale for even more hours than seems reasonable or considerate; surely there must be a limit to the things residents are expected to bear, just so a commercial enterprise can generate even more income?

Resident 7 – Ongar Road

Kevin and Karen Addison, Kingsley Cottage, Ongar Road

Received date: 05 September 2019

We would like to register an objection to the above licence application as it is totally unsuitable for this semi-rural location.

Firstly they are requesting late night opening to 2am, this will lead to nuisance from drunken revellers in the early hours of the morning.

Loud music will be a nuisance with excessive volumes. This will be compounded as they also have external areas.

They are already advertising for DJ evenings and private hire for parties etc which demonstrates that they intend to turn the venue into a nightclub, this is not fit for this rural environment.

Crime is likely to increase in the local area with another venue attracting young party goers mixed with alcohol consumption to the early hours of the morning.

We urge you to please keep this venue in line with the original application as a restaurant with an opening time no later than 11pm

Resident 8 - Frog Street

Linda and Richard Martin, 10 The Avenue, Frog Street

Received date: 02 September 2019

Ref: 19/00072/LAPRE

Relating to Dusk Ongar Road CM15 9SS

We wish to object to the application for late night licences for music and entertainment during the week and at weekends.

The venue has already held late night events that made sleep impossible.

Our lives would become unbearable if this application was granted.

Resident 9 – Frog Street

Colin and Eileen Fox, Tolfalas, Frog Street

Received date: 03 September 2019

Premises Licence Application: 19/00072/LAPRE

We object to the above application by Dusk to extend the licensing hours to have music dance and similar on the grounds that is in a semi-rural location and the late night noise travels across the open spaces to the surrounding houses.

There can already be music and fireworks from Old Brentwood's and Ashwell's in the area.

Resident 10 – Frog Street

Received date: 02 September 2019

**Re: Premises Licences - Application under consultation by Dusk, Ongar Road, Pilgrims Hatch
Ref: 19/00072/LAPRE**

We have recently become aware of an application by the above establishment for a licence to supply alcohol, films, live and recorded music, dance and anything similar until midnight during the week, and 1.30 am Friday and Saturday nights.

We earnestly and respectfully request that this application be rejected for the following reasons:

1. Our home is one of the nearest houses to DUSK. We are situated on Frog Street, just around the corner from the restaurant. We are only 300 meters away, as the crow flies. If any events take place locally, or even much further away such as at the Brentwood Centre, the noise of late night music or people shouting, partying and talking late at night carries very clearly across to our house.

REDACTED TEXT

With regard to the above information, we repeat our EARNEST request that this application be refused.

2. In addition to the above, as residents of Kelvedon Hatch, we do not feel that granting DUSK the licence in question will benefit local residents. The licence would effectively grant the establishment nightclub status, which is not appropriate for a small semi rural area. There are party and DJ facilities already available at other local establishments, such as at Bentley Golf Course and Ashwells. These establishments do not play loud music until late at night every single night of the week.

Thank you for your consideration. If you have any questions about the above response, we will gladly provide any further information that will help with this consultation.

Resident 11 – Frog Street

Received date: 27 August 2019

The application is to be able to supply alcohol, films, live & recorded music, dance and anything similar and late night refreshment from Mon - Thurs 1600hrs - 0000hrs, Fri & Sat 1600hrs - 0200hrs, Sun 1300hrs - 0000hrs.

The basis of my representation is that if the application is granted, the activities of Dusk and their customers will constitute a public nuisance.

The premises is very close to a residential area and the late night music in particular will cause distress to the owners of the neighbouring houses, especially as the establishment will not close until midnight on Sunday to Thursday and 2:00am on Friday and Saturday!

I am sure there would also be an increase in late night traffic down Frog Street (a narrow country lane) as satellite navigation systems direct vehicles along that route to get to the A12.

If the licence is granted and the noise proves to be a problem I suppose there will be no alternative but to contact the Environmental Health Department and pursue the issuing of an abatement notice and/or endeavour to have the problem solved through the local magistrate's court.

I really do not think it is appropriate for this type of establishment to be situated so close to a residential area.

Resident 12 – Frog Street

Received DATE: 09 August 2019

I live with my family at the property, its adjacent to the new 'dusk', I believe they are applying for a late night licence with alcohol and music until 2am !?

I can only assume this email is almost a waste of your time and they cannot possibly get this granted – we live in a semi-rural location and remain there for this reason, a late nite music and alcohol licence I strongly oppose to being granted right next door.

'dusk ' have put up spotlights – some pointing at the house – where do I get permission certificates for this – I know Bentley golf club (member for 30 years) had to get them – they have now been now redirected but a late nite licence cannot be allowed – they regularly breach their 11pm licence already causing noise and disturbance, drunk and disorderly diners looking for taxis, drivers wheel spinning out of the car park – its all out of order and changing our otherwise tranquil setting.

REDACTED TEXT

Please take all the above into careful consideration and deal with this ridiculous request for an even later licence accordingly.

Resident 13 – Frog Street

Received date: 08 August 2019

I write with reference to Dusk restaurant, Ongar Road, CM15 9SS and strongly object to the licensing applied for.

Reasons:

The current music, live DJ's, for which have not been agreed to have been incredibly loud. We have phoned and messaged on numerous occasions to have the music turned down. Thus, if the owners are already not considerate to their agreed current opening hours and restaurant only, we very much doubt they will stick to any licensing granted.

Joy Fook, although did have a premises and live music license, they did not have an outdoor area and did not operate in the week with any music. In fact, they only operated one night a week with music until midnight then closed promptly. Dusk has a very large outdoor Sheesha? area for which there is absolutely no demand or desire to have in this area. The sound travels and this is not a separate building, thus the doors would be opening and closing a lot of the evening, hence sound travels. Speaking to the owners of Dusk, they are trying to encourage people to go down for a Sheesha and a meal, rather than a coffee and a local meal in town. There is no need for this.

Late night entertainment is provided nearby at Ashwells and Old Brentwoods, and on very rare occasion at Bentley Golf Club. Due to the close proximity of all four establishments, noise travels and can be heard from all. We really do not wish for the fourth to be granted a license as sleep will be impossible. This has already been raised with the owners, prior to any licensing consideration, as it is currently too loud.

No respect or understanding of the local area has been demonstrated. The establishment has done exactly as it pleases. The hours have not been those granted ie the council said it closed at 11, but on facebook and in reality it has been closing at gone 1 and 2 am.

Bentley golf club had to get planning permission for a spotlight to be put up. Dusk seems to have put many up with no planning permission. They are saying that they were there before with Joy Fook, but they were not, we have lived here for 14 years and there were none. Again, the owners have total disregard for local neighbourhood as the spotlights were shining straight into our bedrooms which took away any privacy. Following various heated discussions, these have now been reangled. However, could we have a copy of the planning application for this, bearing in mind the golf club had to get one.

We were never consulted on any outdoor cafe entertaining area, which we now discover to our disappointment is a Sheesha pipe smoking bar. Bearing in mind

the average age of local residents is fifty years plus, we do not feel this was needed whatsoever. The local residents do not wish for a live entertainment venue to open. We were also assured no alcohol would be sold, and now find out that they are applying for an alcohol license on top of live entertainment. They have admitted by phone conversation that they do not have a harpist as displayed in their application in the entrance to the car park. They have admitted their music is too loud (copy of transcript has been sent to Mr Dave Leonard).

Dusk have not obeyed the current licensing given to them. We live in a semi rural quiet area. We do not wish whatsoever for a live late night entertainment venue to open up next door. A nightclub has previously been closed down by local residents within the same venue before it became Joy Fook. As well as the music being very loud, people leaving the premises are very loud, the cars wheelspin in the car park, taxi's arriving, drunk people get in, we really do not want this. This will cause considerable stress to ourselves and our neighbours.

We support our local community. Our daughter is a secondary school teacher at a school in Brentwood, our other daughter is training to be an occupational therapist, my husband leaves the home at 6am for work. We have lived in Brentwood all our lives and enjoy our way of semi rural living. We have goats, alpacas and dogs. Having lived in Brentwood and Blackmore all our lives, we did not move to our current address for this. We feel very strongly about this.

Good afternoon Mr Leonard,

Following on from your telephone conversation, whereby you kindly gave me an update to the planning application re Dusk I would like to confirm our household objections. I would firstly like to emphasise that we would wish the proprietors of Dusk to remain, but as a restaurant only. Reasons as below.

Late night entertainment involves noise. Even with someone standing in the car park, it cannot be guaranteed there will be no noise. We hear people shouting, I wouldn't say laughing more like screeching, cars skidding, cars beeping horns etc. Prior to Dusk when Joy Fook had dancing on a Saturday there were fights in the car park and lots of shouting. This did not end when the premises closed for the evening. It's not a car park where people can be "made to leave" as such. We have one adult daughter who is a secondary school teacher in Brentwood. Currently it is summer holidays. She cannot return to work to care for 30 plus children safely if she has had no sleep due to ongoing next door. We look after local authority children, sometimes the children have already suffered neglect and trauma. We have already text Dusk when a child could not sleep because of the noise. This would be detrimental to the well being of children living here if a late night license were granted. The shouting in the car park cannot be guaranteed to stop because quite simply put if people are drunk and want to shout they can and the staff cannot exactly gag them. If people want to use their cars for noise, they can, the staff can only ask them not to. The children need to feel safe, secure and settled. That cannot happen if they are being woken up due to music. The music can be heard. There is an outdoor "Sheesha" area and doors open from the restaurant to that area as well as to the car park where there are two sets of doors. These doors have to be open frequently.

Crime in the area is already well known. However further down the road there are quad bike gatherings. A few years ago I returned from shopping one winter eve to see "shadows" in our field. As I shouted out the people ran into the car park. I called the police as was quite scared. The people were from Joy Fook and had decided to play football in my garden the police said. This cannot be guaranteed not to happen again.

We did not move next door to a late night entertainment venue and would not have moved here if this was the case. We moved next door to a restaurant that had a dj until midnight on a Friday and Saturday. It was not open on a Sunday evening and closed early in the week. One person was outside at all times.

We keep Alpacas and goats. Our neighbouring fields have horses. Dusk chose to have a firework party at the side of the road one evening without warning. All horses and animals went berserk. Firework shells landed on the Ongar Road and in our field. Absolutely no safety regard was taken by Dusk whatsoever.

We have lived in Brentwood (Mount crescent and south drive) and Blackmore (fingrith hall lane) all our lives. Our parents all live in Brentwood as do siblings. On top of that we do a lot for our community. As well as teaching and fostering, we operate a baby equipment/clothes/toys recycling operation from our home.

We strongly object to a late night entertainment license being granted. It is not in keeping with the community, it does not attract local residents to the premises and we already have Ashwells and Old Brentwoods in "hearing" distance. We do not need another. It does not create many jobs for those locally. As pointed out by Sharif the manager, he employed lots of people in order to sack over a third of they don't cut the training properly. Surely employ those you need and train them up rather than just sack as he put it.

He also said he is trying to get people to embrace their way of life so rather than school mums going for a coffee after doing the school run, they will go to Dusk for a Sheesha! Personally we haven't experienced Sheesha before and do not wish to. Although legal, am sure it can't be very good for you and I would be surprised if this is something the council feels it should promote to operate late at night in the area. Along with dancers, dj, live and recorded music, this was not what was agreed when Dusk opened. They have taken alcohol off the application. This makes no difference to us at all. They have said 1.30am rather than 2am, again this makes no difference.

Originally planning put up by yourselves said harpist and guitarist. That's now been replaced with dancers, dj, live and recorded music and films. The average age of residents must be 50 plus around the area. It would joy benefit us at all. I hope you and your colleagues understand as I am sure you would not appreciate a late night license with the trimmings being granted permission next door to yourselves where there many living who are responsible for young children.

Please see part of conversation at 2348 the other week. They have djs, not as advertised a harpist and a guitarist. They, in our opinion, are trying for an entertainment license saying a harpist but actually so far it's been djs. I have already commented to you that they are not obeying the opening hours and are closing beyond 11, which you can see from them replying saying music turned down by this time gone midnight! Even though they are telling you it's 11pm, it's not!! Frequently people are leaving at 2am.

Please please, we hear music from Ashwells and old Brentwoods very faintly, Bentley golf course on very rare occasions. We really do not need another late night premises opening up here. At no point was anyone consulted. Joy Fook was a restaurant, they were very respectful of any noise. It seems so far that Dusk are doing exactly as they please with no respect or consideration for any neighbours. Joy Fook did not have an outdoor entertaining area. Dusk has a massive outdoor area whereby the noise travels from their Sheesha bar! Again we really did not want a Sheesha bar next door but there was no consultation because they didn't display any planning application so no-one knew about it. Neither is nor neighbours received any consultation through the post.

One of our daughters is a secondary school teacher in Brentwood. We care for children within the local authority. Our other daughter is training to be an occupational therapist. We seriously all need our sleep! We do not oppose a restaurant with full closing time at 11pm as agreed. We strongly oppose any extending late night premises and live entertaining license. This will cause much stress to ourselves. We simply cannot sleep, due to the noise from music travelling when doors are open and through their outdoor entertaining area, following through with shouting in the car park when guests leave.

Please please can we oppose this late night opening. We haven't ever had 2am even from Joy Fook. We are all so upset that this may even be considered. This until they moved here was a quiet area. The owners are not local, they do not understand the tranquility of the surrounding area. We didn't move next door to this.

Sorry Dace, but we feel so strongly and I can't log in, due to server problems.

Kind regards.

Hi again

It seems that since the application for premises license was put in on 5th August, and subsequently displayed, the sale of alcohol has been taken off the notice, albeit we have the original printed, as do many neighbours it seems. We still strongly object to the late night license and are hoping that the Council will also see that the premises should be in line with the judge's ruling, regardless of the sale of any alcohol. However we would also like to add, that as this is a bring your own alcohol restaurant, people are leaving extremely intoxicated as they are taking cases of beer, wine etc. into the premises.

Sorry, but we really want the premises to be as it is meant to be. We didn't move here 14 years ago to be next to a very late night opening entertainment venue. We have lived in Hartswood area and Blackmore area all our lives, we are local residents from birth. We really are becoming quite stressed over this possibility that we and our neighbours don't want here.

Member - Cllr Vicky Davies

Received date: 14 August 2019

A/o Mr Dave Leonard

I have been contacted by several neighbours of Dusk concerned about the proposed extension to opening hours at a Dusk restaurant.

I wish to make representation against the application to operate until 1 30 on the following grounds

The proposed extension of trading hours to 1 30 am would impact on the neighbours quality of life by potential noise nuisance in the outside area.

There is the potential for public nuisance when people disperse leaving the premises

I strongly support the use of a noise limiter in the outside area and close supervision of customers leaving the restaurant.

Thank you

Vicky Davies - 2019-08-14 07:47:06

I am receiving several strong objections to the application for extended hours of business at Dusk restaurant. You may be aware that there is a history of court action taken by residents, supported by Brentwood Council against previous owners Buggati's which led to strict hours of trading being imposed.

I am concerned that should extended hours of business be allowed it would create noise and disruption to residents in what is currently a quiet rural green belt area.

Vicky Davis

Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Licensing Sub-Committees

To hear and determine applications that do not sit within the scope of delegation to officers, usually where representations have been received either by a third party against grant of a license, or from the applicant against intended refusal or revocation of a license/registration.

The Planning and Licensing Committee has delegated all functions other than relevant policies and fees setting to officers, with the exception of those other matters as indicated below, which are heard by licensing sub-committee unless otherwise indicated:

Licensing Act 2003 and Gambling Act 2005

- (a) Determination of any application type where a representation has been received in accordance with the legislation.
- (b) Determination of applications for review or expedited review.

Hackney Carriage vehicles and drivers (including enforcement of ranks) and Private Hire vehicles, drivers and operators, with the exception of:

- (a) Suspension or revocation of drivers' licenses (save for initial suspension under provision of Local Government (Miscellaneous Provisions) Act 1976 S61 (2B) if it appears that the interests of public safety require the suspension to have immediate effect).
- (b) Where representation has been submitted by the applicant/license holder against refusal of any application.
- (c) Where representation has been received from an applicant to vary a licensing or pre-licensing condition.

Scrap Metal Dealing

- (a) Determination of applications where representations have been received against refusal in accordance with legislative requirements; and
- (b) Consideration of revocation of a license where representations have been received in accordance with legislative requirements

Street Collections and House to House Collections

- (a) Appeals against refusal to grant or renew a license.

Licensing of sex establishments

- (a) Determination of all applications, revocations and appeals.

Street Trading

- (a) Determination of applications where representation(s) has been received.
- (b) Determination of applications that fall outside of current policy.
- (c) Determination of matters relating to revocation of a license.

Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis

- (a) Appeals against refusal to grant or renew a registration.
- (b) Revocation of a registration.

Animal Welfare and Security, except for the following:

- (a) Appeals against refusal to grant or renew a license.
- (b) Revocation of a license.

Exercise of Powers under Caravan Sites and Control of Development Act 1960, except for:

- (a) Refusal and revocation of licenses, (other than urgent refusals which are delegated to officers)

Mobile Homes

- (a) Appeals against revocation of a license and/or conditions attached to the grant of a license.