



Agenda

Licensing Sub-Committee

Thursday, 10 September 2020 at 7.00 pm

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

Membership (Quorum – 3)

Cllrs Chilvers, Keeble and Tanner

Substitute Members

Cllrs

Agenda

Item	Item	Wards(s) Affected	Page No
Contents			
Live Broadcast			
	Live Broadcast to start at 7pm		
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.	Application to Vary a Premises Licence - Licensing Act 2003 - DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS	Pilgrims Hatch	5 - 104

A handwritten signature in black ink, appearing to read 'J. Stephenson', is centered within a light blue rectangular box.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
02.09.2020

Information for Members

Please note the changes in blue apply to remote meetings

Introduction

The Government has enacted The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 no 392 (the Regulations) which came into force on the 4 April 2020 and will remain in force until the 7 May 2021.

The Council will hold Committee meetings remotely and enable the public to participate by streaming those meetings that are open to the public.

Only those Committee meetings where the public have a right to speak will the facility be available to enable them to participate where the technology is not available for them to exercise this right then their participation will be by written communication read out at the remote meeting.

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any member may remotely attend any Committee to which these rules apply.

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order	Personal Explanation	Point of Information or clarification
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.	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.	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.

Access to Information and Meetings

You have the right to **remotely** 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 will be holding remote Committee meetings and will make these accessible to the public remotely by being recorded and streamed. Whilst the Regulations apply the following paragraphs will not apply to the meetings of the Council.

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.

The Chair or Clerk to the Committee will disconnect all persons who should leave the meeting prior to continuing there will be a short break to ensure that this has happened.

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Access

The Council will provide remote access for public participation by the meeting be accessible.

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

This procedure does not apply whilst using remote meetings

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

10 September 2020

Licensing and Appeals Committee

**Licensing Sub-Committee Hearing in respect of an
Application to Vary a 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 by Sisu Enterprises Ltd. to vary the premises licence of **Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS**. They seek to remove two conditions attached to the current, add the supply of alcohol for consumption on the premises and amend their opening hours. Sixteen 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 3rd July 2020 from Mr Kaizad Cassady 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. The current premises licence together with a set of OS Street Maps and images to better identify the location are attached at ***Appendix 2***.

- 4.3 The applicant seeks to remove two conditions attached to Annex 3 of the current premises licence granted following a Licensing Sub-Committee hearing on 1 October 2019, namely;
- There should be a second interior door at the front entrance (3/1), and
 - Noise limiters shall be installed in the outside space in discussion and agreement of the Licensing Department of the Council (3/7)

Additionally, the applicant seeks the provision to supply alcohol for consumption on the premises from;

Sunday-Thursday 1200hrs-2330hrs & Friday & Saturday 1200hrs-0130hrs

The hours of opening have also been amended to;

Sunday-Thursday 1200hrs-0000hrs & Friday & Saturday 1200hrs-0200hrs

- 4.4 One valid representation has been received from the Responsible Authorities.
- 4.5 Mr David Carter, Environmental Health manager at Brentwood Borough Council has concerns relating to noise nuisance. He maintains that, since Dusk's opening, there has been a substantial increase in the number of complaints received, largely as a result of the use of the lounge area, which as it is designed to comply with the smoking legislation is required to be at least 50% open, which significantly reduces any noise attenuation from the structure and, effectively, operates as an outside area, with associated noise from customers and any amplified music played in the area. Mr. Carter's representation is attached at **Appendix 3**.
- 4.6 There have been 15 representations against the application received from Other Persons. The concerns raised by local residents generally relate to the noise nuisance being caused by the playing of late-night music in the outdoor lounge/smoking area and the subsequent dispersal of patrons in an otherwise quiet, semi-rural location. A copy of the summarised & redacted representations has been attached at **Appendix 4**.
- 4.7 Matters recorded in the Operating Schedule (Section O of the application form) will become conditions on the licence if this application is granted, unless modified by this Committee. In this instance, Mr Shakil Islam, one of the directors of Sisu Enterprises Ltd., has submitted an accompanying statement advising what steps will be taken to address and counter the conditions he is seeking to remove from the licence, this will become the following conditions:

- Thick curtains and thick pergola glass shall be installed at the front door to ensure a significant reduction in noise escape beyond the premises
- No regulated entertainment will be conducted outside the premises. Music will be played only within the premises.

- 4.8 In respect of the application seeking the provision to supply alcohol for consumption on the premises, the applicant has not yet nominated a designated premises supervisor. If granted, the mandatory condition applies *No supply of alcohol may be made under this licence*
- a) *At a time when there is no designated supervisor in respect of it or,*
b) *At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.*

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

The following Brentwood Borough Council Statement of Licensing Policy 2016-2021 control measures relating to the prevention of public nuisance state:

22.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

22.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

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

- 8.1 No specific additional issues arise from this application in relation to the Section 182 Guidance when determining applications.

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 David Carter - Environmental Health Manager
- Appendix 4 - Representations from Other Parties

Report Author Contact Details:

Name: Dave Leonard

Telephone: 01277 312523

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

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DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX 1

APPLICATION FORM

Application to Vary a Premises Licence

(Sisu Enterprises Ltd. T/A DUSK)

Supporting Statement of Mr Shakil Islam

(Director, Sisu Enterprises Ltd.)

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Sisu Enteroprises Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PRM_0569
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Dusk Ongar Road Pilgrims Hatch Brentwood Essex			
Post town	Pilgrims Hatch	Postcode	CM15 9SS

Telephone number at premises (if any)	01277 424987
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number	0203 772 5439		
E-mail address (optional)	Kaizad@cassadys.co.uk		
Current postal address if different from premises address	Cassadys Solicitors 5 Chancery Lane London		
Post town	London	Postcode	EC4A 1BL

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☐ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

It is proposed that the license dated 1 October 2019 no longer be subject to the following two conditions:

1. There should be a second interior door at the front entrance.
2. Noise limiters shall be installed in the outside space in discussion and agreement of the Licensing Department of the Council.

It is proposed that the Premises be allowed opening hours from 12.00 hrs Monday to Sunday.

It is proposed that an alcohol license be granted for the premises.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)	
Mon				
Tue				
			State any seasonal variations for the performance of dance (please read guidance note 6)	
Wed				
Thur				
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)	
Fri				
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)	
Mon				
Tue				
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)	
Wed				
Thur				
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)	
Fri				
Sat				
Sun				

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>	
				Off the premises	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) N/A			
Mon	12.00	23.30				
Tue	12.00	23.30				
Wed	12.00	23.30				
Thur	12.00	23.30				<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) N/A
Fri	12.00	01.30				
Sat	12.00	01.30				
Sun	12.00	23.30				

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>NONE.</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	12.00	0.00	
Tue	12.00	0.00	
Wed	12.00	0.00	
Thur	12.00	0.00	
Fri	12.00	02.00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Sat	12.00	02.00	
Sun	12.00	0.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

1. There should be a second interior door at the front entrance.
2. Noise limiters shall be installed in the outside space in discussion and agreement of the Licensing Department of the Council.

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

See the statement of Shakil Islam the Director of the license holder.

b) The prevention of crime and disorder

See the statement of Shakil Islam the Director of the license holder.

c) Public safety

See the statement of Shakil Islam the Director of the license holder.

d) The prevention of public nuisance

See the statement of Shakil Islam the Director of the license holder.

e) The protection of children from harm

See the statement of Shakil Islam the Director of the license holder.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	16/07/2020
Capacity	Solicitor

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

KAIZAD CASSAD
Cassadys Solicitors
5 Chancery Lane
London

Post town	London	Post code	EC4A 1BL
Telephone number (if any)	0203 772 5439		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
kaizad@cassadys.co.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Statement of Shakil Islam

1. I, Shakil Islam of 170 Balfour Road, Ilford IG1 4JB, am a director of Sisu Enterprises Limited ("Company") and make the following statement in support of the Company's application to Brentwood Council for a full variation of the license held by the Company for its premises Dusk to remove the two conditions to which its license has been subject, ostensibly to control noise and to apply for an alcohol license.
2. As set out below, we meet the objective of the prevention of public nuisance under the Licensing Act 2003. We invite you to remove two conditions imposed under Annex 3 upon us as follows:
 - a) There should be a second interior door installed at the front entrance.
 - b) Noise Limiters shall be installed in the outside space in discussion and agreement of the Licensing Department of the Council.
3. The requirement for a second interior door at the front entrance is incompatible with the aesthetics of the building. There is already in place an additional double glass door which together with the other doors are fitted with glass of industrial grade thickness. The installation of thick curtains and thick pergola glass will ensure the significant limitation of any noise beyond our premises and obviate the need for the second interior door at the front entrance.
4. Thus, there is in place a glass shield to absorb first noise, then hits the wood pallets around the perimeter. Any sounds from within would be absorbed by thick glass following which stands a wooden structure.
5. The music played at Dusk is solely for ambience for the benefit of our discerning, patrons expecting a fine dining experience. This is in keeping with the general candlelit dining atmosphere expected in a refined establishment. In contrast, the

property was formerly occupied by a Chinese restaurant named 'JoyFooks' which contained a dance floor which was far noisier than the refined atmosphere of Dusk.

6. Dusk has a sophisticated atmosphere which is quite evident, given the fact that that it hosts business and professional networking events held in the lounge. The premises is hired for television shows such as 'The Only Way is Essex'. Lime picture/ Video shoots by musicians and wedding fayres (the latter is put on hold at the moment due to crowd restrictions imposed by Covid-19 Regulations).
7. The need for noise limiters in the outside space will be obviated because we will only play light ambient music within the restaurant and lounge section of the premises. No regulated entertainment would be conducted outside the premises. Music will be played only within the premises. As an added precautionary measure, we have a noise limiter station in the sound system for recorded music whereby noise levels can be individually controlled within the premises.
8. It should be recalled that the Council has never responded to our request for the maximum decibel that it wanted Dusk to comply with so we could set our sound system accordingly.
9. In accordance with the applicable Covid-19 Regulations, the maximum number of patrons are 40 for the dining area and 60 for the lounge/outdoor grass area. The limited number of patrons will significantly contribute to reducing noise.
10. It is planned that in the weeks following the reopening of Dusk on 4 July 2020, testing will be done by an acoustic engineer to monitor the noise and to ascertain if it is audible to those living a few hundred metres away from Dusk.
11. No special temporary events are to be held for the foreseeable future due to gathering limitations and our wedding bookings are being postponed until further notice.
12. We have two permanent members of staff whose role is to supervise the doors and accompany patrons to their cars and to remind them of the need to leave the premises quietly, all of which contribute to the reduction of noise. In the Licensing Sub-

Committee hearing dated 1 October 2019, it was stated that having staff to escort patrons to their cars would be of “minimal use” as there would be 300 customers. As stated in paragraph 9 above, the number of patrons is limited to 100 (one third of the number cited by the Sub-Committee) and therefore, it is submitted that the role played by staff in escorting patrons to their cars will be extremely effective in controlling noise.

13. Currently, patrons are able to bring their own alcohol that they wish to consume in the restaurant. In the Licensing Sub-Committee hearing dated 1 October 2019, in relation to the issue of noise, Councillor McCheyne asked how would one regulate alcohol if Dusk did not sell it. If an alcohol license is granted, we will be in a better position to ensure that patrons do not consume excessive amounts of alcohol as we would be controlling how much alcohol is supplied thereby addressing the concerns of Councillor McCheyne. This would allow us to discontinue the policy whereby patrons bring their own alcohol.
14. Finally, I would like to draw the Council’s attention to the fact that when council members and inspectors came to view Dusk, they were ambushed by people living in the vicinity of Dusk. Some of these individuals have made baseless and unfounded objections to the operation of Dusk as a dining venue on that day strongly influenced the council members and inspectors and significantly contributed to the impositions of the conditions which we seek to remove in this full application for the variation of the license.

Signed on 9 July 2020



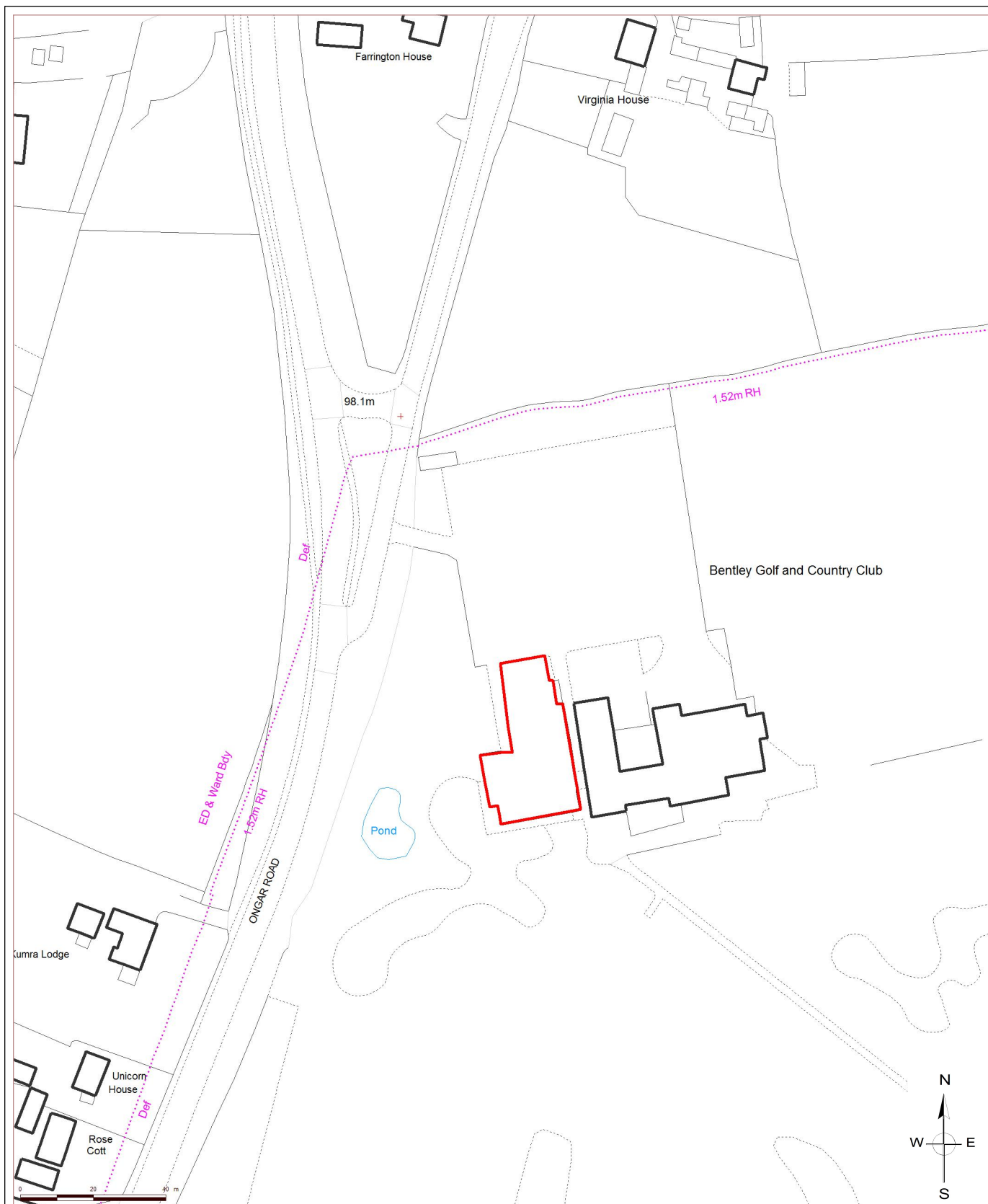
Shakil Islam

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX 2

Premises Licence 1 October 2019

OS Maps & Images



DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS



Drawing No. :

Scale at A4 : 1:1500

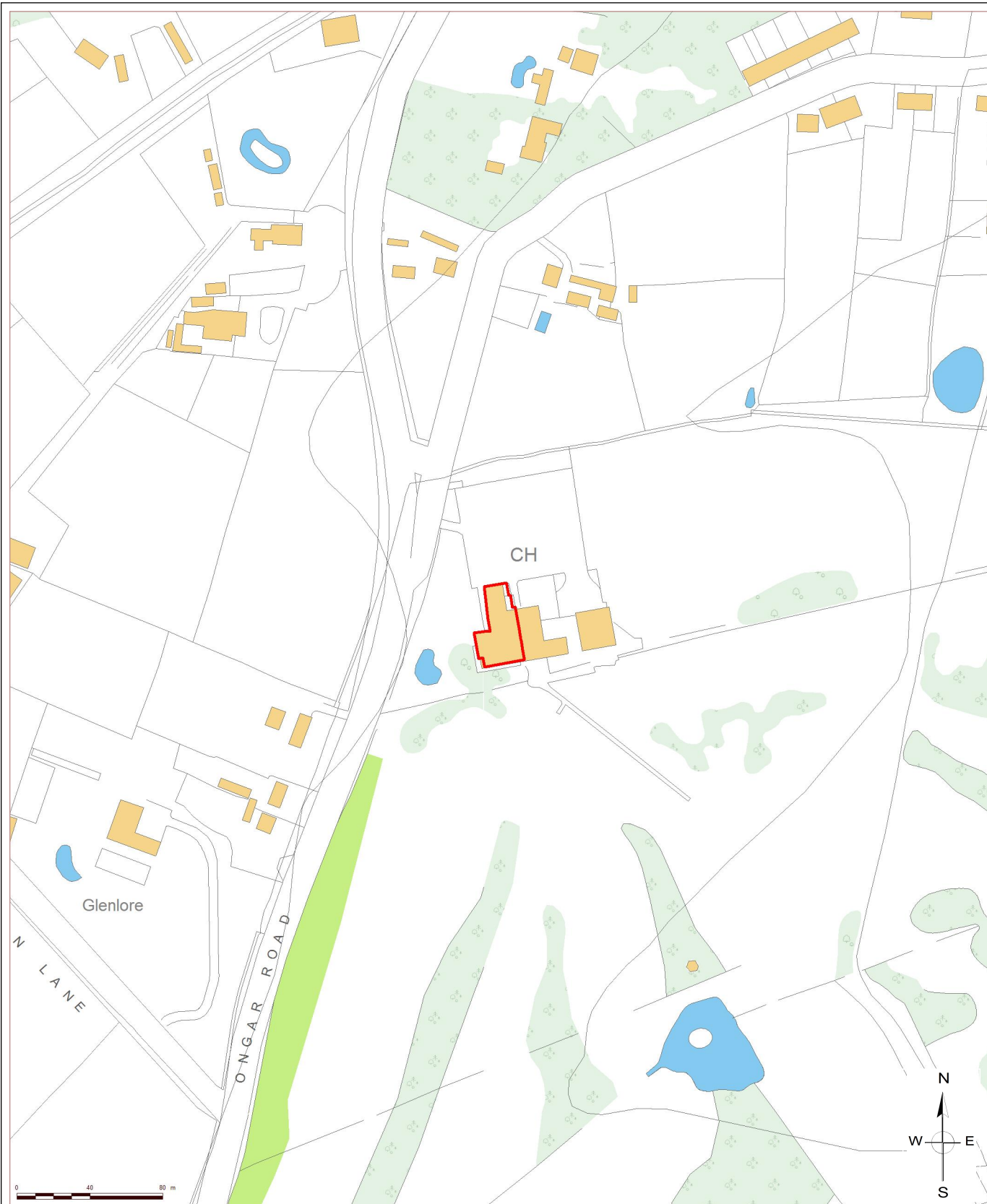
Drawn by : OSJ

Service : ICT

Date : 19th August 2019

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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

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

DUSK

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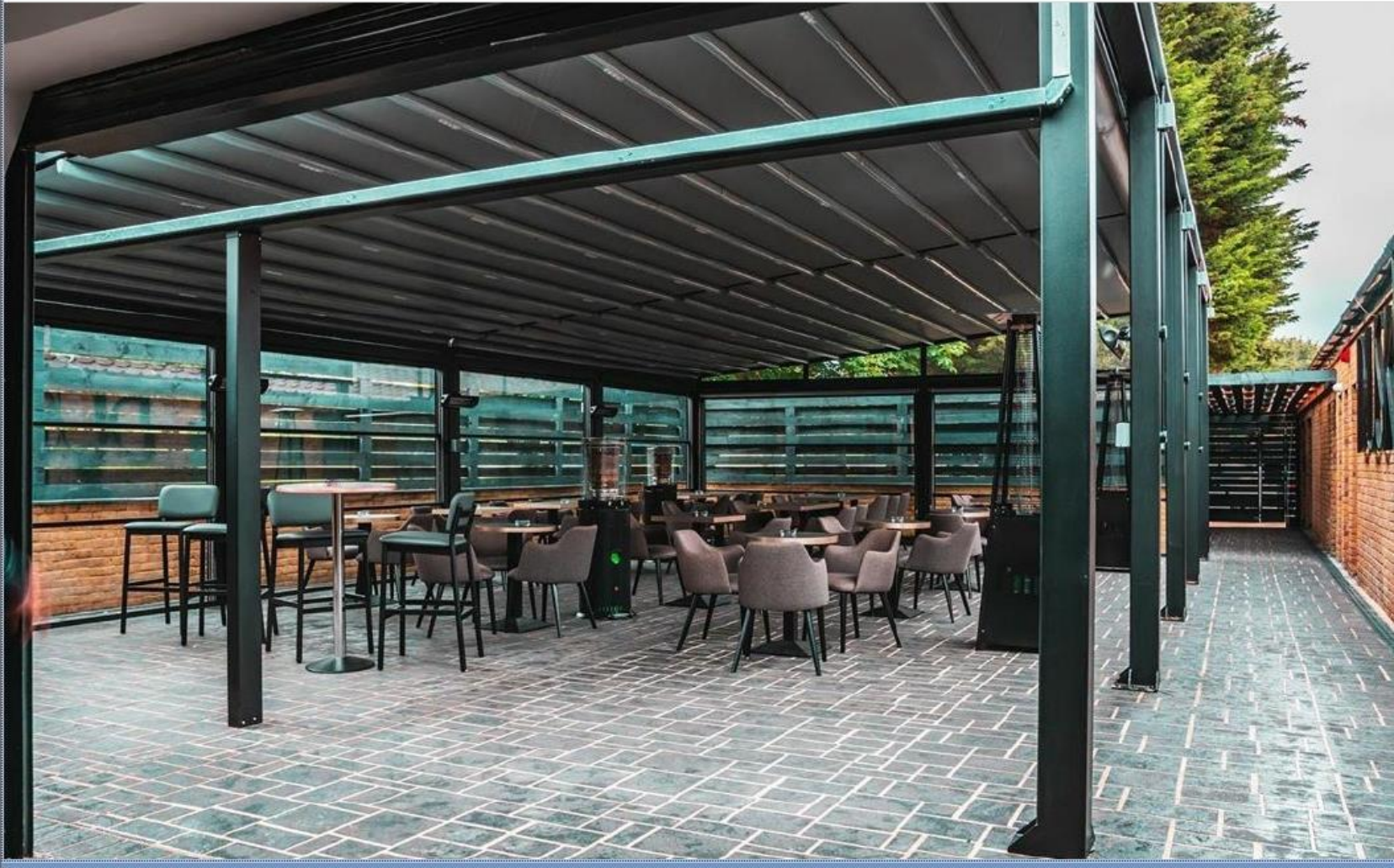
DUSK





duskloungeessex

DUSK Brentwood



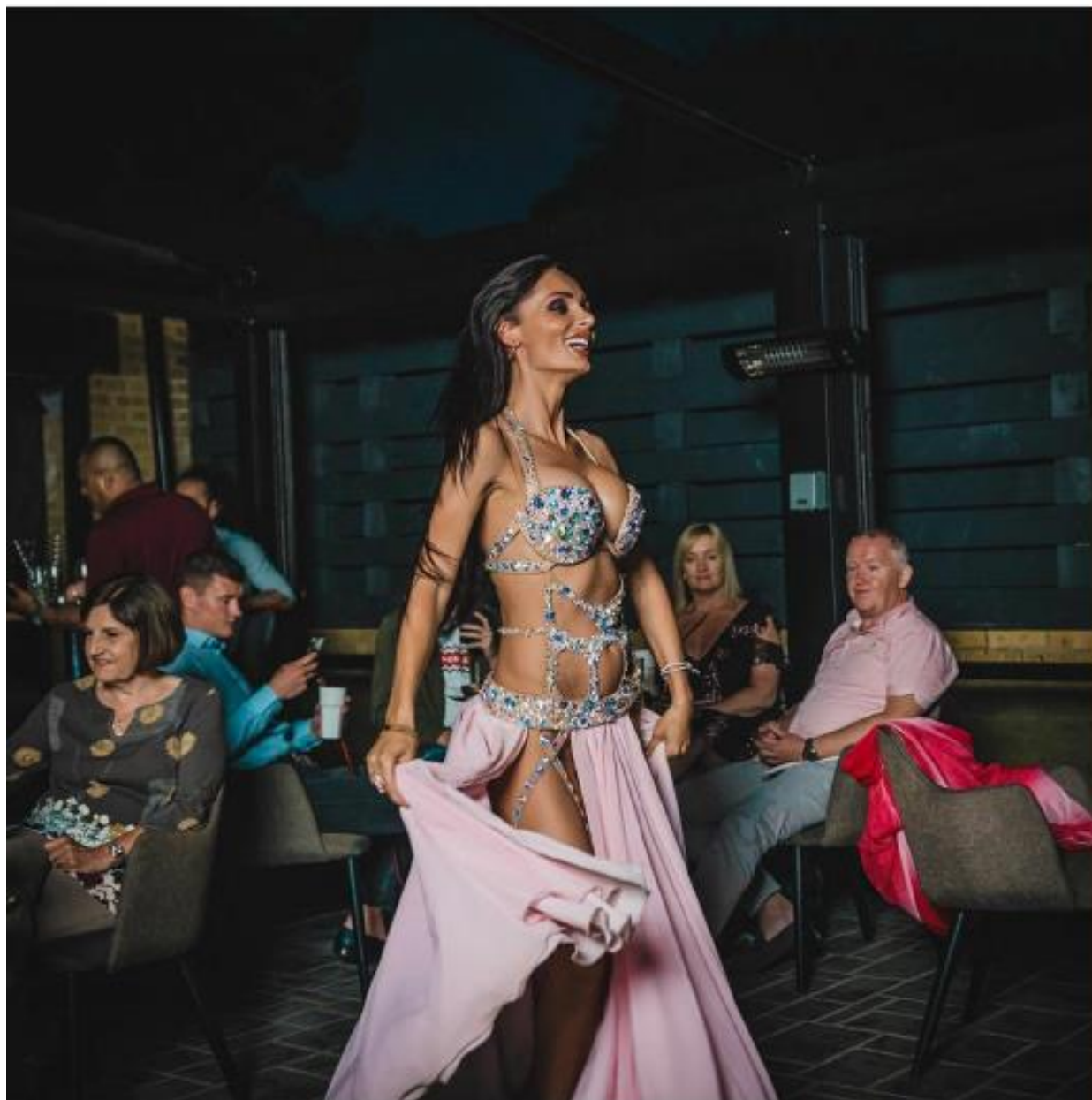


duskloungeessex
DUSK Brentwood





duskloungeessex
DUSK Brentwood



Premises Licence

Premises Licence Number

PRM_0569

Application Number

19/00072/LAPRE

Date of Issue

1 October 2019

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Dusk
Ongar Road
Pilgrims Hatch
Essex CM15 9SS**

Telephone number

01277 424987

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Performance of Dance
Exhibition of a film
Performance of Live music
Playing of Recorded music
Other Entertainment falling within Act
Provision of Late Night Refreshments**

Times the licence authorises the carrying out of licensable activities

Performance of Dance

Monday	16:00 - 00:00
Tuesday	16:00 - 00:00
Wednesday	16:00 - 00:00
Thursday	16:00 - 00:00
Friday	16:00 - 00:00
Saturday	16:00 - 00:00
Sunday	13:00 - 00:00

Exhibition of a film

Monday	16:00 - 00:00
Tuesday	16:00 - 00:00
Wednesday	16:00 - 00:00
Thursday	16:00 - 00:00
Friday	16:00 - 00:00
Saturday	16:00 - 00:00
Saturday	16:00 - 00:00

Performance of Live music

Monday	16:00 - 00:00
Tuesday	16:00 - 00:00
Wednesday	16:00 - 00:00
Thursday	16:00 - 00:00
Friday	16:00 - 00:00
Saturday	16:00 - 00:00
Sunday	13:00 - 00:00

Playing of Recorded music

Monday	16:00 - 00:00
Tuesday	16:00 - 00:00
Wednesday	16:00 - 00:00
Thursday	16:00 - 00:00
Friday	16:00 - 01:30
Saturday	16:00 - 01:30
Sunday	13:00 - 00:00

Other Entertainment falling within Act

Monday	16:00 - 00:00
Tuesday	16:00 - 00:00
Wednesday	16:00 - 00:00
Thursday	16:00 - 00:00
Friday	16:00 - 01:30
Saturday	16:00 - 01:30
Sunday	13:00 - 00:00

Provision of Late Night Refreshments

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 01:30
Saturday	23:00 - 01:30
Sunday	23:00 - 00:00

The opening hours of the premises

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

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Not Applicable

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**Sisu Enterprises Limited
County Service Station
Essex Gardens
Hornchurch
RM11 3EH**

Email Address **info@duskbrentwood.co.uk**

Registered number of holder, for example company number, charity number (where applicable)

Company Number **11278657**

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Not Applicable

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Not Applicable

Annex 1 – Mandatory conditions

- 1 The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made**
 - a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or**
 - b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3)9b) for clubs) of the Licensing Act 2003 applies to the film.**
- 2 Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:**
 - a) Unauthorised access or occupation (eg through door supervision), or**
 - b) Outbreaks of disorder, or**
 - c) Damage**

Annex 2 – Conditions consistent with the Operating Schedule

- 1 The premises shall have installed and maintain a closed circuit television surveillance (CCTV) 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;**
 - 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.

- 2 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.**
- 3 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, offensive weapons or alcohol**
- (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.

- 4 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.

- 5 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.**

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.

- 6 At all times drinks must only be served in polycarbonate/plastic and/or toughened glass containers.**
- 7 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.

- 8 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:**
- o Proof of age card bearing the PASS Hologram;**
 - o Photocard driving licence;**
 - o Passport; or**
- Ministry of Defence Identity Card.**
- 9 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.**

At the point of sale, such signs shall be a minimum size of 200mm x 148mm.

- 10 All staff 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.**

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.

- 11 On leaving patrons will be chaperoned to their vehicles to minimise disruption and noise outside.**

Annex 3 – Conditions attached after a hearing by the licensing authority

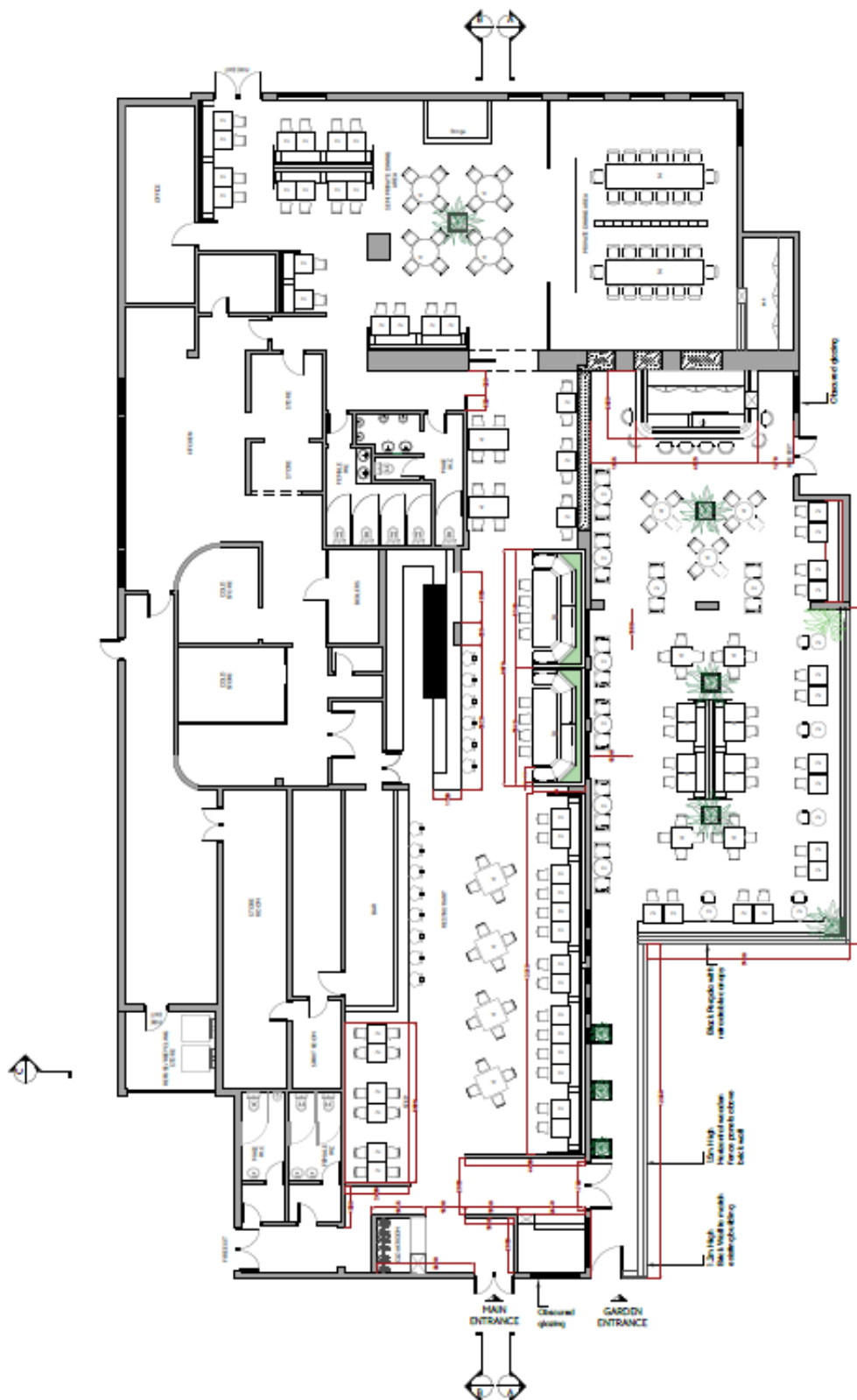
- 1 There should be a second interior door installed at the front entrance.

In reference to the outside area there shall be the following additional conditions

- 2 The retractable roof will be completely shut/closed by 2100hrs each day.
- 3 There shall be no use of the outside space on Sunday to Thursday after 2230hrs and on Friday and Saturday after 0000hrs except for the purpose of smoking.
- 4 The area is to be staffed when it is being used.
- 5 There shall be no licensable recorded music after 2230hrs each day.
- 6 The passageway will be staffed at times of use.
- 7 Noise limiters shall be installed in the outside space in discussion and agreement of the Licensing Department of the Council.
- 8 Signage to be displayed requesting patrons to use courtesy and respect to neighbours.

Annex 4 – Plans

This licence is issued subject to the following attached plan dated 13.07.18 marked **Joy Fook, Ongar Road, Essex CM15 9SS**



Premises Licence Summary

Premises Licence Number	PRM_0569
Application Number	19/00072/LAPRE
Date of Issue	1 October 2019

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

**Dusk
Ongar Road
Pilgrims Hatch
Essex CM15 9SS**

Telephone number
01277 424987

Where the licence is time limited the dates

Licensable activities authorised by the licence

**Performance of Dance
Exhibition of a film
Performance of Live music
Playing of Recorded music
Other Entertainment falling within Act
Provision of Late Night Refreshments**

Times the licence authorises the carrying out of licensable activities

Performance of Dance

Monday	16:00 - 00:00
Tuesday	16:00 - 00:00
Wednesday	16:00 - 00:00
Thursday	16:00 - 00:00
Friday	16:00 - 00:00
Saturday	16:00 - 00:00
Sunday	13:00 - 00:00

Exhibition of a film

Monday	16:00 - 00:00
Tuesday	16:00 - 00:00
Wednesday	16:00 - 00:00
Thursday	16:00 - 00:00
Friday	16:00 - 00:00
Saturday	16:00 - 00:00
Saturday	16:00 - 00:00

Performance of Live music

Monday	16:00 - 00:00
Tuesday	16:00 - 00:00
Wednesday	16:00 - 00:00
Thursday	16:00 - 00:00
Friday	16:00 - 00:00
Saturday	16:00 - 00:00
Sunday	13:00 - 00:00

Playing of Recorded music

Monday	16:00 - 00:00
Tuesday	16:00 - 00:00
Wednesday	16:00 - 00:00
Thursday	16:00 - 00:00
Friday	16:00 - 01:30
Saturday	16:00 - 01:30
Sunday	13:00 - 00:00

Other Entertainment falling within Act

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Wednesday	16:00 - 00:00
Thursday	16:00 - 00:00
Friday	16:00 - 01:30
Saturday	16:00 - 01:30
Sunday	13:00 - 00:00

Provision of Late Night Refreshments

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 01:30
Saturday	23:00 - 01:30
Sunday	23:00 - 00:00

The opening hours of the premises

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

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Not Applicable

Name, (registered) address of holder of premises licence

**Sisu Enterprises Limited
County Service Station
Essex Gardens
Hornchurch
RM11 3EH**

Email Address

info@duskbrentwood.co.uk

Registered number of holder, for example company number, charity number (where applicable)

Company Number

11278657

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Not Applicable

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Not Applicable

State whether access to the premises by children is restricted or prohibited

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX 3

REPRESENTATION

Responsible Authorities

Mr. David Carter – Environmental Health Manager



**BRENTWOOD
BOROUGH COUNCIL**

Our ref: PRM/0569/000

Your ref:

Date: 11 August 2020

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

cc
Cassadys Solicitors
5 Chancery Lane
London EC4 1BL

Dear Sirs

Application to vary a Premises Licence - Licensing Act 2003
Dusk, Ongar Road Pilgrims Hatch Brentwood CM15 9SS

I refer to the above application for a premises licence at Dusk Ongar Road, Pilgrims Hatch, received on 20 July 2020 by the Pollution Team of Brentwood Borough Council.

I wish to make representation to the Licensing Authority in respect of this application, as in my opinion the application contains insufficient information to demonstrate that the licensing objective of prevention of public nuisance will be achieved.

Dusk operates as a restaurant with late night refreshment, and public entertainment within the premises mostly from recorded music. The premises formerly operated as a Chinese restaurant, with recorded music entertainment in the form of a disco and dancefloor contained within the building.

Dusk has operated an extended area which is open for customers to drink, smoke and use shisha pipes either after or possibly in conjunction with a meal. This area is described as a black pergola with a retractable canopy on the plan attached to the application

Historically this premises once was operating as a nightclub which caused a number of complaints from several residents relating to noise from loud music from the premises, subsequently when operating as a Chinese restaurant the number of complaints had reduced significantly, and it appears that the management present had dealt with any noise issues being reported directly to them.

The operation of Dusk, however has caused a substantial increase in the number of complaints received, largely as a result of the use of the lounge area, which as it is designed to comply with the smoking legislation is required to be at least 50% open, which

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

tel 01277 312 500 fax 01277 312 743 **Page 50** 01277 312 809 www.brentwood.gov.uk

significantly reduces any noise attenuation from the structure and effectively operates as an outside area, with associated noise from customers and any amplified music played in the area.

On observation by officers the operation of this area was found to be causing noise breakout from the building into the car park area of the premises and has been the subject of alleged nuisance resulting in several complaints from neighbours to the Council and the operators of the premises.

The concern of the Pollution Team is that the requested application could result in noise to residents from the hours of operation and regulated entertainment proposed.

In particular, I would wish to make representation on behalf of the Pollution Team on the following matters:

The application seeks to enable the performance of live music, recorded music, and other entertainment falling within the Act from 12:00 until 00:00 midnight Sunday to Wednesday, and on Friday and Saturday from 12:00 to 01:00. Late night refreshment is being requested from 23:00 to 00:00 midnight Sunday to Thursday and from 23:00 to 01:30 Friday and Saturday.

The premises opening hours are requested until 00:00 midnight Sunday to Thursday and until 02:00am on Friday and Saturday.

As residential property is located in the vicinity of the premises and the area is largely rural in nature with no major night-time noise sources other than limited road traffic on the Ongar Road, it is considered likely that the use of the premises has caused and is likely to continue to cause disturbance to residents without additional measures.

There is in my opinion insufficient detail provided in the supporting statement provided to adequately demonstrate that public nuisance will be prevented, in particular as a result of the provision of regulated entertainment and the opening hours of the premises.

The operating plan submitted only specifies that the premises licence holder shall monitor the volume of any entertainment and if appropriate take steps to reduce the volume.

The location of the premises is rural and relatively isolated. Background noise levels in this area are quiet at night-time, with the premises itself currently being the predominant source of noise. The impact of noise from entertainment at the premises previously has been found to cause complaints from residents at some distance.

With the background of existing regular noise complaints, (particularly since the premises has reopened after the Covid-19 restrictions were relaxed), it appears that the application now seeks to remove existing controls in the premises licence conditions aimed at preventing public nuisance from noise:

It is proposed that the premises licence dated 1 October 2019 be varied so that it is not subject to the following two conditions:

1. It is not subject to the condition that there should be a second interior/lobby door at the front entrance.
2. It is not subject to the condition that there shall be in place noise limiters installed in the outside space as no regulated entertainment would be

conducted outside the premises.

3. Opening Hours commence at 12.00 hrs daily.

4. The License will cover the supply of alcohol on the premises daily between the hours of 12.00 hrs and 23.30 hrs (Sunday-Thursday) and 12.00 hrs – 01.30 hrs (Friday & Saturday).

The supporting statement provided with the application, and the variation copied above, refer to there being no regulated entertainment conducted outside the premises. It is my contention that the lounge area is effectively 'outside' the premises as it is deliberately constructed to be open to the air and has also been provided with a retractable canopy.

If the Licensing Authority for the premises wishes to reduce the likelihood of noise nuisance I would strongly recommend that no amplified music is permitted in the area I would describe as 'outside', i.e. the lounge area of the restaurant, and that there are controls in place to prevent music breakout from the inside of the building to the lounge area and beyond the premises curtilage.

It should be noted that the current operation is carried out without the supply of alcohol from the premises, which is proposed to be introduced through the variation sought; it is considered possible that the addition of alcoholic drinks will have an effect on the behaviour of customers both within the premises and whilst in the car park area before leaving the premises.

The supporting statement alleges that the Council 'has never responded to our request for the maximum decibel that it wanted Dusk to comply with'. Whilst I have not dealt directly with this premises much previously I have managed the Pollution Team before and since the premises opened and do not recall being approached by the management to determine an appropriate noise level – it is not merely a case of providing a decibel level and this will need to be set and agreed at the premises.

The Council has, however, offered to meet with the acoustic engineer who has been appointed by the management in order to carry out a noise assessment of the premises at night since the reopening on 4 July, I am still awaiting this offer to be accepted at the time of writing this representation despite having been in recent contact with both the engineer and premises management.

It is therefore my opinion that in the absence of suitable measures within the operating schedule the Licensing Authority should consider the following matters with regard to the objective of prevention of public nuisance:

1. The operation of the premises late at night as a restaurant has been considered as a noise issue in this location; the hours requested are later than many licensed premises in the town centre, including bars, pubs and busier locations with more activity and background noise.
2. The previous operation of this premises has given justifiable cause for complaint from residents to the Council.
3. The controls proposed do not address the concerns over use of the premises; in addition to noise breakout from entertainment noise the activity of the car park and vehicles leaving the premises late at night has also been found to cause concern.

4. The performance of live, recorded music or 'other entertainment falling within the Act' within the external lounge area should be prohibited, such that there is no noise in this area apart from customers talking.
5. If regulated entertainment is prohibited in the lounge area, I do not raise a representation against the variation to remove the lobby required under the existing licence (that has not yet been provided), however in the event that entertainment from music etc. is permitted I would wish to require a suitable lobby to the entrance doors.
6. If regulated entertainment in the lounge/garden area is permitted, a suitable method of setting and permanently controlling the level of sound in this area shall be provided, installed and set to operate at an appropriate level to be agreed with an officer from the Pollution Team present, (i.e. a 'noise limiter' device)
7. All doors and windows of the premises shall be kept closed during the provision of any regulated entertainment.

On behalf of the Pollution Team, I would therefore wish to recommend that the application to vary the premises licence is refused unless appropriate conditions and control over the future operation of the premises are in place.

Yours faithfully



David Carter
Environmental Health Manager

Environmental Health & Licensing
Tel: 01277 312509
email: david.carter@brentwood.gov.uk

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DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX 4

REPRESENTATIONS - Other Persons

Brian & Carolyn Billington

Sue Norris

Esther Reid

Mr & Mrs – Local Residents

Richard Austin

Michael & Jemma Ballard

Michael & Shirley Ballard

Megan & Mohamed Bashir

Councillor Vicky Davies

Leigh & Jessica Davies

Helen Kakoullis

Sue West

Hazel Lock

Ms – Local Resident

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX 4

REPRESENTATIONS

Other Persons

From: brianconnections
Sent: 8 Aug 2020 09:16:57 +0100
To: Debra Wright
Subject: Re: Acknowledgement of Representation to Dusk Variation

I am sorry our full address is [REDACTED] Frog Street, Brentwood CM15 0JL. We are 100yds from the golf course car park. We were on the original list of objectors. Thanks Brian And Carolyn Billington.

Sent from my iPhone

On 7 Aug 2020, at 15:30, Debra Wright <debra.wright@brentwood.gov.uk> wrote:

Brian And Caroline Billington

You have made a representation to the above application but not provided your full address. Without your address your representation will not carry much weight when the licensing Sub Committee consider the application as they cannot assess how you in your location will be affected by this application. Can you therefore please provide your full address.

Please note as a person making representation to this application you should be aware that your representation, including your name and address, will be sent to the applicant/licence holder. Personal details such as phone numbers, email address or similar will not be provided. Copies of your representations will also be published with the agenda, but all personal information including your address will be redacted.

Please do not hesitate to contact me should you require further information or advice.

Kind regards,

Debra Wright | Licensing Technical Officer | Brentwood Borough Council

[REDACTED] www.brentwood.gov.uk [REDACTED]



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From: brianconnections [REDACTED]
Sent: 24 July 2020 09:05
To: Licensing
Cc: Dave Leonard; Vicky Davies; David Carter
Subject: Dusk Application for change to original agreement

My name is Brian Billington and I attended the previous hearing regarding the Dusk Application. I would like to place on record our strong objection to all of their proposed changes. I have lived in Frog Street with my wife Carolyn for 30 years and we are both in our 70's. Since Dusk have re-opened the noise has started again and they have no regard for their neighbours. I only became aware they were appealing when a neighbour told me. No notice was placed in a public place only on the shed in the car park. The owners are unreasonable and not approachable we cannot sleep when the weekend starts they are so inconsiderate, so different to the previous owners. There is no control on people leaving Dusk and usually they are very noisy. On a number of Saturday and Sunday mornings I have walked up the lane to Dusk picking up all the rubbish left behind by their party goers. I would like to attend any hearing of this matter. Please place on record our objection to all changes and we request that the original Council stipulations are put in place as soon as possible. Thank you Brian and Carolyn Billington

Sent from my iPhone
[Coronavirus Message - Stay at home, protect the NHS, save lives.]<<https://www.gov.uk/government/publications/full-guidance-on-staying-at-home-and-away-from-others>>

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to www.brentwood.gov.uk/privacy.

From: Sue Norris <[REDACTED]>
Sent: 24 July 2020 10:43
To: Licensing
Cc: Dave Leonard; David Carter
Subject: Dusk, Ongar Road

Dear Sir/Madam

As a resident of Frog Street, I wanted to raise my concerns about the application for an extension to Dusks' licence. Although they told us when we visited soon after they opened that would never sell alcohol for religious reasons they have obviously changed their mind! I am not objecting to them selling alcohol but am very concerned about noise and the fast cars that leave the premises in the early hours and roar down Frog Street.

I would be very keen to see them having to use noise limiters on a regular basis not just when they rent out their function room which is what I believe happens at the moment. It is a quiet road and the noise can be heard a long way down it.

Many thanks for your help.

Yours faithfully

Sue Norris
[REDACTED]
Frog Street
Kelvedon Hatch
Brentwood, Essex
CM15 0JJ

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From: Est [REDACTED]
Sent: 24 July 2020 22:30
To: Licensing
Cc: Dave Leonard; vicky.davis@brentwood.gov.uk
Subject: License variation application by Sisu Enterprises Limited for Dusk, Frog St

FAO licensing authority at Brentwood Council:

Dear Sir / Madam

I am a resident living very near to the restaurant called Dusk on Frog Street. I attended the original licensing hearing regarding the Dusk license application and outlined my concerns.

The volume of music/entertainment being played by the restaurant has recently been noticeably loud. I understand that the noise limiter which was an original licensing condition has not been installed or in use.

I also understand that there is a license variation application and I would like to submit my objections to this application on the following grounds:

1. I object to the request to remove the requirement for a second interior/lobby door. Music is often played very loudly on the premises and the Licensing Authority's decision to include this requirement within the license was to alleviate the impact of noise heard by local residents during the evening and the early hours of the morning.
2. I object to the request that the condition of a noise limiter is removed. Loud music is played in the outside space / covered area of the premises. Of an evening and in the early hours, loud music can be heard over long distances and has been heard. I am therefore sceptical regarding the restaurant's claim that it does not intend to conduct regulated entertainment. I do not believe that the recorded music or live music heard recently was entirely within the closed area of the building with a noise limiter in place.

Part of my original submission was concern regarding the ability to fall asleep and stay asleep, particularly for our child [REDACTED] but also for the whole family, especially during summer months when windows are open.

I hope you are able to consider the above submissions as part of your decision regarding the license variation application.

Kind regards,
Yours faithfully,

Esther Reid

[REDACTED] Frog Street, CM15 0JL)

Sent from my iPhone

[Coronavirus Message - Stay at home, protect the NHS, save lives.]<<https://www.gov.uk/government/publications/full-guidance-on-staying-at-home-and-away-from-others>>

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From: [REDACTED]
Sent: 23 July 2020 13:54
To: Licensing
Cc: Vicky Davies; David Carter; Dave Leonard
Subject: Dusk

Good morning,

Having received notification that Dusk have applied for conditions to their existing licence to be not put in place I would like my strong objections noted:

1. I have taken photographs of the car park, bus stop and verges today upon receiving such notification. There is one notice, on the storage shed owned by Dusk facing the car park thus unless you walk within the car park towards Dusk you will not see this notice. No notices are on display for the passing public to see, so without receiving notification, we would not have been able to object to this. Again I have photographs. Thus, if there are no other objections, its probably because no one is aware of the request to change of agreement.

2. With the easing of lockdown, when Dusk reopened the first Saturday, the noise levels were extremely stressful for all of us, however, we did not raise objection to this as it was the first Saturday and we appreciate people wish to go out. However, Saturday 18th and Sunday 19th July 2020, you may see from your emails, we sent two notices of noise to Dave and Vicky. The noise from Dusk (music and people shouting) prevented all of us from sleeping. We have young children in the home, [REDACTED]

[REDACTED] in Brentwood. My family work and live in Brentwood and have done for well I'm 52 so all our lives. We moved to our current home from Mount Crescent in 2006 to seek a more peaceful, semi rural way of life. We have goats, alpacas and in the past have had chickens and sheep. We are defra licensed. What I am trying to get across is we did not move here to live next door to music blaring until early hours, moreso for a peaceful environment and a sense of well-being.

3. Prior to contacting yourselves, we have objected and telephoned Dusk in the same manner we did Joy Fook. If you look through records you will see that we did not have reason to contact yourselves with regard to Joy Fook noise levels. We simply telephoned them, they apologised and turned the music down. We have tried to do this many times with the current owners, but have been left fearful, extremely intimidated and been sworn at on many occasion. We have also been told "we will do what we like", when we have said we will inform the council again "we can do what we like they can't do anything so F off". This is not just about the noise level which is unbearable. We cannot open a window at night and in all honesty in this weather we seek that we can! Well we can if we don't mind loud music blaring in our ears as we try to sleep.

4. Besides the noise levels, we should not be being put in a state of stress due to the owners not complying with the conditions that were set out to them. We have come out of a lockdown. They have been closed for a few months. The additional doors, the limiters etc should have been put in place during this time or just after so that when they reopened they were obeying with the conditions of the existing licence. They chose to ignore this and go ahead without consideration for any neighbours.

5. We have been objecting against the loud music for over a year now. We do not have any faith that the current owners will stick to "background noise" whatsoever as they have not obeyed the current licensing terms in any case. We have records of the noise pollution and stress this has caused going back over a year. This is not simply a venue seeking to not have limiters, this is a venue that is causing intense noise pollution to the surrounding area and homes.

6. It is extremely intimidating and fearful trying to ask Dusk to turn the music down. Whoever we speak to is extremely aggressive. Having gone to ask wearing pyjamas as trying to sleep, the staff "square" up to you and as a result you retreat.

6. At the application, several objections were put in and a committee was formed at the council. Here we are a year later still trying to achieve the same. We do seek that Dusk is a successful restaurant. Indeed when it opened we went there to eat. It was lovely, there was no noise, just inside background music and nothing outside whatsoever as it hadn't opened then. There is now very loud music with lots of base, last year a festival kind of music (where the owner quoted "they bought their own equipment in so they can have it as loud as they like its beyond our control"), tons of people inside and outside.

From the agreement that was in place, the outside area had to be cleared by certain time in the evening. This has not happened whatsoever, again a third breach of licensing. Whilst we wish for them to be successful, they need to be obeying the licensing in place.

We have a car park and our alpaca paddock in between us. We seek:

1. that we can open a window in the evening and not be able to hear very loud music
2. that we can watch tv without having loud background base music interfering in our lounge
3. that we can sit in our garden of an evening, again without hearing the words to songs and loud music
4. that as per original conditions, there are two people on the door, one to chaperone and one to tell people to leave quietly... this has also never happened.

This is all noise pollution having a very negative effect on our living conditions and causing stress and lack of sleep to all. Again having lived in Brentwood and worked in Brentwood for the majority of my life, [REDACTED] I seek that we can reach an acceptable agreement to the license which is adhered to and not ignored like it has been since the premises opened a year ago.

We do not seek to object against the sale of alcohol as long as the bring your own alcohol is no longer permitted. However, we strongly seek that noise limiters and the current restrictions on using outdoor space, people on the door, secondary doors etc. as per current agreement are enforced. We do not wish to be in the position we are in this time next year. The venue is not considering local residents whatsoever, but doesn't seem to consider the current council licensing agreement either!

Kind regards.

[REDACTED]

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From: [REDACTED]
Sent: 23 July 2020 16:25
Cc: Licensing; Vicky Davies; David Carter; Dave Leonard
Subject: Dusk

EXTERNAL EMAIL

Good afternoon,

I understand dusk is applying for a late license , alcohol and music without any sound restriction - this brings me huge concern for the lifestyle we have come to enjoy living on frog street.

After lockdown, I have had reason to call and complain last Saturday and Sunday , the music is unacceptably loud, way louder than the original agreement, they keep doors open and have zero respect for neighbours, they have no staff on the door where the agreement was to have 2 at all times to ensure patrons leave quietly and respectfully, from what I can see social distancing is certainly not a part of their business model.

When calling, I get hung up on, and one step further with weekend when I was told to 'f off' and told They know where I live etc

If they can't adhere to their current agreement, I am fearful what life will be like if they are granted looser rules - it cannot seriously be even considered given their conduct.

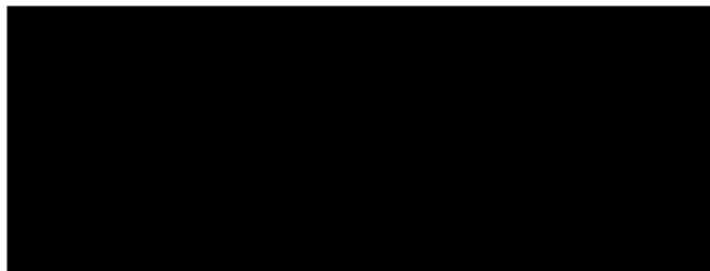
I live next door to dusk but I believe you will hear from other neighbours as we are all concerned So please take a note of my strong objections to and flexibility on their licensing, if anything, it should be reviewed and tightened up as Even as we stand, it's an establishment that has thrown away the rule book that you handed them.

[REDACTED]
[REDACTED] last weekend was horrendous.

[REDACTED] or
[REDACTED] this alone should be reason enough to clamp down strongly on dusk's current Behaviour,
[REDACTED] if they heard the noise And disruption

For any avoidance of doubt, I am happy for dusk to run a business but they need to turn down the music , get people inside at a reasonable time, have door staff and close doors - these, I believe were in the original terms of the agreement

Please advise - best regards and thankyou in advance for considering my thoughts , excuse any typos - am having to use a phone rather than a PC



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From: AUSTIN, Richard [REDACTED]
Sent: 25 July 2020 09:09
To: Licensing; Vicky Davies; David Carter; Dave Leonard; Cliff Poppy;
BURGHART, Alex
Subject: Dusk Restaurant

Dear Brentwood Councillors

In 2004 I purchased my home in Frog Street for one main reason, I wanted to live in the countryside where you can open your windows and listen to the lovely birds of a morning.

I now find myself unable to do so of a weekend, due to the unacceptable noise coming from a restaurant that is in close proximity to my home during the early hours of a morning and unacceptable chanting and behavior from people leaving the property along the country roads. Bottles of beer have also been found in the ditches near to the location, but appreciate these could be from any person, third party and not connected to the venue.

For the last 5 months my wife and I have work tirelessly keeping our family business running "The Brentwood Day Nursery" and open to allow Key worker parents to attend to their occupations of Doctors, Nurses, Police, Hospital staff, Council and local Government workers etc during COVID 19 and save peoples lives. We now have a scenario where a local establishment is not practicing the basic laws of social distancing and the encouragement of large groups to attend, with unacceptable levels of noise and music is being encouraged. I understand that it was agreed that 2 door staff would be employed to not only check patrons attending but also to make sure people leaving the venue do so in a quite and respectable manner. This is currently not the case.

I am now writing to request that you seriously consider and further extension of a licence that may be granted to an establishment that is failing to keep to the current guidelines and would dread to think what the disruption and disturbance will become to the little hamlet where we live.

There may be times where a restaurant does need seek to have a late night extension for one off events such as New Years Eve, but this can not become rule and must remain the exception.

My family and I are not the only people being effected and trust that my fellow neighbours will also be writing in, expressing their concerns.

I look forward to hearing back from you in due course.

My address is [REDACTED] Frog Street, Kelvedon Hatch, Essex CM15 0JL should you wish to correspond via post.

Richard S. Austin



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From: Jemma Dimambro
Sent: 10 Aug 2020 11:07:02 +0100
To: Debra Wright
Subject: Re: Acknowledgement of Representation to Dusk Variation

Dear Debra

Thanks for your email.

Our full address is [REDACTED] Frog Street, Brentwood, Essex, CM150JX

Also I would like to add a things as my husbands email was quite vague.

As you can understand we choose to live in a green belt area with our young children for the peace and quiet. Having Dusk restaurant turn into a nightclub is strictly not ideal. They held a garage brunch event on 15th February which was so loud I could hear the songs word for word in my bedroom, being the winter the windows were shut and it was still extremely noisy. This is not what we would want every weekend.

Not only is the music over powering the cars and public can also can be extremely noisy in the early hours of the morning. On their last application they had strict conditions set. One being that the gate would be closed once the venue was. This is still not the case and there are cars in and out of there until the early hours of the morning. Some of the cars have extremely loud engines and often wheel spin around the car park. As you can imagine at 1/2AM this is not what you want to be woken up to. If the gate was closed this wouldn't be possible.

Thank you for your time and consideration in this matter.

Kind Regards

Jemma Ballard

Sent from my iPhone

On 7 Aug 2020, at 15:33, Debra Wright [REDACTED] wrote:

☐

Dear Michael and Jemma Ballard

You have made a representation to the above application but not provided your full address. Without your address your representation will not carry much weight when the licensing Sub Committee consider the application as they cannot assess how

you in your location will be affected by this application. Can you therefore please provide your full address.

Please note as a person making representation to this application you should be aware that your representation, including your name and address, will be sent to the applicant/licence holder. Personal details such as phone numbers, email address or similar will not be provided. Copies of your representations will also be published with the agenda, but all personal information including your address will be redacted.

Please do not hesitate to contact me should you require further information or advice.

Kind regards,

Debra Wright | Licensing Technical Officer | Brentwood Borough Council

T| F [REDACTED] | www.brentwood.gov.uk [REDACTED]



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From: Jemma Dimambro [REDACTED]
Sent: 24 July 2020 17:41
To: Licensing
Cc: Vicky Davies; Dave Leonard; David Carter
Subject: Dusk

> My name is Michael Ballard and I live with my wife Jemma and three
> children at [REDACTED] on Frog Street very near to Dusk. I
> understand Dusk are appealing against the licence granted and wish to
> make changes, including non compliance to previous conditions and
> extended opening hours. We would like to place on record our Strong
> Objection to all of these proposed changes. Before lockdown they were
> often causing disruption and noise very late at night at weekends
> which is so unfair to our young family. I would also like to say that
> if I hadn't been told about this appeal by a neighbour we wouldn't
> have known, as no notice was placed outside the Golf Course . Thanks
> Michael and Jemma Ballard

Sent from my iPhone
[Coronavirus Message - Stay at home, protect the NHS, save
lives.]<<https://www.gov.uk/government/publications/full-guidance-on-staying-at-home-and-away-from-others>>

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From: mick ballard [REDACTED]
Sent: 24 July 2020 17:43
To: Licensing; Vicky Davies; Dave Leonard; David Carter
Subject: Dusk

>
> My Name is Michael Ballard and I live with my wife Shirley in [REDACTED] which is in Frog Street close to the Dusk restaurant. I have been told that Dusk are appealing against the conditions laid out in the approved licence and requesting longer opening hours, plus non compliance with the previous conditions. We would like to place on record our Strong Objection to all of the new proposals made. Dusk are a real nuisance and so different to the previous owners Joy Fook who cared about how they got on with their neighbours. Thanks Michael and Shirley Ballard.
>
> Sent from my iPhone

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From: Megan [REDACTED]
Sent: 23 July 2020 20:13
To: Licensing
Cc: Vicky Davies; Roger McChayne; Dave Leonard
Subject: Dusk, Ongar Road,

Good evening,

I have been informed that the proprietor of the above premises and his associates have applied for alterations to the conditions attached to their existing licence/s. I understand that they wish to remain open until 0200 each day, and to have the present requirement for a noise limiter to be installed struck out. They have had almost one year to comply with this condition and have failed to do so, demonstrating a contemptuous disregard for the terms laid down by the Licensing Authority.

Since they opened they have persistently caused noise nuisance from loud music and rowdy behaviour on the part of some of their clients. They stay open long after permitted hours and demonstrate an absolute lack of concern for any distress their activities might be causing to their neighbours or the environment. (Some anecdotal information for you here: there used to be several thriving bat colonies in this area before the Bugatti era. When the loud thumping of heavy bass noise arrived courtesy of that organisation, the bats left. They have never returned.)

In my opinion the Proprietor and his associates have already demonstrated, on numerous recorded occasions, a dereliction of duty and obligations to run a well ordered and compliant, (in accordance with the terms of their existing licence), business. They are actively causing nuisance; sleep deprivation to many; and generally depriving their neighbours of the quiet enjoyment of their property which is, as I understand it, their neighbours' right in Law. We do not object the the granting of their application to sell alcohol provided that clients are prohibited from bringing in their own beverages as well. We strongly object to all other applications in connection with the premises.

Megan and Mohamed Bashir

recorded to apply for a licence to sell alcohol to which I do not object as long as they do not permit their

clients to bring their own drinks as well. They have consistently failed to
from my iPad
[Coronavirus Message - Stay at home, protect the NHS, save lives.]<<https://www.gov.uk/government/publications/full-guidance-on-staying-at-home-and-away-from-others>>

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From: Megan
Sent: 7 Aug 2020 18:01:39 +0100
To: Debra Wright
Subject: Re: Acknowledgement of Representation to Dusk Variation

Dear Debra,

I thought you already had my address on file. It is:

[REDACTED]
Ongar Road,
Kelvedon Hatch,
Brentwood CM15 0JX

Tel: [REDACTED]

Thank you.

Megan Bashir

Sent from my iPhone

On 7 Aug 2020, at 3:33 pm, Debra Wright [REDACTED]
wrote:

□

Dear Megan Bashir

You have made a representation to the above application but not provided your full address. Without your address your representation will not carry much weight when the licensing Sub Committee consider the application as they cannot assess how you in your location will be affected by this application. Can you therefore please provide your full address.

Please note as a person making representation to this application you should be aware that your representation, including your name and address, will be sent to the applicant/licence holder. Personal details such as phone numbers, email address or similar will not be provided. Copies of your representations will also be published with the agenda, but all personal information including your address will be redacted.

Please do not hesitate to contact me should you require further information or advice.

Kind regards,

Debra Wright | Licensing Technical Officer | Brentwood Borough Council

[REDACTED] www.brentwood.gov.uk [REDACTED]



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From: Licensing
Sent: 10 August 2020 15:22
To: Dave Leonard
Subject: FW: Dusk restaurant pilgrims Hatch



From: Vicky Davies [REDACTED]
Sent: 10 August 2020 15:15
To: Licensing <licensing@brentwood.gov.uk>; Barry Aspinell <[REDACTED]> David Kendall [REDACTED]
Subject: Dusk restaurant pilgrims Hatch

I am writing to object to the application from Dusk restaurant for a variation in their current operating licence .

My main concern is the volume of music noise that is currently heard from the establishment is causing great disruption and distress to residents in the area , the volumes heard currently fail to comply with their licence.

I would strongly object to any amplified music being allowed in the open outside bars of the restaurant at any time. This is a green belt residential area totally unsuited to the noise and disruption being proposed . I make representation on behalf of many residents whose lives would be detrimentally affected should Dusks application be allowed.

CLlr Vicky Davies
Pilgrims Hatch Ward

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From: [REDACTED]
Sent: 10 August 2020 15:04
To: Licensing; Dave Leonard
Subject: 20/00076/LAFVAL - Objection from local resident.

Dear Mr Leonard and to whom else it may concern,

I am writing to voice our official objection to the licence application that we have been made aware for 'Dusk' at Ongar Road, Brentwood Essex CM15 9SS.

Firstly, I must make you aware that there seems to be insufficient signage displaying the licence application and were it not for another local resident who had seen the single poster in the golf club car park, then we would be none the wiser. I would ask that this is checked and if necessary, the closure date be extended to allow for a more sufficient consultation period with the local community.

i

Secondly, and most importantly the noise from Dusk is of the most concern. In what is a very quiet neighbourhood surrounding the venue, I am extremely concerned that the noise would simply ruin that for the local residents and the families with young children. This weekend, I am led to believe that Dusk had an event where the use of noise meters/limiters were not used, which led to a very uncomfortable evening for the local community with the noise travelling somewhat across the local land causing disruption for those living nearby - especially on such a warm evening where doors and windows were open to allow ventilation. As parents to a young family, this troubles us somewhat as I am sure you can understand.

I believe that an Environmental Health Officer was present this weekend and observed the disruption from the noise I believe and given the site has, in the past, already had a nightclub type venue closed down ('Bugattis') for noise issues, I would strongly urge the council to take the concerns of the local residents very seriously as this cannot be allowed to be repeated. If there are to be no noise limiters in place, this allows Dusk to carry on without any due care or consideration for the homeowners living in proximity, and whilst we accept that a licence may well be granted given its previous owners had one (Joy Fook), this is a step way too far to have no restrictions on said licence whatsoever.

So far, it would seem that Dusk have shown no regard for either the local community nor the regulations

and procedures set out by the council in applying for this licence, which is disappointing as it sets a very worrying tone to start with and so I would implore the council take our objections seriously and consider the damage to our way of life if the licence is to go through.

Thank you for your time.

Regards

Leigh and Jessica Davies

Leigh Davies



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From: [REDACTED]
Sent: 10 August 2020 17:50
To: Dave Leonard
Subject: Re: DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION TO VARY THE PREMISES LICENCE

Dear Dave,

Many thanks for the email.

My contact details are:

Leigh and Jessica Davies

[REDACTED]
Kelvedon Hatch
CM14 5TA

Regards

Leigh

Leigh Davies

[REDACTED]

On 10 Aug 2020, at 16:26, Dave Leonard <[REDACTED]> wrote:

Dear Mr Davies,

In order for your representation against Dusk to be validated and, therefore, included in any forthcoming Licensing Sub-Committee hearing I will need details of your home address.

Naturally, any private information you provide such as your phone number and email address will not be posted into the public domain.

Many thanks.

Kind regards,

Dave

From: Dave Leonard
Sent: 10 August 2020 16:14

To: Leigh Davies [REDACTED]

Subject: DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION TO VARY THE PREMISES LICENCE

Dear Mr Davies,

Thank you for your communication.

I have registered your representation against the application made by Dusk.

You will be notified of a date to be set for a Licensing sub-Committee to determine this application in due course.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on **01277 312523**.

Kind regards and stay safe,

<image001.png>

Dave Leonard | Licensing Officer

www.brentwood.gov.uk [REDACTED]



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From: Helen Kakoullis [REDACTED]
Sent: 10 August 2020 14:27
To: Licensing
Cc: Dave Leonard; David Carter
Subject: Dusk Restuarant - Ongar Road

I understand that Dusk have applied for conditions to modify the existing licence with regard to lifting noise limiters, grant an alcohol licence and increase opening hours. I would like to register my strong objections and ask you to consider my views before making your decision.

I live diagonally opposite Dusk on the corner of Ongar Road & Old Crown Lane.
We have owned the house since December 2010.

One of the reasons for moving here at that time was to enjoy a more rural location.
We enjoy the wildlife that chooses to visit us here, having seen badgers, foxes, wild deer, moorhens and wild ducks in our garden. This year we have had a pair of ducks and now have ducklings too.

This green belt area is a precious haven we treasure and we are very lucky as Brentwood residents to be able to enjoy this.

Before Dusk opened Joy Fook was a well established business and operated in a well managed way:

- the venue worked well serving food with music & dancing.
- the music was contained inside the building.
- neighbours were respected and they operated well for a number of years.
- a profitable business ran along side of the local neighbours.

We all contributed to the community by considering others.

Last summer there were a number of very noisy events at Dusk Restuarant that disturbed neighbours through noise pollution to the surrounding area which is mainly semi rural homes.

On Saturday 18.7.2020 & Sunday 19.7.2020 there were high noise levels, loud music & people shouting.
I believe noise limits were not being obeyed.

The removal of noise limiters as applied for in change to the licence will lead to servere noise pollution for all local residents. This is not in keeping with this rural area. A venue as changed in line with the new application, is more suited to a built up area such as a high street where people are not living and trying to sleep.

In more built up areas the sound can be absorbed by buildings.
In rural areas where there are not many solid obstacles the sound travels
a much further distance before
it is absorbed & so, can travel at the same volume to an increased radius.

As a long standing resident in this area I am very concerned that if the
Conditions are varied as applied
for to the licence, especially with regard to removal of the noise
limiters, it will change the area
completely.
It will will have a very negative impact detrimental to the character &
enjoyment of the area.

If allowed to go ahead unrestricted, extreme noise pollution will become a
regular event to the
detriment of all local residents. A sustained negative impact to our
homes.
Home is a place to feel safe & secure. It is not a place where we have to
endure regular noise pollution
with uncertainty of when it will start again and how long it will last.

I strongly believe that the noise limiters should not be lifted.

Thank you in advance for listening and considering my views.

Kind regards
Helen Kakoullis

Sent from my iPad
[Coronavirus Message - Stay Alert, Control the Virus, Save
Lives.]<<https://www.gov.uk/government/publications/full-guidance-on-staying-at-home-and-away-from-others>>

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From: Helen Kakoullis <[REDACTED]>
Sent: 10 August 2020 16:40
To: Dave Leonard
Subject: Re: DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION TO VARY THE PREMISES LICENCE

Dear Dave,
My address is [REDACTED] Old Crown Lane, Kelvedon Hatch, Brentwood, Essex, CM14 5TA.
My mobile number is [REDACTED] and my email is [REDACTED]
Thank you

Kind regards
Helen Kakoullis

Sent from my iPhone

On 10 Aug 2020, at 18:32, Dave Leonard <[REDACTED]> wrote:

Dear Mrs Kakoullis,

In order for your representation against Dusk to be validated and, therefore, included in any forthcoming Licensing Sub-Committee hearing I will need details of your home address.
Naturally, any private information you provide such as your phone number and email address will not be posted into the public domain.

Many thanks.

Kind regards,

Dave

From: Dave Leonard
Sent: 10 August 2020 16:14
To: Helen Kakoullis <[REDACTED]>
Subject: DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION TO VARY THE PREMISES LICENCE

Dear Mrs Kakoullis,

Thank you for your communication.

I have registered your representation against the application made by Dusk.

You will be notified of a date to be set for a Licensing sub-Committee to determine this application in due course.

If I can be of any further assistance please do not hesitate to contact me in the Licensing Office on **01277 312523**.

Kind regards and stay safe,

<image001.png>

Dave Leonard | Licensing Officer

www.brentwood.gov.uk |



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From: [REDACTED]
Sent: 11 August 2020 16:23
To: Licensing; Vicky Davies; David Carter; Dave Leonard
Subject: Fw: Dusk Restaurant

Importance: High

Dear all,

I am writing to state my strong objection to any change to the licensing of Dusk Restaurant.

I live in Frog street and have been increasingly aware of the noise level emanating from Dusk. It is quite intolerable at present and some nights I cannot sleep with the windows open as the sound of thumping music and then people leaving when it closes. I hear people screaming and yelling, cars screeching down, what was once a quiet country lane. I find it unfair that as a resident living in a rural area I cannot have my windows open in this hot weather.

I have also noticed a sharp increase in the amount of litter in the hedge rows at the top of Frog street. I realise this could be from anyone, but it seems to have coincided with the opening of Dusk and includes large quantities of beer and wine bottles!

I do not recall the Joy Fook causing this much nuisance to local people. I would hear music occasionally but never until the early hours or on weekdays as is now the case.

I hope I am not too late with this objection as I was only made aware of this yesterday by a neighbour. Why were local residents not notified of this, given we are the most affected?

Kind Regards

Sue West

[REDACTED]

CM15 0JN

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The poster is blue with white and yellow text. In the top left corner is the HM Government logo. In the top right corner is the NHS logo. The main text reads 'CORONAVIRUS STAY ALERT TO STAY SAFE' in large, bold, white letters. Below this, there are three yellow circular icons with checkmarks, each followed by a safety instruction: 'Keep a safe distance from others', 'Stay home as much as possible', and 'Keep washing your hands regularly'. In the bottom right corner, there is a yellow rectangular box with black text that reads 'STAY ALERT CONTROL THE VIRUS SAVE LIVES'.

HM Government

NHS

CORONAVIRUS
STAY ALERT
TO STAY SAFE

- Keep a safe distance from others
- Stay home as much as possible
- Keep washing your hands regularly

STAY ALERT
CONTROL
THE VIRUS
SAVE LIVES

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From: [REDACTED]
Sent: 11 August 2020 20:52
To: Dave Leonard
Subject: Objection To License Application: 20/00076/LAFVAL

Dear Mr Leonard,

We are writing as long-time residents of the area to object to License application:

20/00076/LAFVAL
Sisu Enterprises Ltd. T/A Dusk

Due to the following:

- Removing the condition of the noise limiters and secondary doors would result in increased noise and disruption to all residents in the local area, which has always been a peaceful and tranquil neighbourhood.
- Generally any activity involving increased numbers of people, vehicles, music and alcohol after 11:30 at night is not appropriate for a residential area and it increases the possibility of becoming a public nuisance and significantly raises the risk of criminal and disorderly behaviour which has already been demonstrated to be the case on previous occasions.
- Increased noise and disruption late into the night has the proven potential to affect the mental health of those living in close proximity to Dusk if they can't sleep.
- Dusk have already demonstrated a disregard for the local residents by hosting numerous very noisy events that have gone on till the early hours in the morning past their license. Including one such event the weekend just past.
- Dusk have further demonstrated a disregard for the rules by only displaying a single notice of the license application in the car park. Other notices have been put up facing the wrong way round, so they are not able to be seen or read.
- This raises real questions whether Dusk will abide by any required rules or conditions of an extended license therefore it would be irresponsible to give Dusk more freedom in their license then they already have.
- An Environmental health officer has visited at the weekend and agrees with all the residents' concerns and reasons for objection.

Best Regards

Hazel Lock
[REDACTED]
Old Crown Lane
Brentwood
CM14 5TA

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From: [REDACTED]
Sent: 10 August 2020 09:52
To: Licensing; Vicky Davies; David Carter; Dave Leonard
Subject: Dusk Restaurant

Importance: High

Dear Sirs,

I write to state my strong objection to any change to the licencing of Dusk Restaurant. My property is further along Frog Street with fields between us and Dusk, the noise pollution has become intolerable since the lifting of lockdown and even with windows closed the thump thump thump of music can be heard late into the night, add onto this the shouting, screaming and laughing of people using the outside area followed by cars racing up and down the lane when people leave has made it almost impossible to sleep. My family have owned the property since 1972 and we have never experienced this sort of nuisance in the past.

I suffer with Fibromyalgia which is aggravated by lack of or disturbed sleep so the thought of the noise pollution from Dusk increasing is very distressing as this would further negatively impact on my health. I would actually like to see the current noise pollution levels reduced by the local authority and made more suitable for its countryside location.

I would also like to ask why the notices in association with this application have not been displayed in visible public areas rather than within the car park? Surely these should have been displayed in a manner to publicise the application to the surrounding neighbours to ensure as many people as possible were aware and given the opportunity to object should they so wish. Perhaps the notices should be placed along Frog Street/Ongar Road in prominent positions and the deadline extended by a month to allow this to happen.

Kind Regards

[REDACTED]

Mob: [REDACTED]
Email: [REDACTED]

[REDACTED]

Frog Street, Brentwood Essex. CM15 0JJ

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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.