



# Agenda

## Licensing Sub-Committee

Monday, 23 November 2020 at 7.00 pm  
Virtual meeting via MS Teams

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### Membership (Quorum – 3 )

Cllrs J Cloke, Tanner and Tierney

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### Agenda

Item	Item	Wards(s) Affected	Page No
	<b>Live broadcast</b>		
	<a href="#">Live broadcast to start at 7pm</a>		
	<b>Contents</b>		
1.	<b>Appointment of Chair</b>		
2.	<b>Administrative Function</b> 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.	<b>Licensing Act 2003 - Application to Review a Premises Licence - Dusk, Ongar Road, Pilgrims Hatch, Brentwood. CM15 9SS</b>	Pilgrims Hatch	5 - 110

A handwritten signature in black ink, reading "Jonathan Stephenson", is centered at the top of the page. The signature is written in a cursive style with a horizontal line crossing through the middle of the name.

Jonathan Stephenson  
Chief Executive  
Town Hall  
Brentwood, Essex  
13.11.2020

## Information for Members

Please note the changes in blue apply to remote meetings

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### 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.

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### 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.

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### 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.


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### 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](http://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.

23 November 2020

Licensing Sub-Committee

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

**DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS**

**Report of:** Maria Moses – Licensing Officer

**Wards Affected:** Pilgrims Hatch

**This report is:** Public

**1. Executive Summary**

- 1.1 An application has been received for a review of the premises licence in respect of **Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS**. Thirteen relevant representations have been received during the consultation period. The review relates to the Licensing objective: **Prevention of Public Nuisance**.

**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 for the review of the premises licence.

**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.
- 3.3 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 On the 27 September 2020 an application for a Review of the premises licence at Dusk was received from Mrs Megan Bashir, a local resident in Ongar Road, Brentwood, Essex. Mrs. Bashir refers to noise nuisance and anti-social behaviour. A copy of the Review application is attached as **Appendix 1**.
- 4.2 This Premise is 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 Representations have been received from two Responsible Authorities - Environmental Health and The Licencing Authority of Brentwood Council.

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**.

The Licensing Officer, Mr Dave Leonard, has set out an overview of the applications made, complaints received, warning notices issued and site visits

conducted. Mr Leonard shares the same public noise nuisance concerns in relation to the use of the outside smoking area at Dusk as Mr Carter and his representation is also attached at **Appendix 3**.

- 4.4 There have been 11 further representations received from six residential households and one councillor. The grievances all relate to the noise nuisance being caused by the playing of late-night music in the outdoor lounge/smoking area and the noise cause by the patrons using this area. The subsequent dispersal of patrons in an otherwise quiet, semi-rural location also causes concern and contributes to the disruptive sleep patterns experienced by families. This Copies of the redacted representations have been attached at **Appendix 4**.

## **5. Reasons for Recommendation**

These are the options available to the Sub-Committee

- 5.1 The Committee, after considering the review application and all of the relevant representations, will need to consider what action, if any, to take in order to ensure that the Licensing Objectives are complied with.
- 5.2 The following options are available to the Licensing Sub-Committee:
- Do nothing with the licence;
  - To modify the conditions of the premises licence. This can include adding new conditions or alterations to existing conditions e.g. reducing the hours of operation;
  - To exclude a licensable activity from the scope of the licence e.g. to exclude regulated entertainment after a certain hour,
  - To remove the Designated Premises Supervisor e.g. because it is considered that the problems are being caused by poor management;
  - To suspend the licence for a period not exceeding three months;
- 5.3 The decision made by the committee will not take effect until the end of the period given for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.
- 5.4 In determining this application for review of the premises licence, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.
- 5.5 The Sub-Committee are advised that the hearing is a statutory exercise of power delegated by local residents to consider what the public interest requires. The licensing authority, via the Sub-Committee, has a duty, in accordance with the rule of law, to behave fairly in the decision-making procedure. Representations

from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.

5.6 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.

5.7 The application must be determined within 5 working days of the conclusion of the hearing, in accordance with paragraph 26 of the Licensing Act 2003 (Hearings) Regulations 2005.

## **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 are satisfied that these requirements have been met.

## **7. Statement of Licensing Policy**

7.1 The following Brentwood Borough Council Statement of Licensing Policy 2016-2021 (s22) control measures relating to the prevention of public nuisance state:

***Applicants need to be clear the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant reorientations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.***

## **8. Relevant Section of the Secretary of State's Guidance**

8.1 The licensing objectives relating to public nuisance matters arising from this application are covered in Section 2, paragraphs 22.15 to 2.21 (pages 9 & 10) of the Licensing Act 2003, Section 182 Guidance (April 2018).

## **9. Legal Considerations**

9.1 Brentwood Borough Council, as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature. Notice must be given of the Licensing Authority's decision on this matter. The decision could be subject to an appeal to a Magistrates Court, which can be instigated by either the applicant or the person who made the representation.



## 10. Appendices to the report:

- Appendix 1 - Application Form
- Appendix 2 - Premises Licence, OS street maps & images
- Appendix 3 - Representations from Responsible Authorities  
Environmental Health (Mr David Carter)  
Licensing Authority (Mr Dave Leonard)
- Appendix 4 - Representations from residents & Councillor

## 2.2 Report Author Contact Details:

**Name:** Maria Moses

**Telephone:** 01277 312642

**E-mail:** maria.moses@brentwood.gov.uk

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**DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS**

# **APPENDIX 1**

## **APPLICATION FORM**

*Application to Review a Premises Licence*

*(Mrs Megan Bashir)*

&

*Supplementary Email of Diary Dates*

# Application for the Review of a Premises Licence or a Club Premises Certificate

Reference: RP254358095

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**Before completing this form please read the Review of a Premises Licence or Club Premises Certificate guidance notes.**

1. The ground(s) for review must be based on one or more of the licensing objectives.
  2. Please list any additional information or details, for example dates or problems which are included in the grounds for review, if available.
  3. The application form must be signed.
  4. An applicant agent (for example a solicitor) may sign on their behalf provided that they have actual authority to do so.
  5. This is the address to which we shall use to correspond with you about this application.
- 

I, Megan Bashir,  
apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1

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## Part 1 - Premises Details

Does the premises have a postal address?: Yes

Ordnance Survey reference or description:

### Premises Address

Flat number (if any)

House number / name Dusk

Road name Ongar Road

Town Pilgrims Hatch

County Essex

Post Code CM15 9SS

Name of premises licence holder (if known): Sisu Enterprises Limited

Number of premises licence (if known): PRM\_0569

## Part 2 - Applicant Details

I am: an individual or business other than a responsible authority

I am: a person living in the vicinity of the premises

### Details of Individual Applicant or Responsible Authority Applicant or Individual Applicant

Title:

First name:

Surname:

Name:

#### Address

Flat number (if any)

House number / name

Road name

Town

County

Post Code

Telephone number:

Email address:

I am aged 18 years or over:

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This application to review relates to the following licensing objective(s):  
the prevention of public nuisance

Please state ground(s) for review (please read guidance note 1):

Persistent noise nuisance late at night, (often after midnight) most weekends, and some week days; and during private functions when the premises are let out for private hire. We hear loud music and drums and raucous behaviour both from inside the premises and the car park facing the Ongar Road. Furthermore, I am of the view that the premises have remained open for business after 10.00 pm even after the new COVID Curfew was brought in on 24/09/2020. The Police have been informed.

Please provide as much information as possible to support the application (please read guidance note 2):

There was an all day garage event on 15/02/2020 when the noise was extremely loud. I telephoned the owner and he claimed he was not responsible because it was a private event and they were using their own audio equipment. A disgraceful. Reach if responsibility. Mr Dave Leonard was informed.

Since July 4 2020 when the premises re opened after Lockdown there has been persistent noise. On 5 September 2020 the noise was so loud that it could be heard by Cllr Cliff Poppy who lives almost half a mile away. On 10/09/2020, hours after the adjourned meeting of the Licence Sub-

Committee there was loud noise after midnight. Email sent to local councillors and Dave Leonard. There was a grand re opening of the restaurant on 11/09/2020. They had advertised the event widely. We were kept awake after 12.28 am in the morning of 12/09/2020. On 19/09/2020 at 12.46 am there was excessively loud drums and some sort of chanting. On the evening of 19/09/2020 Mr Carter and Mr Adams were in my driveway and could hear the noise. Most incidents have been reported to Mr Leonard, Cllr Vicky Davis, Cliff Poppy and Roger McCheyne, and Mr Carter.

Have you made an application for review relating to this premises before?: No  
If yes, please state the date of that application:

If you have made representations before relating to this premises, please state what they were and when you made them:

I submitted comments in respect of their Licence Application for Full Variation - Ref:  
20/00076/LAFVAL

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I understand that copies of this application will be sent by the licensing authority to the responsible authorities and the premises licence holder or club holding the club premises certificate: Yes

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

## **Part 3 - Signatures**

**Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 4). If signing on behalf of the applicant, please state in what capacity.**

Signature: Megan Bashir

Date: 27/09/2020

Capacity: Local Resident

Is the correspondence name and address associated with this application different that which has already been given? (see guidance note 5): No

**Please note: You must serve a copy of the application on the licence holder on the day that you made the application.**

**The Licensing Authority will also serve a copy of the application to each Responsible Authority.**

From: Megan Bashir [REDACTED]  
Sent: 19 October 2020 18:09  
To: Paul Adams; Dave Leonard; David Carter  
Cc: Vicky Davies; Roger McCheyne; Cliff Poppy; Keith Parker  
Subject: Dusk, Ongar Road

Further to the Application to Review the Licence in respect of the above property. Listed below are my diary notes from Friday 2/10/2020 to Sunday 18/10/2020:

2/10/2020	22.06	Drum noise clearly audible
3/10/2020	20.24	Muffled drum noise/raised voices and chanting. Weather awful; cold and light rain
9/10/2020	21.40	Lights on in Shisha lounge parallel to Ongar Road. Usual drum noise and chanting. So much for Covid restrictions.
10/10/2020	20.50	Chanting and drum noise. Lights in Shisha lounge on. On- line chat with PC Danielle No 74372. Incident Number 1198
11/10/2020	21.10	Usual chanting and drum noise
16/10/2020	20.40	Drum noises and voices outside the gate
17/10/2020	18.00	Low level drum noise audible from the back of the house;
	19.45	Drums still clearly audible from the back of the house;
	20.57	Loud music and chanting. Louder than earlier Female voices raised to shouting.
	22.00	Low drum beat still audible but quieter than earlier. Raised voices.
18/10/2020		According to their website the restaurant is fully booked. Certainly the lights are on in the Shisha area and the area facing the golf course.No loud music of any kind.

M D Bashir

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**DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS**

# **APPENDIX 2**

## **Premises Licence 1 October 2020**

(At the time of this documentation being published the updated Premises Licence determined at the LSCH on 11/11/2020 is pending subject to the decision notice)

## **OS Maps & Images**

## Premises Licence

**Premises Licence Number**

**PRM\_0569**

**Application Number**

**20/00114/LAMIN**

**Date of Issue**

**1 October 2020**

### 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**

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 00:00</b>
<b>Saturday</b>	<b>16:00 - 00:00</b>
<b>Sunday</b>	<b>13:00 - 00:00</b>

#### **Exhibition of a film**

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 00:00</b>
<b>Saturday</b>	<b>16:00 - 00:00</b>
<b>Saturday</b>	<b>16:00 - 00:00</b>

**Performance of Live music**

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 00:00</b>
<b>Saturday</b>	<b>16:00 - 00:00</b>
<b>Sunday</b>	<b>13:00 - 00:00</b>

**Playing of Recorded music**

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 01:30</b>
<b>Saturday</b>	<b>16:00 - 01:30</b>
<b>Sunday</b>	<b>13:00 - 00:00</b>

**Other Entertainment falling within Act**

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 01:30</b>
<b>Saturday</b>	<b>16:00 - 01:30</b>
<b>Sunday</b>	<b>13:00 - 00:00</b>

**Provision of Late Night Refreshments**

<b>Monday</b>	<b>23:00 - 00:00</b>
<b>Tuesday</b>	<b>23:00 - 00:00</b>
<b>Wednesday</b>	<b>23:00 - 00:00</b>
<b>Thursday</b>	<b>23:00 - 00:00</b>
<b>Friday</b>	<b>23:00 - 01:30</b>
<b>Saturday</b>	<b>23:00 - 01:30</b>
<b>Sunday</b>	<b>23:00 - 00:00</b>

**The opening hours of the premises**

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 02:00</b>
<b>Saturday</b>	<b>16:00 - 02:00</b>
<b>Sunday</b>	<b>13:00 - 00:00</b>

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**

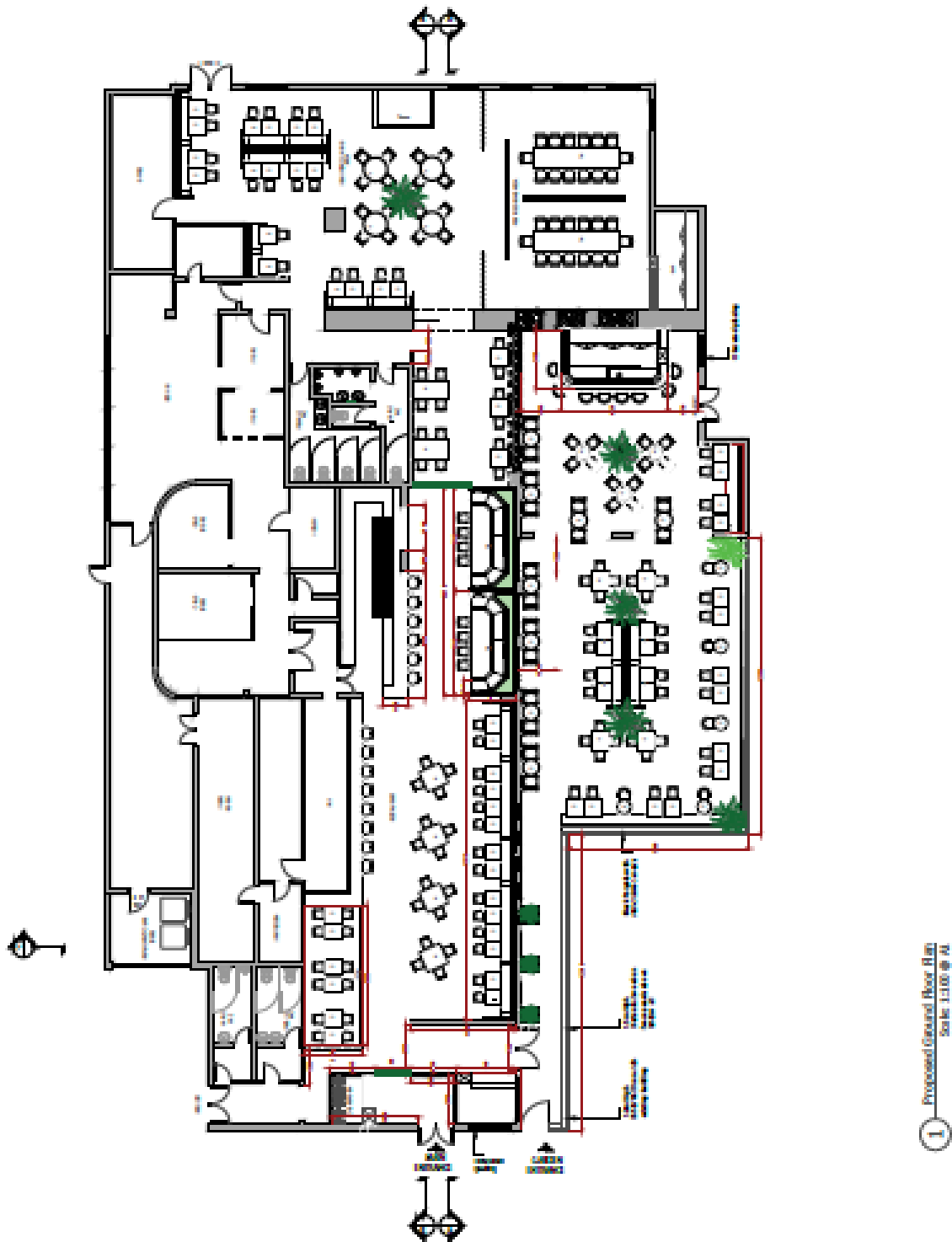
- 1 There should be a second interior door installed at the front entrance.

#### **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 (amended & submitted 10SEP20) marked *Joy Fook, Ongar Road, Essex CM15 9SS*



## Premises Licence Summary

<b>Premises Licence Number</b>	<b>PRM_0569</b>
<b>Application Number</b>	<b>20/00114/LAMIN</b>
<b>Date of Issue</b>	<b>1 October 2020</b>

### 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

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 00:00</b>
<b>Saturday</b>	<b>16:00 - 00:00</b>
<b>Sunday</b>	<b>13:00 - 00:00</b>

**Exhibition of a film**

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 00:00</b>
<b>Saturday</b>	<b>16:00 - 00:00</b>
<b>Saturday</b>	<b>16:00 - 00:00</b>

**Performance of Live music**

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 00:00</b>
<b>Saturday</b>	<b>16:00 - 00:00</b>
<b>Sunday</b>	<b>13:00 - 00:00</b>

**Playing of Recorded music**

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 01:30</b>
<b>Saturday</b>	<b>16:00 - 01:30</b>
<b>Sunday</b>	<b>13:00 - 00:00</b>

**Other Entertainment falling within Act**

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 01:30</b>
<b>Saturday</b>	<b>16:00 - 01:30</b>
<b>Sunday</b>	<b>13:00 - 00:00</b>

**Provision of Late Night Refreshments**

<b>Monday</b>	<b>23:00 - 00:00</b>
<b>Tuesday</b>	<b>23:00 - 00:00</b>
<b>Wednesday</b>	<b>23:00 - 00:00</b>
<b>Thursday</b>	<b>23:00 - 00:00</b>
<b>Friday</b>	<b>23:00 - 01:30</b>
<b>Saturday</b>	<b>23:00 - 01:30</b>
<b>Sunday</b>	<b>23:00 - 00:00</b>

The opening hours of the premises

<b>Monday</b>	<b>16:00 - 00:00</b>
<b>Tuesday</b>	<b>16:00 - 00:00</b>
<b>Wednesday</b>	<b>16:00 - 00:00</b>
<b>Thursday</b>	<b>16:00 - 00:00</b>
<b>Friday</b>	<b>16:00 - 02:00</b>
<b>Saturday</b>	<b>16:00 - 02:00</b>
<b>Sunday</b>	<b>13:00 - 00:00</b>

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**

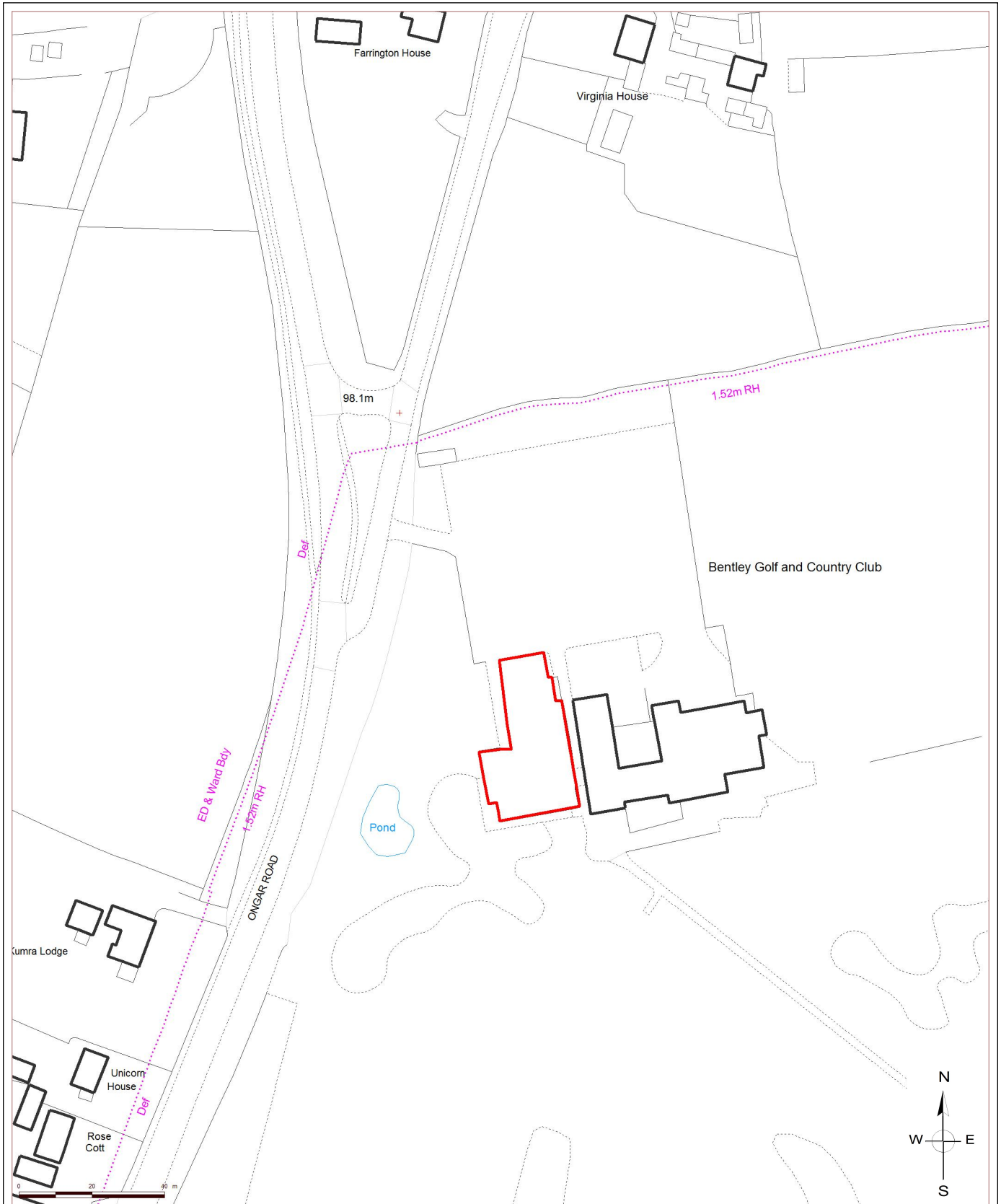
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

**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

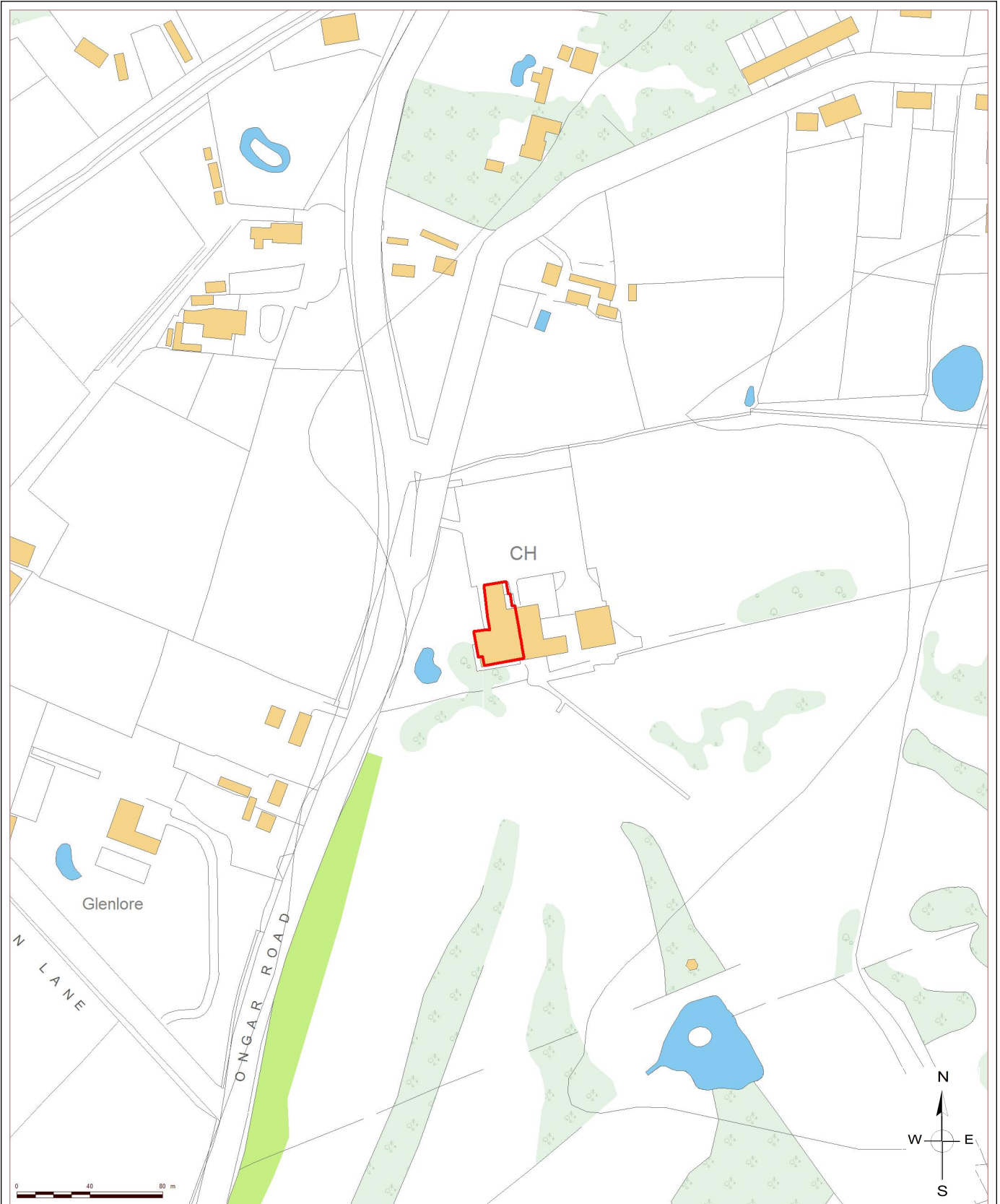


Drawing No. :  
 Scale at A4 : 1:1500  
 Drawn by : OSJ  
 Service : ICT  
 Date : 19th August 2019

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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  
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 Town Hall, Ingrave Road  
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DUSK

Page 34



DUSK

Page 35



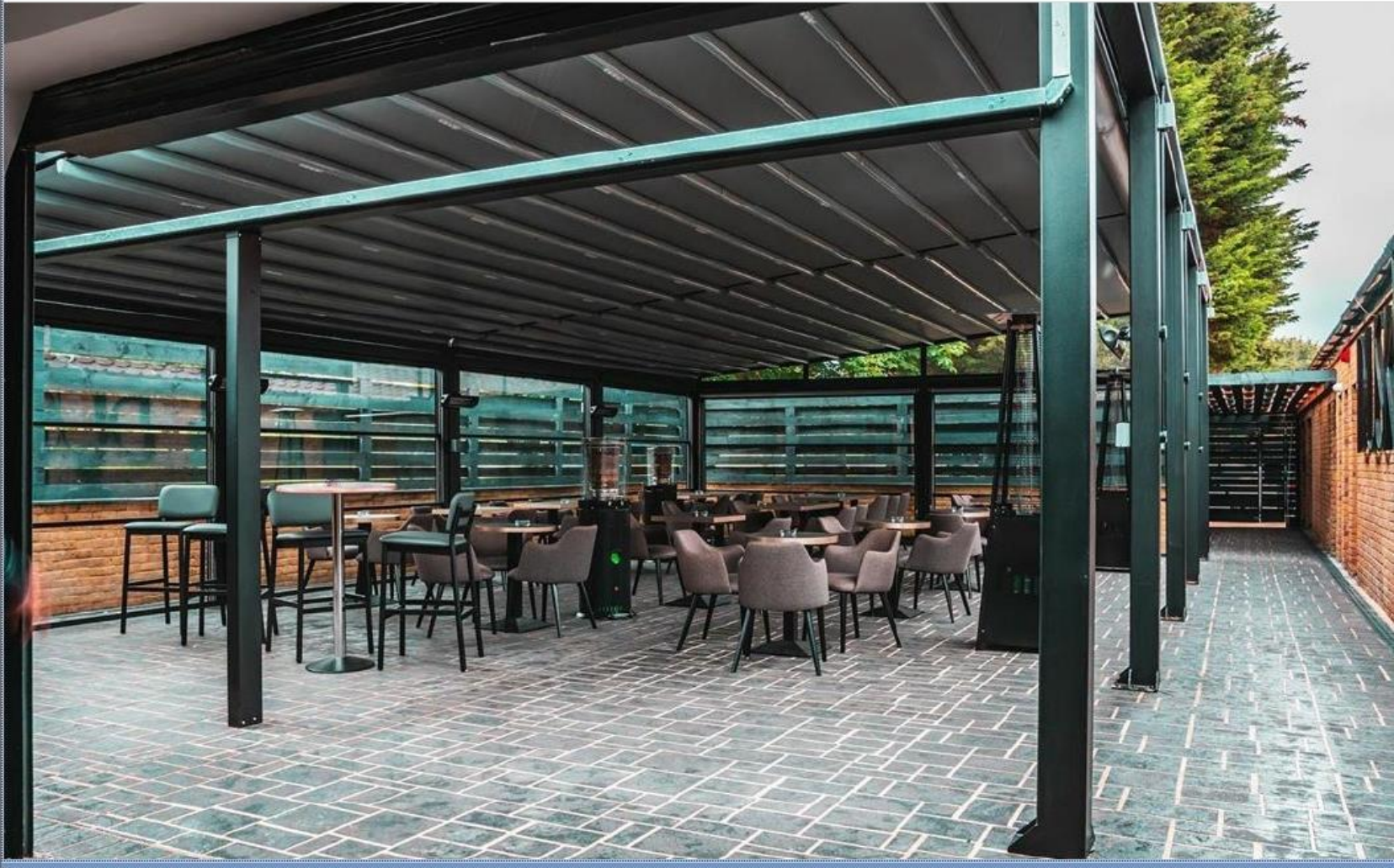


# duskloungeessex

## DUSK Brentwood



Page 36





**duskloungeessex**  
**DUSK Brentwood**





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**DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS**

# **APPENDIX 3**

## **REPRESENTATIONS**

### ***Responsible Authorities***

*Mr. David Carter – Environmental Health Manager*

*Mr. Dave Leonard – Licensing Officer*

Our ref:  
Your ref:

Date: 23 October 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 for Review of a Premises Licence - Licensing Act 2003  
**Dusk, Ongar Road Pilgrims Hatch Brentwood CM15 9SS**

I refer to the above application to review a premises licence at Dusk Ongar Road, Pilgrims Hatch, received on 29 October 2020 by the Pollution Team of Brentwood Borough Council.

I wish to make representation to the Licensing Authority in support of this review application, as in my opinion the premises has continued to operate in such a way that the licensing objective of prevention of public nuisance has not been achieved by the licence holders.

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 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 operation of the premises has resulted in noise to residents from the hours of operation, the use of the outside area as a shisha area, together with the performance of regulated entertainment in this location and additional use of this area over and above the use as a smoking area. Conditions attached to the current licence to control licenced activities in the external area of the premises do not appear to be being adhered to, and additional hours have been requested as a variation to the existing licence, which is awaiting determination at present.

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

The applicant has sought a variation 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 that have been requested through this variation, (which is still pending at the time of writing) are 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 to this application to 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 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.

The supporting statement provided with the variation application, refer to there being no regulated entertainment conducted outside the premises, however it would appear that regulated entertainment in the form of amplified music and videos are being played through the main loudspeaker system inside the premises with open doors leading to the

outside 'shisha lounge' area with additional loudspeakers sited within this area linked into the same system.

The conditions attached to the outside area (i.e. the shisha lounge) are contained in the premises licence and include:

**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.**

**5 There shall be no licensable recorded music after 2230hrs each**

In my view these conditions are clear and appropriate in order to limit sound in this area from a large number of customers and from amplified music. It would appear that this area is extensively used for customers to remain at tables after they have finished a meal inside and that the majority of the entertainment takes place within this outside area, which is audible and intrusive to neighbouring properties that have supported this review of the licence.

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, including the closing of doors from the inside of the building to the shisha area, the removal of external speakers and the installation of equipment to limit noise breakout from within the premises, which again exists as condition 7 on the current licence but has never been arranged or agreed with the Pollution Team officers. This would prevent the need to determine at what level music is 'background music' and not a licensable regulated entertainment, although I would argue that music presented/selected by a DJ/VJ is more likely to be for the purposes of entertainment rather than background music.

The supporting statement from the variation application 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, offered to meet with the acoustic engineer who was appointed by the management in order to carry out a noise assessment of the premises at night since the reopening on 4 July.

Despite further contacts between myself and the acoustic consultant that have been productive and have led to a number of areas of agreement, I am still awaiting for arrangements to be made at the time of writing this representation in order to agree a suitable location for the noise limiter microphone and level of amplified music that is acceptable.

I will address the issues raised in the acoustic consultant's report in a separate document to be supplied to the Licensing Authority prior to the review hearing within the next week,

in case there are any additional comments that will need to be made depending on the outcome of the variation application that is still to be determined at the time of writing.

It is my opinion that in the absence of suitable measures currently 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 (with additional entertainment) has been identified as a noise issue in this location; the hours of operation that may be considered by the pending variation 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 and repeated visits and contact from officers has failed to secure any lasting improvement in reduction of noise or engagement with residents.
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 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)
6. The use of shisha pipes should be limited in numbers or time availability to coincide with the restriction on amplified music to discourage extended use of the shisha lounge area later at night.
7. All doors and windows of the premises shall be kept closed during the provision of any regulated entertainment within the building to reduce the likelihood of noise breakout into the shisha lounge area and loudspeakers removed from the outside area.

On behalf of the Pollution Team, I would therefore wish to recommend that the review of the premises licence results in the application of appropriate conditions and control over the future operation of the premises.

Yours faithfully

**David Carter**  
Environmental Health Manager

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

**Paul Adams  
Principal Licensing Officer,  
Brentwood Borough Council**

Tuesday 27 October 2020

Dear Mr Adams,

**DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS**  
**Application For a Premises Licence to be Reviewed**  
**Representation by a Responsible Authority (Licensing)**

I wish to make a representation in support of the Application for a Premises Licence to be Reviewed at **Dusk, Ongar Road, Pilgrims Hatch CM15 9SS** made by Mrs. Megan Bashir. I make this representation as a Responsible Authority (Licensing) in my capacity as the Brentwood Borough Council Licensing Officer as permitted by virtue of the Licensing Act 2003.

In February 2019, I was made aware of the restaurant - previously known as Joy Fook - being advertised as re-opening under new management and called Dusk. Joy Fook had been closed for some while and had surrendered its premises licence. Dusk appeared to be advertising entertainment and no new licence had been applied for. On Friday 22 February 2019, my colleague, Mrs Caroline Harrison, and I attended the venue and spoke with the owner's Mr Sharif Uddin and Mr Shakil Islam (Sisu Enterprises Ltd.). The premise was undergoing an extensive refurbishment and was at least eight weeks away from opening. Both men were very affable when explaining their business concept which appeared to concentrate on fine dining and providing a shisha smoking experience in a specially adapted outside area which boasted a retractable roof. The men were adamant that they had no intention of selling alcohol as this was against their religious beliefs. We advised that a premises licence would be required in order to provide regulated entertainment and late night refreshment in any case and, based on the timescale for re-opening, we had provided them with plenty of notice to get an application submitted and determined beforehand. The men thanked us but indicated that they did not feel that they needed a licence to operate. This was my first experience meeting with the management and I was left with the opinion that they were not too familiar with the requirements of the Licensing Act and I recommended that they seek the assistance of a qualified agent to advise them.

Dusk opened without a licence and, following concerns being raised and social media advertising suggesting that entertainment was being provided, a further visit was made on 23 July 2019 and it was determined that a premises licence was required for the activities taking place. In the meantime the management were advised how to operate with the use of temporary event notices (TENs). Again, their understanding of the TEN process appeared very limited despite advice given.

Despite the consultation period being extended twice due to a failure by the applicant to properly advertise, a premises licence was granted to Dusk on 1 October 2019 following a Licensing Sub-Committee hearing that included an adjournment in order for the members to conduct a site visit.

The following eight conditions were attached to Annex 3 of the premises licence by the Committee;

**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.**

Sisu Enterprises Ltd. indicated that they would be appealing the decision in relation to some of the conditions attached but failed to register their appeal in time. Despite insisting appeal papers were lodged, subsequent enquiries with the magistrates' court could find no record supporting this claim.

Following a noise nuisance complaint received, I visited Dusk on 27 February 2020 at 4pm and spoke with the management to discuss the operating schedule of the premises and the conditions attached to Annex 2 and Annex 3 on the licence. It was determined that they were not compliant with Annex 3 conditions 1 and 7. I advised them of the consequences of failing to comply with the conditions of the premises licence and notified them that a warning letter would follow.

**See attached warning letter dated 28 February 2020.**

With the advent of the coronavirus pandemic and the enforced shutdown of much of the hospitality industry, including Dusk, I advised Mr Uddin to make good use of this period to resolve the discrepancies on the premises licence by applying to vary its conditions. Despite advising that a full variation would be needed based on the desire to remove Annex 3 conditions only recently set by a licensing sub-committee and on previous local opposition, an application for a minor variation was submitted on 10 March 2020 and was subsequently rejected by the Licensing Manager when representations were received. Sisu Enterprises Ltd. did not submit the application for a full variation until 3 July 2020 - the day before the enforced lockdown was lifted. This resulted in the business having to operate without providing any licensable activities (to avoid breaching the conditions on the current licence) or continue in a restricted format with the use of temporary event notices (TENs). Due to unforeseen circumstances on both sides, this application - which includes the provision for the sale of alcohol, an increase in trading hours at lunchtime and has withdrawn the request to remove attached conditions - has yet to be determined. In the meantime, a further application for a minor variation to amend the premises plan to comply with the current licence submitted on 10 September 2020 was granted on 1 October 2020.

Since its opening, I have been made aware of complaints of public nuisance relating to **Dusk** by several local residents and have regularly liaised and supported by a local Councillor Vicky Davies.

Many of these complaints relate to the alleged excessive noise nuisance caused by the entertainment provided and/or the noise nuisance related to the use of the outside smoking area and anti-social behaviour being caused by customers when they leave the restaurant in the early hours of the morning at weekends. This kind of complaint is generally the remit of the Environmental Health Noise Pollution Team and the matter, in the first instance, was referred to them for their initial assessment.

On 19 July 2020 I received a communication from Environmental Health team manager, Mr David Carter, in which he informed me that he had conducted a site visit to Dusk on 18 July 2020 and found that the music level was sufficiently loud to be heard clearly in the car park and was much above what he would consider to be background music. He then entered the premises and identified himself before having a prolonged argument about the level of the noise, what level it should be and what the requirements were with the manager, Mr Shakil Islam. It appears that his explanation on the concept of background level noise was met with some resistance and resulted in the staff recording their conversation. Mr Carter eventually got staff to agree to reduce the volume, which was being played by a DJ inside the bar area, and then went outside where the staff argued that the volume had not been reduced even though it was clear to him that it was much quieter than upon his arrival. Mr Carter stated that Mr Islam confirmed that he had received phone calls from one of the neighbouring residents about noise from music.

On Wednesday 22 July 2020 at 3.50pm I spoke with Mr Sharif Uddin about events from the weekend and clarified the point about live and recorded music as a licensable activity and determining the level of background music, which is not licensable. I informed him that I would be guided by Mr Carter, a specialist in noise attenuation, and advised that I would be sending out a further warning notice. **See attached warning letter dated 22 July 2020.**

On 28 July 2020 I received an email from Mr Uddin seeking to clarify that the Dusk premises licence permitted live music daily can be played til midnight and recorded music Friday & Saturday til 01:30am. **See attached email dated 28/07/2020 02:07**

On 29 July 2020 at 5.05pm I called back Mr Uddin to explain in detail the terms of the premises licence, the need for strict compliance of the conditions and the need for the plan on the licence to correspond with the premises layout. I also drew his attention to the conditions imposed in Annex 3 of the licence in reference to the outside area and, in particular, condition 5 stating that *There shall be no licensable recorded music after 2230hrs each day* and re-emphasising the importance of his interpretation of non-licensable, background music especially after Mr Carter's recent site visit and assessment. I followed this up with a final warning letter and attached the online link to the Gov.UK web page for government guidance for restaurants, pubs, bars and takeaways for his convenience. **See attached email dated 29 July 2020**

On Thursday 3 September 2020 at 3.15pm, Mr Paul Adams and I met with both Mr Uddin and Mr Islam at Dusk to discuss events that had occurred the previous weekend when the police were called and a local resident with whom the management were in dispute was arrested. The level of music being played at this time was genuinely what may be termed as background and we were even able to conduct our enquiries without the need to leave the area or shout at one another.

On Saturday 5 September 2020 at 10pm, together with Mr Paul Adams, I conducted another licensing inspection. On this occasion both Mr Uddin and Mr Islam were on the premises in a managing capacity. There was a DJ playing music at a level that did not appear to be impacting on the enjoyment of the revellers or the comfort of the diners. We were assured that the sound level of the music would not rise above that we were now hearing. However, I was advised by Mr Adams, who was monitoring the noise level from the car park, that as I approached the front and asked to see the management, there was a marked reduction in the music level as I waited for the manager.

On Thursday 10 September 2020 the Licensing Office received an application from Sisu Enterprises Ltd. for a minor variation to the premises licence plan to enable it to finally become compliant with the condition originally imposed requiring a second interior door installed at the front entrance. On Tuesday 15 September 2020 at 1pm I visited Dusk to ensure that the public notices for the application had been correctly displayed. I judged that one notice by the front door heavily concealed by a delivery and one notice at the waste bins area to the rear of the building was insufficient, particularly as this point has been raised by local residents at previous hearings. It was also noted that an old public notice had still been left posted up. As a result, the consultation period was further extended and the updated premises licence was eventually granted on 1 October 2020

On Sunday 20 September 2020 at 12.10am I conducted a site visit with my colleague, Mrs Paula Parrott. Paul Adams and David Carter remained outside in the Ongar Road close to the nearest residential property and confirmed that they could clearly hear the music coming from Dusk and, once again, as officers asked to speak with the management, the music level was turned down. The premises were under half-full but that may have had something to do with four ambulances being parked directly outside in the car park. I met with Shakil Islam who confirmed that a female customer with a kidney complaint had had a seizure and collapsed in the toilets. The test and trace records were inspected and were acceptable and social distancing compliance was in evidence.

On Wednesday 30 September 2020 at 3.45pm, Paul Adams and I visited Dusk by appointment and met with both Shakil Islam and Sharif Uddin. This meeting was held in response to several complaints received alleging that the venue was still operating well past the recently introduced compulsory 10pm closure time in and, therefore, in breach of the coronavirus regulations. We viewed the CCTV recorded footage of both evenings in question and found no obvious evidence of any breaches. In fact, footage checked against a complaint suggesting that the premises were still packed on 26 September at 11.30pm revealed the premises was clear of customers by 10.07pm.

On Friday 9 October 2020 at 8.40pm, I visited the location with my colleague, Ms Maria Moses, and we monitored Dusk from the nearest residential property in the Ongar Road. The music could clearly be heard during the breaks in roadside traffic. The shrieking and shouting of women singing along to the music and otherwise socialising in the outside smoking area was also very apparent. We then went to Dusk, identified ourselves and asked the door supervisor to fetch the manager. Whilst waiting there was a clear lowering of the music level and we were then greeted by manager, Mr Shakil Islam. I pointed out the drop in music level and advised him that I could clearly hear the music from across the road. In denial, and somewhat frustrated, Mr Islam insisted on following us out to the area from which we had been monitoring. Although the music level had been lowered and unlikely to be too much of a concern to neighbours at this time, the noise level of the women had not dropped. I pointed this out to Mr Islam and he really had no answer. As we returned to the building, Mr Islam stated that he was prepared to install additional noise reduction barriers at whatever cost in order to prove a point.

It is natural to assume that the later the terminal hour of a licensed premises offering regulated entertainment goes, the more the likelihood of public noise nuisance and disturbance increases. Whilst this might be perfectly acceptable in a High Street with a thriving night-time economy, it is never going to be so favourably received in the quieter, more residential locations. Persons can suffer from temporary hearing loss caused by being subjected to the loud music in an enclosed area and this causes them to believe that they need to talk louder to be heard.

Based on what I have heard during recent evening monitoring visits, even with the installation of a correctly fitted and set noise limiter, I am not convinced that the playing of any music in the outside area will prevent the noise level of some patrons, e.g. hen parties, singing, raising their voices or shouting to be heard above the level of the music, will be acceptable to those living in the vicinity.

Dusk's predecessors, Joy Fook, also operated as a restaurant to the same hours and offered entertainment late into the evening. However, the one significant difference between the two business's is that Joy Fook conducted its entertainment *inside* the premises whereas the whole concept of Dusk's entertainment experience involves the use of shisha pipes in an *outside* area and, therein, lies the cause of the noise nuisance issues. Whilst it had the occasional complaint, it is my understanding that, overall, the local residents had a good relationship with Joy Fook and a polite call asking for the music to be turned down often did the trick. It is clearly apparent by the number of complaints being received by my office that the same scenario does not apply to Dusk.

It is exactly for this very reason why the conditions and hours of licensable activity for this premises licence need to be reviewed. I would ask that appropriate and proportionate conditions are necessary to support the proprietor to succeed in his business but also safeguard the residents who are, after all, expected to live 24/7 with these terms & conditions. Any conditions attached to a

premises licence need to be practical and capable of being regulated and, where necessary, enforced by the responsible authorities entrusted to do so. It is clearly apparent there is a different interpretation on what can be considered to be background music between the proprietors and everybody else. Brentwood has many licensed premises situated in residential locations that benefit from an outside garden and designated smoking area but I am not aware of any that are permitted to have music or entertainment outside after 2200hrs. As an example, one restaurant that previously experienced similar issues with its neighbours has the following conditions attached to its licence;

- *Live music shall be limited to inside the Licensed Premises.*
- *There should be no speakers in the patio area. This area should be cleared by 22:00.*
- *The amplified sound within the premises must be played at the level that does not cause disturbance to the nearby residents. The sound should be controlled with a noise limiting device or a similar device which cannot be tampered with by unauthorised personnel. The windows should be kept closed to prevent noise breakout.*
- *Any sound emitted from amplified music or speech shall be so controlled as to be inaudible at, or within, neighbouring dwellings when assessed by the Head of Environmental Health & Recreational Open Space or his agents*

From the outset, my experience when dealing with the management at Dusk has been that they are very affable gentlemen who, whilst competent restaurateurs, are not so conversant with the requirements of the licensing legislation. This can be evidenced with incomplete application forms, frequently amended submissions and poorly advertised notices. However, despite the many representations received and concerns raised, no complainant has asked for the restaurant to be closed. Indeed, many of the local residents speak favourably of the venue and even choose to dine there. The recurring complaints relate to the noise nuisance issues arising from the use of the outside smoking area, whether it be the volume level of the music being played or the sound of the patrons raising their voices when conversing or just by those leaving Dusk in the early hours.

**I do support the concerns raised by the Mrs Bashir and the local residents, and I totally concur with all the points raised by the Environmental Health Manager, Mr Carter. I make representation in support of this application to review the premises licence on the grounds that the management team at Dusk have so far been unable, or unwilling, to adequately promote the licensing objectives relating to the prevention of public nuisance.**

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

Yours sincerely,

Dave Leonard

Licensing Officer | Brentwood Borough Council



**Mr Sharif Uddin  
Mr Shakil Islam**

**Date: 28<sup>th</sup> February 2020**

**Contact: Dave Leonard  
01277 312523**

Dear Sirs,

**Licensing Act 2003 – Premises Licence  
Dusk, Ongar Road, Pilgrims Hatch CM15 9SS**

This letter is sent in confirmation of my visit on Thursday, 27<sup>th</sup> February 2020 at 4pm, to **Dusk, Ongar Road, Pilgrims Hatch CM15 9SS** to discuss an alleged noise nuisance complaint received relating to the management of the premises.

We discussed in detail the operating schedule of the premises and the conditions attached to Annex 2 and Annex 3 on the licence.

As a result of this inspection, it was determined that you do not appear to be compliant with the following Conditions 1 and 7 in Annex 3;

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

These breaches of the premises licence conditions must be remedied and you readily undertook to resolve these issues as a matter of priority.

I am mindful that you did provide evidence showing a willingness to communicate with the Environmental Health officer regarding the installation of a noise limiter, or the use of a sound limiting device, and I have also been advised that you did appeal to the magistrates' court following the decision of the Licensing Sub-Committee hearing determining your application for a new premises licence last year. However, the onus is now on you to provide evidence that you have correctly registered your appeal and that a subsequent court hearing to determine your appeal will be convened.

Both the Environmental Health Team and I will continue to monitor this situation. Please ensure that you take note of the above information and act upon it immediately. Further action may follow without further warning should the terms and conditions of your premises licence continue to be breached.

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

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Leonard', with a stylized flourish at the end.

Dave Leonard  
Licensing Officer



Mr Sharif Uddin  
Mr Shakil Islam

Date: 22 July 2020

Contact: Dave Leonard  
01277 312523

Dear Mr Uddin,

**Licensing Act 2003 – Premises Licence  
Dusk, Ongar Road, Pilgrims Hatch CM15 9SS**

This letter is sent in confirmation of our conversation on Wednesday, 22<sup>nd</sup> July 2020 regarding a number of noise nuisance complaints the Licensing Office received on 18<sup>th</sup> July 2020 relating to ***Dusk, Ongar Road, Pilgrims Hatch CM15 9SS***.

As previously discussed when you applied for a minor variation to your premises licence in March this year, in order for you to provide any licensable activities you are required to operate in strict compliance with all of the conditions attached to the licence

As you are aware, your venue is not currently adapted to be compliant with the following Conditions 1 and 7 in Annex 3 of the premises licence;

***(1) There should be a second interior door installed at the front entrance***

***(7) Noise limiters shall be installed in the outside space in discussion and agreement of the Licensing Department of the Council.***

**For the avoidance of doubt this means that you are not authorised to conduct licensable activity at Dusk until you are compliant with the premises licence you were granted. With immediate effect, should any licensable activity, namely the Performance of Dance, Exhibition of a film, Performance of Live music, Playing of Recorded music, Other Entertainment falling within Act or the Provision of Late Night Refreshments take place, or be provided on or at the premises, this will constitute an unauthorised activity for which you may be liable to prosecution.**

**To conduct any activity in breach of the premises licence is an offence and may result upon conviction in an unlimited fine and/or 6 Months Imprisonment.**

Both the Environmental Health Team and I will continue to monitor this situation. Please ensure that you take note of the above information and act upon it immediately. Further action may follow without further warning should the terms and conditions of your premises licence continue to be breached.

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

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Leonard', written in a cursive style.

Dave Leonard  
Licensing Officer

**From:** Dave Leonard  
**Sent:** 25 July 2020 20:10  
**To:** [REDACTED]  
**Subject:** DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - FORMAL WARNING  
**Attachments:** Warning Notice - DUSK warning letter 22JUL20.pdf

Dear Mr Uddin,

**Licensing Act 2003 – Premises Licence  
Dusk, Ongar Road, Pilgrims Hatch CM15 9SS**

This letter is sent in confirmation of our conversation on Wednesday, 22<sup>nd</sup> July 2020 regarding a number of noise nuisance complaints the Licensing Office received on 18<sup>th</sup> July 2020 relating to ***Dusk, Ongar Road, Pilgrims Hatch CM15 9SS***.

As previously discussed when you applied for a minor variation to your premises licence in March this year, in order for you to provide any licensable activities you are required to operate in strict compliance with all of the conditions attached to the licence

As you are aware, your venue is not currently adapted to be compliant with the following Conditions 1 and 7 in Annex 3 of the premises licence;

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

**For the avoidance of doubt this means that you are not authorised to conduct licensable activity at Dusk until you are compliant with the premises licence you were granted. With immediate effect, should any licensable activity, namely the Performance of Dance, Exhibition of a film, Performance of Live music, Playing of Recorded music, Other Entertainment falling within Act and the Provision of Late Night Refreshments take place, or be provided on or at the premises, this will constitute an unauthorised activity for which you may be liable to prosecution.**

**To conduct any activity in breach of the premises licence is an offence and may result upon conviction in an unlimited fine and/or 6 Months Imprisonment.**

Both the Environmental Health Team and I will continue to monitor this situation. Please ensure that you take note of the above information and act upon it immediately. Further action may follow without further warning should the terms and conditions of your premises licence continue to be breached.

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,



**Dave Leonard | Licensing Officer**

T: 01277 312523 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)

**From:** DUSK Brentwood [REDACTED]  
**Sent:** 28 July 2020 02:07  
**To:** Dave Leonard  
**Subject:** Re: DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - NEW PREMISES LICENCE & SUMMARY

Dear Mr Leonard

Please correct me if I am wrong.

Attached is the licence document authorised

16:00-00:00 daily  
Friday & Saturday 16:00-02:00  
Sunday 13:00-00:00

These are the hours of operation.

At which times it states late night refreshments & playing recorded music daily can be served from 23:00-00:00 daily and Friday & Saturday til 01:30am

Live music daily can be played til midnight and recorded music Friday & Saturday til 01:30am.

Can you confirm this. I'll call you in the morning.

Regards  
Sharif

On Fri, 18 Oct 2019 at 16:10, Dave Leonard <[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)> wrote:

Dear Mr Uddin,

Please find attached the new Premises licence and Summary for

***DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS***

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

Kind regards,



**Dave Leonard | Licensing Officer**  
T: 01277 312523 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)

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**T:** 01277 424 987

**E:** [info@duskbrentwood.co.uk](mailto:info@duskbrentwood.co.uk)

**I:** [@duskbrentwood](#)

**W:** [www.duskbrentwood.co.uk](http://www.duskbrentwood.co.uk)

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**BRENTWOOD  
BOROUGH COUNCIL**

Mr Sharif Uddin  
Mr Shakil Islam

Date: 29 July 2020

Contact: Dave Leonard  
01277 312523

Dear Mr Uddin,

**FINAL WARNING**

**Licensing Act 2003 – Premises Licence  
Dusk, Ongar Road, Pilgrims Hatch CM15 9SS**

This letter is sent in confirmation of our conversation on Wednesday, 29<sup>th</sup> July 2020 regarding a number of complaints the Licensing Office continues to receive relating to ***Dusk, Ongar Road, Pilgrims Hatch CM15 9SS.***

As previously discussed when you applied for a minor variation to your premises licence in March this year, in order for you to provide any licensable activities you are required to operate in strict compliance with all of the conditions attached to the licence

As you are aware, your venue is not currently adapted to be compliant with the following Conditions 1 and 7 in Annex 3 of the premises licence;

***(1) There should be a second interior door installed at the front entrance***

***(7) Noise limiters shall be installed in the outside space in discussion and agreement of the Licensing Department of the Council.***

**For the avoidance of doubt this means that you are not authorised to conduct licensable activity at Dusk until you are compliant with the premises licence you were granted. With immediate effect, should any licensable activity, namely the Performance of Dance, Exhibition of a film, Performance of Live music, Playing of Recorded music, Other Entertainment falling within Act or the Provision of Late Night Refreshments take place, or be provided on or at the premises, this will constitute an unauthorised activity for which you may be liable to prosecution.**

**To conduct any activity in breach of the premises licence is an offence and may result upon conviction in an unlimited fine and/or 6 Months Imprisonment.**

Both the Environmental Health Team and I will continue to monitor this situation. Please ensure that you take note of the above information and act upon it immediately. Further action may follow without further warning should the terms and conditions of your premises licence continue to be breached.

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

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Leonard', with a stylized flourish at the end.

Dave Leonard  
Licensing Officer

**From:** Dave Leonard  
**Sent:** 29 July 2020 18:37  
**To:** [REDACTED]  
**Subject:** DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - FINAL WARNING  
**Attachments:** Warning Notice - DUSK final warning letter 29JUL20.pdf

Dear Mr Uddin,

**FINAL WARNING**  
**Licensing Act 2003 – Premises Licence**  
**Dusk, Ongar Road, Pilgrims Hatch CM15 9SS**

This letter is sent in confirmation of our conversation on Wednesday, 29<sup>th</sup> July 2020 regarding a number of complaints the Licensing Office continues to receive relating to **Dusk, Ongar Road, Pilgrims Hatch CM15 9SS**.

As previously discussed when you applied for a minor variation to your premises licence in March this year, in order for you to provide any licensable activities you are required to operate in strict compliance with all of the conditions attached to the licence

As you are aware, your venue is not currently adapted to be compliant with the following Conditions 1 and 7 in Annex 3 of the premises licence;

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

**For the avoidance of doubt this means that you are not authorised to conduct licensable activity at Dusk until you are compliant with the premises licence you were granted. With immediate effect, should any licensable activity, namely the Performance of Dance, Exhibition of a film, Performance of Live music, Playing of Recorded music, Other Entertainment falling within Act or the Provision of Late Night Refreshments take place, or be provided on or at the premises, this will constitute an unauthorised activity for which you may be liable to prosecution.**

**To conduct any activity in breach of the premises licence is an offence and may result upon conviction in an unlimited fine and/or 6 Months Imprisonment.**

You have also advised me that you are currently operating to a risk assessment policy in strict compliance with the Government advice. If you are in any doubt as to your obligations during this coronavirus threat, I have attached the government guidance online link (below) for your convenience;

[Restaurants, pubs, bars and takeaways](#)

If you require any further guidance relating to noise nuisance or limiting devices please contact Environmental Health Manager, Mr David Carter on **01277 312509** or by email [david.carter@brentwood.gov.uk](mailto:david.carter@brentwood.gov.uk)

Both the Environmental Health Team and I will continue to monitor this situation. I am confident that you now understand the seriousness of the concerns raised and of the options open to you. Please ensure that you take note of the above information and act upon it immediately. Further action may follow without further warning should the terms and conditions of your premises licence continue to be breached.

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,



**Dave Leonard | Licensing Officer**

T: **01277 312523** | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)

**DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS**

**APPENDIX 4**

**REPRESENTATIONS**

***Other Persons***

*Rep 1 - Mr Brian Billington*

*Rep 2 - Mrs Carolyn Billington*

*Rep 3 - Local Resident*

*Rep 4 - Local Resident*

*Rep 5 - Local Resident*

*Rep 6 - Local Resident*

*Rep 7 - Local Resident*

*Rep 8 - Local Resident*

*Rep 9 - Local Resident*

*Rep 10 - Mrs Jemma Ballard*

*Rep 12 - Councillor Vicky Davies*

From: [REDACTED]  
Sent: 05 October 2020 17:46  
To: Licensing  
Subject: Dusk Licence Review

Dear Sir/Madam

I saw the notice posted at the golf course re a neighbour's request to have the licence reviewed.

My name is Brian Billington I have lived in Frog Street for 30 years and the past year has been awful at week-ends with the noise and disturbance from the Dusk restaurant/nightclub. How anyone could have granted them a late night licence in a semi rural area is just beyond belief. They have an outside area for smoking, through which the music can be heard loud and clear for some distance, this is totally unreasonable, especially in the early hours of the morning. I have no objection to a restaurant with light music, inside only, and a licence that ends at midnight. I rang Alec's restaurant and they said their licence is to midnight only. There are number of families with young children who have been suffering the noise at week-ends and this is just not right.

Councillors, and officers of the Council, have experienced first hand the noise and what we have to put up with, it is just not acceptable and must be revised for everyone's sake. I understand that 31 years ago there was a nightclub in operation which in the end was stopped through Court action, please don't let this go down that route. Mr Carter the environmental officer gave a long report to the last meeting which was absolutely spot on and hopefully this will be taken into account.

Trying to converse and discuss this with the owners is impossible, they have no regard for their neighbours whatsoever and are only interested in profit. They are currently flouting the Covid 19 restrictions, I walked up to the restaurant the week-end before last, there was over 50 cars in the car park at 10.40pm and two cars drew up and people were let in. I then found out that this was reported this to the police.

Please have some regard for the people who live in this area, and only allow them to operate as a restaurant with midnight closure and no music in the outside area at all.

I STRONGLY OBJECT TO THE CURRENT LICENCE.

Can you please confirm receipt of this email.

Many thanks

Brian Billington

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From: [REDACTED]  
Sent: 05 October 2020 18:02  
To: Licensing  
Subject: DUSK

Follow Up Flag: Follow up  
Flag Status: Completed

My name is Carolyn Billington, I would like my name added to the list of objectors to the current licence held by the above restaurant/nightclub. I would like you to adjust this to a licence for a Restaurant with a no later than midnight closure and no music in the outside smoking space whatsoever. Dusk has caused so much unrest in our area and it is just not right for this to continue.

I STRONGLY OBJECT TO THE CURRENT LICENCE.

I know a number of neighbour's have written in and given much more detail and I fully agree with all their complaints and suggestions.

Please confirm receipt of this email

Thanks

CAROLYN BILLINGTON

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From: [REDACTED]  
Sent: 07 October 2020 17:28  
To: Licensing  
Subject: Dusk

Follow Up Flag: Follow up  
Flag Status: Completed

My name is Carolyn Billington, I live at [REDACTED] Frog Street, CM15 0JL. I would like this added to my previous email regarding the Licence Review for Dusk. My main concern is the noise emanating from The Restaurant and when guests leave. Prior to Covid every weekend was unbearable, being woken up with loud music and noisy customers is just not right for a rural area. All other restaurants close by midnight in Brentwood. Dusk is operating more as a nightclub and it is so unfair on all the neighbours to be constantly disturbed in this way. We cannot complain to them as they are very unreasonable people and have no care or time for their neighbours. It is also very unfair on our neighbours with young children who are constantly disturbed and distressed by not being able to sleep. Please allow them to operate as a restaurant with no outside music and a no later than midnight finish. It would be even better if 10pm was a weekday closing time. Thanks Carolyn Billington

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



From: [REDACTED]  
Sent: 02 October 2020 16:26  
To: Licensing  
Cc: Vicky Davies; David Carter; Dave Leonard  
Subject: Dusk Ongar Road Pilgrims Hatch Brentwood CM15 9SS - Licence Review

Follow Up Flag: Follow up  
Flag Status: Completed

Dear Sirs,

Please see my original objection email below.

I would just like to state my support for the resident seeking a review of the licence for Dusk on the same grounds as my original objection as below. We have not seen a reduction in nuisance from music, cars and shouting people so far and I note that there has been mention previously by Dusk in relation to less people attending etc due to Covid. I totally agree with this statement that the venue is running at reduced capacity which just seeks to underpin the sheer volume of potential nuisance that will be caused once covid social distancing is removed and normal trading resumes. The thought of this is terrifying. I hope that any assessments recently carried out have taken into consideration the vast reduction in customers at this current time and how this will be magnified once at full trading capacity.

Yours Sincerely

[REDACTED]  
[REDACTED] Brentwood CM15 0JJ

From: [REDACTED]  
Sent: 10 August 2020 09:52  
To: Licensing <licensing@brentwood.gov.uk>; Vicky Davies <vicky.davies@brentwood.gov.uk>; David Carter <david.carter@brentwood.gov.uk>; Dave Leonard <dave.leonard@brentwood.gov.uk>  
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.

[REDACTED] 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

Kind Regards

[REDACTED]  
Mob: [REDACTED]  
Email: [REDACTED]

[REDACTED] Brentwood Essex. CM15 0JJ

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From: [REDACTED]  
Sent: 09 October 2020 16:53  
To: Licensing  
Cc: David Carter; Dave Leonard; Vicky Davies  
Subject: Dusk Ongar Road Pilgrims Hatch Brentwood CM15 9SS - Licence Review

Dear Sirs,

I write in support of the request for a review of the license for Dusk.

Living just across the field to the rear of Dusk we have experienced a continuation in disturbance from music, cars and shouting people since the reopening and this is while they are running at reduced capacity due to Covid restrictions. The thought of this amplifying once restrictions are removed and when the use of the outside area increases in the summer months is extremely concerning. [REDACTED]

[REDACTED]

Frog

Street once was a peaceful country lane but has now resorted to being a late night party lane with cars racing up and down not to mention the rubbish being thrown into the hedgerows which has also clearly increased since Dusks opening.

If Dusk were to operate within the same opening hours as their other restaurants ie. 22.30 Sunday to Wednesday and 23.00 Thursday to Saturday and not play loud music then I would of course have no objection to the continuation of their license. I do however object strongly to any license which allows trading beyond these times and the permitting of loud music or music being played in the outside area.

Yours Sincerely

[REDACTED]

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Licensing Department  
Town Hall  
Ingrave Road  
Brentwood  
Essex, CM15 8AY  
Sent by email to: [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)



6 October 2020

Dear Sir / Madam

**Re: Application for Review of Premises Licence (Licensing Act 2003)  
Dusk, Ongar Road, Pilgrim's Hatch, Brentwood, Essex, CM15 9SS**

I am a local resident living very near to the above establishment. Dusk has posted notice of a licence review. These are my representations to the Licensing Authority in response to this application.

I object to the noise nuisance caused by Dusk and its customers. The sound of music played by Dusk is becoming louder and carries very easily across the fields to our house during evening and early morning hours. Noise at night time carries further and is more pronounced when there is less background noise such as traffic to block out the sound. Customers also often leave the venue making a lot of noise and speed loudly past our house early in the morning.

I object to any extension of opening hours and request that the conditions of the current licence, which were put in place a year ago, be implemented. This includes the use of a noise limiter, installation of car park gates and the construction of an additional set of doors at the entrance to the property. I also request that noise levels be reviewed and reduced, opening hours be reduced and that any music played in the outdoor area be set at a very low level.

My wife, [REDACTED] has also written to the Council on the same matter, [REDACTED]  
[REDACTED] We do not need noise nuisances in the area making our life more difficult in this respect.

My wife and I do not feel that the Council has properly listened to neighbours' complaints or done enough to manage the nuisance caused by Dusk in our area. It is operating as a nightclub and I do not understand why this type of establishment has been approved by the Council in a rural location like Frog Street. I also understand that other establishments run by Dusk's owners based in Grays and Romford close much earlier. It is unclear why the Frog Street venue has been granted extended opening hours.

May I ask that if this letter is put into the public domain the above reference to our child and my name and address be redacted.

Yours faithfully

[REDACTED]



Licensing Department  
Town Hall  
Ingrave Road  
Brentwood  
Essex, CM15 8AY



Sent by email to: [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)

6 October 2020

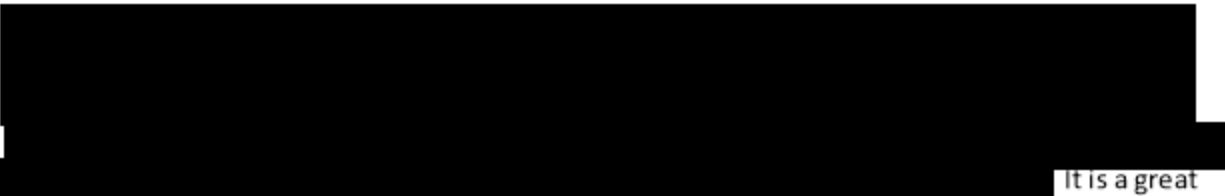
Dear Sir / Madam

**Re: Application for Review of Premises Licence (Licensing Act 2003)  
Dusk, Ongar Road, Pilgrim's Hatch, Brentwood, Essex, CM15 9SS**

I am writing in response to the notice posted outside the above premises regarding the application to review the licence for Dusk.

In summary, I oppose any extension of opening hours (which ideally should be reduced, not extended) and earnestly request a review of noise levels which are currently not acceptable, and also not within previous licence requirements. In addition, Dusk has not implemented requirements of the licence such as installation of an additional inner door, a sound limiter and gates at the car park entrance.

My husband and I live in a property situated very near to Dusk, only 0.5km away across open fields (as the crow flies). I have written to the council before more than once in response to licence applications by Dusk expressing my concerns about the establishment and objecting to the noise and nuisance caused. As an indication of the level of my concern, I also chose to attend a licence application hearing in person at the Brentwood Council offices so that I could verbally voice my objections and to plead that noise levels be respected and minimised and patron behaviour be improved.



It is a great disappointment to us that the noise emitted by Dusk during the late evening and early morning hours, and the rowdy and loud behaviour of its patrons after closure, occurring so near to our property, are disrupting the rural benefits we have enjoyed to date. In the summer months, when windows are open all night, the sound levels are far worse. Cars leaving the establishment late at night roar past our house causing further noise nuisance.

During the hearing that I attended, Dusk was keen to emphasize on several occasions that it had established itself as a high-end, "fine-dining" restaurant for discerning patrons, offering quiet ambient music as part of this experience. This conjured images of Alec's restaurant, only 0.9km

away as the crow flies, positioned in a similar rural setting, which is indeed a luxury restaurant offering a quiet 'fine-dining' experience. Dusk also admitted during the hearing that it had not, at the time of purchasing the property, realised the extent of semi-rural housing located very nearby, showing a lack of in depth research into the nature of its location. It is obvious to everyone concerned, that Dusk is not in fact seeking to be a fine-dining restaurant offering quiet ambient music. It is very evidently a nightclub. Also, very obviously, its location is not appropriate for a nightclub playing loud music into the early hours of the morning and out of which spill rowdy patrons during unsociable hours. By its own admittance, Dusk did not properly research the setting and should not be allowed to operate as a de facto nightclub on Frog Street. I would be very surprised if the council had granted Alec's restaurant a licence to become a nightclub in the quiet of Navestock Side.

Indeed, I am curious to know how Dusk obtained its original licence and who was involved in this decision. I question whether due process was followed, and whether local residents or local councillors were consulted.


The police have been called out on several occasions in response to neighbours' complaints about the noise levels and nuisance caused by Dusk and its patrons. On more than one occasion, upset neighbours have been told to 'F-off'. When the restaurant is confident it is not under observation it regularly turns up the volume of the music. Patrons, who are supposed to be escorted to their vehicles and quietly shown off the premises, have on occasion been wheel spinning in the car park. Recent images of Dusk's operations online have shown that clientele and staff are not following face covering requirements.

In short, I am very unhappy about the current situation and I do not feel that the Council has to date cared for the residents of our area or sought to help us in removing the nuisance caused by Dusk.

May I ask that if this letter is put into the public domain that the above paragraph regarding our child's condition and my name and address be redacted.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.



Brentwood Council Licensing Department  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood CM15 8AY

Dear Sir or Madam

I write to oppose the current license granted to Dusk, Ongar Road, Pilgrims Hatch, Brentwood, Essex CM15 9SS after seeing a notice relation to the local resident asking for a review under the Prevention of Public Nuisance by the entrance to the car park.

I am glad the resident has asked for the review as this weekend in particular Sunday I could hear much noise from Dusk. Although many cars left at 10pm to be fair, there were shrieking men and women at 11.50pm. I was in bed with the window closed. I then opened the window to see what was going on. The lights were still on at Dusk and the noise was even louder with the window open. I sent a text to my mum on the other staircase.

I also sent a text to my mum on 30<sup>th</sup> August and she has sent that to the council, so it is timestamped, of the noise preventing myself and our family from sleeping. After that evening, I was aware that neighbours were also unable to sleep.

My bedroom window faces the car park. Most evenings I hear noise in the car park from men and women, and I also hear music from Dusk. The noise is men and women singing or chatting or screeching, but as well as that I hear the cars spinning round the car park, beeping their horns, general laughter.

I commence work at 6am currently working from home. I seek that I am able to

sleep in peace without being woken during the night so that my work is not affected. We live in an area that doesn't have many neighbours. My friends that live in central Brentwood don't hear as much noise as I do.

I would like Dusk to succeed as a normal restaurant like The Cuckoo does, its in a semi rural area, and operates as a restaurant only. None of my friends would visit Dusk and none of my friends would go to a Shisha bar as we know the dangers of smoking but also why would we go there. The people that visit Dusk are not local people as shown in their photos. Local people in their late teens/twenties in Brentwood really don't go to these type of places. I have lots of friends that went to schools in Brentwood and we can see straight away that these people aren't from Brentwood area.

I used to loan horses and we have alpacas and until yesterday a goat. I can hear my alpacas stamping around the paddock and frequently have to get up to stroke them in the night when they can hear the noise from next door as they are spooked by the noise from cars/music/shrieking/singing. I should not have to go outside to reassure my animals who normally sleep in a barn.

Please review this license as soon as possible. I support the resident. I do not want music at all. Living next door - at night time where there is no other noise the sound travels. Its been so bad since lock down has been lifted, but they are only operating at a third capacity due to restrictions and winter is coming, so the wind will start to carry the noise even more. Its not even the noise from just the music, it's the noise from customers, cars and the music. Then theres the spotlight shining in my room, the car lights flashing up.

Thank you for your help.





2nd October 2020

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

Dear Sir/Madam

Following my sighting of an application of an Application for Review of Premises License (licensing Act 2003) for premises known as Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS by a local resident, I hereby give my support to the local resident and oppose the license Dusk currently holds. As you know, I have been informing the council for 15 months with regard noise from within the perimeter of Dusk, from loud music to spotlights, to customers screeching, car horns beeping loudly, men cheering, people singing and chanting. I am still unable to sleep through the night due to the spotlight shining through the gap in bedroom curtains. I list below the dates and times I have stored in which I have had reason to contact the council. However, in the current environment, I ask the question why is a shisha outdoor smoking restaurant needed at all. It puts a massive strain on our NHS and 20 minutes of shisha smoking is equivalent to 100 cigarettes. Despite what the proprietors say about this, I have used NHS, Cancer Research and World Health Organisation websites for the information. As such I am quite flabbergasted that this was allowed to open at all, let alone in this semi-rural environment, with no consultation with neighbouring properties. Even local high streets and major Essex towns do not have this type of restaurant, certainly not with opening hours until the early hours of the morning. Yet, this license has been granted, again with no consultation to neighbours, who include local councillors and people working for Essex County Council. Dave Leonard received an email on 16<sup>th</sup> August 2019 so over a year ago, saying we object to the license. Having telephoned other restaurants in a semi-rural area around Brentwood none have the live music license, they are solely restaurants and close at midnight latest on a Friday and Saturday, most earlier.

14/6/19 – 2300 Cars leaving screeching, shrieking and screaming of people in the car park – advised Dave Leonard – he conducted enquiries

28/6/19 – loud music, cars leaving car park, spotlights – advised Dave Leonard – advised he monitoring

23/7/19 – Contacted Dusk through Facebook as they were not answering the phone at 23.46pm to turn music down. Told that they would but to no avail.

24/7/19 – Loud music – advised Dave Leonard, who responded that based on what Dusk are saying they do, they do not need a license. Thus, Mr Leonard believed Dusk were operating as they informed him

8/8/19 – Again very loud music – advised Dave Leonard. So now we are two weeks later and Dave Leonard advised Dusk now DO need a license for their activities, as informed by neighbours previously

12/8/19 – Richard Bates contacted us to say breach of planning re spotlights – SPOTLIGHTS STILL REMAINING SHINING IN OUR BEDROOM – Thus over a year later, this breach still remains, again Dusk doing exactly as they want, ignoring planning

16/8/19 – Emailed Dave Leonard stating our objections to the license. Sent a referral link a year later. Told Mr Leonard about the screeching and beeping of car horns. Informed Mr Leonard that many children are unable to sleep, advised about the noise from the outside area, advised about a FIREWORK DISPLAY despite our alpacas, goat and horses in the direct neighbouring fields surrounding Dusk (note plural more than one horse and owner), all field animals going beserk, alongside many of us with dogs. NO NOTICE WAS GIVEN TO RESIDENTS IN ADVANCE OF THIS DISPLAY, thus no opportunity to get animals inside. Indeed, FIREWORK SHELLS WERE FOUND IN OUR ALPACA FIELD AND ON THE ONGAR ROAD. Dave Leonard was told of this on 16/8/19. Dusk to not consider local neighbours whatsoever.

17/9/19 Police Ref: 19/001771/LIPRCO

15/2/20 – Contacted Vicky Davies, Dave Leonard, David Carter, Cliff Poppy, Barry Aspinell and Richard Bates re noise from Dusk re extremely loud FESTIVAL type music. This was heard from properties in Warren Lane and Solid Lane. Dave Leonard telephoned subsequently and said that DUSK CANNOT CONTROL THE SOUND SYSTEMS THAT OTHER PEOPLE BRING IN WHEN THEY RENT THE PREMISES PRIVATELY.

14/3/20 – Extremely loud music – could not watch TV in our lounge that has double glazed windows without the loud booming music in the background. We do not have TV's bedrooms, we sit as a family to watch TV some evenings. With booming music coming through double glazing THIS IS NOT BACKGROUND MUSIC whilst customers eat a meal.

19/7/20 – at 12.24pm sworn at and had phone slammed down by Dusk when asked to turn music down

28/7/20 – wedding more than 30 guests setting off orange flares in car park from cars. Music very late into the evening, very loud.

29/7/20 – Very loud music, 1AM wedding guests left, total chaos, very loud. Advised Vicky Davies, Dave Leonard, David Carter and sent video evidence of the flares

30/8/20 – Very loud music, everyone in home including all children unable to sleep, thus AT RISK OF HARM. Husband went to ask for music to be turned down "ITS NOT TOO LOUD FOR OUR CUSTOMERS". At this point please read customer reviews on trip advisor and open table where customers dining where the DJ is state "THE MUSIC IS TOO LOUD TO HOLD A CONVERSATION". Customers also say "THE OUTDOOR DJ IS EXCELLENT"

1/9/20 – Video sent to all applicable councillors from my bedroom, evidencing extreme noise. Field animals running around scared. Children again unable to sleep, alongside adults in household.

6/9/20 – More video evidence sent to Councillors

10/9/20 – Midnight music very loud and people going in – reported to council

12/9/20 – 1230am very loud music from venue and outside noise in car park – reported to council

13/9/20- Noise again 1150-0055 very very loud drum like base music – reported to council

21/9/20 – asked for spotlights to be rerouted – again a year later – reported to council

24/9/20 – Loud noise from inside and outside Dusk - REPORTED TO POLICE – as lights on and doors still open after 10pm

25/9/20 – Loud noise from inside and outside Dusk - ANOTHER NEIGHBOUR REPORTED TO POLICE – The neighbour went to the venue and saw people, witnessed shrieking men and women after 10pm

26/9/20 – Loud noise from car park, shrieking of men and women, very loud chanting and singing

PUTTING A SEARCH FOR DUSKLOUNGE BRENTWOOD into facebook and Instagram:

People standing drinking – against UK law

People standing posing by statues without masks on in groups – against UK law

People standing in larger groups than six – against UK law

All on public social media, with timestamps, reported to Councillors.

There are at least 10 children within the immediate vicinity that I know of, 7 of these still at primary school.

There are many front line keyworkers in the immediate vicinity that I know of.

Crime rate for July and August has gone up sharply in the area.

2/10/20 – Reported to Police RBN9740204242C – re Covid breaches that have already been reported with photographic evidence to council.

Dusk has covers for over 300 inside and 110 outside. The indoor restaurant has its grand reopening on 16/10/20 so has not yet properly reopened. See their own advertising. They also advertise for VIP Tuesdays – Free Entrance/LIVE DJ/Free Shisha. Again serious COVID breaches as DJ and music not allowed as told by police. Police have asked that we collate any noise we hear at all from our property in relation to Dusk and fill in forms on line. Police also aware that this has been reported on many occasions to Council.

We seek that Dusk is known as a restaurant like Alec's in Navestock or Smiths etc. where it is a nice restaurant to go for a meal that local people would also visit. Indeed when Dusk first opened we attended the opening evening as looked forward to the restaurant opening, alongside many of our neighbours. However, almost immediately, the noise began and we realised this is not simply a restaurant to go for a nice meal. A restaurant with no music similar to those mentioned above, with same opening hours as those above, would work in this area. Not live music, not bellydancing, not live films, not weddings etc, but simply a nice restaurant. No outdoor shisha area. It really does not work. Again, this can be evidenced by the number of complaints with Joy Fook (if any at all!) compared with Dusk. We have lived here for 16 years and before Dusk opened, you hadn't heard of me!

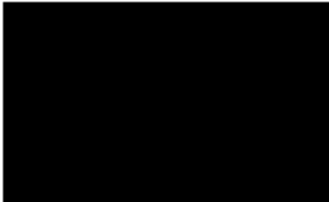
Thus, I conclude, that I oppose the current license Dusk hold and show above the reasons for my opposition. This should be supported by Councillor Cliff Poppy, who has also written that he has heard the noise from Warren Lane, and Mr David Carter from the licensing department, whom Mr Leonard said had been intimidated by Dusk when he visited the premises and could hear loud noise across the other side of the car park.

Kind regards.





**From:** [REDACTED]  
**Sent:** 02 October 2020 12:51  
**To:** Licensing <licensing@brentwood.gov.uk>  
**Cc:** Paul Adams <paul.adams@brentwood.gov.uk>; Vicky Davies <vicky.davies@brentwood.gov.uk>  
**Subject:** dusk licensingobjection  
**Importance:** High



2nd October 2020

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

Dear Sir/Madam

Following my sighting of an Application for Review of Premises License (licensing Act 2003) for premises known as Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS by a local resident, I am writing to let it be known that I whole heartedly, 100% back the local residents opposition to the current license.

Dusk operate under their own rules, have zero consideration for local neighbours, they are running a West End of London establishment in a semi-rural location, it's incredible and mind blowing how they are allowed to operate with the noise and utter disregard for anyone.

Personally I have complained by phone to no avail countless times, usually the only response I get when I ask them to turn the music down is the silence on the phone from being hung up upon. I have been to ask them on a personal basis numerous times, the staff are vile and very aggressive and they tell me it's not loud and to 'go away', 'don't cause us trouble' and make me very aware they 'know where I live'.

I have emailed the council, I have phoned 101 and no one does anything or listens or takes actions – I am baffled why nothing gets done or dusk do not get investigated and in turn, licenses cancelled and closed down.

Even more alarming is the fact they are applying for a more extensive license, how can that even be considered when they can't even play by the rule book they currently have in place, how does this new application even take a moment of the councils time.

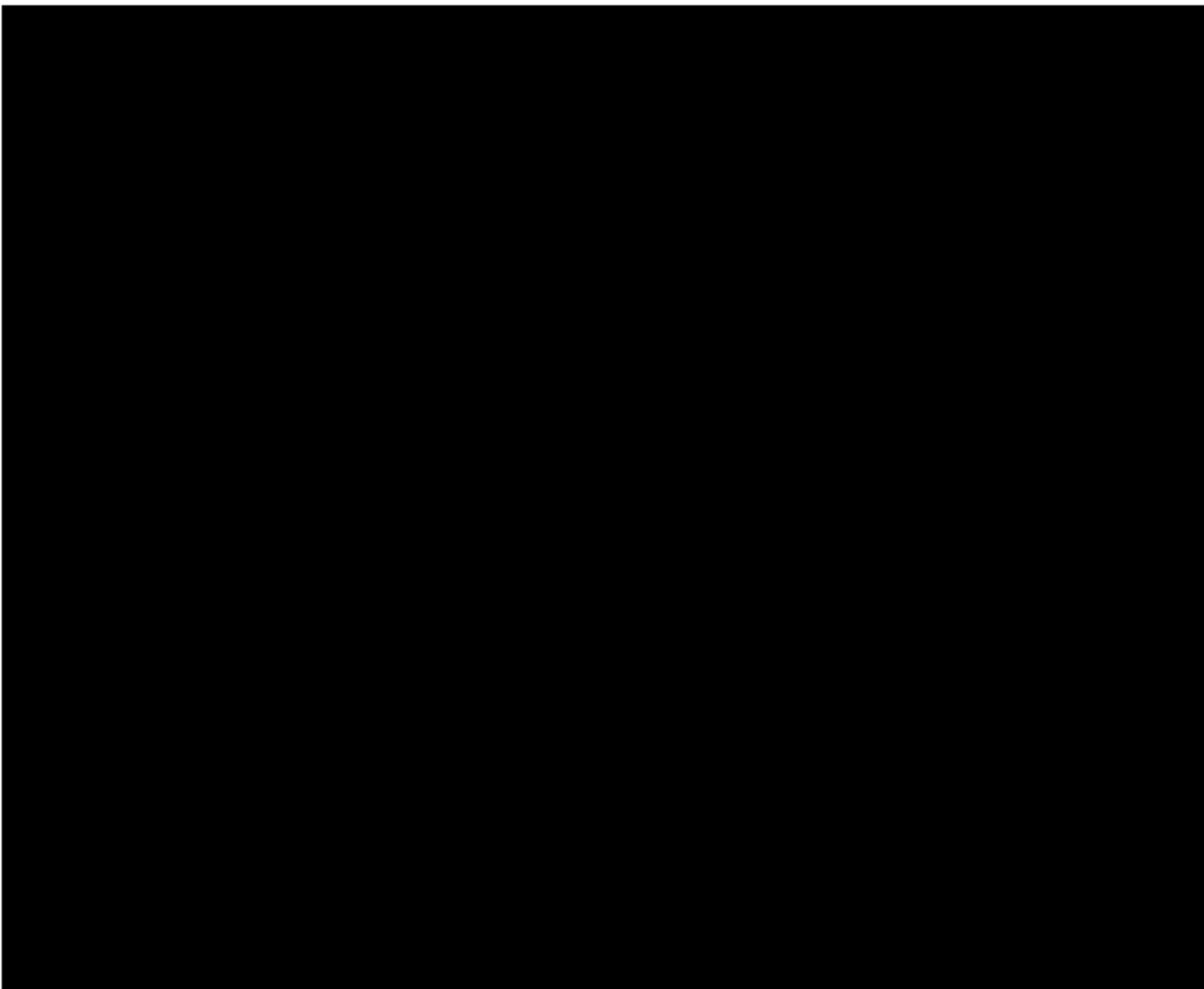
Spotlights point directly at my house, unsure why, maybe because we complain about the noise – please have them point the spotlight at the car park and not my home, why can this not be enforced ???

The noise is a joke, neighbours would not complain unless it was a regular nuisance, it's surely no coincidence I am not the only one with a grievance, what can be done to make them adhere to the conditions they have in place – this cannot continue, its causing distress and sleepless nights for my family.

The above has been going on for more than a year as you know, it's time to stop ignoring local residents plea for help in controlling Dusk.

Kind Regards and with every hope you can help, 

\*\*\*\* PLEASE COULD YOU ACKNOWLEDGE RECEIPT OF THIS LETTER \*\*\*\*



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|

From: Jemma Dimambro [REDACTED]  
Sent: 07 October 2020 21:00  
To: Licensing  
Cc: Dave Leonard  
Subject: Dusk License

To who it may concern,

This email is to oppose the license Dusk currently holds and question, why they haven't got a normal restaurant license like other restaurants in the area i.e. Alec's Restaurant which is also in a rural area but has to close at 12pm and doesn't cause any noise disruption with DJs or live music. To be quite frank, I'm quite concerned why Dusk have been granted such a license in a green belt area. As a family with young children the noise can be quite disruptive of an evening, trying to get to sleep. The music can be heard quite clearly from our bedrooms, especially my sons which is in the loft room. In the summer months with windows open it's even worse. This also goes against the rules of the license set for them which states -

The Applicant then stated that he had door staff to keep the noise down and escort customers to the car park. There was no intention to become a club. In the evening coffee would be served. There would be lighting in the car park to deter suspicious activity. There would be ambient music for smoking a hookah. There would also be a Michelin star chef. Also, there would be no dining but just sitting and eating food. Also, noise would be minimal as 300 people were very unlikely to leave together. On Fridays/Saturdays there would be 2 door staff. It was clarified that there were 120 covers inside and 65 outside with 110 covers in the function room. This was part of the Planning permission to take noise prevention measures. The restaurant closed at 10.30pm. Door staff check people's bags.

The staff were trained to identify underage patrons and detect underage drinking. There was ongoing staff training. Everyone would be chaperoned to their cars. The Committee then retired to consider its decision. The Committee discussed various aspects of the matter but decided to adjourn the hearing to allow time for a site visit of the premises, as clarity was required on the construction and use of the outdoor space. The Committee conducted a site visit on 1st

October 2019 in the presence of officers, the Applicant and 5 objectors. All parties had been invited to attend. The Committee then returned to consider its decision. The Committee felt that conditions needed to be imposed to meet the requirements of the prevention of public nuisance and the protection of children from harm objectives under the Licensing Act 2003. The Committee decided to grant the hours requested as detailed at paragraph 4.3 of the Report. The Committee imposed the conditions requested by the Police as described at pages 61 to 63 of the Report but amended as follows -

1. Condition 1 (ii) as requested but the words "and the areas where alcohol sales take place" to be deleted.
2. Condition 3 (e) the words "or alcohol" to be added;
3. Condition 9 first line the words "at the cash point of sale" be deleted and replace with "at all entry points" & "At the point of sale" in the penultimate line to be deleted.
4. Condition 10 to be deleted.
5. Condition 11 first line to be deleted and replace with "All staff shall"

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

1. The retractable roof will be completely shut/closed by 2100hrs each day.
2. 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.
3. The area is to be staffed when it is being used.
4. There shall be no licensable recorded music after 2230hrs each day.
5. The passageway will be staffed at times of use.
6. There should be a second interior door installed at the front entrance.
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 & respect to neighbours

The Committee also advised that it would be of benefit to have a barrier at the entrance to the car park and barriers at end of car park to obscure the building from the nearest house.

None of the above is abided by. No.2 states no use of outside space Sunday till

Thursday after 10:30pm. They have an event coming up which they are calling their "re opening" which advertises VIP Tuesday - live music and free shisha. No.4 states no recorded music after 10:30pm this is never the case. It often carry's on til lam.

Not only is the music disruptive, but the cars in and out throughout the night, often beeping and customers can also be very loud vocally.

The license conditions also state that they should have a barrier at the entrance to the car park which would be closed of a night. And customers would be escorted to the car park to their cars. Most weekends we are woken to cars wheel spinning and revving their engines needlessly. If the barriers were closed cars would have to leave and would not be able to do this.

As I'm sure you can understand we choose to live in a rural village area for a reason, away from the hustle and bustle of a busy high street. Having a restaurant (which seems more like a nightclub) pop up at the end of your garden, causing countless disruption and waking your children up of a night is unacceptable and I am appalled that the Council are allowing this and allowing Dusk to basically do whatever the please. Thank you for your time and consideration in this matter.

Kind Regards  
Jemma Ballard

Sent from my iPhone

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From: Vicky Davies  
Sent: 19 October 2020 18:39  
To: Dave Leonard  
Cc: Barry Aspinell; David Kendall  
Subject: License review request for Dusk restaurant pilgrims Hatch

Dear Mr Leonard

I wish to support the review of license for Dusk restaurant Pilgrims Hatch  
Over the past months I have received a very high number of complaints from  
residents living in  
the vicinity of the restaurant.

The main cause of concern is the high volume of music regularly emanating  
from the outside  
shisha lounge area. This music is reported as being heard beyond their  
operating hours and  
causing distress and disruption to resident's lives  
Cllr Vicky Davies  
Pilgrims Hatch Ward

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex. CM15  
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to [www.brentwood.gov.uk/privacy](http://www.brentwood.gov.uk/privacy).



**Statement of Shakil Islam**

I wish to make a representation to the sub-committee in defence of the review of the premises licence for Dusk.

In response to the grounds Mrs Bashir has asked for a review of the Premises License. (Mrs Bashir is our closest neighbour who is approximately over 150 meters away from the said premises. I believe this is the best person to address as the remaining representations are from neighbours who are a lot further away some ranging nearly a mile.)

The grounds for which Mrs Bashir believes that there should be a review are late night noise nuisance and drums and raucous behaviour from both inside the premises and in the car park.

I would like to offer you an insight as to what Dusk is. We are a venue which boasts fine dining in our main restaurant area a lounge area for the use of smoking shisha and cigars and a venue which accommodates intimate events such as weddings, bar mitzvahs, corporate events and similar. None of the above activities promote loud rowdy customers and any such suggestions are farthest from the truth. We are an elegant place to dine and then if one so wishes, one may enjoy our lounge for a relaxed cigar or shisha. Our venue as stated holds intimate events which does not mean large parties either. I fail to understand why a small handful of neighbours are under the mistaken impression that we are a nightclub.

In relation to some of the points Mrs Bashir has noted in the review:

15/02/2020 – The venue was hired to a third party on this said date from the times of 12pm to 5pm the organisers arranged for an external sound system to be used without our knowledge. I received a call from Mrs Bashir approximately around 12.45 in regard to the noise level, at no time did I disregard her complaint and advised her I would investigate and sort out the issue as soon as I could. Further to this date we have decided as a business not to allow any third parties hiring the venue to bring in their own sound systems as we do not wish to disturb our neighbours.

Mrs Bashir goes on to point out after the 4<sup>th</sup> of July there has been on going noise issues. I would just like to point out one main thing, although we have been advertising we have been fully booked this is at less then 50% of our capacity prior to 4<sup>th</sup> of July (Due to COVID-19). So as far as I was concerned if we were ever to get complaints it would be way before that.

In one instance Mrs Bashir states Cllr Cliff Poppy could hear the noise and she resides more than half a mile away. I bring this to your attention as it may clarify a few things when the noise readings are made clearer. Before this, I wish to make clear at no point have we had any drums on our venue for any reason, we also do not have any instances where we have had any chanting. We do not allow promote this behaviour anyway.

I would like to bring to your attention a few instances where we can clearly see complaints are merely a tactic for a handful of residents to try and put a very honest company out of business.

On September 30<sup>th</sup> at 3.45 pm Paul Adams and Dave Leonard visited us by appointment, the footage was made available to both gentleman for the 19/09/2020 at 12.46 where Mrs Bashir complained of loud drums and some sort of chanting. Both gentleman clearly viewed CCTV although there was no audio, there was not a drum in site in the whole venue, all patrons were seated. Another complaint by a local resident which falsely accused us of having the premises "packed" at 11.30pm. In his statement, Mr Leonard has stated "it was revealed the premises was clear at 10.07pm".

██████████ who was a persistent complainant to the council is our second closest neighbour. He has made threatening calls to my staff on many occasions where we do not have a customer in the premises at all complaining of loud music. He has threatened to harm them and called them many vile and disgusting names. On the 30/08/2020 ██████████ attempted to enter the premises to make a complaint to me regarding the noise. It was evident he was highly intoxicated and that had driven to the venue. The police were called and subsequently ██████████

I have informed the council of this event and provided them with a crime reference number. On several occasions, ██████████ has contacted me, sometimes in the middle of the night while I am asleep in bed with my children with claims of loud music whilst there is no1 on the premises.

On the very first meeting with ██████████ he visited DUSK for an evening meal he said to me "we are your neighbours you should look after us" and was very upset when the bill was presented to him. Ever since then, he has been making complaints, I apologise but as a genuine business I do not see why I should have to give my neighbours free meals for them to be happy with me.

This has led me to conclude that ██████████ has a personal vendetta against Dusk and is clearly intoxicated a lot of the times whilst making these calls and messages to myself and to Dusk.

Whilst I do not wish any nuisance on my neighbours and have high regards for their freedoms of living and enjoying the peace of a rural area, I am under the impression that this has gone from a genuine complaint of nuisance to a matter of where the neighbours do wish for us not to be there, which is also our right to trade and not be disturbed by false accusations.

I agree with Mr Leonard, the Neighbours appear to have an issue with the noise and on example Mr Leonard has used a venue which has literally has neighbours on its doorstep. I have to strongly disagree that we can be compared to other venues, however I do agree that neighbours

do have the right to live a peaceful life without any nuisance, therefore the suggestion that Dave Carter who is the specialist in this field alongside our appointed sound technician (Venta Accoustics) do the appropriate to come to an arrangement where we are not disturbing the neighbours and also allows us to trade and not affect the livelihood of honest businessmen and our employees.

### **Meeting with Mr Carter**

Tuesday 10<sup>th</sup> November 2020 Mr Carter and Jamie from Venta acoustics arrived approximately 8pm the venue was empty and all furniture and tables etc had been removed from the outdoor area. I pointed out to Mr Carter and Jamie that I was not happy with doing the testing at this stage as furnishings do dampen the sound a lot. However, they both assured me that music would be travelling a lot further and it was a good time to do the testing. We put the volume on full that our sound system was capable of both Mr Carter and Jamie where getting readings of approx. 50db this was at Mrs Bashir's driveway, bearing in mind that the house is still another 15/20 meters inside the drive (Most residing homes also have doors and windows which further eliminate noise from outside) .

The passing noise of traffic was approx. 85db to 95db. We then went on to agree that we put the volume down slightly and we were getting readings of between 35db to 40db this was not even audible to my ears. Mr Carter and Jamie where happy with the initial meet and I was also because this is the level that we play the music at. Our noise limiter will be calibrated so that it does not go any further than this.

For reference I have put in some examples of DB readings for those who are not familiar.



We have SIA registered door supervisors who escort all our patrons to their cars.

Please note this is not a venue where patrons can walk to so they either must drive or leave in a taxi. From our rigorous monitoring of the car park at no times have we been led to believe neither at Mrs Bashir's property nor [REDACTED] that noise levels would exceed 40-50db.

In relation to the Bring your own alcohol subject we are a high-end fine dining venue and Cigar and shisha lounge which as it suggest indicates a relaxed clientele that are not here to have a party. We already have measures where we only allow one bottle of alcohol per 2 persons. We also closely monitor all our patrons and any evidence of being to intoxicated we do not allow them to drink further.

My final comments on these matters are as follows, We ask the committee to take into account only factual evidence only as it seems very clear that a lot of these complaints are being made up with ill intention and no evidence to go along with it. Further to this many of the accusations and complaints are clearly made up as proven.

We are also open to suggestions and have also made Mr Leonard and Mr Carter aware we are willing to install permanent noise monitoring devices to show we are not disturbing any neighbours, we are also in the process of installing further noise dampening instruments .

It is absurd we are getting complaints from over 0.5 miles away while our closest neighbour Mrs Bashir's driveway is recording 40-50DB of noise.

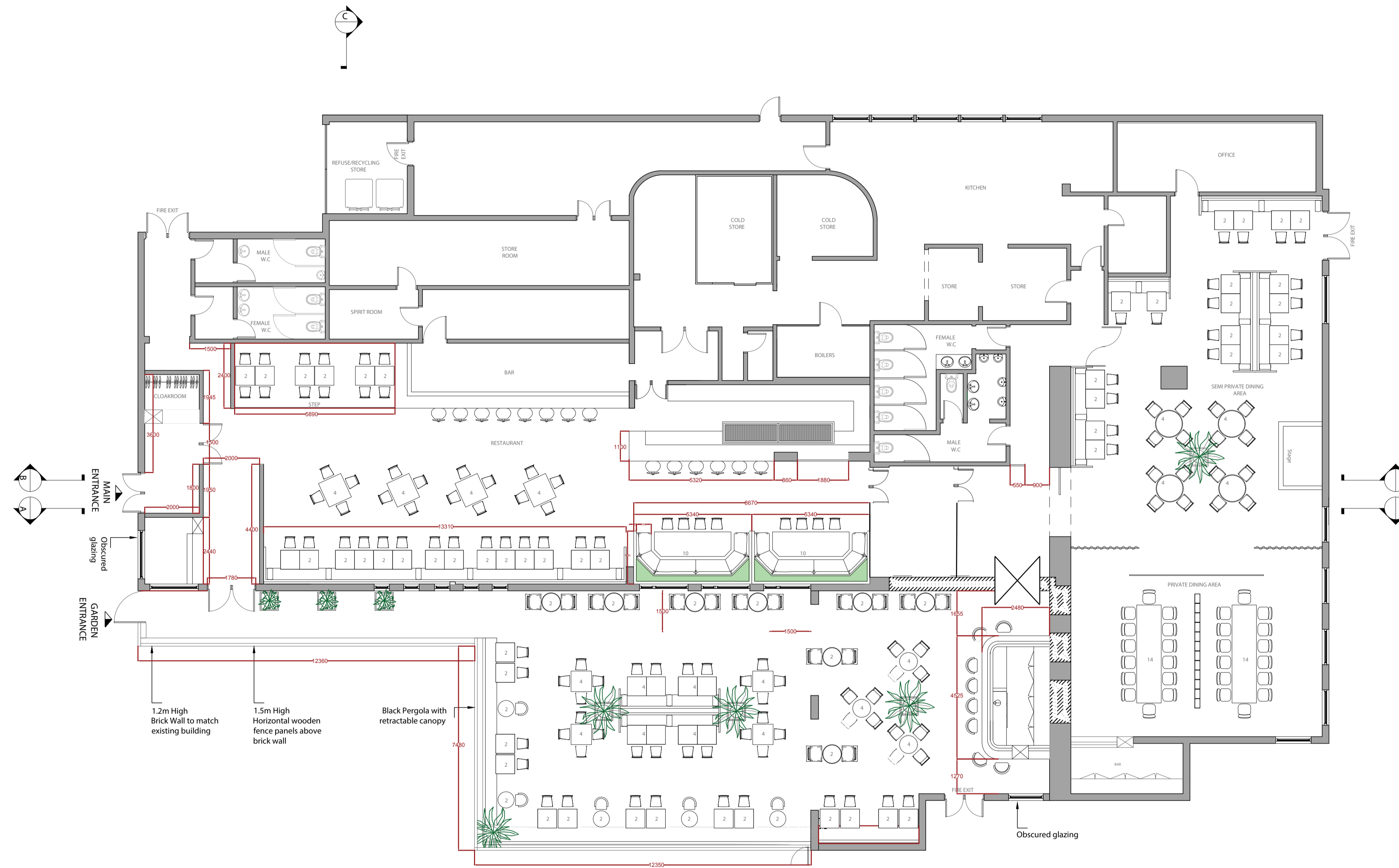
We ask the committee to make a fair review and give us the opportunity to show we are not causing any nuisance to the local neighbours, without imposing conditions or taking away our license which would have a detrimental effect to not only the business owners but also the many staff it employs the many suppliers who also earn a living off us and finally the many Essex residents who receive many charity donations from the Venue.



Shakil Islam

Dusk

16/11/2020



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



Notes:

1. Do not scale this drawing.
2. Drawing used for the status indicated only.
3. All dimensions and setting out shall be checked and confirmed and any discrepancies to be reported to the Architect prior to commencement of any work.
4. This is a CAD Drawing. Under no circumstances shall manual alterations be made. Figured dimensions take preference to scale.
5. All work and materials to be in accordance with current statutory legislation, relevant codes of practice and British Standards.
6. Drawing to be read in accordance with relevant consultants and sub-contractors drawings and specifications.

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Drawing Title:  
Proposed floor plan

Date:	Drawing Status:
13.07.18	Planning
Drawing Number:	Revision
SE1449-03/P	B
Scale:	Drawn By:
1:100 @ A1	SK



**Venta Acoustics**

**Report VA2956.200827.NIA**

**Dusk, Ongar Road, Brentwood**

Noise Impact Assessment

**01 September 2020**

**Dusk  
Ongar Road  
Brentwood  
CM15 9SS**

## Contents

<b>1. Introduction.....</b>	<b>1</b>
<b>2. Premises Description.....</b>	<b>1</b>
<b>3. Design Criterion and Assessment Methodology .....</b>	<b>1</b>
3.1 Brentwood Borough Council Requirements .....	1
3.2 BS8233:2014 .....	2
<b>4. Noise Survey and Music Investigations.....</b>	<b>2</b>
4.1 Survey Procedure .....	2
4.2 Sound Insulation/Propagation Tests .....	2
4.3 Equipment .....	3
<b>5. Results .....</b>	<b>3</b>
5.1 Environmental Noise Survey .....	3
5.2 Sound Propagation .....	3
<b>6. Discussion .....</b>	<b>4</b>
<b>7. Mitigation Measures .....</b>	<b>4</b>
7.1 Music Noise Limiter .....	4
7.2 Other Measures .....	4
<b>8. Noise Management Plan .....</b>	<b>5</b>
8.1 Potential Noise Sources .....	5
8.2 Management Controls.....	5
8.2.1 Noise Limiter .....	5
8.2.2 External Noise Management.....	6
8.3 Neighbour Relations.....	6
8.3.1 Complaints Procedure .....	6
<b>9. Conclusion .....</b>	<b>7</b>

## Attachments

VA2956/SP1	Indicative Site Plan
VA2956/TH1-TH3	Environmental Noise Time Histories
Appendix A	Acoustic Terminology
Appendix B	Sample Complaint Form



## 1. Introduction

Dusk, Ongar Road, Brentwood are undertaking a license application for the premises, and noise has been highlighted as a concern by Brentwood Borough Council's Environmental Health Department which needs addressing as part of application.

Venta Acoustics has been commissioned by Dusk to undertake an assessment of the noise impact of the use as part of the licensing application.

An environmental noise survey has been undertaken to determine the background noise levels at the most affected noise sensitive receptors, as well as noise breakout and on site noise propagation investigations. These levels are used to undertake an assessment of the likely impact with reference to the planning of Brentwood Borough Council.

## 2. Premises Description

As illustrated on attached site plan VA2956/SP1, the premises is located to the west of Bentley Golf Club. The premises consists of an internal lounge area, restaurant, and weather covered external seating area to the west of the building. Customers enter and leave the site through a doorway on the north of the external area, directly on to the car park.

The external seating area is open to the dry bar area by means of two large openings, and has hit and miss fencing enclosing it from approximately 1m above ground. As the area is used as a Shisha bar, it is by design well ventilated and has many gaps to the extents.

The surrounding area is relatively flat, with Kumra Lodge approximately 100m to the south-west, and other residences to the north off Frog Street approximately 160m away.

The most affected noise sensitive receiver is expected to be Kumra Lodge, which has a direct line of sight to the external seating area.

The premises currently operates between 4pm and midnight on weekdays, and 4pm until 1am on Fridays and Saturdays. There is a DJ on Friday and Saturday evenings in the bar area, which is open to the external Shisha area.

## 3. Design Criterion and Assessment Methodology

### 3.1 Brentwood Borough Council Requirements

Prior to undertaking the survey Venta Acoustics discussed the premises and requirements with David Carter, Environmental Health Officer at Brentwood Borough Council. Although it was not possible to set a definitive noise limit at that point, as the noise climate in the area had not been evaluated, the discussion highlighted that the main area of concern was music and patron noise from the external area, and open sided bar.

### 3.2 BS8233:2014

BS8233 *Guidance on sound insulation and noise reduction for buildings* provides guidance as to suitable internal noise levels for different areas within residential buildings, although it should be noted that this is mainly considering ‘anonymous’ noise, such as a distant road. However, it has been included here for comparative purposes.

The relevant section of the standard is shown below in Table 3.1.

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living Room	35 dB $L_{Aeq, 16 \text{ hour}}$	-
Dining	Dining Room	40 dB $L_{Aeq, 16 \text{ hour}}$	-
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq, 16 \text{ hour}}$	30 dB $L_{Aeq, 8 \text{ hour}}$

Table 3.1 - Excerpt from BS8233: 2014

[dB ref. 20µPa]

## 4. Noise Survey and Music Investigations

### 4.1 Survey Procedure

In order to establish the existing background noise levels at the site, a noise survey was carried out between Friday 31<sup>st</sup> July and Monday 3<sup>rd</sup> August 2020 at the location shown in site plan VA2956/SP1. This location was chosen to be representative of the ambient and background noise level at the most affected noise sensitive receivers.

Continuous 5-minute samples of the  $L_{Aeq}$ ,  $L_{Amax}$ ,  $L_{A10}$  and  $L_{A90}$  sound pressure levels were undertaken at the measurement location.

The weather during the survey period was hot and dry with light winds. The background noise data is not considered to have been compromised by these conditions.

Measurements were made generally in accordance with ISO 1996 2:2017 *Acoustics - Description, measurement and assessment of environmental noise – Part 2: Determination of sound pressure levels*.

### 4.2 Sound Insulation/Propagation Tests

During the site visit, the house music system was demonstrated, which plays through ceiling mounted speakers in the bar area, and two monitor speakers in the external Shisha area. It is understood that when the DJ plays, they also have a monitor speaker on the DJ booth. It is understood that the DJ plays all music through the house system.

A noise limiter has been fitted to the system, although at the time of the site visit, the system had not been set up with the feedback microphone.

### 4.3 Equipment

The following equipment was used in the course of the survey:

Manufacturer	Model Type	Serial No	Calibration	
			Certificate No.	Date
NTi Class 1 Integrating SLM	XL2	A2A-15993-E0	FL-19-122	14/3/19
Larson Davis calibrator	CAL200	13069	UCRT20/1562	26/6/20

**Table 4.1 – Equipment used for the tests**

The calibration of the sound level meter was verified before and after use with no significant calibration drift observed.

## 5. Results

### 5.1 Environmental Noise Survey

The measured sound levels are shown as time-history plots on the attached charts VA2956/TH1-3.

The background noise level is determined by local traffic.

Noise levels in the area become very quiet, with the noise levels at 1am on the Friday and Saturday, just after the premises closed being summarised in Table 5.1, along with the normal day and night-time noise levels.

Monitoring Period	Typical <sup>1</sup> L <sub>A90,5min</sub>	L <sub>Aeq, T</sub>
07:00 – 23:00 hours	40 dB	69 dB
23:00 – 07:00 hours	26 dB	62 dB
01:00	27 dB	58 dB

**Table 5.1 – Ambient and typical background noise levels** [dB ref. 20 µPa]

<sup>1</sup>The typical L<sub>A90</sub> value is taken as the 10<sup>th</sup> percentile of all L<sub>A90</sub> values measured during the relevant period.

### 5.2 Sound Propagation

Music investigations were undertaken to ascertain the sound insulation/breakout from the bar and shisha area.

The music was set at around L<sub>Aeq</sub> 78dB (L<sub>Amax</sub> 82dB) in the bar, the music in the external area was approximately 5dB lower, which was reported by site to be the upper level at which music is played on the premises.

An exercise was then undertaken at a range of distances from the seating area towards Kumra Lodge, with the music not being audible at a distance of around 50m, although this was due to masking from the daytime road traffic, which would be at a much lower level late at night.

## 6. Discussion

Inspection of the time history data and the associated audio files suggests that noise from patrons and, generally at a lower level, music, is audible opposite the nearest receiver.

Although no limiter was in place during the survey, the music did not sound especially bass heavy, and the patron noise was generally a quiet babble, rather than raised voices and shouting.

However, due to the late closing time on the weekend, it is likely that the Council will want to see the noise limiter set up, likely in a joint exercise, with the Council and either acoustician or limiter technician available to agree a suitable level at which to set the unit, and then lock it off so it cannot be changed.

The music noise level experienced at the premises during the site test was slightly louder than ambient, but not especially loud, and so would be fitting with the reported use as a restaurant and lounge venue, rather than a nightclub.

Due to the very low background noise levels in the area, it is considered unlikely that even with a noise limiter in place, the venue would be able to remain inaudible at all times, but it should be possible to control noise to a degree which would be unlikely to cause negative impact on nearby residents.

Even considering this, good management of the such premises is always important in controlling impacts on the surrounding dwellings.

## 7. Mitigation Measures

### 7.1 Music Noise Limiter

It is recommended that a joint exercise is undertaken with the Council's Environmental Health team, where noise levels can be set with a listener at the nearby receiver. This can be used to set an agreed noise limit, and also fine tune the spectral adaptation of the limit to ensure that bass noise, or other frequencies are suitably controlled at source.

### 7.2 Other Measures

It is also recommended that a noise management plan is implemented to create a collaborative process through which the operator, the Local Authority and residents can liaise to control noise impact to acceptable levels.

## 8. Noise Management Plan

The following noise management plan includes many measures that would be recommended for adoption by management of the premises. This plan address both music noise and noise from patrons. These measures are intended to minimise the noise impact on the neighbours.

### 8.1 Potential Noise Sources

The management understand that the identification and recognition of potential causes of disturbance assists greatly in planning to avoid disturbances to the surroundings.

The following noise sources have been identified in relation to the proposed operation of the premises:

- Music noise;
- Noise from Patrons inside and outside the building (shouting, laughing, etc.);
- Patrons leaving the bar throughout and at the end of the night, including taxis

### 8.2 Management Controls

The responsibility for the management controls will be assumed by the manager. Other members of staff may assume the role in the future following suitable training. Where the venue is hired out, this responsibility will be shared with the event organisers as will be included in the contract for the hire of the venue.

A culture of neighbourly consideration will be encouraged amongst patrons through the use of signs and polite reminders from staff.

Patrons are expected to access and leave the premises via the carpark. Signs will be installed reminding patrons not to have loud music in cars and keep engine noise low, and smokers of the amenity of neighbours.

Taxis will be encouraged to turn off their engines while waiting and not sound their horns, with a member of staff liaising with the driver to fetch the patron if necessary.

#### 8.2.1 Noise Limiter

As previously highlighted, it is recommended that a sound limiter system be installed to control the upper limits for noise emissions from site. Any music played in the venue would have to be through this system.

It is recommended that, although a guide figure has been identified, the limit for noise levels would be set through a joint exercise with the Council and the neighbouring dwellings where music in the

premises is adjusted until an agreeable level is achieved at, or preferably in, the neighbouring dwellings. The limiter would then be set with this level as the maximum permitted level.

### **8.2.2 External Noise Management**

A culture of neighbourly consideration will be encouraged amongst guests through the use of signs prominently displayed by the door and polite reminders from staff.

Signs should be in place reminding guests of the proximity of neighbours and encouraging them to keep their voices down.

## **8.3 Neighbour Relations**

The management will endeavour to maintain a friendly, open and informative relationship with the nearby residents to allow concerns to be raised and addressed without hostility. Residents will be made aware of planned events with a reasonable notice period and concerns regarding these will be noted and acted upon.

### **8.3.1 Complaints Procedure**

A phone number and email address will be provided to nearby residents to allow efficient notification of the premises if noise levels are causing a disturbance. Clear instructions would be given to those likely to answer on these procedures for handling complaints.

A complaint action procedure will be produced and made available to staff who will be instructed to follow it on receiving a complaint. This procedure would include checking and adjusting the music volume and supervising patrons outside the premises.

A timed and dated log will be kept in the office of all complaints, including actions taken and responses given. Other information recorded in the complaints log will include the approximate number of guests and staff present at the time of the complaint, and any specific activities or conditions which were noteworthy at the time. A sample complaint log sheet is attached at Appendix B. Any other notes or email communications should be copied and a record kept in the complaint log folder.

All complaints will be addressed promptly, with a response/explanation as well as any future actions or improvements that can be implemented.

## 9. Conclusion

A baseline noise survey has been undertaken by Venta Acoustics to establish the background noise climate in the locality of Dusk, Ongar Road, Brentwood, as well as an assessment of music noise propagation to the nearest receiver.

Additional recommendations to minimise operational noise have also been provided, including a joint exercise to set the noise limiter.

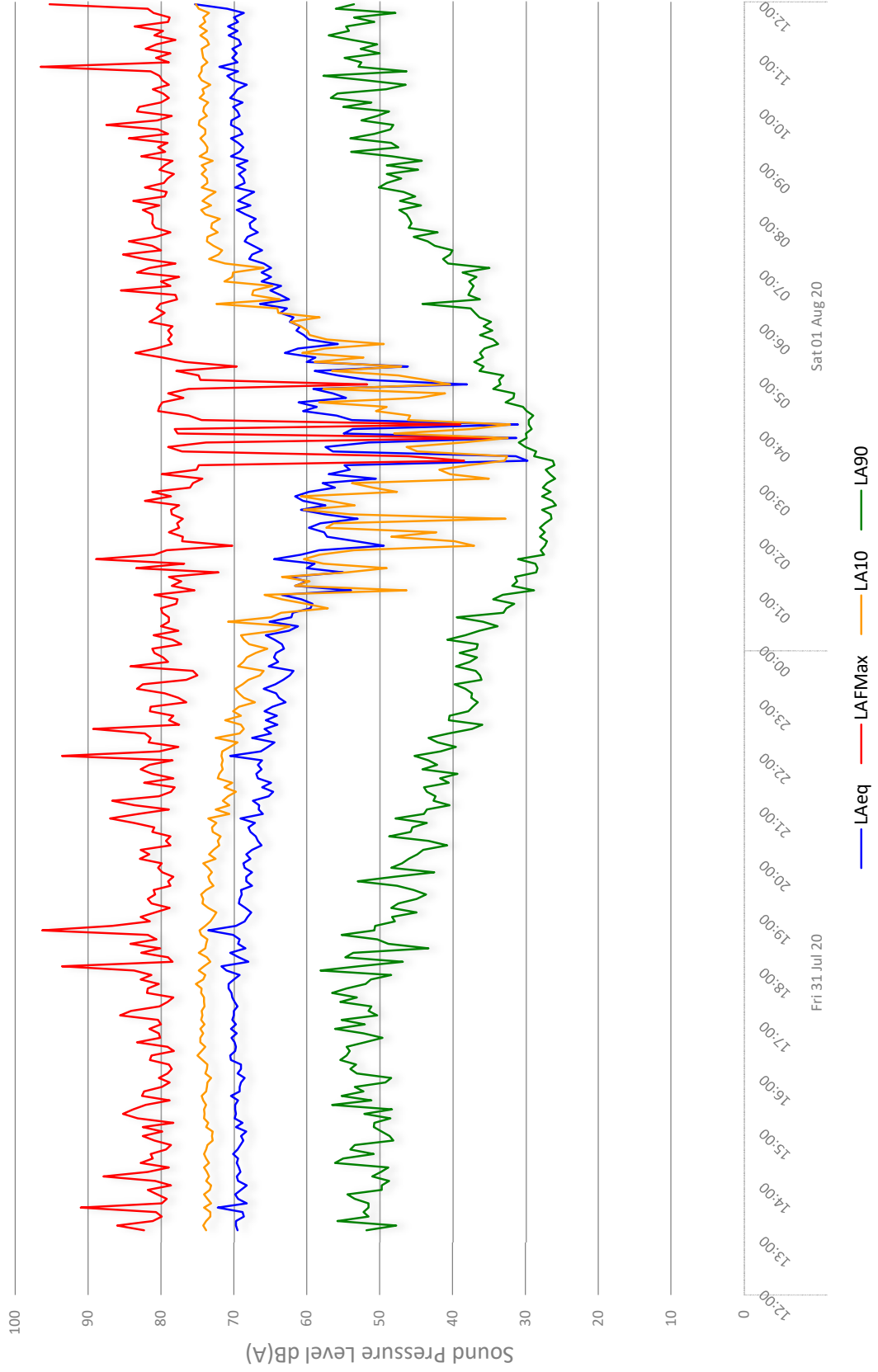
A noise management plan has been proposed to minimise the impact of operation on the surrounding residents and a procedure for efficiently dealing with complaints has been suggested.

**Jamie Duncan MIOA**





Figure VA2956/TH1



Dusk, Ongar Road, Brentwood  
Environmental Noise Time History: 2



Figure VA2956/TH2

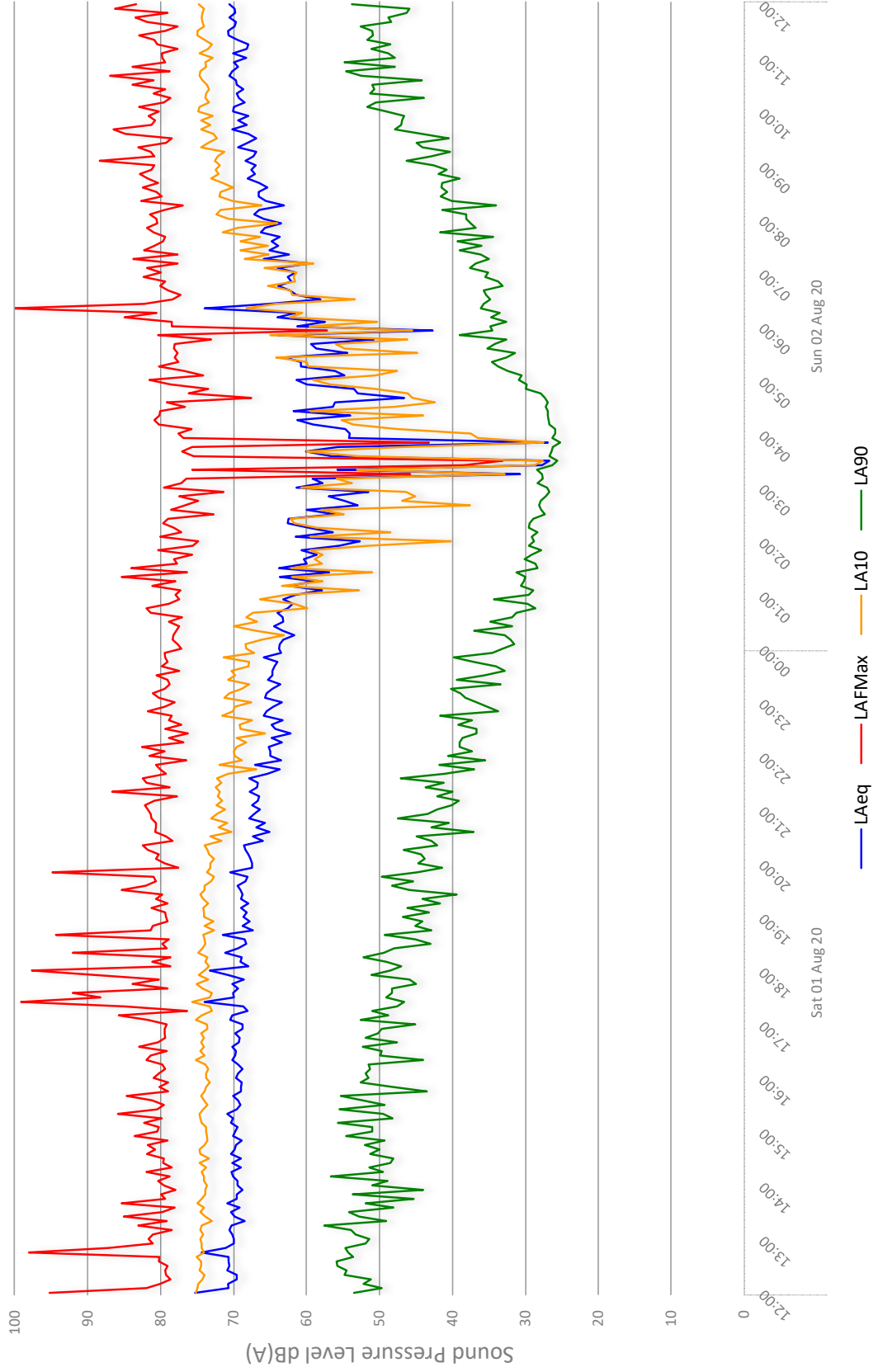
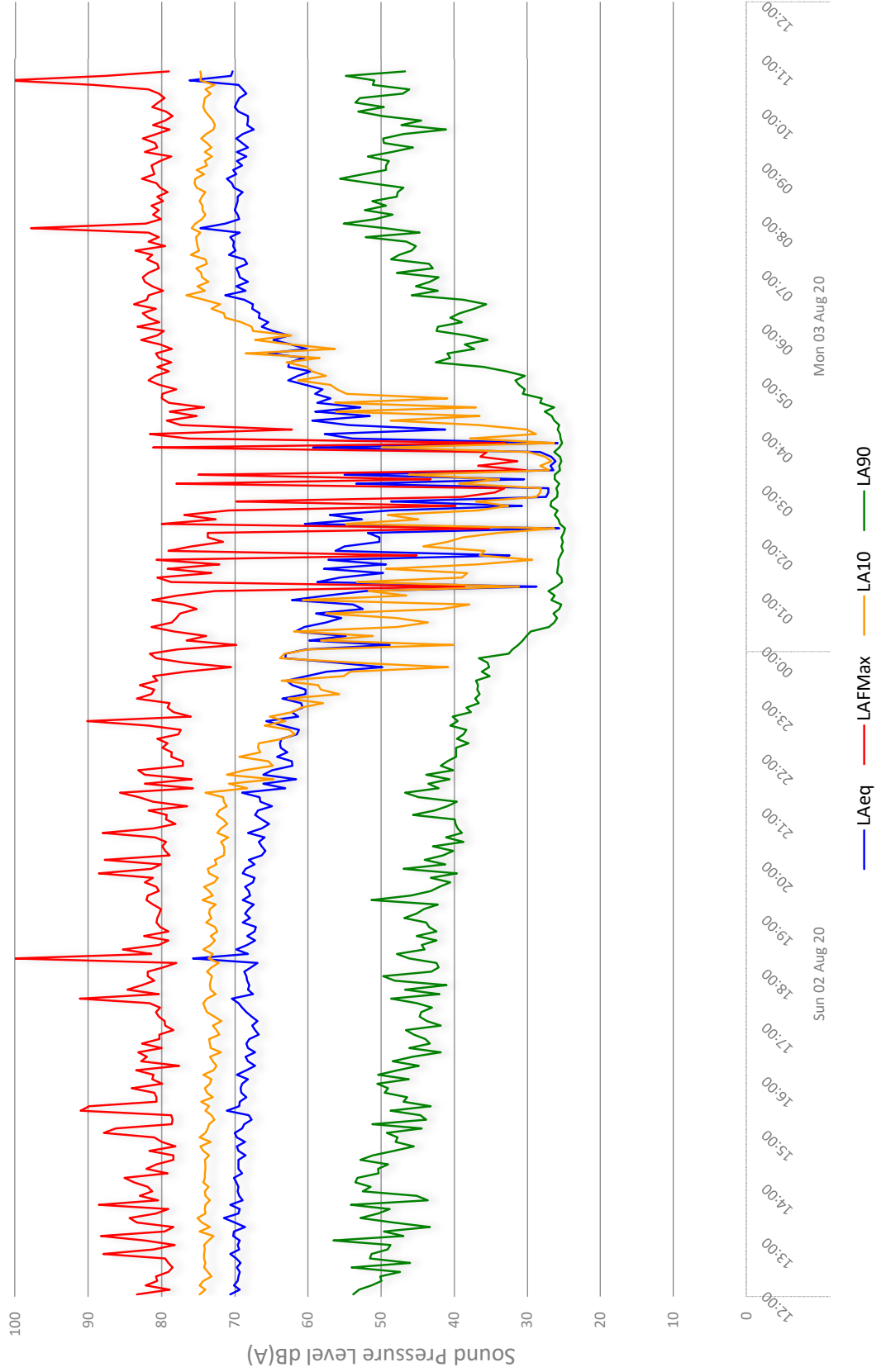


Figure VA2956/TH3



# APPENDIX A

## Acoustic Terminology & Human Response to Broadband Sound

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### 1.1 Acoustic Terminology

The human impact of sounds is dependent upon many complex interrelated factors such as 'loudness', its frequency (or pitch) and variation in level. In order to have some objective measure of the annoyance, scales have been derived to allow for these subjective factors.

<b>Sound</b>	Vibrations propagating through a medium (air, water, etc.) that are detectable by the auditory system.
<b>Noise</b>	Sound that is unwanted by or disturbing to the perceiver.
<b>Frequency</b>	The rate per second of vibration constituting a wave, measured in Hertz (Hz), where 1Hz = 1 vibration cycle per second. The human hearing can generally detect sound having frequencies in the range 20Hz to 20kHz. Frequency corresponds to the perception of 'pitch', with low frequencies producing low 'notes' and higher frequencies producing high 'notes'. Human hearing is more susceptible to mid-frequency sounds than those at high and low frequencies. To take account of this in measurements and predictions, the 'A' weighting scale is used so that the level of sound corresponds roughly to the level as it is typically discerned by humans. The measured or calculated 'A' weighted sound level is designated as dB(A) or L <sub>A</sub> . A notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (e.g. 8 hour, 1 hour, etc).
<b>dB(A):</b>	
<b>L<sub>eq</sub> :</b>	The concept of L <sub>eq</sub> (equivalent continuous sound level) has primarily been used in assessing noise from industry, although its use is becoming more widespread in defining many other types of sounds, such as from amplified music and environmental sources such as aircraft and construction. Because L <sub>eq</sub> is effectively a summation of a number of events, it does not in itself limit the magnitude of any individual event, and this is frequently used in conjunction with an absolute sound limit.
<b>L<sub>10</sub> &amp; L<sub>90</sub> :</b>	Statistical L <sub>n</sub> indices are used to describe the level and the degree of fluctuation of non-steady sound. The term refers to the level exceeded for n% of the time. Hence, L <sub>10</sub> is the level exceeded for 10% of the time and as such can be regarded as a typical maximum level. Similarly, L <sub>90</sub> is the typical minimum level and is often used to describe background noise. It is common practice to use the L <sub>10</sub> index to describe noise from traffic as, being a high average, it takes into account the increased annoyance that results from the non-steady nature of traffic flow.
<b>L<sub>max</sub> :</b>	The maximum sound pressure level recorded over a given period. L <sub>max</sub> is sometimes used in assessing environmental noise, where occasional loud events occur which might not be adequately represented by a time-averaged L <sub>eq</sub> value.

### 1.2 Octave Band Frequencies

In order to determine the way in which the energy of sound is distributed across the frequency range, the International Standards Organisation has agreed on "preferred" bands of frequency for sound measurement and analysis. The widest and most commonly used band for frequency measurement and analysis is the Octave Band. In these bands, the upper frequency limit is twice the lower frequency limit, with the band being described by its "centre frequency" which is the average (geometric mean) of the upper and lower limits, e.g. 250 Hz octave band extends from 176 Hz to 353 Hz. The most commonly used octave bands are:

Octave Band Centre Frequency Hz | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | 8000

# APPENDIX A

## Acoustic Terminology & Human Response to Broadband Sound

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### 1.3 Human Perception of Broadband Noise

Because of the logarithmic nature of the decibel scale, it should be borne in mind that sound levels in dB(A) do not have a simple linear relationship. For example, 100dB(A) sound level is not twice as loud as 50dB(A). It has been found experimentally that changes in the average level of fluctuating sound, such as from traffic, need to be of the order of 3dB before becoming definitely perceptible to the human ear. Data from other experiments have indicated that a change in sound level of 10dB is perceived by the average listener as a doubling or halving of loudness. Using this information, a guide to the subjective interpretation of changes in environmental sound level can be given.

Change in Sound Level dB	Subjective Impression	Human Response
0 to 2	Imperceptible change in loudness	Marginal
3 to 5	Perceptible change in loudness	Noticeable
6 to 10	Up to a doubling or halving of loudness	Significant
11 to 15	More than a doubling or halving of loudness	Substantial
16 to 20	Up to a quadrupling or quartering of loudness	Substantial
21 or more	More than a quadrupling or quartering of loudness	Very Substantial



## **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.