



Agenda

Licensing Sub-Committee

Thursday, 20 May 2021 at 7.00 pm
Council Chamber - Town Hall

Membership (Quorum – 3)

Cllrs J Cloke, Fryd and Tanner

Agenda

Item	Item	Wards(s) Affected	Page No
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Live broadcast

[Live broadcast to start at 7pm and available for repeat viewing.](#)

Contents

1. Appointment of Chair

2. Administrative Function

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

3. Application to Vary a Premises Licence, Dusk, Ongar Road, Pilgrims Hatch CM15 9SS

A handwritten signature in black ink, appearing to read 'Jonathan Stephenson', with a long horizontal line extending to the right.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
12.05.2021

Information for Members

Substitutes

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

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

Rights to Attend and Speak

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

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

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

Point of Order/ Personal explanation/ Point of Information

Point of Order

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

Personal Explanation

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

Point of Information or clarification

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

Information for Members of the Public

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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.

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Evacuation Procedures

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

Committee(s): Licensing & Appeals Committee		Date: 20 May 2021
Subject:	Application to Vary a Premises Licence <i>Dusk, Ongar Road, Pilgrims Hatch CM15 9SS</i>	Wards Affected: <i>Pilgrims Hatch</i>
Report of:	Paul Adams - Licensing Manager	Public
Report Author/s: Name: Paul Adams Telephone: 01277 312503 E-mail: paul.adams@brentwood.gov.uk		For Decision

Summary

An application has been received by Sisu Enterprises Ltd. to vary the premises licence for ***Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS***. The applicant seeks to remove the provision to supply alcohol for consumption on the premises and remove two conditions attached to the current licence. Representations against the application have been received from two responsible authorities - Environmental Health & Licensing - together with a further 36 relevant representations received from 18 local households. There have also been 12 statements of support to the application from 10 households received. Members are requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

Recommendation(s)

Members are asked to:

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

1. To grant the application in full on the terms and conditions contained in the operating schedule along with any applicable mandatory conditions;
2. To grant the application in full, modified to such extent as considered appropriate in order to satisfy any relevant representations and to promote the licensing objectives; or
3. To reject the application in whole or in part

Main Report

1. Introduction and Background

- 1.1 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
- 1.2 An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.
- 1.3 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.
- 1.4 The four licensing objectives are;
- Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm
- 1.5 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.
- 1.6 Since first being granted a premises licence on 1 October 2019, Sisu Enterprises Ltd. have submitted a series of applications to vary the licence. These applications have invariably ended up having to be determined at a Licensing Sub-Committee hearing owing to representations being received. In September 2020 a local resident applied to this Council to review the premises licence claiming that the venue was causing a persistent public noise nuisance. A summarised application history is attached at **Appendix B**.

2. Issue, Options and Analysis of Options

- 2.1 This application was received on 26 March 2021 from Mr Kaizad Cassady on behalf of Sisu Enterprises Ltd. in respect of ***Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS***. A copy of the application is attached at ***Appendix A***.
- 2.2 A statement from Mr Shakil Islam, director of Sisu Enterprises Ltd, and a Noise Impact Assessment Sound Report, subsequently submitted in a supplementary package dated 23 April 2021, are attached at ***Appendix AA***.
- 2.3 This premise is a multi-cuisine, fine dining restaurant with function room & an outside shisha smoking lounge in a dedicated enclosed area complete with a retractable roof. The current premises licence together with a set of OS street maps & images to better identify the location are attached at ***Appendix B***.
- 2.4 The applicant previously sought to remove the provision to supply alcohol for consumption on the premises and remove the condition that “customers must not be permitted to consume any alcohol on the premises other than alcohol sold or supplied under the authorisation of this licence” by submitting a minor variation on 27 November 2020. This was rejected by this office on 18 December 2020 after a significant number of representations were received.
- 2.5 Two representations have been submitted by the Responsible Authorities.
- 2.6 Mr David Carter, Environmental Health manager at Brentwood Borough Council has concerns that the proposed variations will have an effect on the ability of the premises to promote the licensing objective of prevention of public nuisance. He maintains that, since Dusk’s opening, there has been a substantial increase in the number of complaints received, largely resulting from the use of the lounge area, which as it is designed to comply with smoking legislation is required to be at least 50% open. This significantly reduces any noise attenuation from the structure and, effectively, operates as an outside area, with associated noise from customers & any amplified music played in the area. Mr Carter’s representation is attached at ***Appendix C***.
- 2.6 Mr Dave Leonard, a Licensing Officer at Brentwood Borough Council, claims that, whilst very affable restaurateurs, the applicants are not so conversant with the requirements of the licensing legislation. This can be historically evidenced with incomplete application forms, frequently amended submissions and poorly advertised notices that have resulted in repeated licensing sub-committee hearings to determine matters. Mr Leonard refers to a previous application made by Sisu Enterprises Ltd asking for the provision to sell alcohol to enable them to discontinue the ‘bring your own’ policy. He also

refers to the warning notices previously issued and to the 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. Mr Leonard's representation is also attached at **Appendix C**.

- 2.7 There have been 36 valid representations received from local residents at 18 different addresses, most who live in close proximity to Dusk and are against this application. The concerns raised generally relate to the noise nuisance being caused by the playing of late-night music in the outdoor lounge/smoking area and the subsequent dispersal of patrons in an otherwise quiet, semi-rural location. In reference to the application in relation to alcohol on the premises, many now see the applicant's attempt to remove conditions set at previous Sub-Committee hearings as insincere undertakings offered merely to appease local opposition. Copies of the summarised and redacted representations have been attached at **Appendix D**.
- 2.8 There have been a further 12 representations received from residents at 10 local addresses in support of the application. The letters of support praise the restaurant as a venue that promotes fine dining, a lounge & a banqueting hall and none have witnessed crime and disorder or public nuisance taking place. These representations are attached at **Appendix E**.

3. **Relevant Sections of the Secretary of State's Guidance**

- 3.1 The following guidance issued under Section 182 Licensing Act 2003 relates to determining applications in relation to steps to promote the licensing objectives and the disclosure of personal details of persons making representations;

Steps to promote the licensing objectives

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

Disclosure of personal details of persons making representations

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

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

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

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

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

3.2 Statement of Licensing Policy

Brentwood Borough Council's Statement of Licensing Policy makes reference to;

Prevention of Public Nuisance

22.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

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

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

4. Reasons for Recommendation

4.1 These are the options available to the Committee under the Licensing Act 2003.

5. Consultation

- 5.1 The application has been consulted on in accordance with the requirements of the Licensing Act 2003.
- 5.2 Officers from the licensing authority have made several checks on the display of notices and on each occasion the blue advertising notice was correctly on display at the front of the building and at accessible points on the perimeter of the grounds in Ongar Road. A public notice was placed in the local Gazette newspaper and published on 31 March 2021.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)
Tel/Email: 01277 312829/jacqueline.vanmellaerts@brentwood.gov.uk

There are no financial implications for this report.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer
Tel & Email: 01277 312705/amanda.julian@brentwood.gov.uk

Conditions may be attached to the grant of any licence, the hours or activities may be amended as appropriate, or in some cases the application may be refused. However, any action taken must be appropriate and relevant to promotion of the licensing objectives having considered the full details of the application and representations including testimony from any interested party present at the hearing.

The justification behind any decision to grant or refuse a licence application or the attachment of conditions, or variation of terms applied for must be recorded and given to the applicant and any person that has made representation.

There is a right of appeal to Magistrates Court by any person or party aggrieved by any decision made by the Sub-Committee.

Background Papers

None

Appendices to this report

- Appendix A - Application Form
- Appendix AA Supplementary Statement & Noise Impact Assessment Report
- Appendix B - Premises Licence, OS Street Maps & Images, Application History
- Appendix C - Representations from Responsible Authorities
- Appendix D - Representations from Other Persons opposed to the application.
- Appendix E - Representation from Other Persons in support of the application

Report Author Contact Details:

Name: Paul Adams

Telephone: 01277 312503

E-mail: licensing@brentwood.gov.uk

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DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX A

APPLICATION FORM

Application to Vary a Premises Licence

(Sisu Enterprises Ltd. T/A DUSK)

Application to Vary a Premises Licence under the Licensing Act 2003

Reference: VPrL319322986

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

Before completing this form, please read the guidance notes:

[Application to Vary a Premises Licence Guidance Notes](#)

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

Cost of Licence

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

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

Cost of licence: £315.00

I/We, Sisu Enterprises Limited, being the premises licence holder, apply for to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 - Premises Details

Premises Address

Flat number (if any)

House number/name Dusk

Road name Ongar Road

Town Pilgrims Hatch

County Essex

Post code CM15 9SS

Daytime contact telephone number (if any):

Premises email address (optional):

Applicant Address

Flat number (if
any)

House	Country Service
number/name	Station
Road name	Essex Gardens
Town	Hornchurch
County	Essex
Post code	RM11 3EH

Daytime contact telephone number:

Applicant email address: info@duskbrentwood.co.uk

Part 2 - Variation

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

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

Please describe briefly the nature of the proposed variation (please see guidance note 1):

1. To remove the licensable activity of allowing the sale of alcohol.
2. To remove Condition 9 of Annex 3 of the license: "Customers must not be permitted to consume any alcohol other than alcohol sold or supplied under the authorisation of this license."
3. To remove Condition 5 of Annex 3 of the license: "That no live or recorded music shall be played in the outside (lounge) area after 22.30."

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

Part 3 - Operating Schedule

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

Provision of regulated entertainment for:

Provision of late night refreshment:

Supply of alcohol:

a) Plays

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

Standard Days and Timings (please read guidance note 6)

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

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

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

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

b) Films

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

c) Indoor Sporting Events

Standard Days and Timings (please read guidance note 6)

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

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

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

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

d) Box or Wrestling

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

Standard Days and Timings (please read guidance note 6)

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

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

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

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

e) Live Music

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

f) Recorded Music

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

g) Performance of Dance

Will the performance of dance take place indoors or outdoors or both? (Please read guidance note 2):

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

**(h) Anything of a similar description to that falling within (e)
Live music, (f) Recorded music or (g) Performance of dance**

Please give a description of the type of entertainment you will be providing):
Will this entertainment take place indoors or outdoors or both? (please read guidance note 2):
Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

i) Late Night Refreshment

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

State any seasonal variations for the provision of late night refreshment (please read guidance note 4):

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

(j) Supply of Alcohol

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

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

Name:

Address

Flat number (if any)

House number/name

Road name

Town

County

Post code

Personal Licence Number (if known):

Issuing Licence Authority (if known):

(I) Hours premises are open to public

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

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

Not applicable

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

Not applicable

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

Condition 9 of Annex 3: "Customers must not be permitted to consume any alcohol other than alcohol sold or supplied under the authorisation of this license."

Condition 5 of Annex 3: "That no live or recorded music shall be played in the outside (lounge) area after 22.30."

Alternatively, this should be sent by post to:

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

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

If you are not able to provide the premises licence or relevant part of the premises licence, please state the reason why:

(n) Adult Entertainment and Services

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8):

Not applicable

(o) Promoting Licensing Objectives

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

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

The applicant strongly encourages guests to have substantial meals in order to counteract the consumption of alcohol. As a BYO venue it does not make any sense to allow guests to enter the venue and drink alcohol without purchasing food this is how the applicant generates income.

The applicant will actively promote the welfare and safety of its patrons in the ways set out below.

b) The prevention of crime and disorder:

The applicant employs security personnel and it has installed CCTV. Ever since opening Dusk, no incidents have been reported in contravention of this objective.

c) Public safety:

The applicant has employed licenced door staff and a DPS to ensure no one is drinking beyond their limitations thus ensuring a satisfying dining experience along with the safety and wellbeing of all present.

d) The prevention of public nuisance:

The applicant will ensure as far as possible that its guests will leave the venue quietly. If guests await taxis or other transportation from within the premises, the applicant will ensure they enter into their vehicles quickly and quietly.

The applicant will supply lollipops to prevent its guests from shouting or talking loudly while entering their taxis or other forms of transportation.

When guests enter Dusk, the applicant will monitor the quantities of alcohol which guests bring into the premises. The applicant allows for one bottle of alcohol per person. No beer or premixed forms of alcohol will be allowed into the venue. This is also clearly stated in the applicant's website.

e) The protection of children from harm:

The applicant will conduct ID check challenge 25, displayed in posters, at the door security to check ID (age verification policy in place passport/driving licence).

Licenced door staff will be present at the entrance of Dusk at all times.

Declaration

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

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

[Public Notice of Application to Vary](#)

I have attached the premises licence or relevant part of it or an explanation: I agree

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

It is an offence, liable on summary conviction to a fine not exceeding 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 4 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature: Kaizad Cassad

Date: 26/03/2021

Capacity: Director of Cassadys, solciitors for the applicant

Where the premises licence is jointly held, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity

Signature:

Date: 26/03/2021

Capacity:

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Correspondence Name: Cassadys Solicitors

Correspondence Address

Flat number (if any)

House number/name 5

Road name Chancery Lane

Town London

County

Post code EC4A 1BL

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX AA

APPLICATION FORM

Supplementary Report

Noise Impact Assessment Sound Report

(Venta Acoustics) dated 1 September 2020

Submitted by Agent Mr Kaizad Cassady on 23 April 2021

Supplementary Statement of Mr Shakil Islam

(Director, Sisu Enterprises Ltd.)

&

Dusk - Intended Operating Schedule

submitted by Mr Shakil Islam on 23 April 2021



Venta Acoustics

Report VA2956.200827.NIA

Dusk, Ongar Road, Brentwood

Noise Impact Assessment

01 September 2020

**Dusk
Ongar Road
Brentwood
CM15 9SS**

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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 hour	-
Dining	Dining Room	40 dB L_{Aeq} , 16 hour	-
Sleeping (daytime resting)	Bedroom	35 dB L_{Aeq} , 16 hour	30 dB L_{Aeq} , 8 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 31st July and Monday 3rd 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 ¹ L _{A90,5min}	L _{Aeq, T}
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]

¹ The typical L_{A90} value is taken as the 10th percentile of all L_{A90} 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_{Aeq} 78dB (L_{Amax} 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

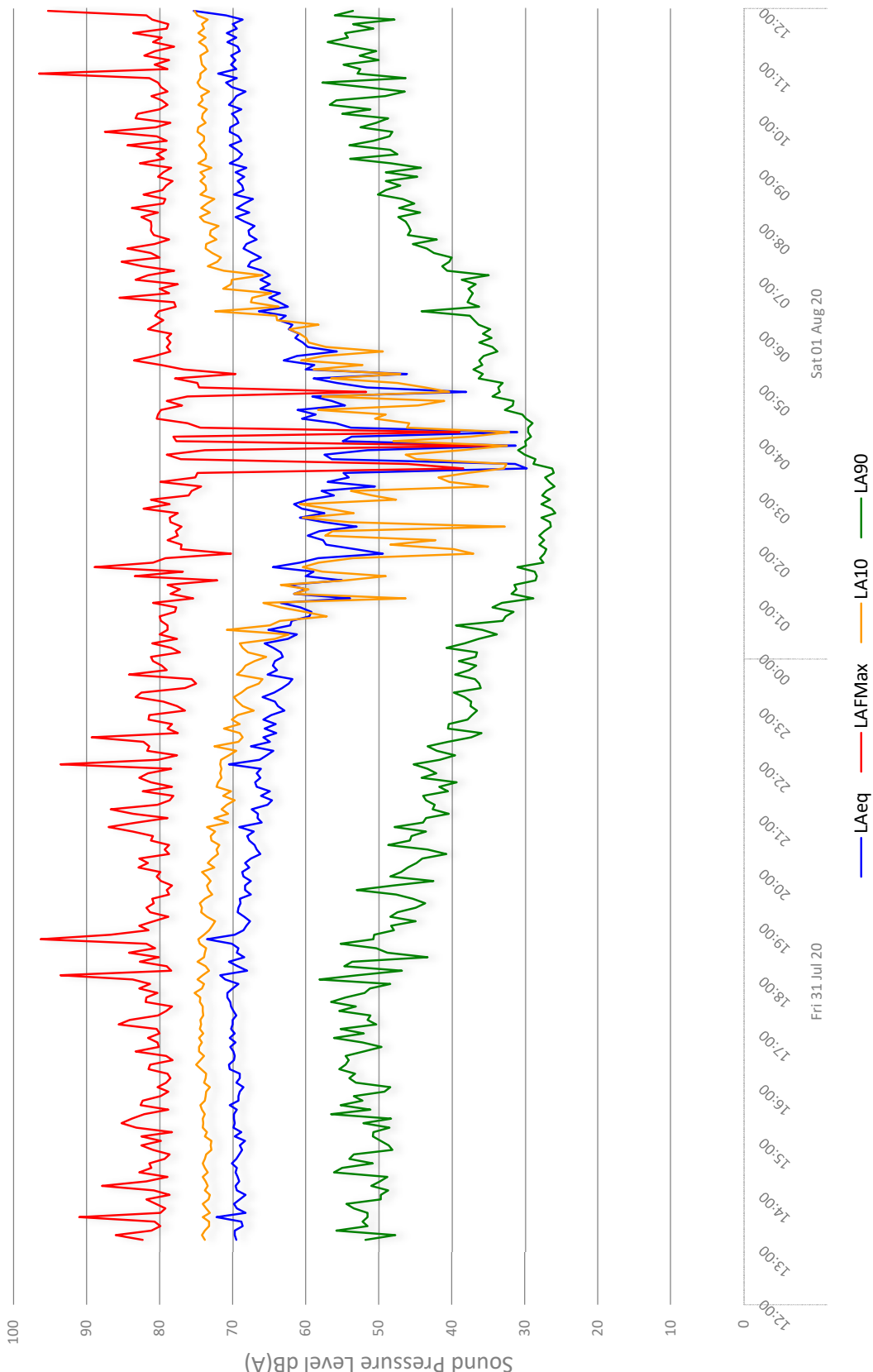


Figure VA2956/TH2

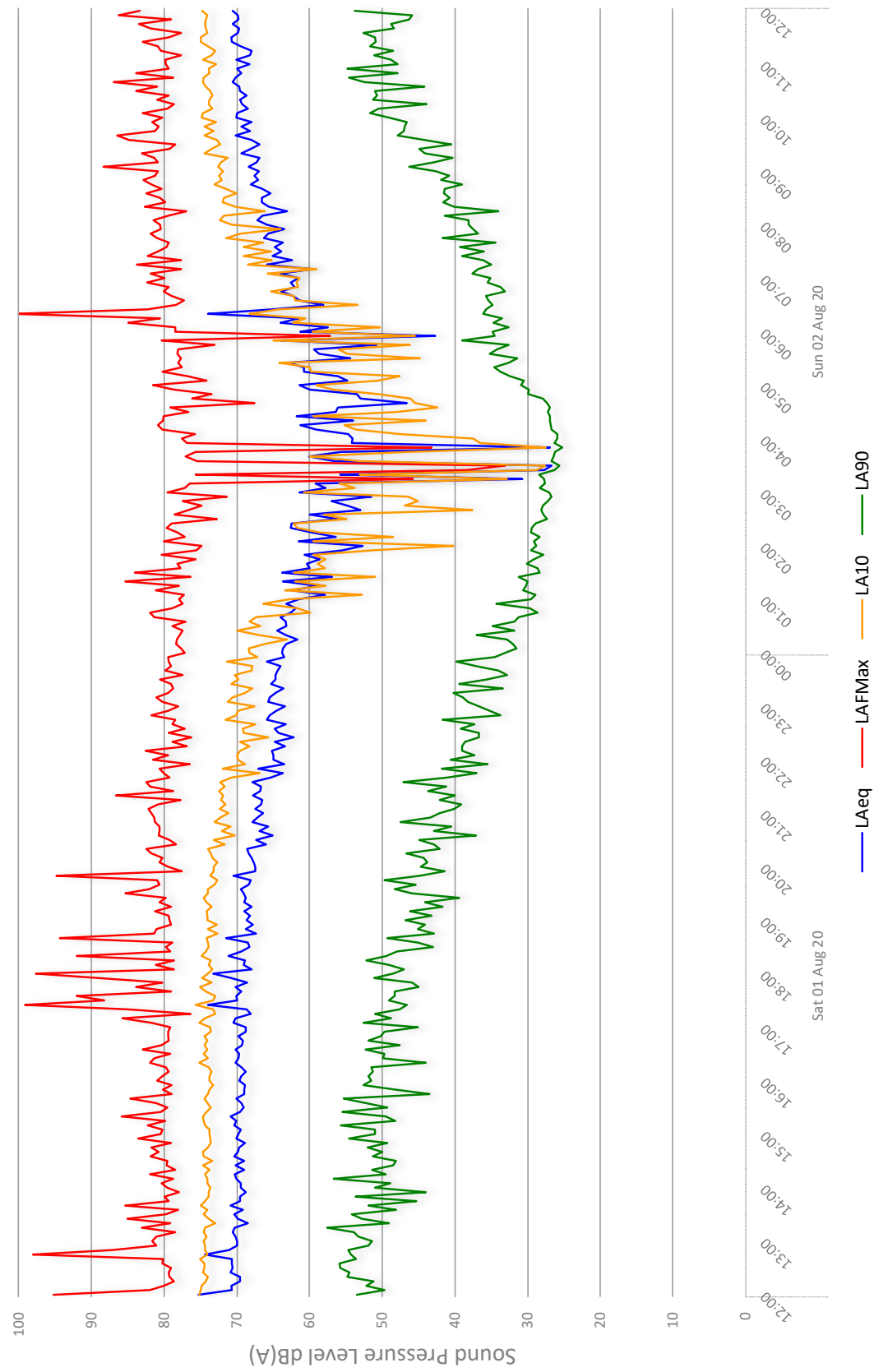
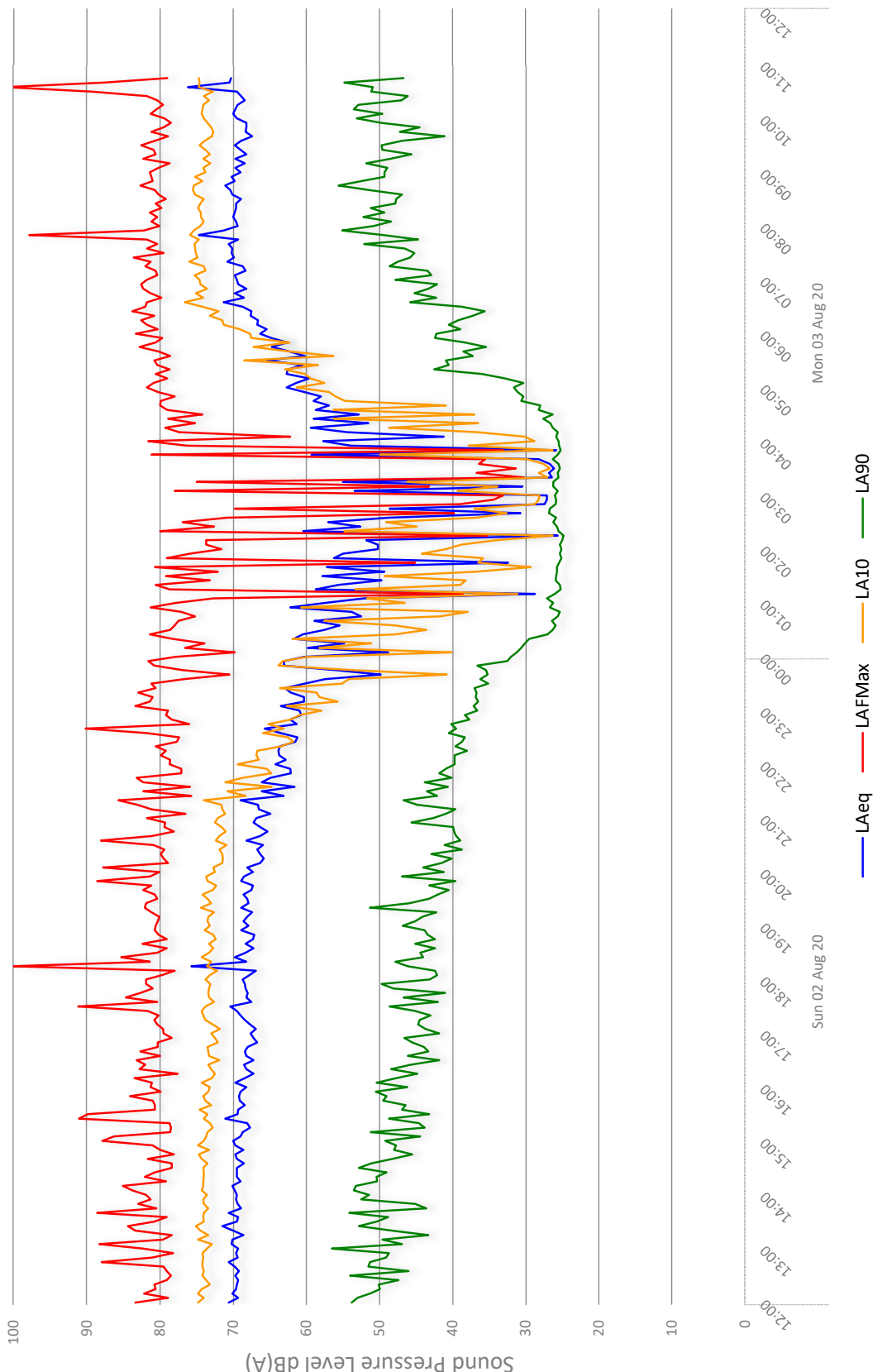


Figure VA2956/TH3



APPENDIX A

Acoustic Terminology & Human Response to Broadband Sound

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.

Sound	Vibrations propagating through a medium (air, water, etc.) that are detectable by the auditory system.
Noise	Sound that is unwanted by or disturbing to the perceiver.
Frequency	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'.
dB(A):	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_A . 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).
L_{eq} :	The concept of L_{eq} (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_{eq} 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.
L_{10} & L_{90} :	Statistical L_n 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_{10} is the level exceeded for 10% of the time and as such can be regarded as a typical maximum level. Similarly, L_{90} is the typical minimum level and is often used to describe background noise. It is common practice to use the L_{10} 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.
L_{max} :	The maximum sound pressure level recorded over a given period. L_{max} is sometimes used in assessing environmental noise, where occasional loud events occur which might not be adequately represented by a time-averaged L_{eq} 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
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APPENDIX A

Acoustic Terminology & Human Response to Broadband Sound

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

Appendix B

Sample Noise Complaint Log Sheet

Date	Time	Staff Name	No. of Staff & Patrons	Complainant			Details			Response Details ¹
				Name	Address	Phone/email	Description ¹	Duration	Solution?	

¹ Attach noted and email correspondence as appropriate

CRIME AND DISORDER

<u>Door Supervisors</u>		I intend to promote the 4 licensing objectives by (please tick)
1.	Will be correctly registered with the Security Industry Authority (S.I.A.).	<input type="checkbox"/>
2.	Will display the correct name / Identification Badge.	<input type="checkbox"/>
3.	Will carry an S.I.A. licence at all times.	<input type="checkbox"/>
4.	Door supervisor ratio agreed by the Police and Licensing Authority, which is 1: _____	<input type="checkbox"/>
6.	Where there are 5 or more door supervisors, at least one of these will be female.	<input type="checkbox"/>
8.	Will be in attendance at the entrance of the premises from the main exit doors to the premises are closed, and at any time when patrons may be queuing for access.	<input type="checkbox"/>
9.	Door Supervisors will be issued with multi-channel radios capable of communicating with other door supervisors, the designated premises supervisor.	<input type="checkbox"/>
10.	A Door Supervisor Register is kept and includes names, dates and times of the persons employed in such capacity.	<input type="checkbox"/>

<u>C.C.T.V.</u>		
11.	A C.C.T.V. system has been installed and is working to the satisfaction of Thames Valley Police and the Licensing Authority.	<input type="checkbox"/>
12.	Recordings will be maintained for an appropriate period of time to be agreed with the Police and the Licensing Authority.	<input type="checkbox"/>
CRIME AND DISORDER		I intend to promote the 4 licensing objectives by (please tick)
C.C.T.V. (Cont'd)		
13.	If the C.C.T.V. equipment fails, immediate steps will be taken to put the equipment back into working order.	<input type="checkbox"/>
14.	A notice will be displayed at the entrance to the premises advising that C.C.T.V. is in operation.	<input type="checkbox"/>
15.	At least one C.C.T.V. camera will be in operation at the front of the premises at all times when the premises is in use.	<input type="checkbox"/>
<u>Bottles and glasses</u>		
16.	Alcohol and soft drinks will be served in plastic or toughened glasses outdoor area.	<input type="checkbox"/>
18.	Customers will not be permitted to take open containers of alcohol or soft drinks from the premises.	<input type="checkbox"/>
19.	All bottles and glasses are to be removed from public areas as soon as the contents have been drunk or are empty.	<input type="checkbox"/>
20.	Bottle bins for collection or empty bottles will not be accessible to members of the public.	<input type="checkbox"/>

Radios

21.	The equipment will be kept in working order at all times.	<input type="checkbox"/>
22.	The equipment will be on at all times the premises are open to the public, and will be monitored by the Designated Premises Supervisor or other responsible staff member.	<input type="checkbox"/>

23.	All instances of crime and disorder will be reported to the Police as soon as reasonably practicable via C.C.T.V.	<input type="checkbox"/>
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☐**Capacity Limits**

25.	The capacity limit is based on advice from the Police, Fire Service and own risk assessment.	<input type="checkbox"/>
26.	Door supervisors will ensure the capacity limits are not exceeded, at all times.	<input type="checkbox"/>

Proof of Age Cards

27.	We have a proof of age policy that has been formulated in discussion with the Police and the Licensing Authority.	<input type="checkbox"/>
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☐**Drinks Promotions**

28.	irresponsible drinks promotions will not be permitted.	<input type="checkbox"/>
29.	The Designated Premises Supervisor or a Personal Licence holder will be in charge of the premises when any drinks promotions are taking place.	<input type="checkbox"/>

<u>Drugs</u>		
30.	We have an anti-drugs policy	<input type="checkbox"/>
31.	A drugs register will be maintained.	<input type="checkbox"/>
32.	The Police will be notified of all seizures of controlled drugs.	<input type="checkbox"/>

CRIME AND DISORDER		I intend to promote the 4 licensing objectives by (please tick)
<u>Notices</u>		
33.	Crime prevention notices are displayed warning customers of the possibility of disturbing our neighbours, e.g. “please leave quietly”, “please do not gather outside”	<input type="checkbox"/>
34.	A detailed sign is at each entrance and exit	<input type="checkbox"/>
35.	Any restrictions on the admission of children to the premises are conspicuously displayed outside the premises.	<input type="checkbox"/>
<u>General</u>		
36.	* A Personal Licence holder will be at the premises at all times when alcohol is being sold or regulated entertainment is being provided.	<input type="checkbox"/>
37.	We have a policy on the safe management of large groups, i.e. hen and stag parties.	<input type="checkbox"/>
38.	A secure area for customer's personal belongings is available	<input type="checkbox"/>
39.	We provide food that is available at all times when the premises are open.	<input type="checkbox"/>
40.	Under 18s functions alcohol is not available	<input type="checkbox"/>

PUBLIC SAFETY

<u>Fire Safety</u>		I intend to promote the 4 licensing objectives by (please tick)
41.	We have conducted a suitable Fire Risk Assessment at the premises and implemented the necessary control measures.	<input type="checkbox"/>
42.	All exit doors are easily operable without the use of a key, card, code or similar means.	<input type="checkbox"/>
45.	All removable security fastenings are removed whenever the premises are open to the public or staff.	<input type="checkbox"/>
46.	All fire doors are maintained unobstructed and effectively self-closing and will not be held open other than with approved devices.	<input type="checkbox"/>
47.	Fire resistant doors to service shafts, ducts and cupboards are kept locked shut.	<input type="checkbox"/>
48.	Step and stair edges are appropriately highlighted so as to be conspicuous.	<input type="checkbox"/>
50.	Upholstered seating is fire retardant and complies with current fire safety regulations.	<input type="checkbox"/>
53.	Access is provided for emergency vehicles and kept clear and free from obstruction at all times.	<input type="checkbox"/>

PUBLIC SAFETY <u>Fire Safety</u> (Cont'd)		I intend to promote the 4 licensing objectives by (please tick)
54.	Fire drill and emergency lighting tests are conducted weekly / monthly. Records of these tests are available upon request.	<input type="checkbox"/>
55.	All fire exits and means of escape are signed in accordance with BS5499: Part 1: Specification for Fire Safety Signs : 1990.	<input type="checkbox"/>
56.	An evacuation policy is in place that is to the satisfaction of the Fire Authority. All staff members have been trained in fire and emergency evacuation procedures.	<input type="checkbox"/>
57.	Wall and ceiling finishes are fire resistant to the appropriate standard.	<input type="checkbox"/>
58.	Exit doors open outwards or are secured in the open position if this is not the case.	<input type="checkbox"/>
<u>Disabled People</u>		
59.	Adequate arrangements exist to enable the safe movement within the premises of disabled people and their safe evacuation in the event of an emergency.	<input type="checkbox"/>
PUBLIC SAFETY <u>First Aid</u>		
60.	Adequate and appropriate First Aid equipment and materials are available on the premises.	<input type="checkbox"/>
61.	At least one suitable trained First Aider will be on duty when the public are present.	<input type="checkbox"/>
62.	If more than one First Aider is present, their respective duties will be clearly defined.	<input type="checkbox"/>
63.		<input type="checkbox"/>
PUBLIC SAFETY <u>Fire Safety - Lighting</u>		
64.	In the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area accessible to the public.	<input type="checkbox"/>

PUBLIC SAFETY <u>Fire Safety – Lighting</u> (Cont'd)		I intend to promote the 4 licensing objectives by (please tick)
65.	Fire safety signs are adequately illuminated.	<input type="checkbox"/>
66.	Emergency lighting is installed and regularly maintained.	<input type="checkbox"/>
67.	Emergency lighting batteries are fully charged before the admission of the public.	<input type="checkbox"/>
68.	The emergency lighting battery has a capacity of 15 minutes to allow adequate evacuation of the premises.	<input type="checkbox"/>
68.	Emergency lighting tests are conducted monthly. Records of these tests are available upon request.	<input type="checkbox"/>
PUBLIC SAFETY <u>Safety Certificates</u>		
69.	The premises have either a current and satisfactory National Inspection Council (for) Electrical Installation Contracting (N.I.C.E.I.C.) or Electrical Contractors Association (E.C.A.) periodic electrical installation report. An inspection is carried out every ____ year(s) and a new report will be obtained each time.	<input type="checkbox"/>
70.	The premises have either a current satisfactory N.I.C.E.I.C. or E.C.A. periodic emergency lighting report. An inspection is carried out every _____ year(s) and a new report obtained each time.	<input type="checkbox"/>
71.	The premises have a current Council (for) Registered Gas Installers (C.O.R.G.I.) certificate of inspection in respect of any gas boiler, calorifier or appliance. An inspection is carried out every _____ year(s) and a new report obtained each time.	<input type="checkbox"/>
72.	The premises have a current Oil Firing Technical Association (O.F.T.E.C.) certificate of inspection in respect of any oil-fired boiler or appliance. An inspection is carried out every _____ year(s) and a new report will be obtained at these intervals.	<input type="checkbox"/>
73.	The premises have a certificate issued by a suitably qualified and competent person confirming the safety of any suspended ceilings installed at the premises.	<input type="checkbox"/>
74.	The premises have current and suitable Public Liability Insurance in the sum of £ _____ million. A certificate will be obtained each year and displayed at the premises.	<input type="checkbox"/>

PUBLIC SAFETY <u>Safety Certificates</u> (Cont'd)		I intend to promote the 4 licensing objectives by (please tick)
75.	The premises have current certificates of inspection for all portable fire fighting equipment. An inspection is carried out every year(s) and new certificates will be obtained at these intervals.	<input type="checkbox"/>
76.	The premises have a current certificate of inspection for the fire detection alarm. An inspection is carried out every ____ year(s) and a new certificate will be obtained at these intervals.	<input type="checkbox"/>
77.	Any temporary electrical installation being used is checked before use by a N.I.C.E.I.C. or E.C.A. electrician and a temporary electrical installation report or a certificate of compliance with British Standard BS7909: 1998 will be obtained.	<input type="checkbox"/>
PUBLIC SAFETY <u>General</u>		
78.	All safety signs warning customers about the risks to their health and safety are to comply with BS5378 1980 : Safety Signs and Colours.	<input type="checkbox"/>
79.	Drinking water will be available at all times when the premises is open to the public	<input type="checkbox"/>
80.	A chill out area to the satisfaction of the Police and Licensing Authority is provided.	<input type="checkbox"/>
81.	A "Hot Line" to local taxi firms is available.	<input type="checkbox"/>
82.	A policy is in place for escorting all patrons from the premises to a licensed taxi or private hire vehicle should a request be made.	<input type="checkbox"/>
83.		<input type="checkbox"/>

PUBLIC SAFETY		I intend to promote the 4 licensing objectives by (please tick)
General (Cont'd)		
84.	Seats are available to accommodate _____% of the maximum capacity of the premises.	<input type="checkbox"/>
84.	A continuous and accurate record is maintained of the number of patrons within the premises. These records are available upon request.	<input type="checkbox"/>
86.	Searching as a condition of entry will be considered at all times and will be mandatory when directed by Police.	<input type="checkbox"/>
87.	A survey of the noise levels to which customers are subjected to has been undertaken by a suitably qualified and competent person and adjustments have been made to reduce levels, wherever necessary.	<input type="checkbox"/>
88.		<input type="checkbox"/>

PREVENTION OF PUBLIC NUISANCE

<u>Noise and vibration</u>		I intend to promote the 4 licensing objectives by (please tick)
89.	A noise management plan has been devised and is in operation at the premises.	<input type="checkbox"/>
90.	Noise or vibration from the premises will be maintained at a level that will not be audible at the façade of any neighbouring noise sensitive premises.	<input type="checkbox"/>
91.	All entrances and exits have an effective lobby to minimise the breakout of noise.	<input type="checkbox"/>
92.	Noise limiters are fitted to amplification equipment and have been set at a level agreed with the local authority.	<input type="checkbox"/>
93.	Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.	<input type="checkbox"/>
94.	Disposal of empty bottles into waste receptacles outside the premises will not be permitted to take place between the hours of 23:00 hrs and 07:00 hrs to minimise disturbance to nearby occupiers.	<input type="checkbox"/>
96.	A full acoustic survey into the impact of noise from the premises has been carried out by a competent person. All recommendations have been carried out.	<input type="checkbox"/>
<u>Noxious smells</u>		
97.	All ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties.	<input type="checkbox"/>
98.	Refuse receptacles are cleaned with disinfectant at least weekly.	<input type="checkbox"/>
<u>Light pollution</u>		
99.	Bright / flood lights used outside the premises and any security or access lighting installed will not be operated so as to cause a nuisance to nearby occupiers.	<input type="checkbox"/>
100.	All external lighting, including floodlighting, is directed away from adjacent occupiers.	<input type="checkbox"/>
<u>Litter</u>		

101.	_____litter receptacles are placed outside the premises for customers to use and are emptied at least daily.	<input type="checkbox"/>
102.	The premises has a waste collection contract with_____who remove waste.	<input type="checkbox"/>
103.	Staff undertake a litter pick to a distance of_____metres around the premises daily.	<input type="checkbox"/>

PROTECTION OF CHILDREN FROM HARM

<u>General</u>		I intend to promote the 4 licensing objectives by (please tick)
104.	The premises has clear signs displayed for restricting under 18 years can not drink alcohol.	<input type="checkbox"/>
105.		<input type="checkbox"/>
106.	The hours of the day during which age restrictions apply are between_____hrs and_____hrs.	<input type="checkbox"/>
107.	Alcohol is not available on the premises when only under 18's are permitted.	<input type="checkbox"/>
108.	The premises operates a proof of age policy that has been agreed by the police.	<input type="checkbox"/>
109.	When children are allowed on the premises, a "no smoking" area of such a size and design that it genuinely provides a suitable, comfortable area for children and families wishing to be separated from smoking areas will be available.	<input type="checkbox"/>
110.	A crime prevention policy agreed by the police and local authority is in place.	<input type="checkbox"/>

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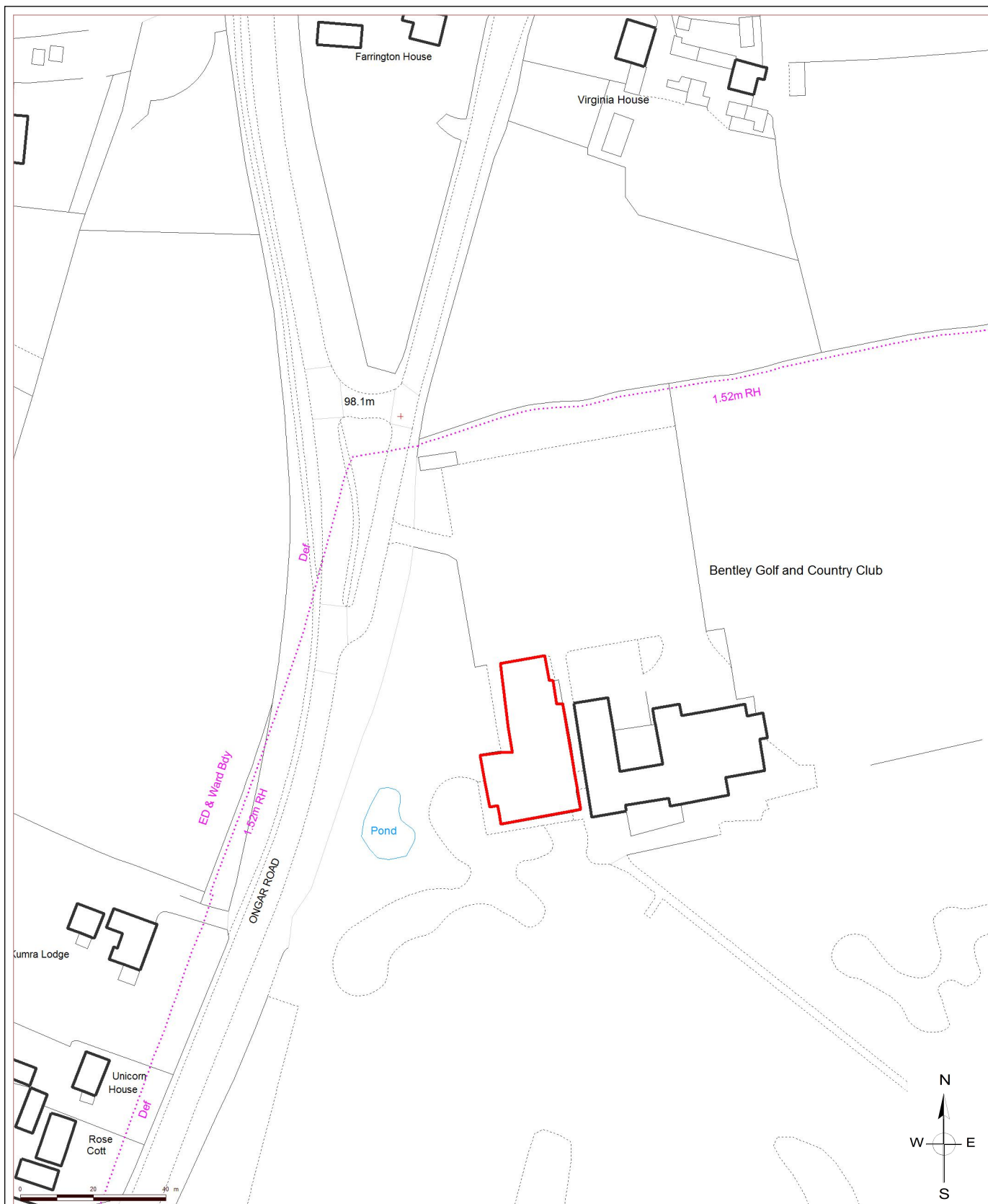
DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX B

Premises Licence 27 November 2020

OS Maps & Images

Application History



DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS



Drawing No. :

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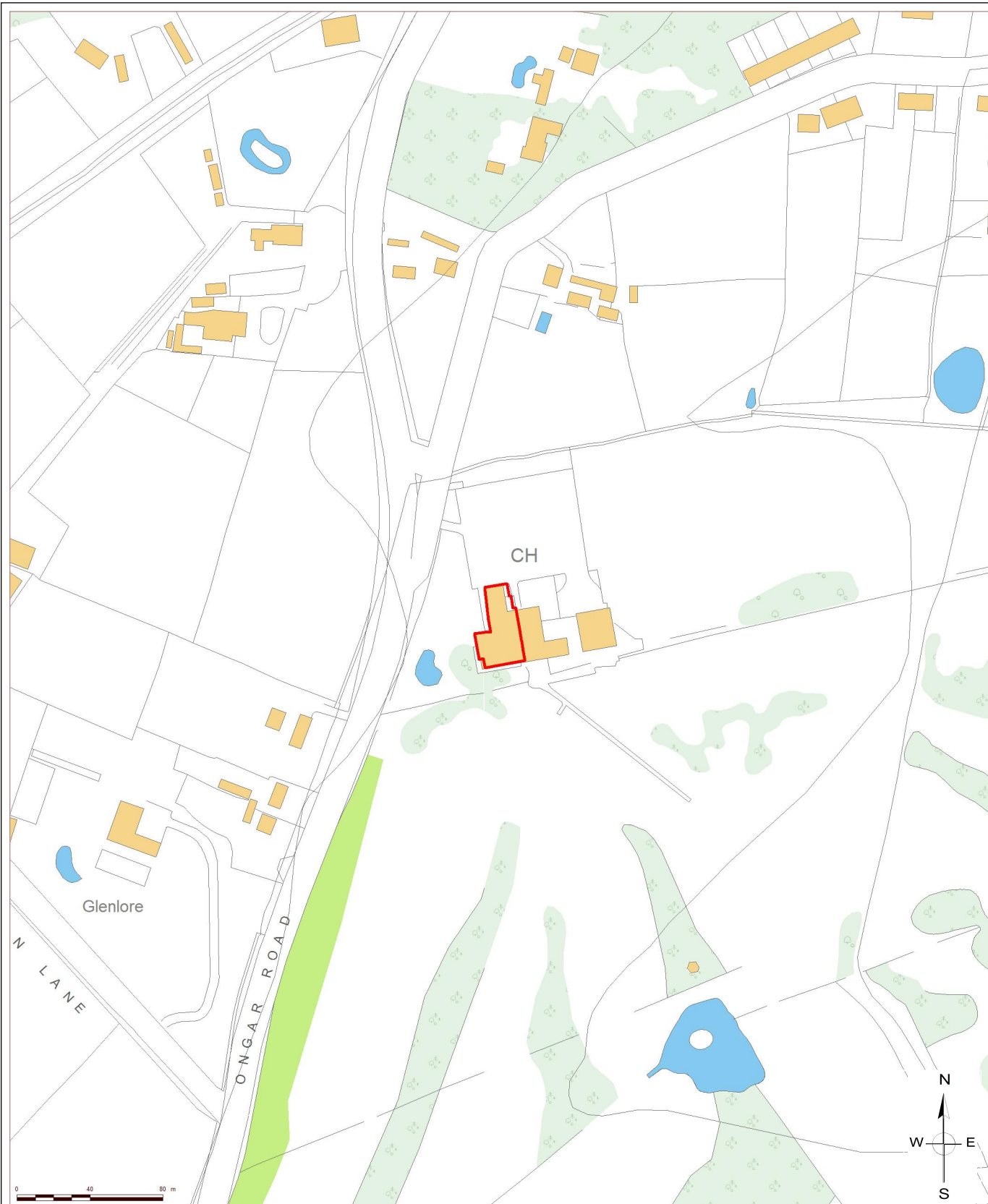
Drawn by : OSJ

Service : ICT

Date : 19th August 2019

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



DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS



Drawing No. :

Scale at A4 : 1:3000

Drawn by : OSJ

Service : ICT

Date : 19th August 2019

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

DUSK

Page 62

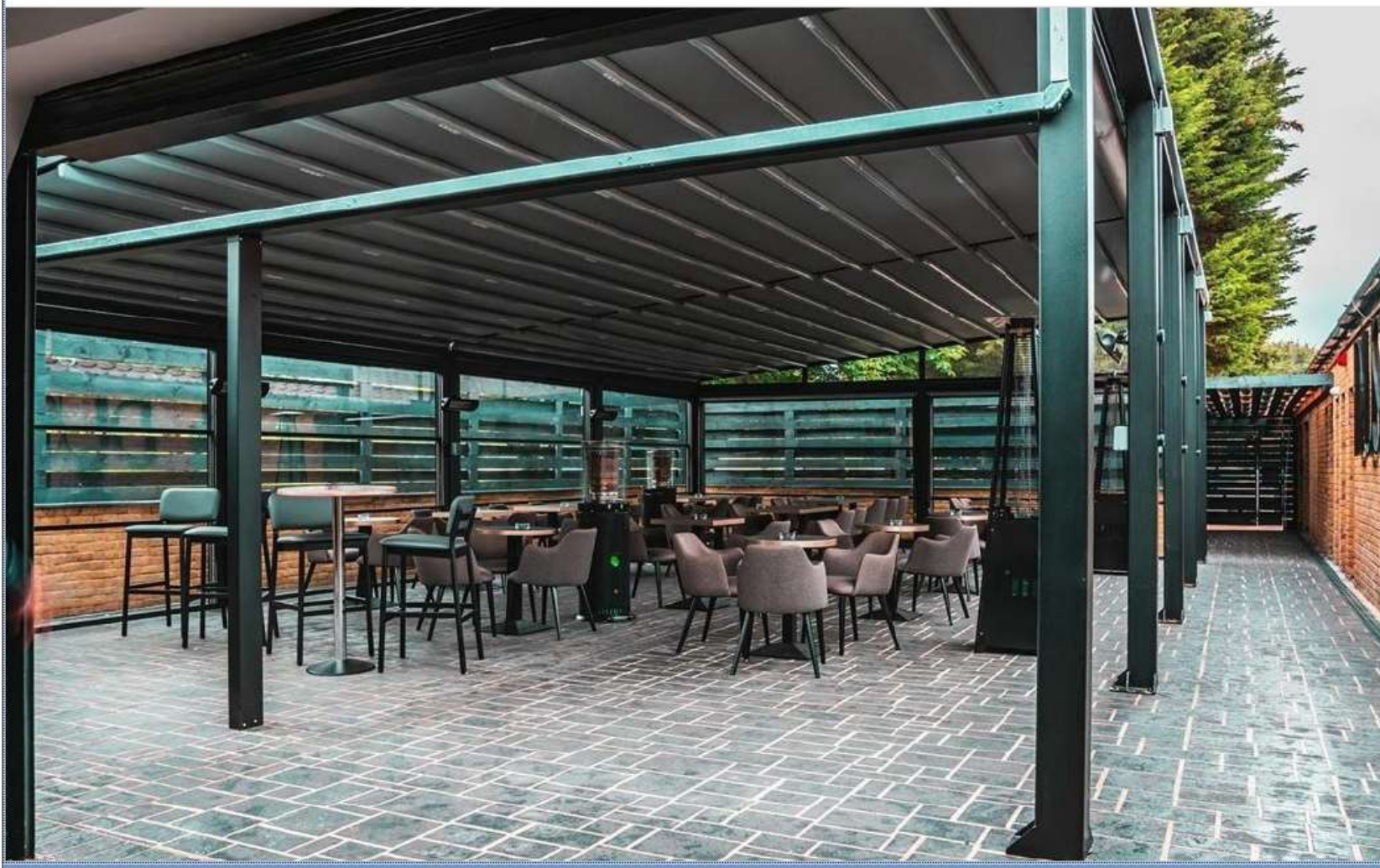


DUSK





duskloungeessex
DUSK Brentwood





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DUSK Brentwood





duskloungeessex
DUSK Brentwood



Premises Licence

Premises Licence Number

PRM_0569

Application Number

20/00014/LAPRE

Date of Issue

27 November 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
Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

Performance of Dance

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

Exhibition of a film

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

Performance of Live music

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

Playing of Recorded music

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

Other Entertainment falling within Act

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

Provision of Late Night Refreshments

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

Sale by Retail of Alcohol

Monday	12:00 - 23:30
Tuesday	12:00 - 23:30
Wednesday	12:00 - 23:30
Thursday	12:00 - 23:30
Friday	12:00 - 01:30
Saturday	12:00 - 01:30
Sunday	12:00 - 23:30

The opening hours of the premises

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 02:00
Saturday	12:00 - 02:00
Sunday	12:00 - 00:00

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

Alcohol is supplied for consumption on the Premise

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

No DPS nominated

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

NO SALE OF ALCOHOL MAY BE MADE UNTIL A DPS HAS BEEN ASSIGNED

Annex 1 – Mandatory conditions

- 1 No supply of alcohol may be made under this licence**
 - a) At a time when there is no designated supervisor in respect of it or,**
 - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended**
- 2 Every supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.**
- 3 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— .**
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or .**
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise)**
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .**
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .**
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .**
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).**
- 4 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available**

5 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or**
- (b) an ultraviolet feature**

6 The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;**
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and,**
- (ii) still wine in a glass: 125 ml;**

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7 (A). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(B).For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula where-

$$P = D + (D \times V)$$

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.—(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

8 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.

9 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

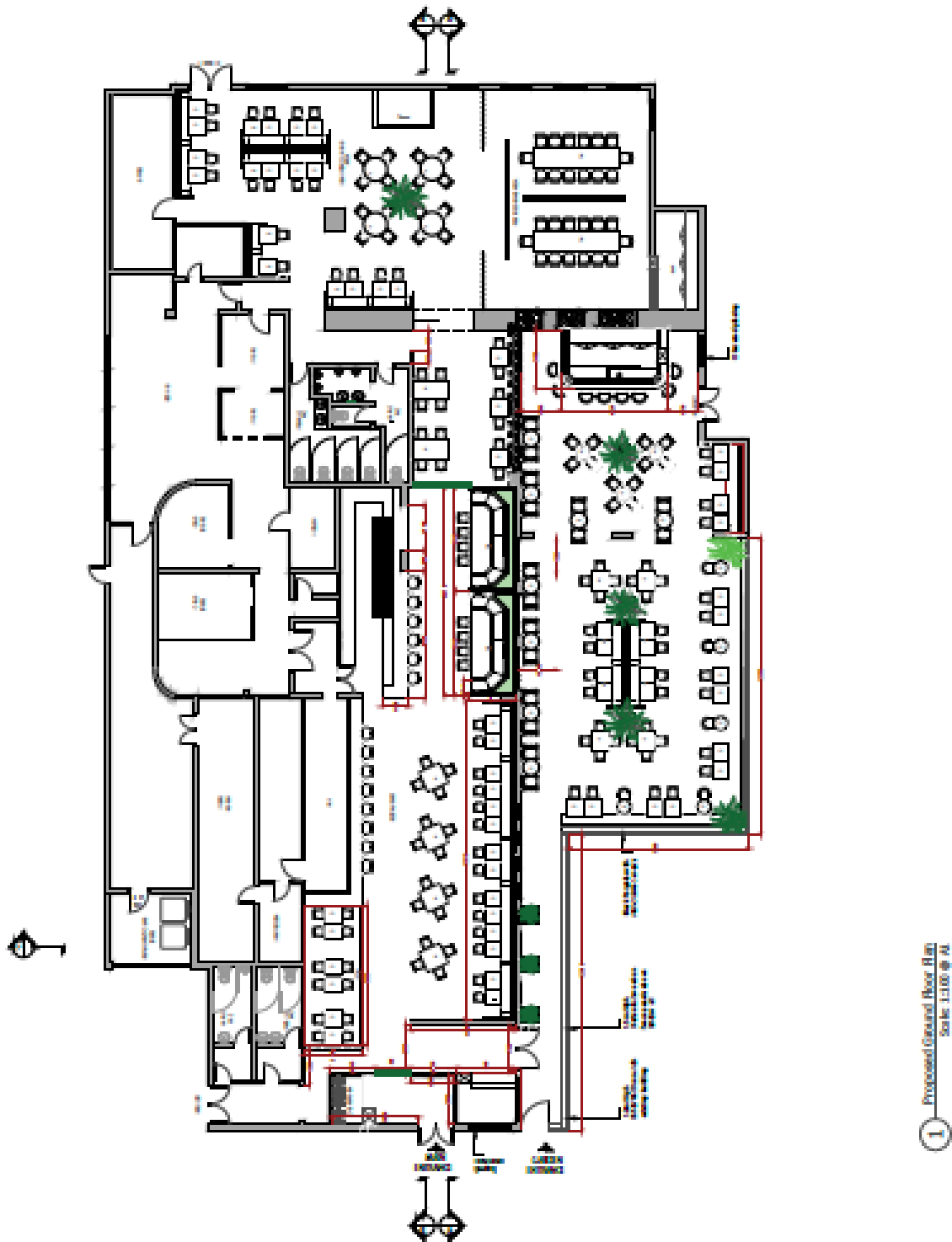
- 1 There should be a second interior door installed at the front entrance.**
- 9 Customers must not be permitted to consume any alcohol on the premises other than alcohol sold or supplied under the authorisation of this licence.**
- 10 A written noise management policy which is acceptable to Brentwood Borough Council Environmental Health Team shall be put in place and adhered to.**

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 No live or recorded music shall be played in the outside (lounge) area after 2230hrs**
- 6 The passageway will be staffed at times of use.**
- 7 There shall be no live or recorded music shall be played in the outside (lounge) area between 12noon and 2230hrs until a noise limiting device has been installed and a noise limit agreed with Brentwood Borough Councils Environmental Health Team, such noise limit must not to be exceeded at any time.**
- 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

Premises Licence Number	PRM_0569
Application Number	20/00014/LAPRE
Date of Issue	27 November 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
Sale by Retail of Alcohol**

Times the licence authorises the carrying out of licensable activities

Performance of Dance

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

Exhibition of a film

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

Performance of Live music

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

Playing of Recorded music

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

Other Entertainment falling within Act

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

Provision of Late Night Refreshments

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

Sale by Retail of Alcohol

Monday	12:00 - 23:30
Tuesday	12:00 - 23:30
Wednesday	12:00 - 23:30
Thursday	12:00 - 23:30
Friday	12:00 - 01:30
Saturday	12:00 - 01:30
Sunday	12:00 - 23:30

The opening hours of the premises

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 02:00
Saturday	12:00 - 02:00
Sunday	12:00 - 00:00

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

Alcohol is supplied for consumption on the Premise

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

No DPS nominated

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

NO SALE OF ALCOHOL MAY BE MADE UNTIL A DPS HAS BEEN ASSIGNED

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

DUSK – PREVIOUS APPLICATION HISTORY

On 5 August 2019 Sisu Enterprises Ltd. applied for a new premises licence at Dusk, Ongar Road, Pilgrims Hatch CM15 9SS

Following a Licensing Sub-Committee hearing on 1 October 2019, a new premises licence was granted together with 8 additional conditions attached including;

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.*

On 3 July August 2020 Sisu Enterprises Ltd. applied to vary the premises licence to extend the opening hours, add supply of alcohol to licensable activities and remove the following Annex 3 conditions;

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.*

On 10 September 2020 Sisu Enterprises Ltd. applied for a minor variation to the premises licence for minor structural changes to the floor plan. This included a second interior door installed at the entrance to create a lobby and a noise limiter was fitted in the outside area. This application was approved and, as a result allowed the applicant to amend the application to vary, dated 3 July 2020, to just relate to the extension of hours and the additional licensable activity to supply alcohol.

On 11 November 2020 after a couple of false starts not assisted by IT difficulties and a pandemic, the 3 July 2020 application to vary the premises licence was finally determined at a Licensing Sub-Committee hearing where a licence was granted extending hours and adding the licensable activity to supply alcohol together with the following attached condition;

"Customers must not be permitted to consume any alcohol on the premises other than alcohol sold or supplied under the authorisation of this licence."

On 27 September 2020, a local resident applied to Brentwood Borough Council to review the premises licence at Dusk on the grounds of the venue causing a persistent public noise nuisance. The consultation period saw two responsible authorities & a further 11 representations from 6 households support the application.

On 23 November 2020 the review was heard by a Licensing Sub-Committee who determined that the following conditions would be placed on the licence;

1. *That no live or recorded music shall be played in the outside (lounge) area after 22:30 hrs. (This should replace condition 5 of Annex 3 already imposed on the licence.)*
2. *That no live or recorded music shall be played in the outside (lounge) area between 12 noon and 22:30 hrs. until a noise limiting device has been installed, and a noise limit agreed with Brentwood Borough Councils Environmental Health Team, such noise limit must not to be exceeded at any time. (This should replace condition 7 of Annex 3 already imposed on the licence.)*

3. *That a written noise management policy which is acceptable to Brentwood Borough Council Environmental Health Team be put in place and adhered to.*

On 27 November 2020 Sisu Enterprises Ltd. applied for a minor variation to the premises licence requesting the following;

1. *To vary the committee's decision at the meeting dated 11th November 2020 permitting the applicant to sell alcohol and to bring to an end its 'Bring your own' scheme where customers bring their own alcohol to the venue.*
2. *That the applicant's customers be permitted to bring their own alcohol to the premises should they choose to do so under the applicant's 'Bring your own' scheme.*
3. *The applicant does not wish to sell alcohol at the venue owing to religious beliefs and its business plans. The applicant will be happy to comply with any reasonable requirements set for the regulated consumption of alcohol on the premises if customers bring their own alcohol.*

On 18 December 2020 the application was rejected by this office after a significant number of representations were received.

On 26 March 2021 Sisu Enterprises Ltd. applied to vary the premises licence requesting the following;

1. *To remove the licensable activity of allowing the sale of alcohol.*
2. *To remove Condition 9 of Annex 3 of the license: "Customers must not be permitted to consume any alcohol other than alcohol sold or supplied under the authorisation of this license."*
3. *To remove Condition 5 of Annex 3 of the license: "That no live or recorded music shall be played in the outside (lounge) area after 22.30."*

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX C

REPRESENTATIONS

Responsible Authorities

Brentwood Borough Council

Mr. David Carter – Environmental Health Manager

Mr. Dave Leonard – Licensing Officer

Our ref: 21/000542/LICON

Your ref:

Date: 22 April 2021

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

cc
Cassadys Solicitors
5 Chancery Lane
London EC4A 1BL

Dear Sirs

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

I refer to the above application for a premises licence at Dusk Ongar Road, Pilgrims Hatch, received on 29 March 2021 by the Pollution Team of Brentwood Borough Council, and to previous comments made relating to this premises at the review hearing and previous applications.

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

Dusk operates as a restaurant with late night refreshment, and public entertainment within the premises mostly from recorded music provided by a DJ and music videos. The premises also provides an external area as a shisha and cigar lounge for customers to drink, smoke and use shisha pipes.

This area is described as a black pergola with a retractable canopy on the plan attached to the application.

It appears that this area is separately bookable to the restaurant facility, so it can operate additionally to, but not necessarily in combination, with the dining facilities provided inside the premises restaurant area.

The operation of Dusk has caused a substantial increase in the number of complaints received, largely as a result of the use of the shisha lounge area particularly late at night.

The shisha and cigar lounge was designed to comply with the smoking legislation, and it is therefore required to be at least 50% open, which effectively negates any noise attenuation from the structure such that it is an outside area, where customers seem to be encouraged to gather after a meal, (or separately to), such that the associated noise from the customers and any amplified music played in the area impacts on nearby residents. At later hours it would seem that the majority of the customers migrate to this area because of the entertainment provided.

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

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

The application seeks the following variations,

1. To remove the licensable activity of allowing the sale of alcohol.
2. To remove Condition 9 of Annex 3 of the license: Customers must not be permitted to consume any alcohol other than alcohol sold or supplied under the authorisation of this license.
3. To remove Condition 5 of Annex 3 of the license: That no live or recorded music shall be played in the outside (lounge) area after 22.30.

In my opinion, the proposed variations will have an effect on the ability of the premises to promote the licensing objective of prevention of public nuisance.

1. Removing the licensable activity of the sale of alcohol means that the premises would revert to the former operation of a BYO (Bring Your Own) restaurant whereby the customers are permitted to bring various types of alcohol to the premises for consumption, which may be either with a meal, or not in the case of persons who may choose to book the shisha/cigar lounge area only.

Agreeing this variation can result in the premises having less control over the type and quantity of alcohol consumed either on, before or after leaving the premises. The customers can arrive, having consumed alcohol elsewhere (as is the case at other premises), however where the sale of alcohol is part of the licence an offence is committed when alcohol is sold where the customer is already drunk.

In the case of a BYO venue there is no sale of alcohol, and the supply and consumption of alcohol is not supervised and controlled by the licence holder or designated premises supervisor, but by the customer themselves.

It is evident from visits to the premises that persons are leaving in an intoxicated state, and it has also been seen that they will often take unconsumed alcohol with them when leaving which has led to further drinking in the car park while awaiting taxis or other transport. This consumption is again less controllable than in a licensed premises where the alcohol must be consumed before leaving.

2. To remove Condition 9 of Annex 3 of the license: Customers must not be permitted to consume any alcohol other than alcohol sold or supplied under the authorisation of this license.

The removal of this condition also leads to the issues outlined above and allows the consumption of any type and strength of alcohol brought to the premises.

3. To remove Condition 5 of Annex 3 of the license: That no live or recorded music shall be played in the outside (lounge) area after 22.30.

In my view the removal of this condition will have the effect of increased noise disturbance of the type previously identified by Council officers, residents, and Council members.

The current premises licence also includes a condition preventing the performance of live or recorded music between 12 noon and 2230 hours as below:

There shall be no live or recorded music shall be played in the outside (lounge) area between 12noon and 2230hrs until a noise limiting device has been installed and a noise limit agreed with Brentwood Borough Councils Environmental Health Team and such noise limit must not to be exceeded at any time.

At the time of writing, largely as a result of the current COVID restrictions preventing the operation of the premises as a whole, a suitable noise limiting device has not been installed to my knowledge and we have not agreed a noise limit, other than a very approximate level set using the system amplifier when the outside area was empty. The position of the microphone controlling the noise level, type and location of speakers in the outside area and possible additional insulation had been discussed at our last meeting on site but was to be implemented and further visits made; this is awaited at present.

The noise limiter device will only control the level of amplified sound from the premises audio equipment, and will not provide a control over any live, non-amplified music e.g. drums, brass instruments etc. or over the noise created by the customer audience.

In my view the noise from the customers themselves would be significant in this area late at night. The performance of live or recorded music after 2230 is likely to encourage the customers to remain on the premises, (particularly if they have still got a supply of alcohol brought with them) as an attraction and entertainment after their meal; it is also evident that the customers will become louder with additional drinks as the evening progresses.

I would therefore wish to retain the condition preventing the performance of live or recorded music after 2230 and also consider that the provision of music as a form of entertainment is likely to cause public nuisance to nearby residents after this time given the quiet nature of the location.

It could be possible to provide background music which would be at a lower level and less likely to encourage the participation of the customers in singing or dancing, which in recent times has been actively discouraged to reduce the risk of COVID transmission, however it is also possible that even at a low 'background' level there could be disturbance to neighbouring properties.

The following comments have been made previously with regard to this premises and in my opinion remain valid and necessary in order to enable the operation of this establishment while ensuring that public nuisance is prevented:

1. The operation of the premises late at night as a restaurant has been considered as a noise issue in this location; the hours requested are later than many licensed premises in the town centre, including bars, pubs and busier locations with more activity and background noise.
2. The previous operation of this premises has given justifiable cause for complaint from residents to the Council.
3. The controls proposed do not address the concerns over use of the premises; in addition to noise breakout from entertainment noise the activity of the car park and vehicles leaving the premises late at night has also been found to cause concern.
4. The performance of live, recorded music or 'other entertainment falling within the Act' within the external lounge area should be prohibited, such that there is no noise in this area apart from customers talking.
5. If regulated entertainment 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. All doors and windows of the premises shall be kept closed during the provision of any regulated entertainment.

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

Yours faithfully

David Carter
Environmental Health Manager

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

LICENSING OFFICER'S REPRESENTATION

SUPPORTING DOCUMENTATION

1. *Copy of Warning Letters sent to Mr Shakil Islam & Mr Sharif Uddin dated:
28 February 2020,
22 July 2020,
29 July 2020,
15 December 2020.*
2. *Copy of Application to Vary the Premises Licence dated 3 July 2020 and
supporting statement from Mr Shakil Islam dated 9 July 2020.*
3. *Copy of email clarifying points on Application to Vary the Premises
Licence dated 3 July 2020 sent by the solicitor representing Dusk,
Mr Kaizad Cassady, dated 9 July 2020*

Paul Adams
Licensing Manager,
Brentwood Borough Council Depot
The Drive
Warley CM13 3BH

Date: 20 April 2021
Contact: Dave Leonard
01277 312523

Licensing Act 2003 – Application to Vary a Premises Licence
Dusk, Ongar Road, Pilgrims Hatch CM15 9SS

Representation by a Responsible Authority (Licensing)

I wish to make a representation against the application to vary the premises licence to remove attached conditions at ***Dusk, Ongar Road, Pilgrims Hatch CM15 9SS***

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 (as amended).

Since opening in 2019, I have been aware of complaints of public noise nuisance relating to ***Dusk*** raised by local residents and supported by their ward councillors.

Many of these complaints have related to claims of excessive noise nuisance caused by customers using the outside shisha smoking area whilst entertainment was being provided by DJs or by the noise nuisance and anti-social behaviour being caused by customers when they leave the restaurant in the early hours at weekends. This kind of complaint is generally the remit of the Environmental Health Noise Pollution Officer and the matter, in the first instance, was referred to the Environmental Health Team and its manager, Mr David Carter, for his initial assessment.

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 a summer of 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 a late hour and offered entertainment into the early morning. 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 grievances 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 were called to review by the local residents in November 2020. I made a representation in support of the review application & advised that appropriate and proportionate conditions were necessary to support the proprietor to succeed in his business but also to safeguard the residents who are, after all, expected to live 24/7 with these terms and 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 (and non-licensable) between the proprietors and everybody else. Brentwood borough has many licensed premises situated in residential locations with many benefitting from having an outside garden and a designated smoking area. However, I am not aware of any that do not also have a condition attached that prevents music or entertainment being played outside after 2200hrs. Usually accompanying such a condition is a strict limit placed on the number of smokers being permitted outside at any one time and extends to a no drinks being permitted outside policy too. This sensible operating solution is designed to reduce the likelihood of noise nuisance being caused by patrons and disturbing the neighbours.

The outcome of the licensing review hearing saw the Licensing Sub-Committee attach nine conditions to Annex 3 of the premises licence designed to allow the management at Dusk to promote the licensing objectives whilst, hopefully, appeasing the local population. All parties appeared satisfied with this outcome and no appeal challenging the decision was forthcoming. Two of those nine attached conditions, and arguably the most important conditions in allaying the concerns of the local residents, were;

- (5) No live or recorded music shall be played in the outside (lounge) area after 2230hrs***
- (9) Customers must not be permitted to consume any alcohol on the premises other than alcohol sold or supplied under the authorisation of this licence.***

The applicant does not only appear to undermine the outcome of the Sub-Committee hearing by seeking to remove these conditions but, it is my contention that they have also failed to satisfactorily address the additional measures that they intend to introduce in order to promote the licensing objectives that would merit their removal.

In July 2020, Sisu Enterprises Ltd. applied to vary the Dusk premises licence to include the supply of alcohol as a licensable activity together with an accompanying statement from the director, Mr Shakil Islam, explaining how ***“we would be in a better position to ensure that patrons do not consume excessive amounts of alcohol as we would be controlling how much alcohol is supplied thereby addressing the concerns of Councillor McCheyne. This would allow us to discontinue the policy whereby patrons bring their own alcohol.”*** Their solicitor also wrote confirming that ***“No regulated entertainment would be conducted outside the premises.”***

Once again, an application submitted by the Dusk management apparently designed to promote the licensing objectives and allay the growing concerns of local residents, councillors and the Responsible Authorities alike, is now another undertaking they wish to withdraw from their licence without offering a satisfactory compromise to address the noise nuisance complaints that we continue to receive.

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.

To date I have issued four warning letters to the Dusk management in relation to minor infringements that, in isolation, have not merited further enforcement action.

I support the concerns raised by many local residents over an extended period and I make representation against this application to vary 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

Statement of Shakil Islam

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

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

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

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

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

Signed on 9 July 2020



Shakil Islam

Application to Vary a Premises Licence under the Licensing Act 2003

Reference: VPrL223574628

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

Before completing this form, please read the guidance notes:

[Application to Vary a Premises Licence Guidance Notes](#)

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

Cost of Licence

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

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

Cost of licence: £315.00

I/We, Sisu Enterprises Limited Sisu Enterprises Limited, being the premises licence holder, apply for to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 - Premises Details

Premises Address

Flat number (if any)

House number/name Dusk

Road name Ongar Road

Town Pilgrims Hatch

County Essex

Post code CM15 9SS

Daytime contact telephone number (if any):

Premises email address (optional):

Applicant Address

Flat number (if any)

House number/name 5
Road name Chancery Lane
Town London
County
Post code EC4A 1BL
Daytime contact telephone number: 02037725439
Applicant email address: kaizad@cassadys.co.uk

Part 2 - Variation

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

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

Please describe briefly the nature of the proposed variation (please see guidance note 1):

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

1.1 There should be a second interior door at the front entrance; and

1.2 Noise limiters shall be installed in the outside space in discussion and agreement of the Licensing Department of the Council.

2. An alcohol license should be granted for the premises.

3. That the license no longer cover the following activities: performance of dance and exhibition of a film

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

Part 3 - Operating Schedule

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

Provision of regulated entertainment for:

(b) films, (g) performances of dance

Provision of late night refreshment:

Supply of alcohol: Yes

a) Plays

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

b) Films

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

Indoors

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Monday		
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Tuesday		
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Wednesday		
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Thursday		
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Friday		
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Saturday		
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Sunday		
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Please give further details here (please read guidance note 3):

No films will be shown at the premises

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

Nt applicable

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

Not applicable

c) Indoor Sporting Events

Standard Days and Timings (please read guidance note 6)

Day Start Finish

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

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

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

d) Box or Wrestling

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

Standard Days and Timings (please read guidance note 6)

Day Start Finish

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

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

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

e) Live Music

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

f) Recorded Music

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

g) Performance of Dance

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

Standard Days and Timings (please read guidance note 6)

Day Start Finish

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

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

No dance will be performed at the premises

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

Not applicable

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

Not applicable

**(h) Anything of a similar description to that falling within (e)
Live music, (f) Recorded music or (g) Performance of dance**

Please give a description of the type of entertainment you will be providing):
Will this entertainment take place indoors or outdoors or both? (please read guidance note 2):
Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

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

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

i) Late Night Refreshment

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
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Please give further details here (please read guidance note 3):

State any seasonal variations for the provision of late night refreshment (please read guidance note 4):

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

(j) Supply of Alcohol

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	18:00	23:00
Tuesday	18:00	23:00
Wednesday	18:00	23:00
Thursday	18:00	23:00
Friday	18:00	23:00
Saturday	18:00	18:00
Sunday	18:00	18:00

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

Not applicable

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

Not applicable

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

Not applicable

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

Name: Abul Fazal Mohammed Sharif Uddin

Address

Flat number (if any)

House number/name County Service Station

Road name Essex Gardens

Town Hornchurch

County Essex

Post code

Personal Licence Number (if known):

Issuing Licence Authority (if known):

(I) Hours premises are open to public

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	12:00	00:00
Tuesday	12:00	00:00
Wednesday	12:00	00:00
Thursday	12:00	00:00
Friday	12:00	00:00
Saturday	12:00	00:00
Sunday	12:00	00:00

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

Not applicable

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

Not applicable

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

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

Alternatively, this should be sent by post to:

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

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

If you are not able to provide the premises licence or relevant part of the premises licence, please state the reason why:

(n) Adult Entertainment and Services

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8):

Not applicable

(o) Promoting Licensing Objectives

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

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

See the statement of Shakil Islam the director of the license holder dated 3 July 2020 to be sent separately by email

b) The prevention of crime and disorder:

See the statement of Shakil Islam the director of the license holder dated 3 July 2020 to be sent separately by email

c) Public safety:

See the statement of Shakil Islam the director of the license holder dated 3 July 2020 to be sent separately by email

d) The prevention of public nuisance:

See the statement of Shakil Islam the director of the license holder dated 3 July 2020 to be sent separately by email

e) The protection of children from harm:

See the statement of Shakil Islam the director of the license holder dated 3 July 2020 to be sent separately by email

Declaration

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

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

[Public Notice of Application to Vary](#)

I have attached the premises licence or relevant part of it or an explanation: I agree

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

It is an offence, liable on summary conviction to a fine not exceeding 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 4 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature: Kaizad Cassad

Date: 03/07/2020

Capacity: Solicitor

Where the premises licence is jointly held, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity

Signature: Kaizad Cassad

Date: 03/07/2020

Capacity: Solicitor

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Correspondence Name: Cassadys Solicitors

Correspondence Address

Flat number (if any)

House number/name 5

Road name Chancery Lane

Town London

County

Post code EC4A1BL

Telephone number: 0203 772 5439

Mobile telephone number:

Email address: kaizad@cassadys.co.uk

From: Kaizad Cassad <kaizad@cassadys.co.uk>
Sent: 09 July 2020 16:49
To: Dave Leonard; Licensing
Cc: Dusk Brentwood
Subject: Dusk Brentwood Licence to Vary Clarification

Dear Mr Leonard,

Further to our earlier conversation over the phone, I write to clarify that our client will serve alcohol on the premises daily between the hours of 12.00 and 23.00 hours in the restaurant and lounge area.

No regulated entertainment would be conducted outside the premises.

Should you require further information, please do not hesitate to contact me.

Yours sincerely,

-

Kaizad Cassad
Director

Cassadys
5 Chancery Lane
London EC4A 1BL

71-75 Uxbridge Road
Ealing
London W5 5SL

Tel - 020 3772 5439
Web: www.cassadys.co.uk

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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, 29th 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

Mr Sharif Uddin
Mr Shakil Islam

Date: 15 December 2020

Contact: Dave Leonard
01277 312523

Dear Mr Uddin & Mr Islam,

WARNING LETTER

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

This letter is sent in confirmation of our conversation following a premises inspection conducted by Licensing Manager Paul Adams and myself on Friday, 4 December 2020 at 8.10pm in response to a number of complaints that the Licensing Office continues to receive relating to ***Dusk, Ongar Road, Pilgrims Hatch CM15 9SS***.

As discussed previously when you have applied for variations to your premises licence in March, July, September and November of this year, in order for you to provide any licensable activities on the premises, you are required to operate in strict compliance with **every** condition attached to the licence.

During our visit it became apparent, and you were made aware of the fact, that you are not currently compliant with Conditions 7, 9 and 10 in Annex 3 of the premises licence;

- (7) There shall be no live or recorded music shall be played in the outside (lounge) area between 12noon and 2230hrs until a noise limiting device has been installed and a noise limit agreed with Brentwood Borough Councils Environmental Health Team, such noise limit must not to be exceeded at any time.***
- (9) Customers must not be permitted to consume any alcohol on the premises other than alcohol sold or supplied under the authorisation of this licence.***
- (10) A written noise management policy which is acceptable to Brentwood Borough Council Environmental Health Team shall be put in place and adhered to.***

Furthermore, subsequent site visits to the car parking area outside Dusk on 5th, 11th & 12th December 2020, conducted in response to repeated noise nuisance complaints being received, has identified that you are not managing the dispersal of your patrons during the course of the evening effectively breaching Condition 11 in Annex 2;

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

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, the Sale by Retail of Alcohol (at a time when there is no designated supervisor in respect of it) 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, and or a further review of your licence, which may include a request for revocation.

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.

As you are aware, Brentwood is part of Essex and, at the time of our visit to your premises on Friday, 4 December 2020 we were governed by [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(High\) \(England\) Regulations 2020](#) commonly known as High or Tier 2 restrictions. In relation to the compliance with COVID Regulations and Guidance, I bring the following matters to your attention:

1. Observations of your customer base that were in areas deemed to be inside spaces under the regulations, raised questions if all the groups were in fact from the same household. In one instance a table seating four males was checked and details obtained by the police confirmed that all came from separate households. Under [The Health Protection \(Coronavirus, Restrictions\) \(Obligations of Undertakings\) \(England\) Regulations 2020](#) you are required to **take all reasonable measures** to ensure that no bookings are accepted for a group of two or more persons, where the group is to be located indoors, unless one of the exceptions applies. You are also required to **take all reasonable measures** to ensure that no persons are admitted to the premises in a group of two or more persons, where the group is to be located indoors, unless one of the exceptions applies. We would recommend that the reasonable steps to ensure compliance with the regulations may include;
 - Asking customers on booking and entry to confirm that all persons attending in their group live in the same household / from a support bubble.

- Advising customers on booking that you may ask for proof of address on entry, and to ask them to have documentation to demonstrate their address available if requested.
 - Where you have reason to think that the group may not be from the same household/support bubble, to ask to see some proof of address.
2. There is an exception under [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(High\) \(England\) Regulations 2020](#) to the requirement that “no persons are admitted to the premises in a group of two or more persons, where the group is to be located indoors”, where the gathering is reasonably necessary for work purposes. This exemption **does not** allow customers to use your premises for “work lunches” or “work meetings”. For this exemption to apply it **must be necessary** that the meeting has to take place on your premises, i.e. cannot be held anywhere else or in another way such as on a Zoom/Teams call. This exemption is intended to be for your staff to be able to have a team meeting at the start of a shift or for you to meet contractors etc. as part of your work. Any meeting that takes place under this exemption should follow the 2m social distancing between all participants, so it’s unlikely that they will all be sat at the same table and must be subject to a workplace risk assessment. While our visit to your premises did not assess every aspect of the Regulations, you do have a responsibility to ensure that you are fully compliant at all times with all aspects of them. For the latest information and guidance please visit <https://www.gov.uk/coronavirus>

The regulations do provide powers for an Enforcing Authority to take action against the responsible person for offences of non-compliance, which can be dealt with by way of a Fixed Penalty Notice, which starts at £1000 per offence and can rise to £10,000 for further offences. Essex County Council’s Director of Public Health also has powers to close premises or give other directions to premises that pose a risk to the Public Health around COVID where necessary.

I am mindful that Brentwood is about to go to Tier 3 (Very High Alert) restrictions at midnight tonight and this will have a far greater impact on your business but I hope that the advice and guidance that is provided in this letter will be taken onboard and that your premises does all it can to ensure that it is COVID secure. Any future non-compliance may attract further formal action. If you do require any further information or advice please contact us via email at licensing@brentwood.gov.uk .

Yours Sincerely,



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, 22nd July 2020 regarding a number of noise nuisance complaints the Licensing Office received on 18th 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', with a stylized flourish at the end.

Dave Leonard
Licensing Officer

**Mr Sharif Uddin
Mr Shakil Islam**

Date: 28th 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, 27th 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

DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX D

REPRESENTATIONS AGAINST *Other Persons*

Kevin & Karen Addison

Richard, Rachel, Jennifer & Toby Austin

Michael & Jemma Ballard

Michael & Shirley Ballard

Brian & Carolyn Billington

Nigel & Catherine Bourbery

Nick & Kay Hart

Lawrence Morrison

Councillor Vicky Davies

Councillor Keith Parker

Councillor Cliff Poppy

Sue West

Mr & Mrs +1, residents of Brentwood
(including supplementary statement & petition)

Mr & Mrs +3, residents of Brentwood

Mr & Mrs, residents of Brentwood

Mr & Mrs, residents of Brentwood

Mrs, resident of Brentwood

Mr & Mrs, residents of Brentwood

From: [REDACTED]
Sent: 20 April 2021 17:23
To: Dave Leonard; Paul Adams
Cc: Keith Parker; Cliff Poppy; Vicky Davies; David Carter; [REDACTED]
Subject: Comments on Dusk latest Licensing Application Ref. No: 21/00028/LAFVAL
Attachments: Licensing App Ref No 2100028LAFVAL [REDACTED] Comments 20210420.pdf

Dear Mr Leonard & Mr Adams,

Please see the attached pdf document that contains my comments in respect of Dusk Restaurant and Lounge latest licencing application request, for yours and the Licensing Sub Committee's consideration.

I would kindly appreciate acknowledgment of your receipt of these comments.

Kind Regards,



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Dear Mr Leonard & Mr Adams,

I am writing to register my formal objections to all three proposed changes that are outlined in the latest licensing application (Ref No. 21/00028/LAFVAL) from Dusk restaurant and Lounge dated 26/03/2021.

I have lived in the surrounding area around Dusk for the last 37 years. I would like to state that any restaurant business has always been welcomed by the local residents in the area, having been a very popular Chinese restaurant in the past. It has also been clearly established in the past, and again late last year (2020) by Brentwood Borough Council Environmental Health Team in all the Sub Committee Licensing Meetings held to discuss Dusk that the building, which has been standing for over 37 years, is not soundproof, and with the recent addition of a 50% open air structure to facilitate smoking, that runs along the Ongar Road, which is definitely not soundproof and allows any loud amplified music (live or recorded) along with singing through a microphone and raised patrons' voices can be clearly heard from my parents' house. The Environment Health Team also acknowledged that late at night the area that surrounds Dusk, being semi-rural unlike a town, is very quiet and that any sound made will quickly travel far and wide as there are no other large buildings nearby to absorb all the noise this establishment has been allowed to generate.

I note that Dusk are operating three very separate business streams within these premises:

- A high-end fine dining restaurant that is only taking bookings/open for three nights a week, which I understand is now due to re-open for bookings from 17/05/2021;
- An events/business conference venue that is open to host all types of events, which Dusk are currently actively advertising;
- A shisha and (now also) cigar lounge which is open every day, but appears to be closed at the moment under current Covid restrictions banning the smoking of Shisha.

According to Dusk's website all these ventures have their own separate booking process, pricing structures and procedures, where it is very clearly stated in their terms and conditions that the 'restaurant and lounge bookings need to be made separately'.

Since Dusk opened in 2019, this business has constantly caused noise and other nuisance effecting the local area and residents, some like myself have lived in the area for decades. This noise nuisance has been mainly occurring in the late evenings, late into night and into the early hours of the following morning. I have heard loud amplified music and strained singing over the sound of the television in our sitting room on numerous occasions, notably on Thursday, Friday and Saturday nights when this music appears to get louder the later in the night it gets. It is not very pleasant to hear 'chant like' music being banged out of a sound system after 22:30hrs several late nights on the trot every single weekend. During the latter half of 2020, this same loud music could be heard regularly on Tuesday nights as well. I understand that this music is being generated from a sound system/DJ station that has been installed near to the open lounge area of this establishment, with speakers fixed at various points in the open lounge area. The music is akin to what DJs play and what one would expect to hear from any London or town high street late night adult entertainment establishment; but not the type of music you would expect to hear playing in any high end Michelin star 'fine dining' restaurant.

From the 4th July 2020, when the first lockdown ended and hospitality venues re-opened, noise could be heard from Dusk's sound system every weekend for weeks during the summer months. I have even listened to music blaring out from Dusk's sound system from

outside my parent's back door at the back of their house at 18:00hrs on a Saturday evening in mid/late October 2020, the music clearly being heard over the passing traffic noise of a busy Ongar Road.

I have also had to listen to very heavily amplified music blasting from a sound system that was playing from a privately held Garage Event Dusk was 'hosting' over a Saturday afternoon and late into the night in February 2020. I confirmed that establishment 'banged' away that day/night and the entire neighbourhood had no choice but experience this Event from the comfort of their own homes.

In early December 2020, prior to the commencement of Essex's tier 3 lockdown on 16/12/2020, after the establishment had closed for the night under the Covid curfew rules, an argument by one of the patrons waiting in the dark in Dusk's car park could be clearly be heard across the open fields and deserted roadway. The patron was clearly, in my view, heavily under the influence of alcohol and in need of 'a substantial meal'. The argument was not very pleasant and was full a very crude language. The noise they were generating was clearly traveling over the surrounding silent area. As this individual clearly could not walk anywhere as Dusk is about 4 miles from Brentwood High Street, there are no shops, train station or taxi rank nearby they had to wait in the dark to be picked up. The very vocal one sided 'argument' went on for a few minutes and it was very clear to me that no one from within the now closed establishment was managing the ongoing situation. I could also hear the empty glass bottles being binned outside, someone was there clearing up. It is fair to say, sucking on a lollipop would not have stopped this departing patron's outburst. It is very concerning that departing patrons, who are not legally fit to drive and do not have ready means to immediately leave, have to wait for taxis outside this establishment in the dark, often for quite a considerable amount of time given Dusk's location in middle of the countryside with no other shops or food outlets open nearby. The stretch of Ongar Road outside Dusk is not lit so walking back to Brentwood is not really advisable.

Allowing every patron to bring in one bottle of either wine or spirits to consume on the premises is not a very wise option, given that the booking period for a table in the shisha lounge is two hours only. This gives rise to rapid intoxication resulting in nuisance and anti-social behaviour

All calls to Dusk to complain about noise and any other issues have been met with open hostility from the establishment. I witnessed a very concerning call, where my mother phoned to ask for a very flimsy advertising banner, which had been tied between two trees adjacent to Ongar Road to be repositioned, **(not removed)**, as any drivers passing were distracted by this banner flapping in the wind and took their eyes off this very busy and quite dangerous stretch of road to look at it. When my mother phoned to politely explain why this sign needed to be immediately repositioned, the gentleman from Dusk was very rude to her accusing her of being 'like other local residents, who are just trying ruin my business' and then quickly stating that 'I can do what I like on my own property', it took my mother a further 10 minutes to explain why this was a road safety issue and she was not trying to ruin his business before he agreed to move the sign in two days when he had staff available. I was shocked and staggered by the level of aggression. It seemed to me that this gentleman showed no concern for the safety of others; completely failing or refusing to understand my mother's concern about the positioning of this sign and the potential danger it posed to road users. I advised my mother never to phone/engage with this establishment directly again.

The changes to Dusk's license that were brought in by 11/11/2020, 23/11/2020 Licensing Sub Committees respectively, and Mr Adams's decision to reject a further application on 18/12/2020 covering bring your own alcohol, were all in response to a catalogue of issues, complaints of persistent noise nuisance and anti-social behaviour emanating from Dusk and their departing patrons. Only the UK Government Covid Nationwide/Tier 3 lockdowns has completely stopped this establishment causing such nuisance as Dusk has been operating three take away food offerings (Indian, Chinese and Peri Peri Chicken) only during this lockdown period. As far as I am aware these take away services have not generated any nuisance complaints.

If these restrictions are taken off then the entire neighbourhood would be again be blighted by the previous well documented misconduct emanating from this establishment and some of its patrons. Offering adults a lollipop to suck while departing these premises, is quite frankly feeble and will not prevent antisocial behaviour occurring.

It is very clear that this establishment is offering more than a 'fine dining' restaurant experience and it is these other ventures that are the ones that are causing the persistent noise and anti-social behaviour nuisance.

I attach a recent screenshot of their most recent 'duskloungeessex' open access social media page which has been dated and time stamped accordingly for your information and awareness as an example of this establishment's current online advertising for their Lounge business.

11:37



instagram.com

Instagram

Log In

Open App



duskloungeessex • Follow

DUSK Lounge Essex



86 likes

duskloungeessex #tbt ❤️

#nightsatdusk 🎉

#wewillsoonbeback

#wemissyoudusk #goawaycovid

#whenwewererefreetomingle 🎉

#goodvibesonly #goodtimes

.

👉 Tag your friends. 👈

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.

#wednesdaymotivation #londonrestaurant

#londonvibes #londonnightout

#londonfoodies #foodstagram

#greatrestaurants #londoncitylife

#londonrestaurants #Londonshisha

#nightoutwithfriends #girlsnightout

#shishavibes #goodvibes #shishatime

#shishalounge #shishalove #shishalife

#shishalovers #shishagram #shishalondon

#ladiesofdusk

allanshugz Chicks fest 🔥🔥🔥😄😄😄

7 DAYS AGO

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Apr 15, 2021, 11:37 am



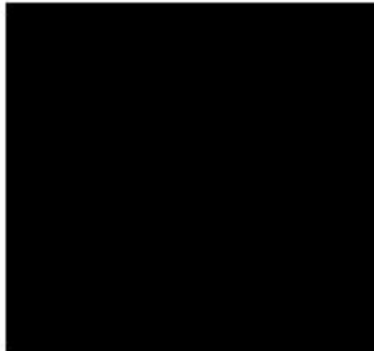
duskloungeessex

Open App



I appreciate if you kindly submit my comments into the Licensing Sub Committee for their consideration.

Kind Regards,



From: [REDACTED]
Sent: 03 April 2021 14:17
To: Dave Leonard
Cc: Paul Adams; Keith Parker; Cliff Poppy; Vicky Davies; Enquiries
Subject: Dusk, Ongar Road, Brentwood, Essex CM15 9SS - Licensing Application
Reference Number: 21/00028/LAFVAL
Attachments: [REDACTED]

Mr David Leonard
Licensing Department
Brentwood Borough Council

3 April 2021

Dear Mr Leonard,

**Dusk, Ongar Road, Brentwood, Essex CM15 9SS - Licensing Application Reference Number:
21/00028/LAFVAL**

It has come to our attention that the proprietors of the above named premises are once again seeking to vary the terms of the licence granted to them on 23 November 2020 at a Full Licence Review, following various hearings conducted by the Licensing Sub Committee of Brentwood Borough Council.

We wish to object in the strongest terms to any changes or variations to their current licence and the conditions attached thereto.

Whenever the main premises has been open for business since 2019, especially the Lounge, open air areas, private events, and when the patrons are leaving the premises, be it day or night, we have been subjected to appalling noise nuisance from loud music and raucous behaviour on the part of some patrons, including obscenities and littering, (broken and discarded glass and plastic alcohol bottles). This behaviour has contravened all objectives of the Licensing Act 2003:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm;

The proprietors continued to ignore repeated requests to reduce the noise nuisance and prevent anti-social behaviour on the part of their patrons. In fact they have treated all our complaints with open hostility to the point that we no longer communicate with them directly and we have come to rely on the intervention of the Officers of Brentwood Borough Council, the local Councillors and the decisions taken by the Licensing Sub Committee listed below:

- 11 November 2020: The Licensing Sub Committee approved an application from the proprietors of Dusk to sell alcohol at the premises. The Sub Committee granted the application to sell alcohol so that the amount of alcohol consumed could be appropriately controlled. At this meeting Dusk's legal representative also asked for permission for their patrons to bring their own alcohol as well, which was rejected.
- 23 November 2020: This Full License Review, which I requested, the Licencing Sub Committee felt 'that imposing conditions to curb noise emanating from the premises was an appropriate and proportionate action in order to promote the prevention of public nuisance which on the basis of the representations, Members determined was occurring.' And approved the measures:
 - No live or recordable music to be played in the outside (lounge) area after 22:30hrs. **Current Condition 5 on Annex 3.**
 - No live or recorded music to be played in the outside (lounge) area between 12:00hrs and 22:30hrs until an automatic noise limiting device has been installed and a noise limit agreed with Brentwood Borough Council's Environmental Health Team, such noise limit must not be exceeded at any time. **Current Condition 7 of Annex 3.**
 - A written noise management policy which was acceptable to Brentwood Borough Council's Environmental Health Team be put in place and adhered to.
- 18 December 2020: Mr David Leonard published the Licensing Manager's rejection of a further application from the Proprietors of Dusk to allow their patrons to bring their own alcohol, alongside their current licence to sell alcohol. Clearly stating in his ruling: **'that there is no provision for appealing this decision, and the applicant may want to apply for a full variation if they wish to progress this matter further. If further representation is received to a full variation then the application would then be referred to a licensing hearing for determination.'**

In conclusion, we would like to point out that during the period 23 November 2020 until commencement of Essex Tier 3/UK Lockdown (16 / 20 December 2020), the noise nuisance emanating from Dusk continued.

- To suggest that their patrons' noise can be prevented by the supply of lollipops to stop their mouths is quite frankly silly.
- Dusk's legal representative advised the Licencing Sub Committee (held on 23 November 2020) that the 'Unique Selling Point' for this business is the (Shisha) Lounge; not the Restaurant nor the Events venue. In their application the Proprietors have stated that the trained licenced door staff and DPS will ensure that the 'dining experience' is safely policed, there is no mention of the Lounge and Events businesses.
- There are young children living in very close proximity to Dusk. Their sleep has been repeatedly disturbed and their young ears and minds have been assaulted by foul language and noise nuisance on a regular basis.
- **It is imperative that all the conditions currently attached to Dusk's licence be retained and enforced.**

Would you kindly ensure that the above comments are placed before the Licensing Sub Committee for their consideration in determining this application.



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From: Licensing
Sent: 06 April 2021 08:58
To: Dave Leonard
Subject: FW:
Attachments: Dusk application [REDACTED]

Dominika Jaskolska | Admin Assistant, Brentwood Borough Council T 01277 312510 |
www.brentwood.gov.uk | Dominika.jaskolska@brentwood.gov.uk

-----Original Message-----

From: [REDACTED]
Sent: 04 April 2021 01:22
To: Licensing <licensing@brentwood.gov.uk>
Subject:

Good evening Mr Leonard,

Please find attached an opposition to Dusk's variations from our family.

[REDACTED]

Of [REDACTED]

Please let me know if you wish the attached to be sent to you four times or whether the one letter with our names on is enough for four objections. Please also note we do not wish our names and address to be in the public domain.

Thank you again for informing us.

Stay well.

[REDACTED]

[Coronavirus Message - Hands Face Space - Fresh Air.]<<https://www.gov.uk/coronavirus>>

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From: [REDACTED]
Sent: 06 April 2021 14:35
To: Dave Leonard
Subject: DUSK appln to vary - [REDACTED] Rep 06APR21

Mr David Leonard
Licensing Department Brentwood Borough Council
6 April 2021

Dear Mr Leonard,
Dusk, Ongar Road, Brentwood, Essex CM15 9SS - Licensing Application Reference Number:
21/00028/LAFVAL

Thank you for your email outlining that the above named premises are applying for variations of the licence granted to them on 23 November 2020 at a Full Licence Review, which was itself subsequent to many meetings and hearings over the last couple of years under the Licensing Sub Committee of Brentwood Borough Council.

We feel that the last licence granted and indeed were informed by the Council subsequently that this would be the last, and as such we were satisfied that the Committee had listened to both sides and had come to a sensible conclusion, to support the business and residents alike.

We firmly object to any suggested changes to the variation of the current licence granted.

We have previously sent much video evidence, all date stamped and prior to the granted of the Premises license. We have also sent the many crime reference numbers when we have reported it to the police on numerous occasions. Listening and witnessing girls barely able to stand (in fact some lying on the ground) shouting their heads off swearing uncontrollably, listening to arguments, to loud music (whereby the music dj was inside but music piped through speakers outside to get around the council rules on no live music outside) was truly and utterly unbearable. Notwithstanding, the screeching of cars around the car park, the discarded glass and plastic bottles, which were frequently slung over our fence. We regularly had to go around our perimeter collecting empty bottles that had been slung over. Whilst we could not prove it was from Dusk, it had never previously happened and has subsequently since it has been closed due to covid happened, but frankly people who have taken their own alcohol and are drunk don't really take empty bottles home with them.

Our already traumatised children and ourselves (one of us a teacher, two keyworkers, who also do community work) were left sleep deprived and stressed and worried about when it will all end. I note that Dusk say they are protecting children from harm by saying they adapt the look under 25 policy. They are not thinking of the many children aged 4-16 that live in the immediate vicinity whatsoever, again they evidence here they are only thinking of the patrons. I know several eighteen year olds that go there and not one has been asked for any form of ID ever. Indeed one nearby resident has not complained because his son says "its the only place I can get to and get served without being questioned" and he doesn't want

[REDACTED]
to go against his son, so the suggestion that they ask under 25s for ID is simply very untrue. I read a suggestion regarding handing out lollipops to those leaving, yet at the same time they propose that people can take one bottle of alcohol each! A bottle of spirit or wine is an incredible amount for one person to drink whilst having a fine dining meal with background music. A bottle of spirit could kill someone.

With the sheer number of alcohol consumption referrals in this current period, are the council really wanting to encourage people to drink a bottle of vodka/gin whatever when they go for a meal? A

substantial meal to be encouraged - but not necessary. We know from previous photos that substantial meal can include a portion of chips... but that Dusk will then allow that person to consume a bottle of spirit. Sizing of bottles? There is simply absolutely no control whatsoever.

Hence why the Council granted the licence and indeed as yourself and David Carter both said that it will be easier to monitor and action should they break their conditions. As yet, no-one has knocked at the door to discuss the noise limiters.

This behaviour has contravened all objectives of the Licensing Act 2003:

• • • •

Without exception, not once have the proprietors apologised for any noise. We are in fact scared of them, hence why none of us will give our addresses for fear of retribution. We have had cars drive past slowly coming from the car park, stopping outside our premises. We have had people jump the fence into our alpaca field in the past.

The golf club have retarmaced their side of the car park. Dusk did not wish to contribute and have theirs done. We have spoken with the golf club, being members. They have put white car park spaces down and Dusk are not allowed to use them. Thus Dusk's own parking is limited. This creates limited turning space for cars and alongside extremely drunk and disorderly patrons now wandering around a car park. I reported to the police a long time ago, I left my home to collect my daughter one evening. A person walked straight in front of my car from the side of Dusk. They leant on the bonnet swearing away absolutely hammered. I beeped my horn loudly. A car overtook me. The person was holding their bottle of drink still. As they swaggered off the car I could drive round and continue my journey. I reported to the police as felt the person could get run over. Now this was one man, this is what will happen with tons of people each consuming one bottle of drink and Dusk really do not monitor it whatsoever despite what they have said in the past and as witnessed by Councillors visiting the premises.

We are extremely thankful for the Council support. In particular, yourself and David Carter, alongside Vicky Davies have really been very empathetic and we hope that your continued support and sensibility prevails. To clarify:

the prevention of crime and disorder; public safety;

the prevention of public nuisance; the protection of children from harm;

- 11 November 2020: The Licensing Sub Committee approved an application from the proprietors of Dusk to sell alcohol at the premises. This was granted so that the alcohol consumption could be monitored. Indeed at this meeting Dusk were not satisfied with that and we heard that they wish for people to bring their own alcohol as well! This in itself would create even further noise, as all the pubs in Brentwood close and people would make their way there. Thankfully, The Sub Committee saw much sense in the opposition to this and denied the request.

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23 November 2020: This Full License Review, the Licencing Sub Committee felt 'that imposing conditions to curb noise emanating from the premises was an appropriate and proportionate action in order to promote the prevention of public nuisance which on the basis of the representations, Members determined was occurring.' And approved the measures:

- o Noliveorrecordablemusic to be played in the outside (lounge) area after 22:30hrs. Current Condition 5 on Annex 3.

- o Noliveorrecordedmusic to be played in the outside (lounge) area between 12:00hrs and 22:30hrs until an automatic noise limiting device has been installed and a noise limit agreed with Brentwood Borough Council's Environmental Health Team, such noise limit must not be exceeded at any time. Current Condition 7 of Annex 3.

- o A written noise management policy which was acceptable to Brentwood Borough Council's Environmental Health Team be put in place and adhered to.

o

18 December 2020: Mr David Leonard published the Licensing Manager's rejection of a further application from the Proprietors of Dusk to allow their patrons to bring their own alcohol, alongside their current licence to sell alcohol. Clearly stating in his ruling: 'that there is no provision for appealing this decision, and the applicant may want to apply for a full variation if they wish to progress this matter further. If further representation is received to a full variation then the application would then be referred to a licensing hearing for determination.'

I am still struggling to understand that the Dusk experience is meant to be a fine dining restaurant with background music, which must have a noise limitation package in place prior to any music being played whereby that music travels to the outdoor area. As such until someone has come in and knocked and heard the music from here very late at night then no music can be played.

How are Dusk stopping patrons from entering golf club car park spaces which are the other side of our boundary? Are they erecting a fence? Have they done as suggested two years ago that they put some form of screen up, or car park barrier? No when the golf club asked they refused. Equally, they have refused to pay their share contribution to pay for recent repair of the alarm at the entrance. Thus the golf club had to pay. My husband is a part owner of the club.

We have always supported a fine dining experience similar to Alec's, but also to pubs such as the Nags Head, whereby patrons go for a meal, have a chat in the garden, but neither have any music whatsoever playing outside. Whilst we would like no music whatsoever, we appreciate and have come to an agreement with the Sub Licensing Committee that music

•

can be played as background music after the installation of a noise management policy. This has not happened as yet.

Having checked with two family friends, who run pubs, we understand that currently when Dusk open they cannot sell alcohol unless they have a licensee, but also cannot let people bring their own, so currently as they have no licensee, then no alcohol whatsoever can be on the premises.

We understand from yourself that the Licensing Sub Committee will be informed of all comments prior to decision, but we really strongly oppose the variations. As said many times before, this is affecting all the immediate surrounding residential properties of which there are sixteen minimum that hear the music loudly, notwithstanding those that hear it occasionally.

People are so fed up with the constant changes, with the constant disregard for any rules placed on them when they had to bring your own. When we used to ring them they used to say "our patrons don't think it's loud" and slam the phone down. Indeed when you have visited with David Carter and one of you stood in the car park and could clearly hear the noise, as soon as one of you went to the premises, they turned it down as knew you were there.

I fail to see how lollipops, when someone has drunk a bottle of vodka is either alive or sucking quietly on a lollipop so they don't make noise. How absolutely ridiculous and how lack of regard for the general health of their patrons they have. To encourage people to drink as much as they can in a bottle of spirit is absolutely disgusting and I hope that the council do not support such behaviour.

Would you kindly ensure that the above comments are placed before the Licensing Sub Committee for their consideration in determining this application. Shisha in itself is extremely unhealthy, a shish pipe the equivalent to 80 cigarettes. Add bring your own alcohol to this and you have an absolutely recipe for disaster. Shisha bars are being closed down up and down the country due to the lack of respect for the rules by the proprietors. Evidence is all on google. In an ideal world we seek that the experience next door is what they say, a fine dining restaurant with gentle background music, indeed the initial application said a harpist!! I don't support a shisha bar whatsoever due to the dangers of smoking the pipes. However, we do support the fine dining with the current licence. Surely the council cannot add to

the dangers of shisha smoking, that people can bring their own bottle of alcohol. Vodka can be 40-50 per cent pure alcohol. That is enough to kill you. I doubt very much the council supports that, but we find ourselves in this situation whereby Dusk are asking for permission for that to be consumed on their premises.

Your body processes one unit of alcohol an hour. Drinking a bottle in a short space of time slows brain function so you lose count of how much you are drinking and your sense of balance suffers, irritates the stomach to cause vomiting which you can choke on as the vomit gets into your lungs, affect nerves that control breathing and can stop your heartbeat and breathing, dehydrates you to cause permanent brain damage, lowers temperature which can cause hypothermia, lower blood sugars so leads to seizures... This is what Dusk are asking for, but are saying "bring your own". At no point in the past when it was bring your own did they stop people drinking witnessed by the noise, the very drunk people in the car park and the ambulances that have been there in the past when people have become unwell.

[REDACTED]

Thus four of us opposing.

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From: [REDACTED]
Sent: 20 April 2021 21:26
To: Dave Leonard
Subject: URGENT

[REDACTED]
Mr David Leonard

Licensing Department
Brentwood Borough Council

20th April 2021

Dear Mr Leonard,

Dusk, Ongar Road, Brentwood, Essex CM15 9SS - Licensing Application Reference Number: 21/00028/LAFVAL

Thank you for informing our household of the application as above. I haven't sent in my objections separately before as despite going backwards and forwards, it seemed that this was all agreed upon. However, we now find ourselves in the position whereby the proprietors, despite saying they wish to work alongside the many neighbouring properties, are indeed wishing to go back to a kind of square one.

I firmly object to any suggested changes to the variation of the current licence granted.

Being in my early twenties, I am aware of the venue and the fact that it's a very predominantly "young" place to visit. At the same time I am very aware of the extreme health risks associated with smoking a shish pipe. One pipe equivalent to 100 cigarettes as quoted by British Heart Foundation, 80 cigarettes World Health Organisation. Despite this, and the fact the venue has many neighbouring properties, Brentwood Council allowed this type of venue to open in a residential area.

I hope now that Brentwood Council in particular the Licensing Committee, sees sense that a Bring Your Own Alcohol venue, with late opening hours, is not acceptable. Nor so are any of the other variations Dusk seeks.

They are advertising through much media marketing that they will be offering Prom Packages this year, alongside wedding packages. This is extremely irresponsible, beyond a doubt. All the prom places such as Stock Brook, Orsett Hall etc are all licensed premises and as such when 150-300 children turn up for their prom, they have pre drunk and are not in receipt of alcohol at the premises. The law states that if accompanied by an adult a child can have wine or beer. Now having been to these proms, children frequently pour vodka into Evian bottles for after parties. Dusk have absolutely no way of controlling how much drink is taken in. Girls hide it in their bras etc and it also goes into Capri Sun drinks as they fit into handbags easily. So you now have 150-300 people each having drinks. Secondly Dusk say they have use of the extensive grounds (wonder if golf club are aware) for "photos". This is fantastic for the children! They will now be able to walk around a golf course completely drunk taking photos with their phones. Dusk again cannot control this whatsoever as they cannot control the very few patrons they received when they are open at the current time, admitted by themselves at last meeting when they said they encourage people to leave quietly but they cannot control people's actions. Thus how can they control 150-300 kids. Lets just add in that this is by a very busy road A128 which is busy night and day.

This would be beyond irresponsible of the council to grant the bring your own. Lets now add in that the venue closes later than the high street pubs. This is a magnet for trouble waiting to happen as the venues close and people descend on Dusk as happened previously at the venue.

The proprietors when first opened said the venue was fine dining. Fine dining does not have loud music, extended hours and advertise for Proms and wedding parties, again with wedding parties saying use of extensive outside grounds for photos. Either its false advertising or Dusk are not telling the truth as they do not have extensive grounds there as far as we are aware. The venue also put up a sign saying they wished the live music for a Harpist or a guitarist when they first opened. At no point prior to this did they say they wanted a DJ with loud music most nights of the week.

Again I am a young person, fully aware of the reputation Dusk has amongst my age group, and it is not fine dining whatsoever. Its a place where the young can get in, have a smoke and get drunk. If they wanted fine dining, perhaps they should visit Alec's, Felix and other fine dining restaurants as they seem to have misunderstood the meaning of fine dining.

The outside area which we assumed was for a few guests to smoke a cigarette is the main attraction for the young to their venue.

With the Government saying a substantial meal is now not needed nor a curfew, this venue seriously needs to keep its current licensing as agreed and finalised at the last meeting which I was privy to watch alongside my family.

I truly hope that the licensing committee sees sense and the Board don't agree with Dusks latest requests that are challenging the committee's last decisions. Giving lollipops to 150-300 children when they leave a prom will not keep them quiet. The fact that Dusk thinks it will is laughable and confirms also that they are not thinking of child safety. Indeed, Dusk have also mentioned that they are keeping child safety and children free from harm, by offering these lollipops and doing the 'Thing 25' policy. Again this confirms they are not thinking of the 15 plus children aged 0-16 that live within the area that can hear the noise disturbing their sleep, thus not thinking of neighbours and certainly not thinking of children within the immediate area.

Please reject the current variations to the existing licence, you are ruining a beautiful countryside village.

Kind regards.



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From: [REDACTED]
Sent: 20 April 2021 17:26
To: Dave Leonard
Cc: [REDACTED]
Subject: Licensing application ref. 21/00028/LAFVAL re. Dusk restaurant, Ongar Road, Brentwood CM15 9SS (amended to show correct application number)

Good afternoon,

I am contacting you to register objections to licence change proposals by the proprietors of Dusk restaurant, which I understand will soon be reviewed.

My wife and I have lived in [REDACTED] for many years and have seen the comings and goings of various enterprises on the site during that time.

Our objections are focussed on point 3 of the current application - the proposal to remove restrictions on live or recorded music being played in the outside (lounge) area after 22.30hrs, our reason being that Frog Street and the surrounding area is a quiet residential location that would be greatly affected by any such noise as would inevitably be generated were such proposals to be allowed.

There are no other commercial enterprises in the area and certainly none that generate noise pollution during evenings and early morning hours, as the approval of this application would certainly cause.

Points 1 & 2 of the application seem odd and illogical from a business point of view, especially as the proprietors have previously petitioned to be allowed the very conditions they now seek to revoke. No doubt they have their own reasons, but one cannot help but be suspicious of the motives.

To summarise our objections ... Noise pollution in a quiet residential area allowed solely because a commercial enterprise wishes to generate profit cannot be right. The rights of residents, taxpayers and voters surely must take precedence.

I hope you will register and take note of our objection.

Kind regards,

[REDACTED]

[REDACTED] for reference

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From: [REDACTED]
Sent: 20 April 2021 16:05
To: Dave Leonard
Subject: Application ref 21/00028/LAFVAL

Importance: High

[REDACTED]

Mr Leonard

I write to you with great concern as a direct neighbour of 'Dusk', the last 2 years has seen unacceptable public behaviour in the conduct of their business, and to hear they now want to loosen the terms of their business which will allow more noise and disruption only fills me with horror.

'removal of licence to sell alcohol' – why do they want this removed and after asking and getting permission ? please can they explain why ? surely with own license they can monitor the age of drinkers (who I hear and know for a fact, are under age) ?

creates – yet more noise / drunk and disorderly behaviour – why would anyone on the board of approval tick this box ?

condition 5 if annex 3 suggests to remove the clause to state ' no live or recorded music be played in the outside area after 2230 ', that must be a joke right?
They have caused us nothing but aggravation when playing loud music after 10pm – people chanting , girls screaming as well as in the car park after hours

they are meant to have 2 doormen to control the patrons – they rarely ever have 1 , patrons are meant to be shown to their cars or taxis – that was the original terms of the deal – they are never done so.

shisha smoking is proven by the ' world wide health org' to be very harmful , more so than cigarettes – why do I want this on my doorstep and why do we want to put an additional burden on the NHS
World health are a better reference than me but must surely be listened to by all considering this ludicrous business request.

THIS BUSINESS IS RUN WITH UTTER DISREGARD FOR THE LOCAL NEIGHBOURS – IT IS A SET UP THAT MIGHT BE GOOD FOR THE WEST END UNDER 'WC1' POSTCODE OF LONDON BUT UNDER NO CIRCUMSTANCES FOR 'CM15' – IT IS COMPLETELY INAPPROPRIATE ON EVERY LEVEL – PLEASE MAKE SURE IT IS OPERATED IN A PROPER WAY THAT SUITS A SEMI RURAL LOCATION

dusk can enjoy operating a high end restaurant but this is not the area for a night club – please, please, please do not let this happen

let's not waste yet more time on this, either close the business or allow them some sensible guidelines and operating times to suit all local residents and allow them to build a high end restaurant

thankyou Mr Leonard



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From: [REDACTED]
Sent: 21 April 2021 09:01
To: Dave Leonard
Subject: Application 21/00028/AFVAL. Licensing DUSK

Dear Sir

I wish to object completely against the three Application details

1. To remove the licensable activity to allow the sale of alcohol
2. To remove Condition 9 of Annex 3 etc
3. To remove Condition 5 of Annex 3 of the license

We have lived in the semi rural village of Kelvedon hatch for 35 years, and that is what it should remain, and living within 300m of DUSK , we will be in audio range of any live or recorded music if this is allowed. Initially DUSK was a restaurant not a "night club" and this should not alter.

DUNE was given an acceptable license to commence their project and should not be allowed to change these conditions. It was created as a non Alcohol establishment and therefore this Condition should not be changed.

We hope that the views of residents in very close proximity of DUSK will be recognised rather than the no doubt profit making Application of DUSK, we listen to and enjoy the sounds, sights and delights of the countryside , and do not wish to hear loud music each evening and the concerns we have of alcohol consuming visitors driving on our local roads.

Thank you for your attention

[REDACTED]
[REDACTED]

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From: [REDACTED]
Sent: 12 April 2021 12:39
To: Dave Leonard
Subject: Dusk restaurant

Dear Mr Leonard,

I write to state my strong objection to the proposed variations to the current licence as below:

DUSK, ONGAR ROAD, PILGRIMS HATCH [CM15 9SS](#)

The applicant is seeking to remove the following from the premises licence:

- 1. To remove the licensable activity of allowing the sale of alcohol.**
- 2. To remove Condition 9 of Annex 3 of the license: "Customers must not be permitted to consume any alcohol other than alcohol sold or supplied under the authorisation of this license."**
- 3. To remove Condition 5 of Annex 3 of the license: "That no live or recorded music shall be played in the outside (lounge) area after 22.30."**

In all other respects the licence remains the same.

Reference: [21/00028/LAFVAL](#)

I object to any change to items 1 and 2, Dusk applied and were granted the license to sell alcohol and removed the bring your own option, this in my opinion is far more suitable and permits the license holder more ability to control consumption which in turn reduces the risk of people consuming too much then causing a disturbance outside when leaving.

I also very strongly object to any change to item 3 as music played outside beyond 10.30pm is unacceptable as causes a nuisance to surrounding neighbours with us having to sleep with windows closed and at times ear plugs in which is not acceptable when [REDACTED] that can cry out distressed at night needing reassurance and comfort.

Kind Regards
[REDACTED]

[REDACTED]



Sent from my iPad

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From: Licensing
Sent: 12 April 2021 08:55
To: Dave Leonard
Subject: [REDACTED]
Attachments: Dusk application [REDACTED]

Dominika Jaskolska | Admin Assistant, Brentwood Borough Council
T 01277 312510 | www.brentwood.gov.uk | Dominika.jaskolska@brentwood.gov.uk

From: [REDACTED]
Sent: 09 April 2021 18:33
To: Licensing <licensing@brentwood.gov.uk>
Subject: Dusk application [REDACTED]

Hi,

Please see attached my letter of opposition to Dusk.

Thanks,
[REDACTED]

[Coronavirus Message - Hands Face Space - Fresh Air.]<<https://www.gov.uk/coronavirus>>

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From: [REDACTED]
Sent: 06 April 2021 14:35
To: Dave Leonard
Subject: DUSK appln to vary - [REDACTED] Rep 06APR21

Mr David Leonard
Licensing Department Brentwood Borough Council
6 April 2021

Dear Mr Leonard,

Dusk, Ongar Road, Brentwood, Essex CM15 9SS - Licensing Application Reference Number: 21/00028/LAFVAL

Thank you for your email outlining that the above named premises are applying for variations of the licence granted to them on 23 November 2020 at a Full Licence Review, which was itself subsequent to many meetings and hearings over the last couple of years under the Licensing Sub Committee of Brentwood Borough Council.

We feel that the last licence granted and indeed were informed by the Council subsequently that this would be the last, and as such we were satisfied that the Committee had listened to both sides and had come to a sensible conclusion, to support the business and residents alike.

We firmly object to any suggested changes to the variation of the current licence granted.

We have previously sent much video evidence, all date stamped and prior to the granted of the Premises license. We have also sent the many crime reference numbers when we have reported it to the police on numerous occasions. Listening and witnessing girls barely able to stand (in fact some lying on the ground) shouting their heads off swearing uncontrollably, listening to arguments, to loud music (whereby the music dj was inside but music piped through speakers outside to get around the council rules on no live music outside) was truly and utterly unbearable. Notwithstanding, the screeching of cars around the car park, the discarded glass and plastic bottles, which were frequently slung over our fence. We regularly had to go around our perimeter collecting empty bottles that had been slung over. Whilst we could not prove it was from Dusk, it had never previously happened and has subsequently since it has been closed due to covid happened, but frankly people who have taken their own alcohol and are drunk don't really take empty bottles home with them.

Our already traumatised children and ourselves (one of us a teacher, two keyworkers, who also do community work) were left sleep deprived and stressed and worried about when it will all end. I note that Dusk say they are protecting children from harm by saying they adapt the look under 25 policy. They are not thinking of the many children aged 4-16 that live in the immediate vicinity whatsoever, again they evidence here they are only thinking of the patrons. I know several eighteen year olds that go there and not one has been asked for any form of ID ever. Indeed one nearby resident has not complained because his son says "its the only place I can get to and get served without being questioned" and he doesn't want

[REDACTED]
to go against his son, so the suggestion that they ask under 25s for ID is simply very untrue. I read a suggestion regarding handing out lollipops to those leaving, yet at the same time they propose that people can take one bottle of alcohol each! A bottle of spirit or wine is an incredible amount for one person to drink whilst having a fine dining meal with background music. A bottle of spirit could kill someone.

With the sheer number of alcohol consumption referrals in this current period, are the council really wanting to encourage people to drink a bottle of vodka/gin whatever when they go for a meal? A

substantial meal to be encouraged - but not necessary. We know from previous photos that substantial meal can include a portion of chips... but that Dusk will then allow that person to consume a bottle of spirit. Sizing of bottles? There is simply absolutely no control whatsoever.

Hence why the Council granted the licence and indeed as yourself and David Carter both said that it will be easier to monitor and action should they break their conditions. As yet, no-one has knocked at the door to discuss the noise limiters.

This behaviour has contravened all objectives of the Licensing Act 2003:

• • • •

Without exception, not once have the proprietors apologised for any noise. We are in fact scared of them, hence why none of us will give our addresses for fear of retribution. We have had cars drive past slowly coming from the car park, stopping outside our premises. We have had people jump the fence into our alpaca field in the past.

The golf club have retarmaced their side of the car park. Dusk did not wish to contribute and have theirs done. We have spoken with the golf club, being members. They have put white car park spaces down and Dusk are not allowed to use them. Thus Dusk's own parking is limited. This creates limited turning space for cars and alongside extremely drunk and disorderly patrons now wandering around a car park. I reported to the police a long time ago, I left my home to collect my daughter one evening. A person walked straight in front of my car from the side of Dusk. They leant on the bonnet swearing away absolutely hammered. I beeped my horn loudly. A car overtook me. The person was holding their bottle of drink still. As they swaggered off the car I could drive round and continue my journey. I reported to the police as felt the person could get run over. Now this was one man, this is what will happen with tons of people each consuming one bottle of drink and Dusk really do not monitor it whatsoever despite what they have said in the past and as witnessed by Councillors visiting the premises.

We are extremely thankful for the Council support. In particular, yourself and David Carter, alongside Vicky Davies have really been very empathetic and we hope that your continued support and sensibility prevails. To clarify:

the prevention of crime and disorder; public safety;

the prevention of public nuisance; the protection of children from harm;

- 11 November 2020: The Licensing Sub Committee approved an application from the proprietors of Dusk to sell alcohol at the premises. This was granted so that the alcohol consumption could be monitored. Indeed at this meeting Dusk were not satisfied with that and we heard that they wish for people to bring their own alcohol as well! This in itself would create even further noise, as all the pubs in Brentwood close and people would make their way there. Thankfully, The Sub Committee saw much sense in the opposition to this and denied the request.

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23 November 2020: This Full License Review, the Licencing Sub Committee felt 'that imposing conditions to curb noise emanating from the premises was an appropriate and proportionate action in order to promote the prevention of public nuisance which on the basis of the representations, Members determined was occurring.' And approved the measures:

- o Noliveorrecordablemusic to be played in the outside (lounge) area after 22:30hrs. Current Condition 5 on Annex 3.

- o Noliveorrecordedmusic to be played in the outside (lounge) area between 12:00hrs and 22:30hrs until an automatic noise limiting device has been installed and a noise limit agreed with Brentwood Borough Council's Environmental Health Team, such noise limit must not be exceeded at any time. Current Condition 7 of Annex 3.

- o A written noise management policy which was acceptable to Brentwood Borough Council's Environmental Health Team be put in place and adhered to.

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18 December 2020: Mr David Leonard published the Licensing Manager's rejection of a further application from the Proprietors of Dusk to allow their patrons to bring their own alcohol, alongside their current licence to sell alcohol. Clearly stating in his ruling: 'that there is no provision for appealing this decision, and the applicant may want to apply for a full variation if they wish to progress this matter further. If further representation is received to a full variation then the application would then be referred to a licensing hearing for determination.'

I am still struggling to understand that the Dusk experience is meant to be a fine dining restaurant with background music, which must have a noise limitation package in place prior to any music being played whereby that music travels to the outdoor area. As such until someone has come in and knocked and heard the music from here very late at night then no music can be played.

How are Dusk stopping patrons from entering golf club car park spaces which are the other side of our boundary? Are they erecting a fence? Have they done as suggested two years ago that they put some form of screen up, or car park barrier? No when the golf club asked they refused. Equally, they have refused to pay their share contribution to pay for recent repair of the alarm at the entrance. Thus the golf club had to pay. My husband is a part owner of the club.

We have always supported a fine dining experience similar to Alec's, but also to pubs such as the Nags Head, whereby patrons go for a meal, have a chat in the garden, but neither have any music whatsoever playing outside. Whilst we would like no music whatsoever, we appreciate and have come to an agreement with the Sub Licensing Committee that music

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can be played as background music after the installation of a noise management policy. This has not happened as yet.

Having checked with two family friends, who run pubs, we understand that currently when Dusk open they cannot sell alcohol unless they have a licensee, but also cannot let people bring their own, so currently as they have no licensee, then no alcohol whatsoever can be on the premises.

We understand from yourself that the Licensing Sub Committee will be informed of all comments prior to decision, but we really strongly oppose the variations. As said many times before, this is affecting all the immediate surrounding residential properties of which there are sixteen minimum that hear the music loudly, notwithstanding those that hear it occasionally.

People are so fed up with the constant changes, with the constant disregard for any rules placed on them when they had the bring your own. When we used to ring them they used to say "our patrons don't think its loud" and slam the phone down. Indeed when you have visited with David Carter and one of you stood in the car park and could clearly hear the noise, as soon as one of you went to the premises, they turned it down as knew you were there.

I fail to see how lollipops, when someone has drunk a bottle of vodka is either alive or sucking quietly on a lollipop so they don't make noise. How absolutely ridiculous and how lack of regard for the general health of their patrons they have. To encourage people to drink as much as they can in a bottle of spirit is absolutely disgusting and I hope that the council do not support such behaviour.

Would you kindly ensure that the above comments are placed before the Licensing Sub Committee for their consideration in determining this application. Shisha in itself is extremely unhealthy, a shish pipe the equivalent to 80 cigarettes. Add bring your own alcohol to this and you have an absolutely recipe for disaster. Shisha bars are being closed down up and down the country due to the lack of respect for the rules by the proprietors. Evidence is all on google. In an ideal world we seek that the experience next door is what they say, a fine dining restaurant with gentle background music, indeed the initial application said a harpist!! I don't support a shisha bar whatsoever due to the dangers of smoking the pipes. However, we do support the fine dining with the current licence. Surely the council cannot add to

the dangers of shisha smoking, that people can bring their own bottle of alcohol. Vodka can be 40-50 per cent pure alcohol. That is enough to kill you. I doubt very much the council supports that, but we find ourselves in this situation whereby Dusk are asking for permission for that to be consumed on their premises.

Your body processes one unit of alcohol an hour. Drinking a bottle in a short space of time slows brain function so you lose count of how much you are drinking and your sense of balance suffers, irritates the stomach to cause vomiting which you can choke on as the vomit gets into your lungs, affect nerves that control breathing and can stop your heartbeat and breathing, dehydrates you to cause permanent brain damage, lowers temperature which can cause hypothermia, lower blood sugars so leads to seizures... This is what Dusk are asking for, but are saying "bring your own". At no point in the past when it was bring your own did they stop people drinking witnessed by the noise, the very drunk people in the car park and the ambulances that have been there in the past when people have become unwell.

[REDACTED]

Thus four of us opposing.

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From: [REDACTED]
Sent: 17 April 2021 11:16
To: Dave Leonard
Subject: Objection letter
Attachments: Dusk application [REDACTED]

Dear Mr Leonard,

Please find attached letter as you discussed with my father [REDACTED]
raising my objection to
Licensing Application ref: 21/00028/LAFVAL.

Kind Regards.

[REDACTED]
[Coronavirus Message - Hands Face Space - Fresh
Air.]<<https://www.gov.uk/coronavirus>>

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From: [REDACTED]
Sent: 28 April 2021 12:16
To: Dave Leonard; Debra Wright
Subject: DUSK Appln to vary PL - REP [REDACTED] 17APR21

Mr David Leonard
Licensing Department Brentwood Borough Council
10th April 2021

Dear Mr Leonard,
Dusk, Ongar Road, Brentwood, Essex CM15 9SS - Licensing Application Reference Number:
21/00028/LAFVAL

Thank you for your email outlining that the above named premises are applying for variations of the licence granted to them on 23 November 2020 at a Full Licence Review, which was itself subsequent to many meetings and hearings over the last couple of years under the Licensing Sub Committee of Brentwood Borough Council.

We feel that the last licence granted and indeed were informed by the Council subsequently that this would be the last, and as such we were satisfied that the Committee had listened to both sides and had come to a sensible conclusion, to support the business and residents alike.

We firmly object to any suggested changes to the variation of the current licence granted.

We have previously sent much video evidence, all date stamped and prior to the granted of the Premises license. We have also sent the many crime reference numbers when we have reported it to the police on numerous occasions. Listening and witnessing girls barely able to stand (in fact some lying on the ground) shouting their heads off swearing uncontrollably, listening to arguments, to loud music (whereby the music dj was inside but music piped through speakers outside to get around the council rules on no live music outside) was truly and utterly unbearable. Notwithstanding, the screeching of cars around the car park, the discarded glass and plastic bottles, which were frequently slung over our fence. We regularly had to go around our perimeter collecting empty bottles that had been slung over. Whilst we could not prove it was from Dusk, it had never previously happened and has subsequently since it has been closed due to covid happened, but frankly people who have taken their own alcohol and are drunk don't really take empty bottles home with them.

Our already traumatised children and ourselves (one of us a teacher, two keyworkers, who also do community work) were left sleep deprived and stressed and worried about when it will all end. I note that Dusk say they are protecting children from harm by saying they adapt the look under 25 policy. They are not thinking of the many children aged 4-16 that live in the immediate vicinity whatsoever, again they evidence here they are only thinking of the patrons. I know several eighteen year olds that go there and not one has been asked for any form of ID ever. Indeed one nearby resident has not complained because his son says "its the only place I can get to and get served without being questioned" and he doesn't want

[REDACTED]

to go against his son, so the suggestion that they ask under 25s for ID is simply very untrue. I read a suggestion regarding handing out lollipops to those leaving, yet at the same time they propose that people can take one bottle of alcohol each! A bottle of spirit or wine is an incredible amount for one person to drink whilst having a fine dining meal with background music. A bottle of spirit could kill someone.

With the sheer number of alcohol consumption referrals in this current period, are the council really wanting to encourage people to drink a bottle of vodka/gin whatever when they go for a meal? A

substantial meal to be encouraged - but not necessary. We know from previous photos that substantial meal can include a portion of chips... but that Dusk will then allow that person to consume a bottle of spirit. Sizing of bottles? There is simply absolutely no control whatsoever.

Hence why the Council granted the licence and indeed as yourself and David Carter both said that it will be easier to monitor and action should they break their conditions. As yet, no-one has knocked at the door to discuss the noise limiters.

This behaviour has contravened all objectives of the Licensing Act 2003:

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Without exception, not once have the proprietors apologised for any noise. We are in fact scared of them, hence why none of us will give our addresses for fear of retribution. We have had cars drive past slowly coming from the car park, stopping outside our premises. We have had people jump the fence into our alpaca field in the past.

The golf club have retarmaced their side of the car park. Dusk did not wish to contribute and have theirs done. We have spoken with the golf club, being members. They have put white car park spaces down and Dusk are not allowed to use them. Thus Dusk's own parking is limited. This creates limited turning space for cars and alongside extremely drunk and disorderly patrons now wandering around a car park. I reported to the police a long time ago, I left my home to collect my daughter one evening. A person walked straight in front of my car from the side of Dusk. They leant on the bonnet swearing away absolutely hammered. I beeped my horn loudly. A car overtook me. The person was holding their bottle of drink still. As they swaggered off the car I could drive round and continue my journey. I reported to the police as felt the person could get run over. Now this was one man, this is what will happen with tons of people each consuming one bottle of drink and Dusk really do not monitor it whatsoever despite what they have said in the past and as witnessed by Councillors visiting the premises.

We are extremely thankful for the Council support. In particular, yourself and David Carter, alongside Vicky Davies have really been very empathetic and we hope that your continued support and sensibility prevails. To clarify:

the prevention of crime and disorder; public safety;

the prevention of public nuisance; the protection of children from harm;

- 11 November 2020: The Licensing Sub Committee approved an application from the proprietors of Dusk to sell alcohol at the premises. This was granted so that the alcohol consumption could be monitored. Indeed at this meeting Dusk were not satisfied with that and we heard that they wish for people to bring their own alcohol as well! This in itself would create even further noise, as all the pubs in Brentwood close and people would make their way there. Thankfully, The Sub Committee saw much sense in the opposition to this and denied the request.

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I am still struggling to understand that the Dusk experience is meant to be a fine dining restaurant with background music, which must have a noise limitation package in place prior to any music being played whereby that music travels to the outdoor area. As such until someone has come in and knocked and heard the music from here very late at night then no music can be played.

How are Dusk stopping patrons from entering golf club car park spaces which are the other side of our boundary? Are they erecting a fence? Have they done as suggested two years ago that they put some form of screen up, or car park barrier? No when the golf club asked they refused. Equally, they have refused to pay their share contribution to pay for recent repair of the alarm at the entrance. Thus the golf club had to pay. My husband is a part owner of the club.

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We understand from yourself that the Licensing Sub Committee will be informed of all comments prior to decision, but we really strongly oppose the variations. As said many times before, this is affecting all the immediate surrounding residential properties of which there are sixteen minimum that hear the music loudly, notwithstanding those that hear it occasionally.

People are so fed up with the constant changes, with the constant disregard for any rules placed on them when they had the bring your own. When we used to ring them they used to say "our patrons don't think its loud" and slam the phone down. Indeed when you have visited with David Carter and one of you stood in the car park and could clearly hear the noise, as soon as one of you went to the premises, they turned it down as knew you were there.

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Your body processes one unit of alcohol an hour. Drinking a bottle in a short space of time slows brain function so you lose count of how much you are drinking and your sense of balance suffers, irritates the stomach to cause vomiting which you can choke on as the vomit gets into your lungs, affect nerves that control breathing and can stop your heartbeat and breathing, dehydrates you to cause permanent brain damage, lowers temperature which can cause hypothermia, lower blood sugars so leads to seizures... This is what Dusk are asking for, but are saying "bring your own". At no point in the past when it was bring your own did they stop people drinking witnessed by the noise, the very drunk people in the car park and the ambulances that have been there in the past when people have become unwell.

Kind regards.



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From: [REDACTED]
Sent: 22 April 2021 09:03
To: Dave Leonard
Cc: [REDACTED]
Subject: Dusk ref: 21/00028/LAFVAL

Dear sir

It has recently been brought to our attention that "Dusk" have applied for a variation to the terms of their licence.

We have signed a local petition which expresses the concerns of our local community, we have also had a number of concerned borough candidates calling and chatting with us explaining the situation.

My wife and I would formally like to object to the application submitted by "Dusk"

We live in a quiet hamlet in [REDACTED], we are able to hear and are affected by the sounds of loud voices and music coming from outside of the premises.

Their customers consuming their own alcohol will become a nuisance, people will be wandering around outside shouting, screaming and generally not a good image for our village. We already have issues with parking and have already witnessed cars from Dusk parking along our quiet lane.

If the application is granted in their favour, we will be devastated as a local community, not just us in [REDACTED] but also residents opposite and within earshot of the premises. This will be seen as a major blow allowing an outside business to operate with no respect for the local people.

We all trust that the right decision will be made.

Yours faithfully

[REDACTED]

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From: Kevin Addison [REDACTED]
Sent: 21 April 2021 10:01
To: Dave Leonard; Licensing
Subject: Application reference 21/00028/LAFVAL (Dusk)

Hi

We strongly object to the is change in license conditions. Since Dusk opened they have shown a total disregard for the local residents causing noise disturbance and not listening to our concerns.

Our reasons for the objection are:-

Allowing customers to consume their own alcohol will lead to an uncontrolled amount of alcohol being consumed leading to more anti- social behaviour

Noise is our biggest concern; music must not be allowed after 22.30, and strict limits on noise need to be maintained. We have already had enough issues with noise with the current restrictions in place so we don't need any further relaxation of restrictions

Regards
Kevin and Karen Addison
[REDACTED]

Ongar Road
Brentwood
Essex
[REDACTED]

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From: AUSTIN, Richard [REDACTED]
Sent: 16 April 2021 18:50
To: Licensing; Vicky Davies; David Carter; Dave Leonard;
cliff.poppy@brentwood.gov.uk
Cc: [REDACTED]
Subject: RE: Dusk Restaurant objection to change of licence

Dear Mr Leonard

I understand that despite Dusk being granted a licence to serve alcohol and operate with the legal boundaries, they now wish to amend it to one with almost no restrictions.

I am totally against this request and enclose once again my reasons for this objection.

I have also CC'd on behalf of my wife Rachel Austin, son Toby Austin [REDACTED] and daughter Jessica Austin [REDACTED] all who have the same objection and reside with me at the same address.

[REDACTED]
Frog Street
Kelvedon hatch
Essex [REDACTED]

Kind regards

Richard Austin
[REDACTED]

From: AUSTIN, Richard
Sent: 25 July 2020 09:08
To: licensing@brentwood.gov.uk <licensing@brentwood.gov.uk>; vicky.davies@brentwood.gov.uk <vicky.davies@brentwood.gov.uk>; david.carter@brentwood.gov.uk <david.carter@brentwood.gov.uk>; dave.leonard@brentwood.gov.uk <dave.leonard@brentwood.gov.uk>; Cliff Poppy <cliff.poppy@btinternet.com>; BURGHART, Alex <alex.burghart.mp@parliament.uk>
Subject: Dusk Restaurant

Dear Brentwood Councillors

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

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

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

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

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

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

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

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

Richard S. Austin



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From: Jemma Dimambro [REDACTED]
Sent: 21 April 2021 07:39
To: Dave Leonard
Subject: Dusk

Dear Mr Leonard and the Licensing Department at Brentwood Borough Council,

Licence Application Number 21/00028/LAFVAL

We strongly object to any variations whatsoever to the conditions attached to the licence currently held by the proprietors/managers of the above named premises, as granted by the Licensing Sub Committee on the 23rd November 2020. The Licensing Sub Committee acknowledged and confirmed that local residents were being subjected to nuisance from noise and anti social behaviour and attached these conditions accordingly. It is essential that these conditions are retained and most importantly ENFORCED. Local residents have not had reason to object to a well run restaurant, with usual restaurant hours, operating from these premises. We enjoyed an harmonious relationship with the previous proprietors of Joy Fook Restaurant who enjoyed the patronage of local residents.

Yours sincerely

Jemma & Michael Ballard

[REDACTED]
Frog Street
[Brentwood Essex](#)
[REDACTED]

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From: Mick Ballard [REDACTED]
Sent: 20 April 2021 10:05
To: Dave Leonard
Subject: Dusk

Dear Mr Leonard and the Licensing Department at Brentwood Borough Council,

Licence Application Number 21/00028/LAFVAL

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Yours sincerely

Mr and Mrs Ballard
[REDACTED]

Ongar road
Brentwood Essex
[REDACTED]

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From: brian [REDACTED]
Sent: 16 April 2021 09:38
To: Dave Leonard
Subject: Dusk

To Mr Leonard and the Licensing Department at Brentwood Borough Council. Re: Licence Application 21/00028/LAFVAL. We Brian and Carolyn Billington are strongly objecting to any changes to the current Licence which was approved in November last year. At that hearing it was acknowledged that the local residents were subjected to unacceptable noise, nuisance and unruly behaviour from those leaving Dusk late at night. It would be unacceptable to all the local residents if it went back to as it was before. Because of Covid we have not even had the chance to see how the newly agreed licence will improve the behaviour of people frequenting Dusk. To change back is ridiculous and will take us back to square one. Thank you, Brian and Carolyn Billington, [REDACTED] Frog Street, Brentwood. [REDACTED]

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From: Nigel Bourbery [REDACTED]
Sent: 23 April 2021 14:01
To: Licensing
Subject: Licensing application 21/00028/LAFVAL Dusk Ongar Road

Follow Up Flag: Follow up
Flag Status: Completed

As a resident of Frog Street I wish to register my objection to all 3 points of the above application to vary the premises licence of Dusk.

The venue is situated in a rural location and relatively open countryside. Noise from the venue travels to the adjacent residential properties including our own. This is particularly the case in summer when windows need to be kept open overnight to lower temperatures and increase ventilation within homes. It would not be appropriate to remove any restriction of the hours during which music can be played outdoors at the venue, as is being requested, which would create a public nuisance to local residents. The applicant is a business. Any application they make can only be for the purpose of increasing the profitability of that business. If they cease to sell alcohol then they must be seeking to replace that revenue from other sources one of which would be to increase the numbers attending the venue. With that will come the risk of greater public nuisance to local residents from their arrival at, attending and departing the venue.

The applications in respect of the sale of alcohol will lessen/remove the operator's obligations as to the amounts and times during which alcohol is consumed by their customers on the premises. It will leave the decision with those attending the venue, removing the operators responsibility/accountability for their behaviour. I believe that this will lead to increased noise and disruptive behaviour linked to excessive alcohol consumption. Again this would create a public nuisance to local residents.

I believe that the changes to the premises licence sought combined with it's rural location, which means it is subject to less supervision/scrutiny than an urban location, has the potential to draw those under 18 who seek to drink alcohol away from parental control and not protect them from harm.

Nigel Bourbery
[REDACTED]
Frog Street
Kelvedon Hatch
Brentwood
[REDACTED]

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From: [REDACTED]
Sent: 23 April 2021 14:15
To: Licensing
Subject: Licensing application 21/00028/LAFVAL Dusk Ongar Road

Follow Up Flag: Follow up
Flag Status: Completed

Catherine Bourbery
[REDACTED] Frog Street,
Kelvedon Hatch,
Essex.
[REDACTED]

As a resident of Frog Street I wish to register my objection to all 3 points of the above application to vary the premises licence of Dusk.

The venue is situated in a rural location and relatively open countryside. Noise from the venue travels to the adjacent residential properties including our own. This is particularly the case in summer when windows need to be kept open overnight to lower temperatures and increase ventilation within homes. It would not be appropriate to remove any restriction of the hours during which music can be played outdoors at the venue, as is being requested, which would create a public nuisance to local residents. The applicant is a business. Any application they make can only be for the purpose of increasing the profitability of that business. If they cease to sell alcohol then they must be seeking to replace that revenue from other sources one of which would be to increase the numbers attending the venue. With that will come the risk of greater public nuisance to local residents from their arrival at, attending and departing the venue.

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I believe that the changes to the premises licence sought combined with it's rural location, which means it is subject to less supervision/scrutiny than an urban location, has the potential to draw those under 18 who seek to drink alcohol away from parental control and, therefore, not protect them from harm.

--

Catherine Bourbery
[REDACTED]

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From: Nick Hart [REDACTED]
Sent: 22 April 2021 08:55
To: Dave Leonard
Cc: Nick Hart
Subject: Dusk Application 21/00028/LAFVAL

Dear Dave,

I write with regard to the above application. I find it hard to believe that a business has moved into the area stating that they will not sell alcohol. Then they apply of a licence, then try and remove that licence so people can bring their own and carry on drinking after the permitted times.

They now also want to remove the condition that states they are not allowed to play music outside after 22.30 pm. These conditions were put in place to safeguard the local residents, the same as the condition the walk customers to their cars.

Dusk were granted a licence on these conditions (conditions they choose to ignore) and they decide to keep returning to the table until they get exactly what they want. As local residents we have witnessed first hand, the noise after hours, people shouting and screaming in the carpark and late night music. If BBC give into their new requests, I believe they will further continue to do exactly what they want i.e. disregard the exact stipulations in which they were allowed to trade from day one!

Kind regards

Nick
Nick Hart
[REDACTED]
Ongar Road
Pilgrims Hatch
Brentwood
Essex
[REDACTED]



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From: kayhart [REDACTED]
Sent: 22 April 2021 12:29
To: Dave Leonard
Subject: Dusk

Reference: 21/00028/LAFVAL

Dear Mr Leonard I refer to the above application, and note that the applicant is seeking to remove the following from the premises licence:

1. To remove the licensable activity of allowing the sale of alcohol.
2. To remove Condition 9 of Annex 3 of the license: "Customers must not be permitted to consume any alcohol other than alcohol sold or supplied under the authorisation of this license."
3. To remove Condition 5 of Annex 3 of the license: "That no live music shall be played in the outside (lounge) area after 22.30."

As a local resident I totally OBJECT to all three points listed above.

Regards,
Kay Hart

[REDACTED]
Ongar Rd
[REDACTED]

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From: kayhart [REDACTED]
Sent: 22 April 2021 13:44
To: Dave Leonard
Subject: Dusk

Dear Mr. Leonard,
Reference: 21/00028/LAFVAL

Further to my previous email with reference to the above, my reason for objecting is the prevention of public nuisance caused from noise.

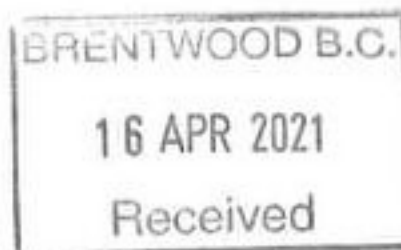
Kay Hart
[REDACTED]
Ongar Rd
[REDACTED]


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




Frog Street
Kelvedon Hatch
Brentwood
Essex


11th April 2021

Dear Sir/Madam

I have been made aware that the owners of the Dusk Restaurant in the Ongar Road, Brentwood, CM15 9SS are unhappy with the restrictions placed on them by the Council's Licensing Sub-Committee and have now applied:

- to be allowed to play music in the outdoor lounge area after 10:30pm, and
- allow customers to bring in and consume their own alcohol on the premises

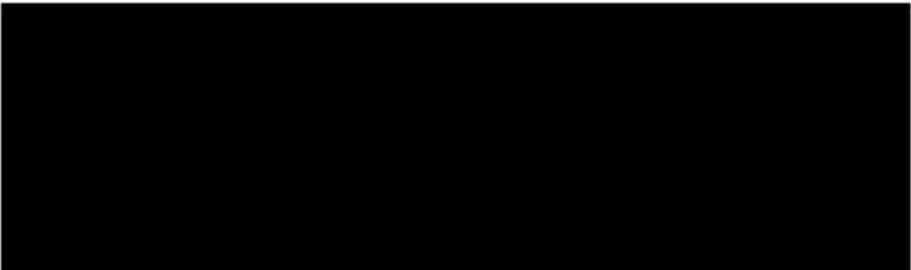
The previous ruling by the Council was made because the owners, despite assuring the council that they would be considerate, appeared to have no regard for their neighbours; and insisted on playing loud music late at night and into the small hours of the morning, causing misery and immense distress to those living in the vicinity. It was also considered that the late night antisocial behaviour experienced in the area was a result of uncontrolled alcohol consumption. This, of course, was caused by allowing customers to drink their own unrestricted alcohol on the premises.

Nothing has changed since the Council's last ruling. The restaurant is still in a semi-rural area with houses close by. Council Members deliberated long and hard before arriving at their previous decisions, even visiting the restaurant and adjacent area to obtain a clear understanding of the problems faced by local residents. I therefore do not see that there could be any valid reasons to ease any of the previous restrictions placed upon the operation of the premises.

It will be extremely deleterious on the lives of local residents if this latest application by the owners of Dusk is approved. I also have no doubt that any relaxation in the current restrictions would result in increased late night antisocial behaviour and, inevitably, more complaints to the Council and increased demands on the hard working Police Service.

Please do not succumb to pressure from these people, despite their continual pushing to get their own way at the expense of the well-being of the local community.

Yours faithfully


Lawrence Morrisson

From: Sue West [REDACTED]
Sent: 12 April 2021 12:15
To: Vicky Davies; Licensing
Subject: Re: Dusk Restaurant

Follow Up Flag: Follow up
Flag Status: Completed

Dear all

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

I live in Frog street and have previously expressed my concern about the noise levels emanating from Dusk when it is open.

I am concerned to hear that they have applied to resume allowing customers to bring their own alcohol again. I wish to state my strong objection to this as I believe the consumption of relatively cheap liquor seriously adds to the problem of anti-social behaviour that has been experienced by locals including people screaming and yelling when leaving the premises and cars screeching down what was once a quiet country lane. I find it unfair that as a resident living in a rural area I cannot have my windows open in the summer months due to the noise nuisance caused.

I also previously noticed a sharp increase in the amount of litter in the hedge rows at the top of Frog street since the opening of Dusk which included large quantities of beer and wine bottles, which may have been linked to people bringing their own alcohol.

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

Kind Regards

Sue West
[REDACTED] frog Street
[REDACTED]

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From: Vicky Davies
Sent: 29 March 2021 17:33
To: Dave Leonard
Cc: Barry Aspinell; David Kendall
Subject: Dusk variation of license

I wish to register my objection to Sisu Enterprises Ltd to vary the premises license

1.To remove the licensable activity of allowing the sale of alcohol.

Objection: I object to the license being rescinded as the sale of alcohol provides the licensee the ability to restrict and control client's alcohol consumption.

2.To remove condition 9 of Annex3 of the license " customers must not be permitted to consume any alcohol other than alcohol sold or supplied under the authorisation of this license

Objection: Allowing a bring your own drink policy encourages excess alcohol consumption without any landlord control

3.To remove Condition 5 of Annex 3 of the license: That no live or recorded music shall be played in the outside (lounge) area after 22 30

Objection: this condition was imposed to protect neighbouring residents from noise nuisance late into the evening. To remove this condition would cause noise pollution in a green belt residential area and would detrimentally impact on the health and wellbeing of residents and breach of their human rights .

Cllr Vicky Davies
Pilgrims Hatch ward



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From: Keith Parker [REDACTED]
Sent: 22 April 2021 14:49
To: Dave Leonard
Cc: Paul Adams
Subject: RE: DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION TO VARY THE PREMISES LICENCE

Good afternoon,

Thank you for your email I would confirm that I wish to make representation at the forthcoming hearing as I believe that the time requested for opening and the consumption of alcohol in the outdoor area needs to be looked at to prevent a public nuisance.

Regards Cllr Keith Parker

Deputy Leader Brentwood Borough Council



Fabrication - Architectural Metalwork - Blacksmith
Doddington Road, Brentwood, Essex [REDACTED]
E: [REDACTED] Vat Reg No : 791 5883 79
Co Reg No : 10046332 - Directors : K Parker & F Parker

From: Dave Leonard <dave.leonard@brentwood.gov.uk>
Sent: 21 April 2021 16:58
To: Keith Parker <keith.parker@brentwood.gov.uk>
Cc: Paul Adams <paul.adams@brentwood.gov.uk>
Subject: RE: DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION TO VARY THE PREMISES LICENCE

Good afternoon, Councillor.

In confirmation of our conversation yesterday, in order for to speak at any subsequently convened Licensing Sub-Committee hearing, you will need to identify, in a written representation, why you believe that the applicant has failed to satisfactorily address the promotion of one or more of the four licensing objectives in relation to their application;

- The prevention of crime and disorder
- Public safety
- **The prevention of public nuisance**
- The protection of children from harm

I would suspect that, based on previous history, the prevention of public nuisance from noise caused would be the subject most likely to cause concern amongst local residents.

Alternatively, as a ward councillor, you may be nominated to speak on behalf of a local resident (or residents) who has already submitted a valid written representation. However, in this

instance, you are obliged to adhere to the points that they raise and so, cannot introduce any additional material that you may personally feel is appropriate.

I hope that this helps.

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 | dave.leonard@brentwood.gov.uk



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From: Cliff Poppy
Sent: 19 April 2021 19:01
To: Paul Adams
Cc: Dave Leonard
Subject: Dusk.

Dear Paul

Can I ask that I be allowed to speak at the hearing for the changes requested by Dusk on the 26/3/21

I realise its difficult to stop someone wishing to give up their License to sell alcohol, but I would like to object to the noise and the request to continue the loud music past 10.30

It is unacceptable for the loud music to be played in the open part of the building where The smoking area is . It's disturbing to the houses close to the building as you know

I assumed they may have attempted to fit noise dampening equipment whilst they have been closed during lockdown.

I realise you have a list of speakers so in someways pointless to all go over the same points But this is a real problem for the residents of Frog st and Parts of the Ongar road.

Regards

Cliff.

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From: [REDACTED]
Sent: 10 April 2021 16:27
To: Dave Leonard; Paul Adams
Cc: David Carter; Keith Parker; Cliff Poppy; Chris Hossack;
alex.burghart.mp@parliament.uk; [REDACTED] Vicky Davies
Subject: Dusk, Ongar Road, Brentwood, Essex CM15 9SS - Licensing Application
Reference Number: 21/00028/LAFVAL
Attachments: Application Ref No 27 00028 LAFVA Local Residents Representation
20210410 (1).pdf

Dear Mr Leonard and Mr Adams, ■

Please find the attached signed and dated comments from 50 local residents, (Addresses provided as per your request), in respect of the above Application, for the attention and consideration of the Licensing Team and the Licensing Sub-Committee.

I have been asked by all the signatories to send this to you on their behalf.

Yours sincerely

[REDACTED]

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Mr David Leonard
Licensing Department
Brentwood Borough Council

3rd April 2021

Dear Mr Leonard,

Dusk, Ongar Road, Brentwood, Essex CM15 9SS - Licensing Application Reference Number: 21/00028/LAFVAL

It has come to our attention that the proprietors of the above named premises are once again seeking to vary the terms of the licence granted to them on 23rd November 2020 at a Full Licence Review, following various hearings conducted by the Licensing Sub Committee of Brentwood Borough Council.

We the undersigned object in the strongest terms to any changes or variations to their current licence and the conditions attached to it.

Whenever the main premises has been open for business since 2019, especially the Lounge, open air areas, private events, and when the patrons are leaving the premises, we have been subjected to appalling noise nuisance from loud music and raucous behaviour on the part of some patrons, including obscenities and littering, (broken and discarded glass and plastic alcohol bottles).

The proprietors continued to ignore repeated requests to reduce the noise nuisance and prevent anti-social behaviour on the part of their patrons. They have treated all our complaints with open hostility to the point that we no longer communicate with them directly. We now rely on the intervention of the Officers of Brentwood Borough Council, the local Councillors and the decisions taken by the Licensing Sub Committee listed below:

- 11th November 2020: The Licensing Sub Committee approved an application from the proprietors of Dusk to sell alcohol at the premises. The Sub Committee granted the application to sell alcohol so that the amount of alcohol consumed could be appropriately controlled. At this meeting Dusk's legal representative also asked for permission for their patrons to bring their own alcohol as well. This was rejected.
- 23rd November 2020: At the Full License Review, requested by a neighbour, the Licencing Sub Committee felt 'that imposing conditions to curb noise emanating from the premises was an appropriate and proportionate action in order to promote the prevention of public nuisance which, on the basis of the representations, Members determined was occurring.' And approved the measures:
 - No live or recordable music to be played in the outside (lounge) area after 22:30hrs. **Current Condition 5 on Annex 3.**
 - No live or recorded music to be played in the outside (lounge) area between 12:00hrs and 22:30hrs until an automatic noise limiting device has been installed and a noise limit agreed with Brentwood Borough Council's Environmental Health Team, such noise limit must not be exceeded at any time. **Current Condition 7 of Annex 3.**
 - A written noise management policy which was acceptable to Brentwood Borough Council's Environmental Health Team be put in place and adhered to.
- 18th December 2020: Mr David Leonard published the Licensing Manager's rejection of a further application from the Proprietors of Dusk to allow their patrons to bring their own

alcohol, alongside their current licence to sell alcohol. Clearly stating in his ruling: 'that there is no provision for appealing this decision, and the applicant may want to apply for a full variation if they wish to progress this matter further. If further representation is received to a full variation then the application would then be referred to a licensing hearing for determination.'

In conclusion, we would like to point out that during the period 23rd November 2020 until commencement of Essex Tier 3/UK Lockdown (16th / 20th December 2020), the noise nuisance emanating from Dusk continued.

- The suggestion that the supply of lollipops to patrons leaving the premises at the end of an evening is ludicrous.
- The proprietors state in their application that they will limit the amount of alcohol brought on to the premises to 'one bottle per person'. The average 75cl bottle of wine contains between 11-13 units of alcohol; the average litre bottle of spirits contains 37.5 units of alcohol.
- Dusk's legal representative advised the Licencing Sub Committee (held on 23rd November 2020) that the 'Unique Selling Point' for this business is the (Shisha) Lounge; not the Restaurant nor the Events venue. In their application the Proprietors have stated that the trained licenced door staff and DPS will ensure that the 'dining experience' is safely policed, there is no mention of the Lounge and Events businesses. **There are three separate business ventures being run at these premises, and they all have individual booking processes/policies.**
- There are young children living in very close proximity to Dusk. Their sleep has been repeatedly disturbed by noise nuisance and bad language in the car park and from those patrons who often park in Frog Street.
- **It is imperative that all the conditions currently attached to Dusk's licence be retained and enforced.**

Would you kindly ensure that the above comments are placed before the Licensing Sub Committee for their consideration in determining this application.

Names and addresses of persons making this representation:

Brian Billington, [REDACTED] Frog Street	Matthew Reid, [REDACTED] Frog Street	Lewis Smith, [REDACTED] Frog Street
Carolyn Billington, [REDACTED] Frog Street	Eileen Fox, [REDACTED] Frog Street	Wendy Winter, [REDACTED] Frog Street
Michael Ballard, [REDACTED] Ongar Road	Colin Fox, [REDACTED] Frog Street	[REDACTED]
Jemma Ballard, [REDACTED] Ongar Road	Catherine Bourberry, [REDACTED] Frog Street	[REDACTED]
Mrs S Ballard, [REDACTED] Ongar Road	Nigel Bourberry, [REDACTED] Frog Street	Krysztal Alabastle, [REDACTED] Frog Street
Mr M Ballard, [REDACTED] Ongar Road	Kirsty Cook, [REDACTED] Frog Street	Tracey Hamilton, [REDACTED] Frog Street
Esther Reid, [REDACTED] Frog Street	Danny Cook, [REDACTED] Frog Street	James Hamilton, [REDACTED] Frog Street

Peter O'Dowd, [REDACTED] Frog Street	Roy Ryan, [REDACTED] Frog Street	Nick Hart, [REDACTED] Ongar Road
Kay Hart, [REDACTED] Ongar Road	[REDACTED]	Ricky Kelly, [REDACTED] Frog Street
John Armstrong, [REDACTED] Ongar Road	Keeley Howard, [REDACTED] Frog Street	William Howard, [REDACTED] Frog Street
[REDACTED]	[REDACTED]	Juliet French, [REDACTED] Frog Street
Jay French, [REDACTED] Frog Street	Joe French, [REDACTED] Frog Street	Imogen French, [REDACTED] Frog Street
Nicholas Kelly, [REDACTED] Frog Street	[REDACTED]	[REDACTED]
Roy Bellett, [REDACTED] Frog Street	Josh Bellett, [REDACTED] Frog Street	Richard Malan, [REDACTED] Frog Street
Rachel Austin, CM15 0JL	Richard Austin, CM15 0JL	Toby Austin, CM15 0JL
Jessica Austin, CM15 0JL	Sylvie Hansen, [REDACTED] Frog Street	Carole Scott, [REDACTED] Frog Street
Debbie Davies, [REDACTED] Frog Street	Steve Mills, [REDACTED] Frog Street	

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DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

APPENDIX E

REPRESENTATIONS IN SUPPORT

Other Persons

Carina Blenham

Ella

Mark Gallop

Greg & Bridget Hart

Stephen Humphrey & Laura Rands

Uma Lingam

James Miller

Stephen Penberthy

Priyanka Sethi

Ella Worricker

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

Reference: Dusk, Ongar road, Brentwood, CM15 9SS / Application to vary premises license.

To the licensing team,

I write to yourselves in favour of Dusk to be granted the said changes. I live in London and have never known of Dusk to have any manner of crime or disorder, neither be of any public nuisance nor have any reason that has put the public in danger.

This is a venue which promotes a fine dining restaurant, a lounge and a banqueting hall.

I have been a regular Customer since Dusk first opened in 2019 and the Staff have always been amazing. The food is second to none, in fact I live in London and I would drive an hour and a half just to eat their mouth watering Indian cuisine. The atmosphere is always pleasant and the Staff have a family feel to them. I personally have never experienced or seen anything negative and neither do I have anything bad to say. I even visit Dusk with my 70 old year middle class Mother who only enjoys serene and classy restaurants.

If a Customers will drive over 30 miles regularly to a Restaurant this speaks volumes about their service.

Name : Carina Blenman

Address : [REDACTED] Jupiter House, London, [REDACTED]

Occupation : [REDACTED]

Contact email : [REDACTED]

Kindest Regards,

[REDACTED]

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

Reference: Dusk, Ongar road, Brentwood, CM15 9SS / Application to vary premises license.

To the licensing team

I write to yourselves in favour of Dusk to be granted the said changes. I am a resident of Brentwood borough council and have never known of Dusk to have any manner of crime or disorder, neither be of any public nuisance nor have any reason that has put the public in danger.

This is a venue which promotes a fine dining restaurant, a lounge and a banqueting hall.

I have been to dusk over at least 50 times within the last year, I have never experienced a single bit of trouble, when dusk is open, I am there at least 2 if not 3 times a week and go with different friends and family every weekend. My family go with their friends and my friends go with different friendship groups. I have even formed friendships with the staff there myself, with the waitresses there. It is a friendly and fun environment with nothing but the highest standards in all areas. The staff at dusk and owners all strive to make it the best place for customers and the service and quality of everything there is at an extremely high standard.

I have never neither anyone that I know have ever experienced any trouble, disturbance or bad feelings at Dusk, everything runs smoothly from entrance to exit and everything is in place to make it a brilliant place to visit from the lounge and the restaurant, the food is amazing, and the service is even better. Dusk is nothing short of a brilliant venue.

Name : Ella Worricker

Address : [REDACTED] Glenwood Gardens Langdon Hills Essex [REDACTED]

Occupation [REDACTED]

Contact email : [REDACTED]

Kind Regards

Ella Worricker

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

Reference: Dusk, Ongar road, Brentwood, CM15 9SS / Application to vary premises license.

To the licensing team

I write to yourselves in favour of Dusk to be granted the said changes. I am a resident of Brentwood borough council and have never known of Dusk to have any manner of crime or disorder, neither be of any public nuisance nor have any reason that has put the public in danger.

This is a venue which promotes a fine dining restaurant, a lounge and a banqueting hall.

We have worked with dusk a few times and have seen the standards of the business and have many customers that visit dusk on a regular basis and have nothing but brilliant things to say about the venue and the staff. The quality of the food and the service I myself have even experienced at Dusk is second to none and have never experienced anything but the highest standards, I drive past Dusk morning and night 7 days a week and have never come across a single bit of trouble or hassle or had anything ever disturb me from the premises.

The Owners at Dusk have a brilliant relationship with all customers and put all efforts into always improving the venue.

Name : Elements Home and Garden

Address : Unit 1 Fyfield road, Ongar CM50AH

Occupation : [REDACTED]

Contact email : [REDACTED]

Kind Regards

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

31/03/2021

Reference: Dusk, Ongar road, Brentwood, CM15 9SS / Application to vary premises license.

To whom it may concern

I write to yourselves in favour of Dusk to be granted the said changes. I am a resident of Brentwood borough council.

We live very close to Dusk, 2 mins walking distance in Frog Street. We were very happy when they opened their doors, and have frequented there many times. They run well, we have never seen or heard any kind of nuisance behaviour. We feel Dusk enhances this area. It's a plus to have on our doorstep.

This is a venue which promotes a fine dining restaurant, a lounge and a banqueting hall.

Greg & Bridget Hart

[REDACTED] Frog Street, Kelvedon Hatch, Brentwood [REDACTED]
[REDACTED]
[REDACTED]

Kind Regards

Greg & Bridget Hart
[REDACTED]

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

Reference: Dusk, Ongar road, Brentwood, CM15 9SS / Application to vary premises license.

To the licensing team

I write to yourselves in favour of Dusk to be granted the said changes. I am a resident of Brentwood Borough Council and have never known of Dusk to have any manner of crime or disorder, neither be of any public nuisance nor have any reason that has put the public in danger.

This is a venue which promotes a fine dining restaurant, a lounge and a banqueting hall.

Name : James Miller

Address ■ Friars Avenue. ■

Occupation : ■

Contact email : ■

Kind Regards
■



BENTLEY GOLF CLUB

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

Reference: Dusk, Ongar road, Brentwood, CM15 9SS / Application to vary premises license.

To the licensing team

I write to yourselves in favour of Dusk to be granted the said changes. I am the Manager of the neighbouring Golf Club, having worked with them over the last couple of years I have never known of Dusk to have any manner of crime or disorder, neither be of any public nuisance to the golf club or any of the members and visitors.

Regards

Mark Gallop
Managing Secretary

Managing Secretary: Mark Gallop

Bentley Golf Club Ltd Registered Address: Ongar Road, Brentwood

VAT No:

Co. Reg No

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

Reference: Dusk, Ongar road, Brentwood, CM15 9SS / Application to vary premises license.

To the licensing team

I write to yourselves in favour of the variation for Dusks license to be granted. As a resident of brentwood council I visit this venue many times every month.

I have never known the venue to have any kind of crime / disorder or anything that may be of a public nuisance.

It is a very calm and friendly restaurant and lounge and I myself visit with friends who like this very nice atmosphere. It would be very unfair and a great shame if dusk was not to allow BYOB as this is one of the very reasons I visit this venue (They do not sell alcohol because of their religious beliefs) It would be very unfortunate that brentwood council imposes restrictions that do not allow honest businesses to thrive in their area.

Name : Priyanka Sethi

Address : [REDACTED] Hanging Hill Lane, Brentwood [REDACTED]

Occupation : Self Employed

Contact email : [REDACTED]

Kind Regards

Priyanka Sethi

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

11/04/2021

Reference: Dusk, Ongar road, Brentwood, CM15 9SS / Application to vary premises license.

To whom it may concern

I write to yourselves in favour of Dusk to be granted the said changes. I am a resident of Brentwood borough council.

We live a 2 minute car journey from Dusk and visit regularly when it is open, I would say we visit on average at least 2 times a week.

Not only do the staff make us feel very welcome every time we go there but they go out of their way to make us feel important.

As mentioned previously we visit regularly and I can honestly say that we have never seen any trouble on the premises, in fact the measures that are put in place to prevent any nuisance behaviour go beyond any other local premises that we frequent on a regular basis.

Dusk has brought a great vibe to the local area along with a different choice of entertainment, food and experience that we would highly recommend (and have) to many of our friends.

This is a venue which promotes a fine dining restaurant, a lounge and a banqueting hall.

Stephen Humphrey & Laura Rands

██████████ Allsaints Close, Doddinghurst, Brentwood, Essex ██████████
████████████████████████████████████████████████████████████████████████████████
████████████████████████████████████████████████████████████████████████████████
████████████████████████████████████████████████████████████████████████████████

Kind Regards

Stephen Humphrey

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

Reference: Dusk, Ongar road, Brentwood, CM15 9SS / Application to vary premises license.

To whom it may concern

My name is Steven penberthy / 46 years old

I have worked at dusk on and off from when the venue opened as security personnel

We check id's, bag search, track and trace, temperature checks, external noise checks from car park

We disperse customers in timely fashion and ensure everyone is off site

This venue is a joy to work due to an excellent client base of all Ages

Fine dining restaurant, Shisha lounge and banquet suite is a unique venue all under one roof

There is no nuisance behaviour in my time of working there and am very happy to Continue working there when restrictions are lifted

This is a well run business that is a pleasure to be part of in a working relationship

Name : Stephen Penberthy

Address : [REDACTED] The Drive, Great Warley , Brentwood, Essex [REDACTED]

Occupation : [REDACTED]

Contact email [REDACTED]

Kindest Regards,

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

Ref: Application to vary premises license., Dusk, Ongar road, Brentwood, CM15 9SS

Dear Licensing department,

I am writing to you in regards to the above address and ask that you grant permission for the application to allows Dusk to vary their premises license.

I live in the area of Islington London and whilst there are many bars and restaurants, I enjoy taking time away from the bustling city into the quiet area of Brentwood and have found that Dusk is a perfect hideaway for myself and my family to enjoy our Sunday dinners and midweek lunches using their restaurant and prior to the Covid pandemic I had also planned to hire the banqueting hall for a bridal shower on behalf of my best friend.

I have been frequenting this establishment shortly after they opened in 2019 and I have never known of any incidents that have occurred both of public disorder or of a criminal matter and if I believed this to be the case then I would have dined locally in London!

In fact, the laidback atmosphere and hospitality my family and I receive at Dusk is the reason why we continue to be regular diners here.

Both management and staff are accommodating and the restaurant runs a table booking system which allows for an organised and secure evening for a family event.

The ambiance and chic décor only add to the Dusk dining experience, it really is a hidden gem of a restaurant and we cannot wait to dine again there!

I sincerely hope you take into consideration my letter of recommendation, please do keep me updated in regards to the outcome of this application.

Kind Regards,

Uma Lingam.



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Members Interests

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

- **What are pecuniary interests?**

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

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

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

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

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

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

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

- **Other Pecuniary Interests**

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

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

- **Non-Pecuniary Interests**

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

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

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

Licensing Sub-Committees

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

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

Licensing Act 2003 and Gambling Act 2005

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

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

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

Scrap Metal Dealing

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

Street Collections and House to House Collections

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

Licensing of sex establishments

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

Street Trading

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

Acupuncture, Tattooing, Skin and Ear Piercing and Electrolysis

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

Animal Welfare and Security, except for the following:

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

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

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

Mobile Homes

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