



Agenda

Licensing Sub-Committee

Friday, 11 March 2022 at 10.00 am
Council Chamber - Town Hall

Membership (Quorum – 3)

Cllrs Bridge, Fryd and Barber

Substitute Members

Cllrs

Agenda

Item	Item	Wards(s) Affected	Page No
	Live broadcast		
	Live broadcast to start at 10am 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.	Determination of Objection to Temporary Event Notice - Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS		5 - 48

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

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
03.03.2022

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

Access to Information and Meetings

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

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

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

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

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

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

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

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

these activities, in their opinion, are disrupting proceedings at the meeting.

 **Private Session**

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

 **modern.gov app**

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

 **Access**

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

 **Evacuation Procedures**

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

11 March 2022	ITEM:
Licensing Sub-Committee	
DETERMINATION OF OBJECTION TO TEMPORARY EVENT NOTICES.	
Report of: Dave Leonard, Licensing Officer	
Wards and communities affected: Pilgrims Hatch	Key Decision: Non-key
This report is public	
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>	
Date of notice given of exempt or confidential report: not applicable	
Purpose of Report: To determine an objection from Environmental Health for a Temporary Event Notice.	

EXECUTIVE SUMMARY

The Licensing Office has received an objection from the Environmental Health Officer, Miss Rebecca Page, with regards to a Temporary Event Notice (TEN) submitted in relation to a private hire Birthday Party to be held at **Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS** on Saturday 19 March 2022 from 9pm until 3am on Sunday 20 March 2022. The objection relates to the prevention of public nuisance licensing objective.

1. RECOMMENDATIONS:

- 1.1 That the Sub-Committee**
 - a) Considers this report and appendices together with any oral submissions at the hearing and determines the application for the objection of a Temporary Event Notice.**

2. INTRODUCTION AND BACKGROUND:

- 2.1 Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.
- 2.2 The licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm.
- 2.3 The Licensing Department received a Temporary Event Notice on 28 February 2022 from Mr Stavros Nicola - not the premises licence holder - for a private hire Birthday Party to be held at **Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS** on Saturday 19 March 2022 from 9pm until 3am on Sunday 20 March 2022. A copy of the TEN is attached at **Appendix A**.
- 2.4 A letter of acknowledgement of the TEN was sent on 2 March 2022 and a copy is attached at **Appendix B**.
- 2.5 The TEN relates to a private hire Birthday Party for a maximum number of 150 persons (including staff, organisers and performers) on Saturday 19 March 2022 from 9pm until 3am on Sunday 20 March 2022 for the purposes of the provision of regulated entertainment & the provision of late-night refreshment.
- 2.6 The TEN, in its current submission without any written undertakings attached, effectively removes the conditions attached to the premises licence. A copy of the current premises licence issued on 27 May 2021, following a Licensing Sub-Committee hearing on 20 May 2021, together with a set of OS Maps and images to better identify the location, is attached at **Appendix C**.
- 2.7 On 3 March 2022 the Licensing Department received an objection notice from the Environmental Health Officer, Miss Rebecca Page, being satisfied that the allowing of the premises to be used in accordance with the notice would undermine the licensing objective of the prevention of public nuisance. The application proposes an extension of use to 3am which is likely to result in noise disturbance to other residents in the vicinity of the premises later at night. Miss Page contends that by allowing the event to take place under a TEN would essentially add to the complaints of noise nuisance, which have ongoing investigations. Miss Page also has concerns about how the premises would prevent a public nuisance regarding the following: noise of up to 150 people arriving and leaving; parking issues; amplified music; dropping of litter; singing and shouting; people smoking cigarettes/ smoking shisha/ drinking in the outside area. Miss Page's representation is attached at **Appendix D**.

2.8 Mr Nicola has responded by email to Miss Page's notification of objection to the TEN offering 7 points of address. This email is attached at **Appendix E**.

3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

3.1 The committee, after considering the objection application, will need to consider what action, if any, to take in order to ensure that the licensing objectives are complied with.

3.2 The power to impose conditions on a TEN is conferred by s106 Licensing Act 2003. This is not a general power to impose conditions and can be exercised only where temporary events are held on premises, or parts of premises, for which a premises licence or Club Premises Certificate is in force and an objection notice is given.

3.3 The following options are available to the Licensing Sub-Committee:

- Allow each Temporary Event Notice being determined as applied for;
- To impose conditions on the TEN being determined as conferred by s106 Licensing Act 2003.
- To reject the Temporary Event Notice being determined as applied for and issue a Counter Notice, which will prevent the event from going ahead.

3.4 The decision made by the Committee will take immediate effect. There is a right of appeal for both the person who has given the TEN and for the relevant person that had submitted the objection notice. However, no appeal may be brought later than 5 working days before the day on which the event period specified in the TEN.

3.5 In determining this application for an objection of the Temporary Event Notice by Environmental Health, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

3.6 The Sub-Committee are advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.

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

4. REASONS FOR RECOMMENDATION:

4.1 These are the options available to the Sub-Committee

5. CONSULTATION (including Overview and Scrutiny, if applicable)

5.1 Copies of both objections have been served on the premises user.

6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

6.1 The Council has a duty under Section 17 of the Crime & Disorder Act 1998 to do all that it reasonably can to prevent:

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local environment), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this duty the Sub-Committee should have due regard to the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act and the Council's own Statement of Licensing Policy.

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance and the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriately.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):

- The Licensing Act 2003
- The Secretary of State's Guidance issued under section 182 Licensing Act 2003
- Brentwood Borough Council's Statement of Licensing Policy

APPENDICES TO THIS REPORT:

Appendix A - Temporary Event Notice Application (28 February 2022)

Appendix B - Letter of Acknowledgement (2 March 2022)

Appendix C - Premises Licence, OS Maps and Images

Appendix D - Objection from Miss Rebecca Page (Environmental Health)

Appendix E - Email response from Mr Stavros Nicola (3 March 2022)

Report Author Contact Details:

Name: Dave Leonard

Telephone: 01277 312523

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

DETERMINATION OF OBJECTION TO TEMPORARY EVENT NOTICE
BRAVE NELSON, 138 WOODMAN ROAD, BRENTWOOD CM14 5AL
Saturday 19 March 2022- Sunday 20 March 2022

APPENDICES

Appendix A - Temporary Event Notification (received 28 February 2022)

Appendix B - Letter of Acknowledgement (acknowledged 2 March 2022)

Appendix C – Premises Licence, OS Maps and Images

Appendix D - Objection from Miss Rebecca Page (Environmental Health)

Appendix E - Email response from Mr Stavros Nicola (3 March 2022)

Determination of Objection to Temporary Event Notice

DUSK, ONGAR ROAD, BRENTWOOD CM15 9SS

APPENDIX A

Temporary Event Notification

Dated 28 February 2022

Temporary Event Notice

Reference: TEN404516934

Please Note: You must provide payment for this licence after completing the form. You do this online. 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.

Cost of Application: £21.00

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Personal Details of Premises User

Title: Mr.

First name(s): Stavros

Surname: Nicola

Date of birth:

Place of birth:

National Insurance Number:

Do you have any previous or maiden names?:

Forenames:

Surname:

Current Address

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Email address

Daytime telephone number:

Evening telephone number:

Mobile telephone number:

Would you like to use an alternative address to the one given above for correspondence?: No

The Premises

Are you able to provide a postal address for the premises where you intend to carry out the licensable activities?: Yes

Premises Address

Flat number (if any)	Venue
House number/name	Dusk
Road name	Ongar Road
Town	Pilgrims Hatch
County	Essex
Post Code	CM15 9SS

If not, please provided a detailed description and Ordnance Survey references

Premises Ordnance Survey map reference:

Address Description:

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?: No

If yes, which:

Please enter the necessary information below

Premises Licence number:

Club Premises Certificate number:

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a brief description and details. Please describe the nature of the premises.

We will only be using the banqueting hall during this event. It will be restricted for the sale of alcohol in this specific area.

Please describe the nature of the premises:

Dusk is a restaurant hall and banqueting suite that is used for weddings and private events. There are three sections to the venue, we will be using one section for the event on that evening

Please describe the nature of the event

We will be using the hall for a birthday party on the evening in question

Licensable Activities

Please state the licensable activities that you intend to carry on at the premises for

The provision of regulated entertainment, The provision of late night refreshment

Are you giving a late temporary event notice?: Yes

Please state the dates on which you intend to use these premises for licensable activities. The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (7 days).

19/03/22 till 20/03/22

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).

21.00 to 03.00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers.

150

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both: On the premises only

Personal Licence Holders

Do you currently hold a valid Personal Licence?: Yes

Please provide the details of your personal licence below

Issuing licensing authority: Redbridge

Licenc number: P02218

Date of issue: 01/06/2018

Any further relevant details:

there is no issue date but I have placed a date that shows 2 years prior to its expiration date. I have been informed that DPS has no expiration date any longer.

Previous Temporary Event Notices

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?: No
Please state the number of temporary event notices you have given for events in that same calendar year?:

Have you already given a temporary event notice for the same premises in which the event period

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

Associate and Business Colleagues

Has any associate of yours given a temporary event Nothing selected notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No
Please state the total number of temporary event notices your associate(s) have given for events in the same calendar year:

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

Please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year:

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before?: No

or

b) Begins 24 hours or less after the event period proposed in this notice?: No

Condition

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declaration

The information contained in this form is correct to the best of my knowledge and belief.

I UNDERSTAND THAT IT IS AN OFFENCE

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or to both.

I agree

Full name: stavros nicola

Date: 28/02/2022

National Fraud Initiative

The Council is under a duty to protect the public funds it administers and may use or share the information it holds about you for the prevention and detection of fraud, and to aid the administration of other Council services. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see www.brentwood.gov.uk/nfi

This form is to be used to serve a Standard Temporary Event Notice. It must be served at least 10 working days prior to the event, not including date of event, date of service or Bank Holidays.

Determination of Objection to Temporary Event Notice

DUSK, ONGAR ROAD, BRENTWOOD CM15 9SS

APPENDIX B

Temporary Event Notification

Acknowledgement dated 2 March 2022



Mr Stavros Nicola

Date: 2nd March 2022
Our Reference: 22/00020/LATEMP

Dear Mr Stavros Nicola,

Licensing Act 2003 - Temporary Event Notice:
Dusk, Ongar Road, Pilgrims Hatch, Essex CM15 9SS
EVENT on the 19th March 2022
EVENT to the 20th March 2022
ACTIVITIES: Provision of Regulated Entertainment & Late Night Refreshments

TIMES: 21:00 - 03:00
LOCATION: Dusk Function Suite
COMMENTS: Birthday Party
CAPACITY: 150

I am writing to acknowledge the receipt of the Temporary Event Notice for the above premise received in this department on 28th February 2022

The fee of £21 has been receipted and paid with thanks.

If the Police or Environmental Health believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice within the period of three working days following the day on which they received the TEN.

You will need to display a copy of this acknowledgment in a prominent position at the premises. It is your responsibility as the applicant to do this.

If the Acknowledgment letter is not displayed a constable or authorised officer may require the premises user or nominated person to produce a copy of it. A constable or authorised officer may, at any reasonable time, enter the premises to which a TEN relates. A person commits an offence if he/she fails, without reasonable excuse, to produce either a copy of the Temporary Event Notice or acknowledgment letter upon request, or intentionally obstructs an authorised officer exercising these powers.

A Temporary Event Notice maybe withdrawn by the premises user, giving the Licensing Authority no less than 24 hours' notice before the beginning of the temporary event.

Should you cancel an event, but fail to withdraw the notice, the TEN will still count towards the limited number available per premises and applicant.

Where a Temporary Event Notice acknowledged by the Licensing Authority is lost, stolen, damaged or destroyed, the premises user may apply to the Licensing Authority for a copy of the notice. Any such application must be accompanied by the prescribed fee of £10.50.

We have also attached at page 2 some safety guidance from our Health and Safety team around bouncy castles, should you be considering use of them at this event.

Should you have any queries with regard to the above, please do not hesitate to contact this office.

Yours sincerely

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

Dave Leonard
Licensing Officer



Bouncy castles and other play inflatables: Safety Advice

Serious incidents have occurred where inflatables have collapsed or blown away in windy conditions.

Simple precautions can help you avoid serious incidents, whether you supply or buy bouncy castles and inflatables, are hiring one for an event, or operate them.

Health and safety law applies to the supply, hire and use of inflatables for commercial purposes. It does not apply to private, domestic buyers and users.

The Health and Safety Executive have produced guidance that applies to inflatables devices used both outside and inside.

If you are intending to have a bouncy castle or a play inflatable at your event you need to have regard to the guidance which can be found using the following link:-

<http://www.hse.gov.uk/entertainment/fairgrounds/inflatables.htm>

The guidance details what you should do before you hire or buy a device and how it should be set up and used at the event. It is important to note that the guidance states:-

'When the inflatable is being operated outside, use an anemometer to measure the wind speed at regular intervals. If one of these is not available, the inflatable should not be operated outside.'

*'Do **not** use smartphone weather applications to measure wind speed as they do not take localised wind conditions into account'*

You need to ensure that you make suitable arrangements for the safe use of any bouncy castle or other play inflatable at your event.

This page is intentionally left blank

Determination of Objection to Temporary Event Notice

DUSK, ONGAR ROAD, BRENTWOOD CM15 9SS

APPENDIX C

Current Premises Licence

Dated 27 May 2021

OS Maps & Images

Premises Licence

Premises Licence Number	PRM_0569
Application Number	21/00028/LAFVAL
Date of Issue	27 May 2021

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code
Dusk Ongar Road Pilgrims Hatch Essex CM15 9SS
Telephone number 01277 424987

Where the licence is time limited the dates

Licensable activities authorised by the licence
Performance of Dance Exhibition of a film Performance of Live music Playing of Recorded music Other Entertainment falling within Act Provision of Late Night Refreshments

Times the licence authorises the carrying out of licensable activities
Performance of Dance
Monday 16:00 - 00:00
Tuesday 16:00 - 00:00
Wednesday 16:00 - 00:00
Thursday 16:00 - 00:00
Friday 16:00 - 00:00
Saturday 16:00 - 00:00
Sunday 13:00 - 00:00
Exhibition of a film
Monday 16:00 - 00:00
Tuesday 16:00 - 00:00
Wednesday 16:00 - 00:00
Thursday 16:00 - 00:00
Friday 16:00 - 00:00
Saturday 16:00 - 00:00
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

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

N/A

Annex 1 – Mandatory conditions

- 1 The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made;**
 - a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or**
 - b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3)9b) for clubs) of the Licensing Act 2003 applies to the film.**

- 2 Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:**
 - a) Unauthorised access or occupation (eg through door supervision), or**
 - b) Outbreaks of disorder, or**
 - c) Damage**

Annex 2 – Conditions consistent with the Operating Schedule

- 1 The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) system which at all times complies with the below requirements:**
 - i. CCTV will be provided in the form a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;**
 - ii. CCTV cameras shall cover all entrances and exits;**
 - iii. Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days;**

Upon the reasonable request of the police or licensing authority staff, within 48 hours viewable copies of recordings will be provided.

- 2 Signs must be displayed at all entrances advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.**
- 3 An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request.**

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

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

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

- 4 Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:**
 - i. The day and date when door supervisors were deployed;**
 - ii. The name and SIA registration number of each door supervisor on duty at the premises; and**
 - iii. The start and finish time of each door supervisor's worked duty period.**

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

- 5 Where SIA licensed door supervisors are employed at the premises (either directly or via a third party) a check of the current validity of each door supervisor's licence shall be conducted via the SIA website at the commencement of employment at the premises and monthly thereafter and recorded in a log.**

This log shall be retained for at least 6 months after the last recorded check and be immediately provided to police or licensing authority staff upon reasonable request.

- 6 At all times drinks must only be served in polycarbonate/plastic and/or toughened glass containers.**
- 7 Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.**

These signs shall be a minimum size of 200mm x 148 mm.

- 8 A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:**
- o Proof of age card bearing the PASS Hologram;**
 - o Photocard driving licence;**
 - o Passport; or**
- Ministry of Defence Identity Card.**

- 9 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.

- 10 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

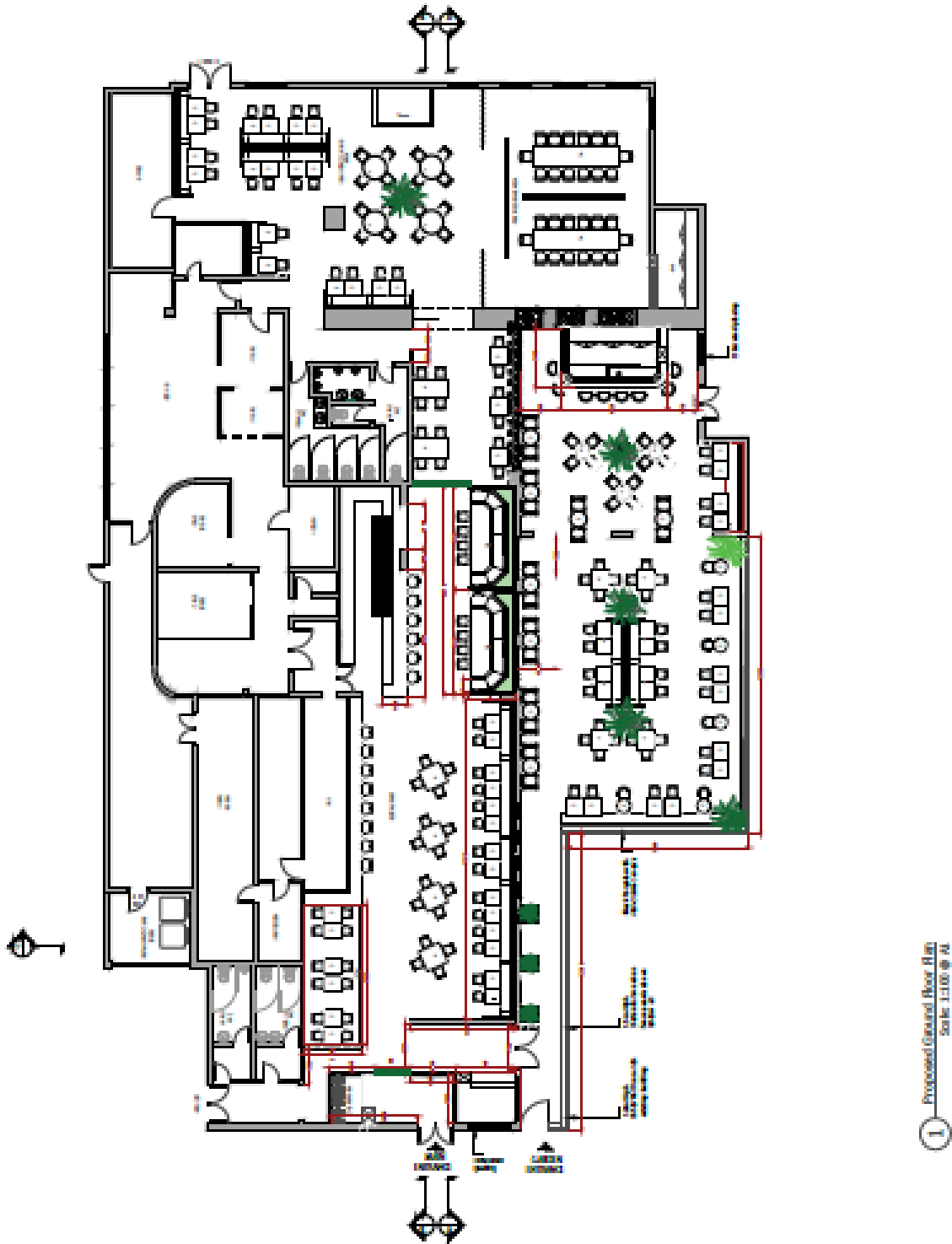
- 1 There should be a second interior door installed at the front entrance.**
- 9 An Admissions Policy, including provisions to regulate the bringing of alcohol onto the premises for consumption by patrons ("Bring Your Own Alcohol") shall be submitted to Brentwood Borough Council's Licensing Department for agreement in writing. The Policy shall be implemented as agreed.**
- 10 A written noise management policy which is acceptable to Brentwood Borough Council Environmental Health Team shall be put in place and adhered to. The Policy shall include noise attenuation measures to minimise noise emanating from the outside (lounge) area.**
- 11. One SIA licensed door supervisor shall be stationed in the car park from 9pm on each day that the premises are open beyond that time, with a view to minimising disruption from patrons as they arrive and / or leave the premises. The door supervisor shall remain in position until the last patron has left the car park.**

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	21/00028/LAFVAL
Date of Issue	27 May 2021

Part 1 – Premises Details

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

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

Telephone number
01277 424987

Where the licence is time limited the dates

Licensable activities authorised by the licence

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

Times the licence authorises the carrying out of licensable activities

Performance of Dance

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

Exhibition of a film

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

Performance of Live music

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

Playing of Recorded music

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

Other Entertainment falling within Act

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

Provision of Late Night Refreshments

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

The opening hours of the premises

Monday	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

N/A

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

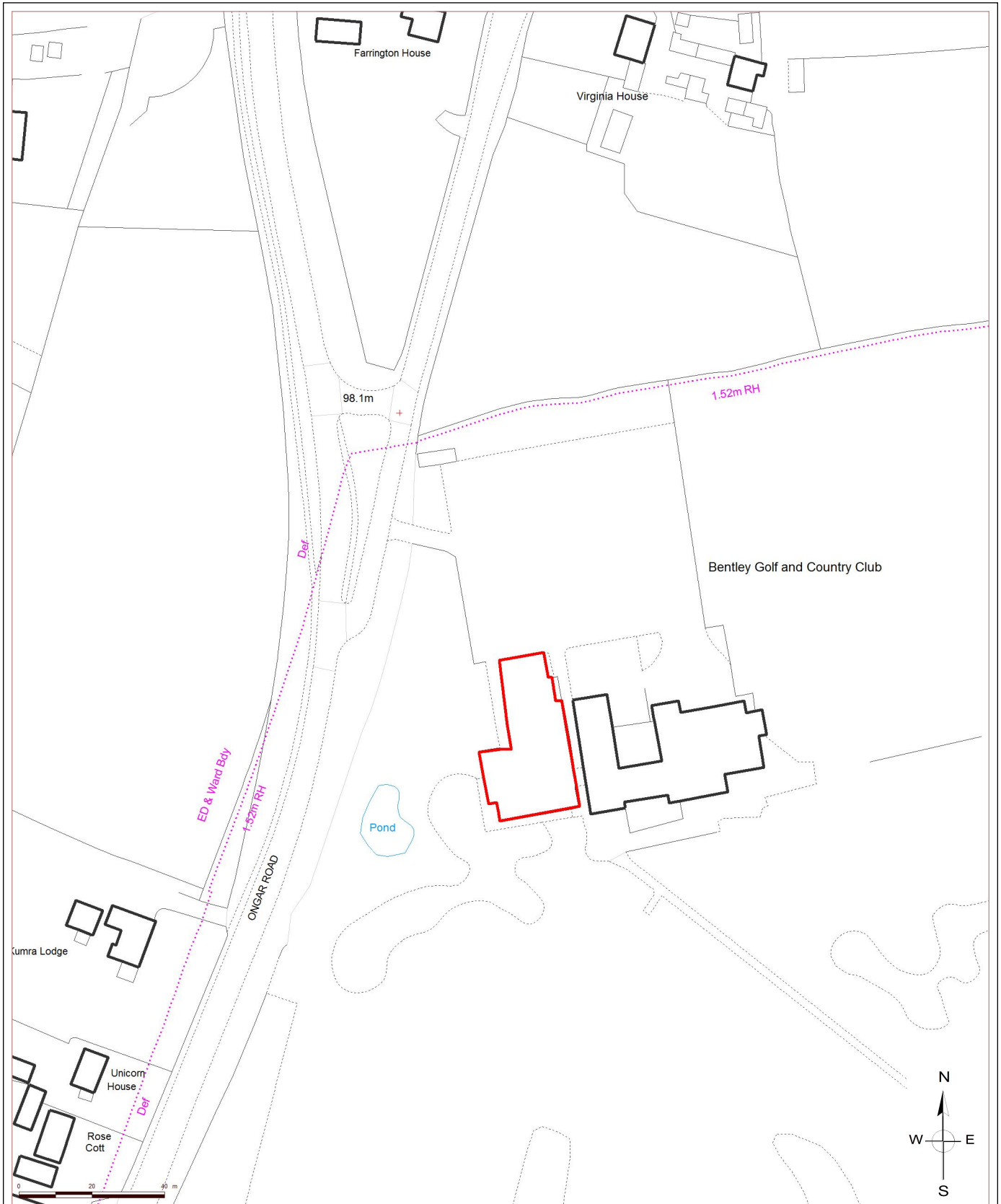
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

N/A

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

N/A

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



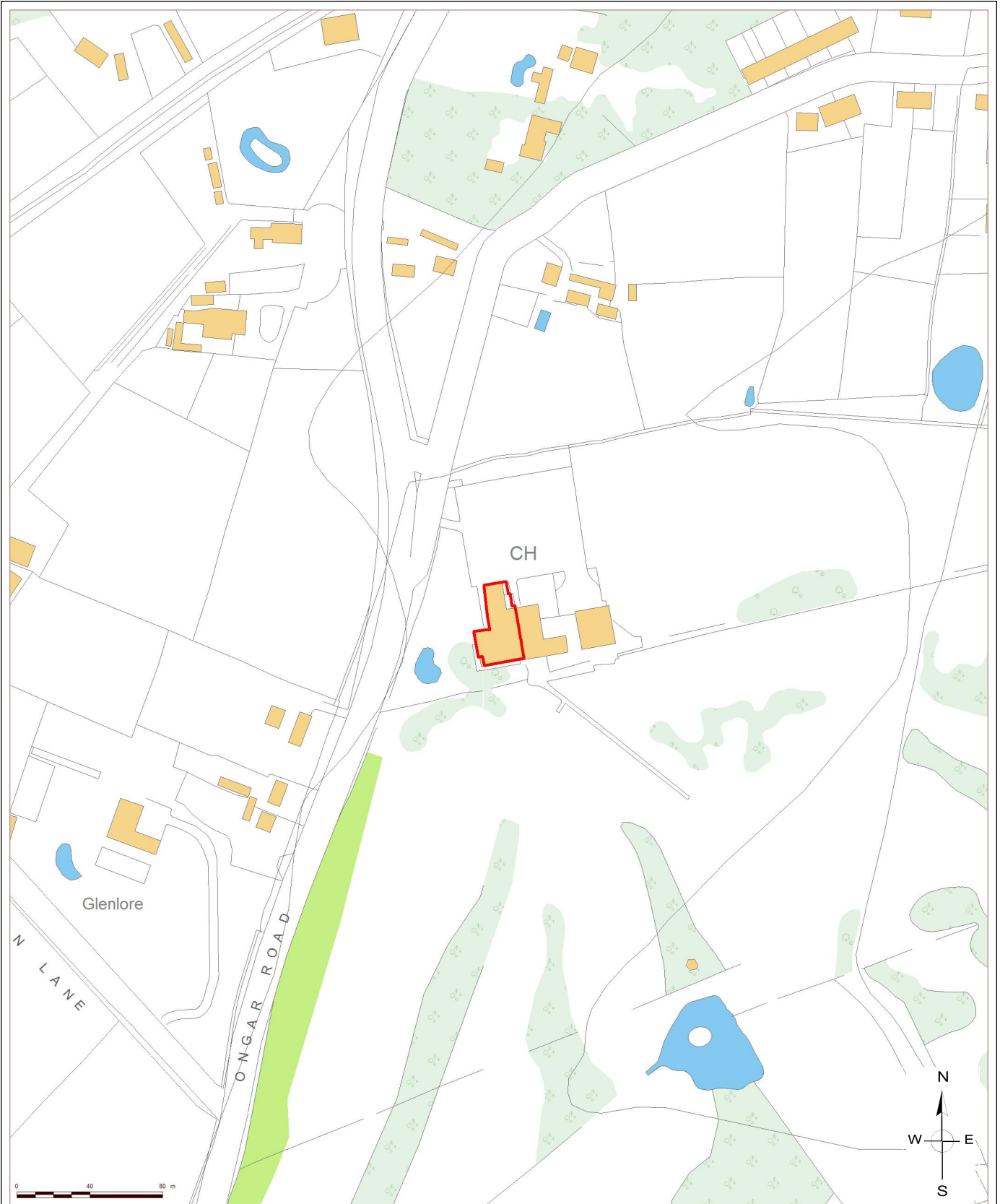
DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS



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

© Crown copyright and database rights 2018 Ordnance Survey 100018309

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



DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS



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

© Crown copyright and database rights 2018 Ordnance Survey 100018309

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

DUSK

Page 38



DUSK

Page 39



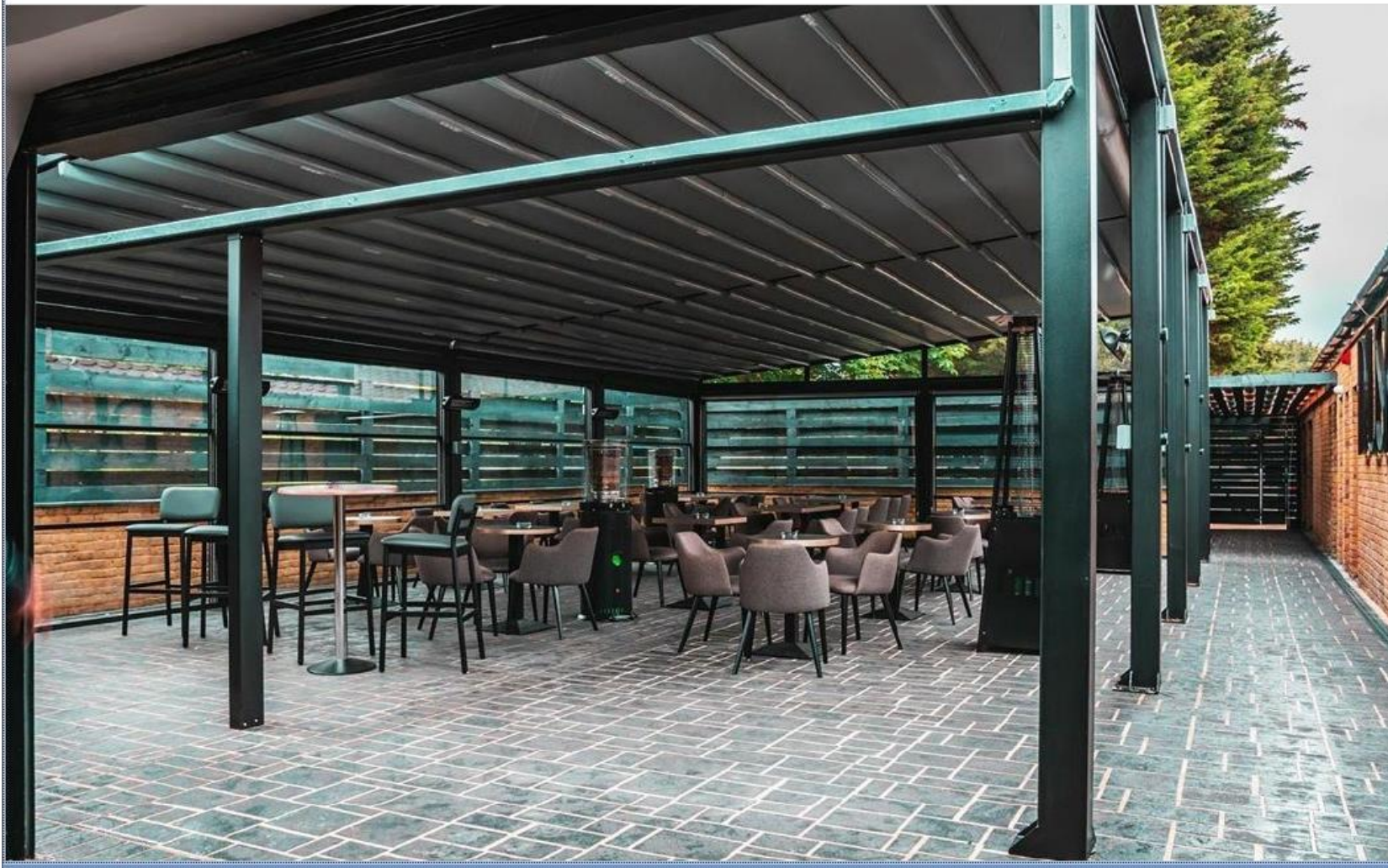


duskloungeessex

DUSK Brentwood



Page 40



Determination of Objection to Temporary Event Notice

DUSK, ONGAR ROAD, BRENTWOOD CM15 9SS

APPENDIX D

Representation

Responsible Authority

Miss Rebecca Page

*Environmental Health Officer
Brentwood Borough Council*



Mr Stavros Nicola
[REDACTED]

Date: 3rd March 2022
Our Reference: 22/000374/LITEN
Telephone:
Email: rebecca.page@brentwood.gov.uk

Dear Mr Stavros Nicola

ENVIRONMENTAL HEALTH OBJECTION NOTICE to a Temporary Event Notice (TEN) - Section 104 Licensing Act 2003

Name of Premises User: **Mr Stavros Nicola**
Address of Premises: **Dusk Ongar Road Pilgrims Hatch Essex CM15 9SS**
Date(s) required for TEN(s): **19.03.2022**

On **01/03/22** Environmental Health received the above Notice

Environmental Health are satisfied that the allowing of the premises to be used in accordance with the notice(s) would undermine one or more of the licensing objectives. The licensing objective(s) of relevance to this objection notice is the Prevention of Public Nuisance.

The reasons for being so satisfied are that:

The application proposes an extension of use to 03:00 which is likely to result in noise disturbance to other residents in the vicinity of the premises later at night.

Allowing the event to take place under a TEN would essentially:

- Add to the complaints of noise nuisance, which have ongoing investigations.
- I have concerns about how the premises would prevent a public nuisance regarding the following: noise of up to 150 people arriving and leaving; parking issues; amplified music; dropping of litter; singing and shouting; people smoking cigarettes/ smoking shisha/ drinking in the outside area.

Yours sincerely,

Miss Rebecca Page
Environmental Health Officer
Environmental Health

CC: licensing@brentwood.gov.uk
licensing.applications@essex.police.uk

This page is intentionally left blank

Determination of Objection to Temporary Event Notice

DUSK, ONGAR ROAD, BRENTWOOD CM15 9SS

APPENDIX E

Applicant Response

3 March 2022

Mr Stavros Nicola

From: Rebecca Page
Sent: Thu, 3 Mar 2022 15:27:48 +0000
To: Dave Leonard
Subject: FW: Environmental Health TEN Response
Attachments: Objection Notice to TEN (Dusk).pdf

From: [REDACTED]
Sent: 03 March 2022 14:24
To: Rebecca Page <rebecca.page@brentwood.gov.uk>
Cc: licensing.applications@essex.police.uk
Subject: Environmental Health TEN Response

Dear Ms Page,

Thank you for your email dated 03/03/22.

With regards to the concerns raised.

1. This is not part of the Dusk lounge, this is a private hall to the rear of the building.
2. There will be no shisha smoked within the above mentioned event. This is an enclosed area.
3. There will be door supervisors wearing high visibility within the parking area to ensure guests arrive and leave in an orderly fashion.
4. This party is being held in the banqueting area therefore we will not be part of the lounge where the complaints have been previously raised.
5. Littering will not be an issue as high visibility door supervisors will be in place throughout the venue and within the parking. As part of our responsibility we will ensure any cleaning needed will be dealt with in house.
6. This is an enclosed hall and all guests will be restricted to this area.
7. The smoking area will be supervised by door supervisors that will ensure noise levels are kept to a minimum.

If you have any further concerns please do not hesitate to contact me directly.

Kind Regards,

Stavros Nicola
Manager
Demetri LTD



www.thebungalowcafe.com
Office: 0044 (0) 208 989 5620
Mobile 0044 (0) 7950 90 5757

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



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

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

This page is intentionally left blank

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.