



# Agenda

## Licensing Sub-Committee

Monday, 31 July 2023 at 7.00 pm  
Council Chamber - Town Hall

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### Membership (Quorum – 3 )

Cllrs Mrs N Cuthbert, McCheyne and Mynott

### Substitute Members

Cllrs

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### Agenda

Item	Item	Wards(s) Affected	Page No
	<b>Live broadcast</b>		
	<a href="#">Live stream to start at 7pm and available for repeat viewing.</a>		
	<b>Contents</b>		
1.	<b>Appointment of Chair</b>		
2.	<b>Administrative Function</b> Members are respectfully reminded that, in determining the matters listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.		
3.	<b>Application for a Premises Licence - Licensing Act 2003, Yiamas, Ongar Road, Pilgrims Hatch, CM15 9SS</b>	Pilgrims Hatch	5 - 124

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  
21.07.2023

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### Information for Members

#### Substitutes

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

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

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#### Rights to Attend and Speak

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

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

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

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#### Point of Order/ Personal explanation/ Point of Information

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##### 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.

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### Information for Members of the Public

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#### 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](http://www.brentwood.gov.uk).

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#### 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

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

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 **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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  **Access**

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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 TITLE: Licensing Sub-Committee

DATE 31 July 2023

REPORT TITLE:	Application for a Premises Licence – Licensing Act 2003 Yiamas, Ongar Road, Pilgrims Hatch, CM15 9SS.
REPORT OF:	Dave Leonard – Licensing Officer

### 1. REPORT SUMMARY

An application has been received by NFS Essex Ltd. for a new premises licence at **Yiamas, Ongar Road, Pilgrims Hatch, CM15 9SS**. The premises, formally known as Dusk, has been closed for over a year and the new proprietors are seeking to re-open the premises as a restaurant and bar and provide live & recorded music, performance of dance and the supply of alcohol on premises. The premises will be open to the public from 1200hrs-0000hrs on Sunday to Thursday and from 1200hrs-0200hrs on Friday and Saturday. Twenty-four (24) relevant representations from thirteen different households have been received together with two further representations from Brentwood Borough Council's Environmental Health team and Essex Police (Licensing) as consulting responsible authorities. Members are requested to determine the application having regard to the operating schedule, the representations received, the Secretary of State's guidance and Brentwood Borough Council's Statement of Licensing Policy and the four Licensing objectives.

### 2. RECOMMENDATIONS

That the Sub Committee:

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

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

## **SUPPORTING INFORMATION**

### **3.0 REASONS FOR RECOMMENDATIONS**

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

### **4.0 OTHER OPTIONS CONSIDERED**

4.1 In line with the Licensing Act 2003 there are no other options to be considered.

### **5.0 BACKGROUND INFORMATION**

5.1 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

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

5.3 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.

5.4 The four licensing objectives are;

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

5.5 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

## The Application

- 5.6 This application for a new premises licence was received on 6 June 2023 from Mr Burak Erceci, director of NFS Essex Ltd. in respect of **Yiamas, Ongar Road, Pilgrims Hatch CM15 9SS**. A copy of the application is attached at **Appendix 1**.
- 5.7 This premise is a restaurant and bar. A set of OS Street Maps and images to better identify the location are attached at **Appendix 2**.
- 5.8 The application seeks to provide the following licensable activities;
- Live Music: Monday-Thursday 1600hrs-0000hrs, Friday 1600hrs-0130hrs, Saturday 1300hrs-0130hrs and Sunday 1300hrs-0000hrs
  - Recorded Music: Monday-Thursday 1600hrs-0000hrs, Friday 1600hrs-0130hrs, Saturday 1300hrs-0130hrs and Sunday 1300hrs-0000hrs
  - Performance of Dance: Monday-Thursday 1600hrs-0000hrs, Friday 1600hrs-0130hrs Saturday 1300hrs-0130hrs & Sunday 1300hrs-0000hrs
  - Supply of Alcohol (On premises): Monday-Thursday 1200hrs-0000hrs, Friday & Saturday 1200hrs-0130hrs and Sunday 1200hrs-0000hrs

Hours to be extended until 01:30 on Christmas Eve, Christmas Day, New Year's Eve and New Year's Day and until 01:30 on Bank Holiday Sundays (for the avoidance of doubt, the performance of dance will finish at 01:30 on the Bank Holiday Monday).

The premises will be open to the public; Sunday-Thursday 1200hrs-0000hrs and Friday & Saturday 1200hrs-0200hrs

- 5.9 In addressing the promotion of the four licensing objectives, the applicant has made undertakings within the operating schedule of the application that will be to be attached as the conditions on any subsequently issued premises licence. Where an undertaking has by agreement been replaced by a condition agreed with a Responsible Authority the originally proposed operating schedule condition has not been included.
- Licensed Security Industry Authority staff may be used at the premises to guard against:
    - a) Unauthorised access or occupation (e.g., through door supervision), or
    - b) Outbreaks of disorder, or
    - c) Damage
  - There shall be a second interior door installed at the front entrance.
  - No recorded music shall be played in the outside (lounge) area after 22:30.

- 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.
- No persons under the age of 18 shall be permitted on the premises without being accompanied by a responsible adult.

5.10 Two valid representations have been received from the Responsible Authorities. Officers from Brentwood Council's Environmental Health Team and Essex Police (Licensing) have submitted representations that include recommendations that complement the applicant's undertakings and are agreed by all parties.

5.11 The Environmental Health Team at Brentwood Borough Council is fully aware of historical concerns & the previous tenants' disregard for sound attenuation caused, primarily from the playing of music in the outside areas and patrons' causing public nuisance in the car park when leaving the premises at the end of the evening.

Mr Zach Byrne, Environmental Health Officer covering this ward, has already agreed a noise management plan with the new applicants which, if adhered to, is hoped to abate many of the prior issues. If this noise management plan is conditioned into the licence it would be very helpful to reduce the chance of nuisance caused to nearby residents.

However, it is also Mr Byrne's contention that, with the proposed hours of operation, what is considered reasonable at 6PM will differ from 1AM. Regulated entertainment potentially taking place into the early hours of the morning together with traffic management & customer dispersal could lead to public nuisance being caused.

Mr. Byrne's representation, together with the agreed noise management plan, is attached at **Appendix 3**.

5.12 Essex Police Licensing Officer, Mr Simon Barnes, also makes representation on the grounds that, if granted, as per the conditions the application currently sets out, the prevention of crime & disorder and public nuisance objective of the Licensing Act 2003 is likely to be undermined.

Mr Barnes relates to the venue's semi-rural location in vicinity of several private residences. As no application has been made for late night refreshment it is logical to draw a conclusion that the premises will likely be a function/event premises after 2300hrs and/or a nightclub or similar environment. This is drawn from the principle that the premises will cease trading as a restaurant at 2300 as it will no longer be able to serve hot food or drinks from this time under the applied for licence.



Mr Barnes has consulted with the applicant & reached agreement that the following recommendations are to be attached as conditions on the premises licence should it be granted;

1. The premises shall have installed and maintain a closed-circuit television surveillance (CCTV) system which at all times complies with the below requirements:
  - a. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality {in all lighting conditions} particularly facial recognition;
  - b. CCTV cameras shall cover all entrances, exits and the areas where alcohol sales take place;
  - c. 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;
  - d. 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 {and exits} advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x148mm 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 or offensive weapons
  - f. any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

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

4. Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:
  - a. The day and date when door supervisors were deployed;
  - b. The name and SIA registration number of each door supervisor on duty at the premises; and
  - c. 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. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents & to leave the area quietly.
6. 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 (photo, name, date of birth and either a holographic mark or ultraviolet feature) and is either a:
  - a. Proof of age card bearing the PASS Hologram;
  - b. Photocard driving licence;
  - c. Passport; or
  - d. Ministry of Defence Identity Card.
7. The premises shall clearly display signs at 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 200x 148mm.
8. A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale.

All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.

9. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. 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.

Mr Barnes' representation, together with the agreement to attach these conditions, is also attached at **Appendix 3**.

- 5.13 There have been twenty-four (24) representations from thirteen (13) households against the application received from Other Persons. The concerns raised by local residents relate to historical fears of late-night licensed venues playing music in the outdoor smoking area and the subsequent dispersal of patrons into the early hours of the morning in an otherwise quiet, semi-rural location. These representations have been attached at **Appendix 4**.

## **Statement of Licensing Policy**

5.14 The following Brentwood Borough Council Statement of Licensing Policy control measures relate to the prevention of public nuisance state:

*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.*

*22.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include-*

- (a) The location of premises & proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship*
- (b) The hours of opening, particularly between 23.00 and 07.00.*
- (c) The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.*
- (d) The design and layout of premises and in particular the presence of*
- (e) The occupancy capacity of the premises.*
- (f) The availability of public transport.*
- (g) A 'wind down period' between the end of the licensable activities and closure of the premises.*
- (h) A last admission time.*

## **Relevant Sections of the Secretary of State’s Guidance**

5.15 The following sections of the guidance may be relevant to this application:

*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. E.g., premises with close proximity to of the licensing objectives, and where there are no known concerns, acknowledge 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 this in their application.*

## **6.0 FINANCIAL IMPLICATIONS**

**Name & Title: Tim Willis, Director – Resources & Section 151 Officer**  
**Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk**

## **7.0 LEGAL IMPLICATIONS**

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.

**Name & Title: Claire Mayhew, Joint Acting Director –  
People & Governance & Monitoring Officer**  
**Tel & Email 01277 312500 / claire.mayhew@brentwood.gov.uk**

## **8.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

8.1 None

## **9.0 RELEVANT RISKS**

9.1 None

## **10.0 ENGAGEMENT/CONSULTATION**

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

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

**13.0 EQUALITY IMPLICATIONS**

None applicable

**Name & Title:** Kim Anderson, Corporate Manager –  
Communities, Leisure and Health

**Tel & Email** 01277 312500 kim.anderson@brentwood.gov.uk

**14.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

None applicable

**Name & Title:** Phil Drane, Director - Place

**Tel & Email** 01277 312500 / phil.drane@brentwood.rochford.gov.uk

**REPORT AUTHOR:**

**Name:** Dave Leonard

**Title:** Licensing Officer

**Phone:** 01277 312523

**Email:** dave.leonard@brentwood.gov.uk

**APPENDICES**

- Appendix 1 - Application Form & Supporting Statement
- Appendix 2 - OS Street Plans & Images
- Appendix 3 - Representations from Responsible Authorities  
Mr Zach Byrne - Environmental Health Officer  
Mr Simon Barnes - Essex Police Licensing Officer
- Appendix 4 - Representations from Other Parties

**BACKGROUND PAPERS**

None

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date
Not Applicable	

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YIAMAS, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

**APPENDIX 1**  
**APPLICATION FORM**  
**& PLANS**

Application for a New Premises Licence

(NFS Essex Ltd. T/A YIAMAS)





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

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

Before completing this form please read the guidance notes:

[Premises Licence Application Guidance Notes](#)

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

## Cost of Licence

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

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

Cost of licence: £315.00

I/We,

Name of the applicant: NFS Essex Ltd

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

## Premises Details

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

Ordnance survey map reference or description:

Premises Address

Flat number (if any)

House number/name      Dusk

Road name                  Ongar Road

Town                          Pilgrims Hatch

County                        Essex

Post Code                    CM15 9SS

Daytime contact telephone number (if any):

Premises email address (optional): 

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

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

## Individual Applicants

Title:

First name(s):

Surname:

Date of birth:

I am 18 years old or older:

Nationality:

Where applicable (if demonstrating a right to work via the Home Office online right to checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information):

### Applicant Address

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Daytime contact telephone number:

Application email address (optional):

## Second Individual Applicant (if applicable)

Title:

First name(s):

Surname:

Date of birth:

I am 18 years old or older:

Nationality:

Where applicable (if demonstrating a right to work via the Home Office online right to checking service), the 9-digit 'share code' provided to the applicant by that service: (please see

note 15 for information):

**Applicant Address**

Flat number (if any)

House number/name

Road name

Town

County

Post Code

Daytime contact telephone number:

Application email address (optional):

**Other Applicants**

Please provide name and registered address of the applicant in full. Where appropriate please give any registered number.

In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name: NFS Essex Ltd

Flat number (if any)

House number/name

Road name

Town

County

Post Code



Registered number (where applicable): 

Description of Applicant: Company

Telephone:

Email:

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## Operating Schedule

When do you want the premises licence to start?: 01/08/2023

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

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

restaurant and bar

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

What licensable activities do you intend to carry on from the premises? (please see [section 1](#) and [section 14](#) of the Licensing Act 2003 and [Schedule 1](#) and [Schedule 2](#) to the Licensing Act 2003)

Provision of regulated entertainment for:

(e) live music, (f) recorded music, (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 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)

Day      Start      Finish

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)

Day      Start      Finish

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

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

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

## d) Boxing or Wrestling

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

Standard Days and Timings (please read guidance note 6)

<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 boxing or wrestling entertainment (please read guidance note 4):

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



## e) Live Music

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	01:30
Saturday	13:00	01:30
Sunday	13:00	00:00

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

Live music will include singers and DJ.

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

The performance of live music to be extended until 01:30 on Christmas Eve, Christmas Day, New Years Eve and New Years Day.

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):

The performance of live music to be extended until 01:30 on Bank Holiday Sundays (for avoidance of doubt, the performance of live music will finish at 01:30 on the Bank Holiday Monday).

## f) Recorded Music

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	01:30
Saturday	13:00	01:30
Sunday	13:00	00:00

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

Recorded music will be played inside and outside the restaurant, however no recorded music will be played outside after 22:30 (see conditions).

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

The playing of recorded music to be extended to 01:30 on Christmas Eve, Christmas Day, New Years Eve and New Years Day.

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

The playing of recorded music to be extended to 01:30 on Bank Holiday Sundays (if avoidance of doubt, the performance of recorded music will finish at 01:30 on the Bank Holiday Monday).

## g) Performances of Dance

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	16:00	00:00
Tuesday	16:00	00:00
Wednesday	16:00	00:00
Thursday	16:00	00:00
Friday	16:00	01:30
Saturday	13:00	01:30
Sunday	13:00	00:00

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

Professional dancers will be engaged in order to provide entertainment for customers.

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

The performance of dance to be extended until 01:30 on Christmas Eve, Christmas Day, New Years Eve and New Years Day.

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):

The performance of dance to be extended until 01:30 on Bank Holiday Sundays (for the avoidance of doubt, the performance of dance will finish at 01:30 on the Bank Holiday Monday).

## **h) Anything of a Similar Description to that falling within 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>
------------	--------------	---------------

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 be taking 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 the provision of late night refreshment (please read guidance note 4):

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

## j) Supply of Alcohol

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

Standard Days and Timings (please read guidance note 6)

<u>Day</u>	<u>Start</u>	<u>Finish</u>
Monday	12:00	00:00
Tuesday	12:00	00:00
Wednesday	12:00	00:00
Thursday	12:00	00:00
Friday	12:00	01:30
Saturday	12:00	01:30
Sunday	12:00	00:00

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

Sale of alcohol will include draft and bottled beers, wines, spirits and cocktails.

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

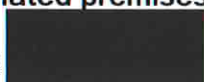
The sale of alcohol to be extended until 01:30 on Christmas Eve, Christmas Day, New Years Eve and New Years Day.

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):

The sale of alcohol to be extended until 01:30 on Bank Holiday Sundays (for the avoidance of doubt, the sale of alcohol will finish at 01:30 on the Bank Holiday Monday).

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

Name:



Address

Flat number (if any)

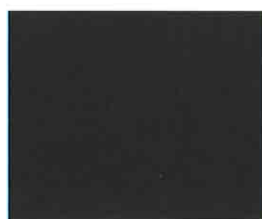
House number/name

Road name

Town

County

Post Code



Personal Licence Number (if known):

Issuing Licensing Authority (if known):

## I) Hours Premises are open to the public

Standard Days and Timings (please read guidance note 6)

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

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

Opening hours to be extended until 02:00 on Christmas Eve, Christmas Day, New Years Eve and New Years Day.

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

Opening hours to be extended until 02:00 on Bank Holiday Sundays (for the avoidance of doubt 02:00 on the Bank Holiday Monday).



## 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):

There are none.

---

## o) Promoting Licensing Objectives

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

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

Existing health and safety/fire safety etc requirements will be complied with.

b) The prevention of crime and disorder:

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

a) CCTV will be provided in the form a recordable system, capable of providing pictorial evidential quality in all lighting conditions;

b) CCTV cameras shall cover all entrances and exits;

c) Equipment must be maintained in good working order, be correctly time and date stamped; recordings must be kept in good working order;

c) Public safety:

Licensed Security Industry Authority staff 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

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

a) Proof of age card bearing the PASS Hologram;

b) Photocard driving licence; or

c) Passport.

d) The prevention of public nuisance:

There shall be a second interior door installed at the front entrance.

No recorded music shall be played in the outside (lounge) area after 22:30.

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



---

A written noise management policy which is acceptable to Brentwood Borough 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.

e) The protection of children from harm:

No persons under the age of 18 shall be permitted on the premises without being accompanied by a responsible adult.

## Declaration

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

Alternatively these should be sent by post to:

Licensing, Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM8 8AY

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

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

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

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

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

[Public Notice of Application](#)

(Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships) I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15): I agree

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

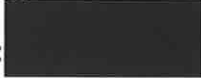
**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF AN UNLIMITED AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

## Signatures

(please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature (name): 

Date: 06/06/2023

Capacity: Director

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

(Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15): I agree

The DPS named in this application form is entitled to work in the UK (and is not subject to any conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15): I agree

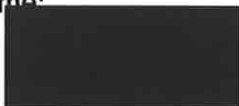
Signature (name):

Date: 06/06/2023

Capacity:

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

Correspondence name: 

Telephone number: 

Mobile telephone number:

Correspondence Address

Flat number (if any)

House number/name

Road name

Town

County

Post Code

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

email address:

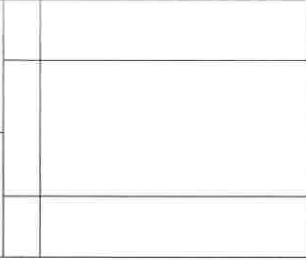


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info@secsaw-studios.com

**Client:**  
N/S Essex

**Project:**  
Ongar Road, Essex  
CM15 9SS

**Drawing Title:**  
Existing Ground Floor Plan

**Date:**  
Feb. 2023

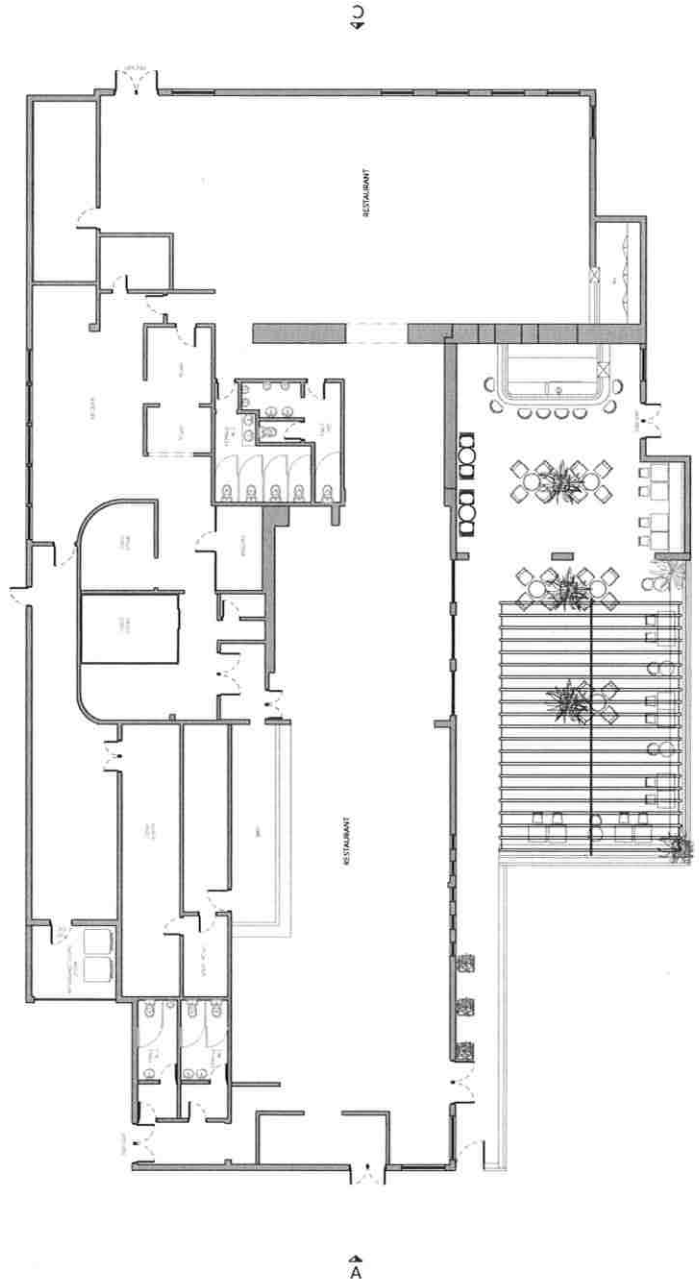
**Drawing Number:**  
SE 1449 - 01 / P1

**Scale:**  
1:100 @ A1

**Drawing Status:**  
Planning

**Revision:**

**Drawn By:**



1 Existing Ground Floor Plan  
Scale: 1:100





**NOTE:**

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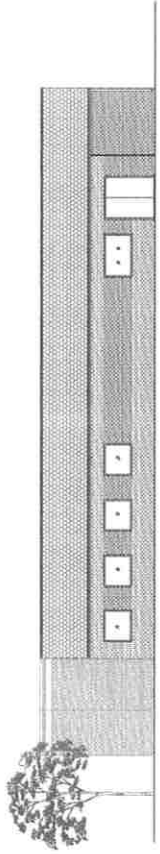
**Client:**  
Nfs Essex

**Project:**  
Ongar Road, Essex  
CM15 9SS

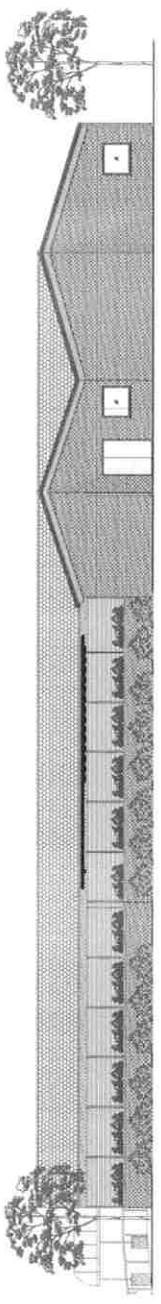
**Drawing Title:**  
Existing Elevations

Date:	Feb. 2023	Drawing Status:	Planning
Drawing Number:	SE 1449 - 02 /P1	Drawing Status:	Revision
Scale:	1:100 @ A1	Drawn By:	

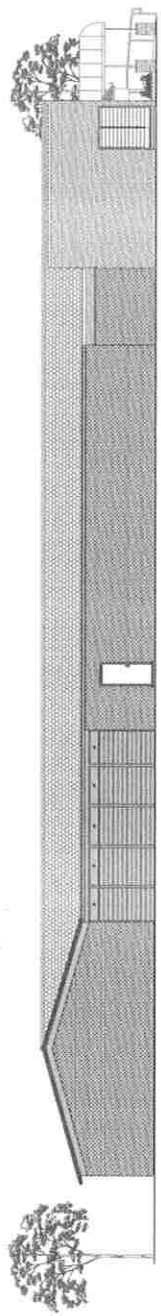
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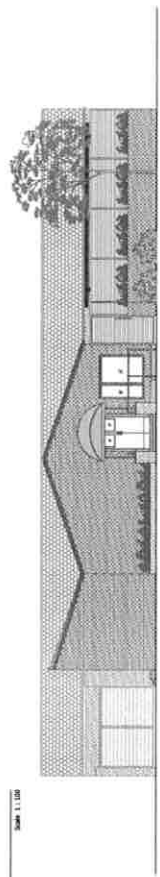
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Scale 1:100



③ Existing Elevation C  
Scale 1:100

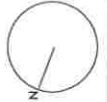


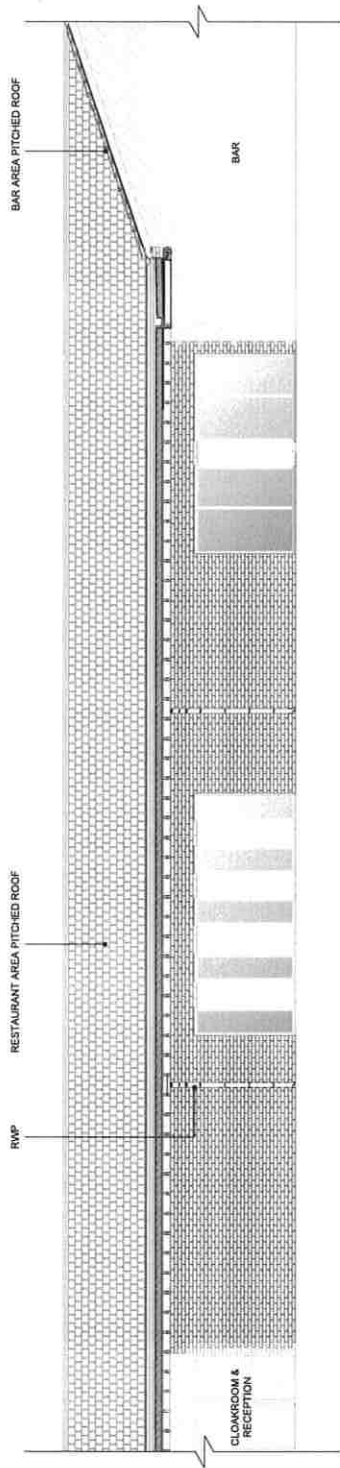
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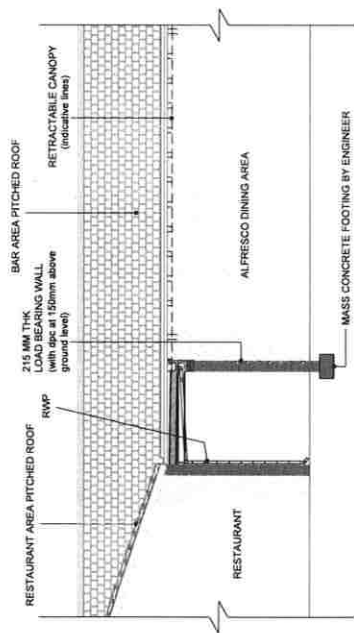


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<p><b>Client:</b> Nfs Essex</p> <p><b>Project:</b> Ongar Road, Essex CM15 9SS</p> <p><b>Drawing Title:</b> Proposed Sections</p> <p><b>Date:</b> Feb. 2023</p> <p><b>Drawing Number:</b> SE 1449 - 05 / P1</p> <p><b>Scale:</b> 1:50 @ A1</p>		
<p><b>Proposed Sections</b></p> <p><b>Date:</b> Feb. 2023</p> <p><b>Drawing Number:</b> SE 1449 - 05 / P1</p> <p><b>Scale:</b> 1:50 @ A1</p>		
<p><b>Drawing Status:</b> Planning</p> <p><b>Revision:</b></p> <p><b>Drawn By:</b></p>		



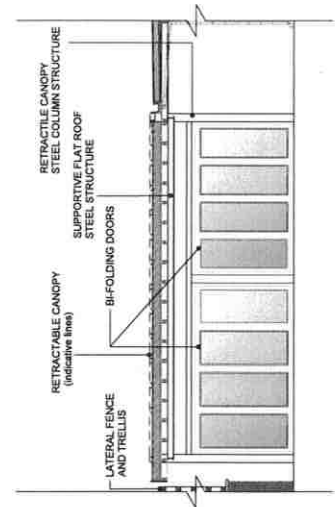
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Scale 1:50



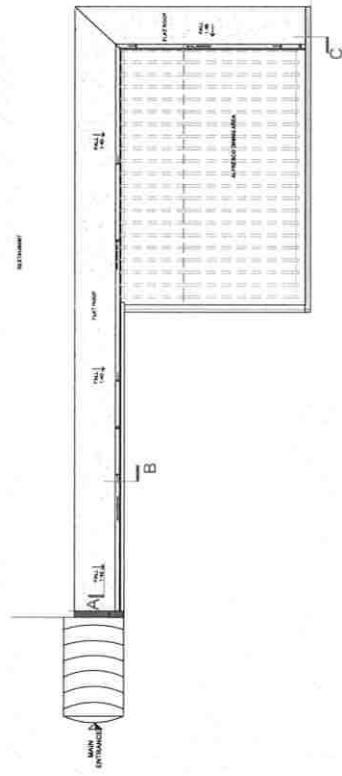
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Scale 1:50



3 Proposed Section CC

Scale 1:50



4 Key Plan

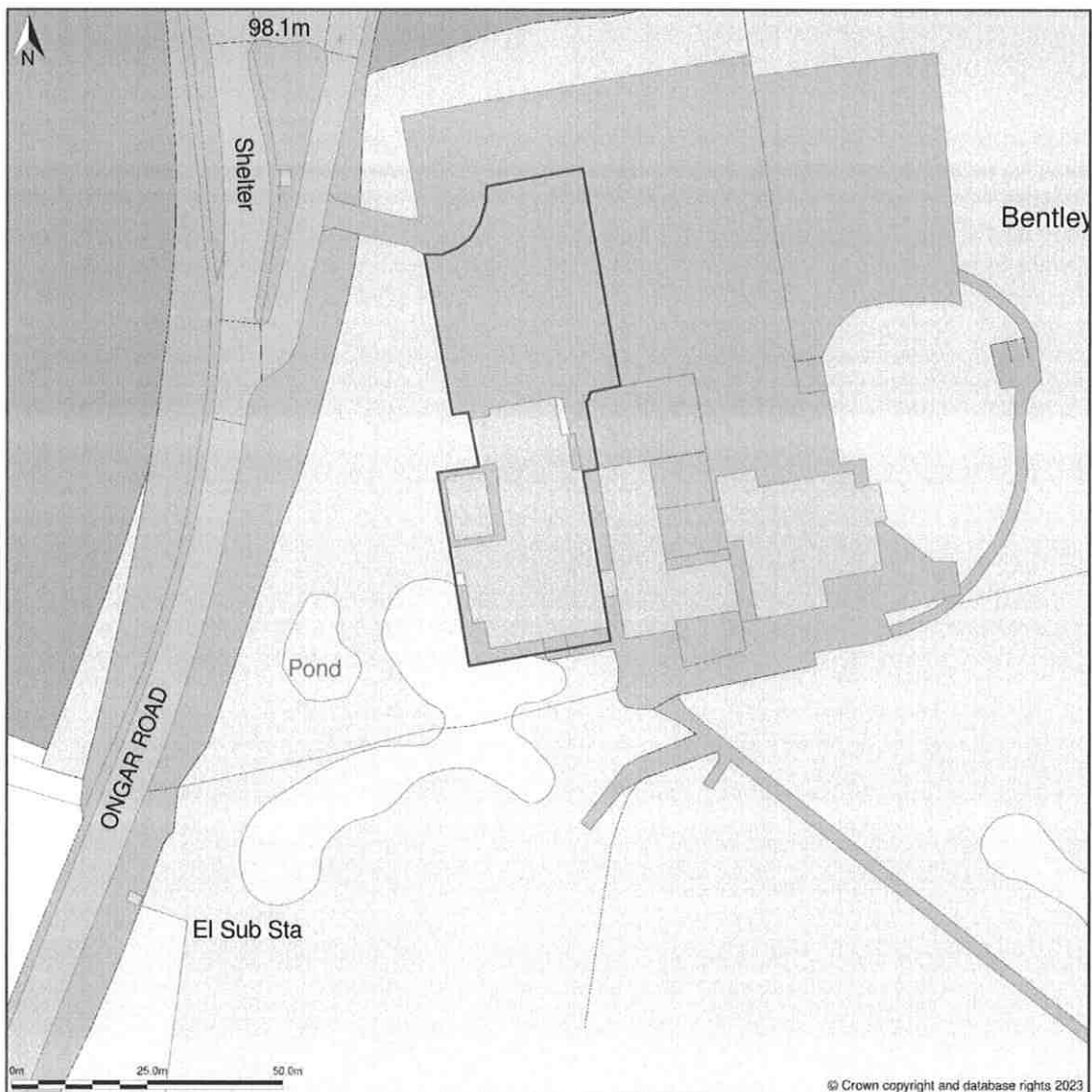
Scale 1:200







Joy Fook Restaurant Dusk , Ongar Road, Pilgrims Hatch, Essex, CM15 9SS




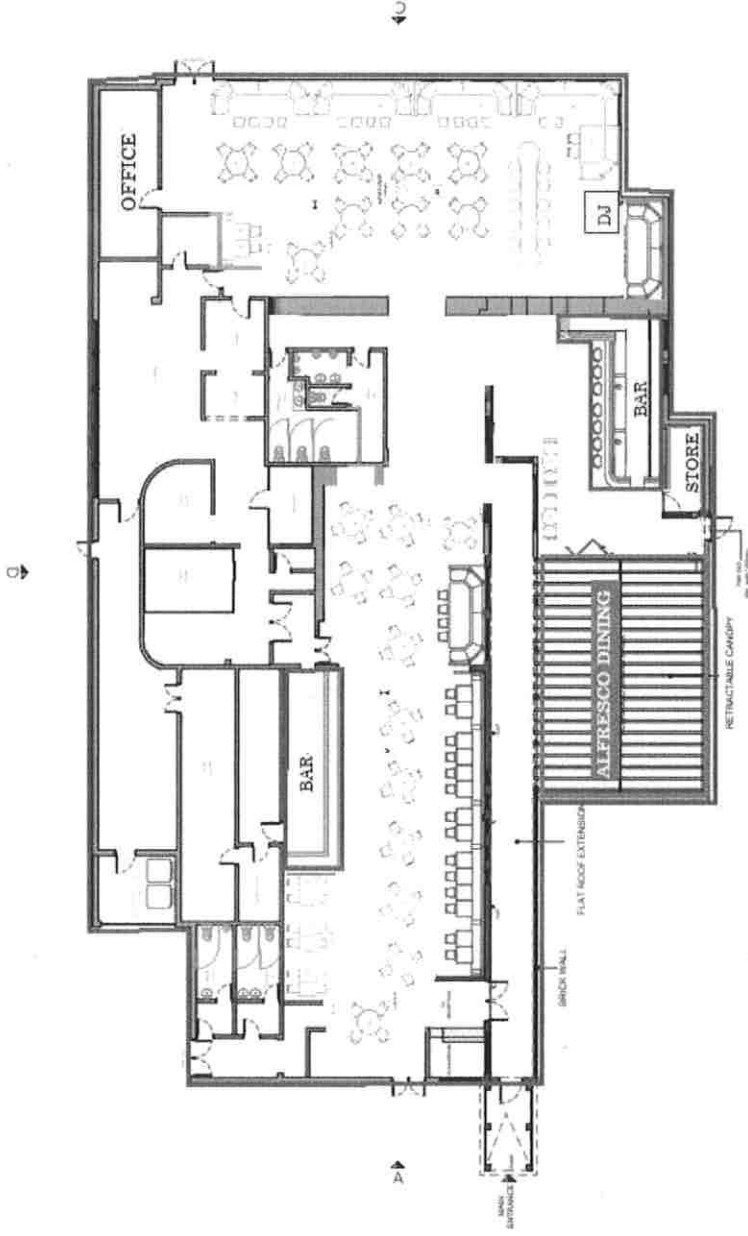
Location Plan shows area bounded by: 556911.33, 197404.69 557111.33, 197604.69 (at a scale of 1:1250), OSGridRef: TQ57019750. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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<p><b>Client:</b> N/S Essex</p>		<p><b>Project:</b> Ongar Road, Essex CM15 9SS</p>		<p><b>Drawing Title:</b> Proposed Ground Floor Plan</p>	
<p><b>Date:</b> Feb. 2023</p>		<p><b>Drawing Number:</b> SE 149 - 03/FP1</p>		<p><b>Scale:</b></p>	
<p><b>Revision:</b></p>		<p><b>Revision:</b></p>		<p><b>Drawn By:</b></p>	



1 Proposed Ground Floor Plan



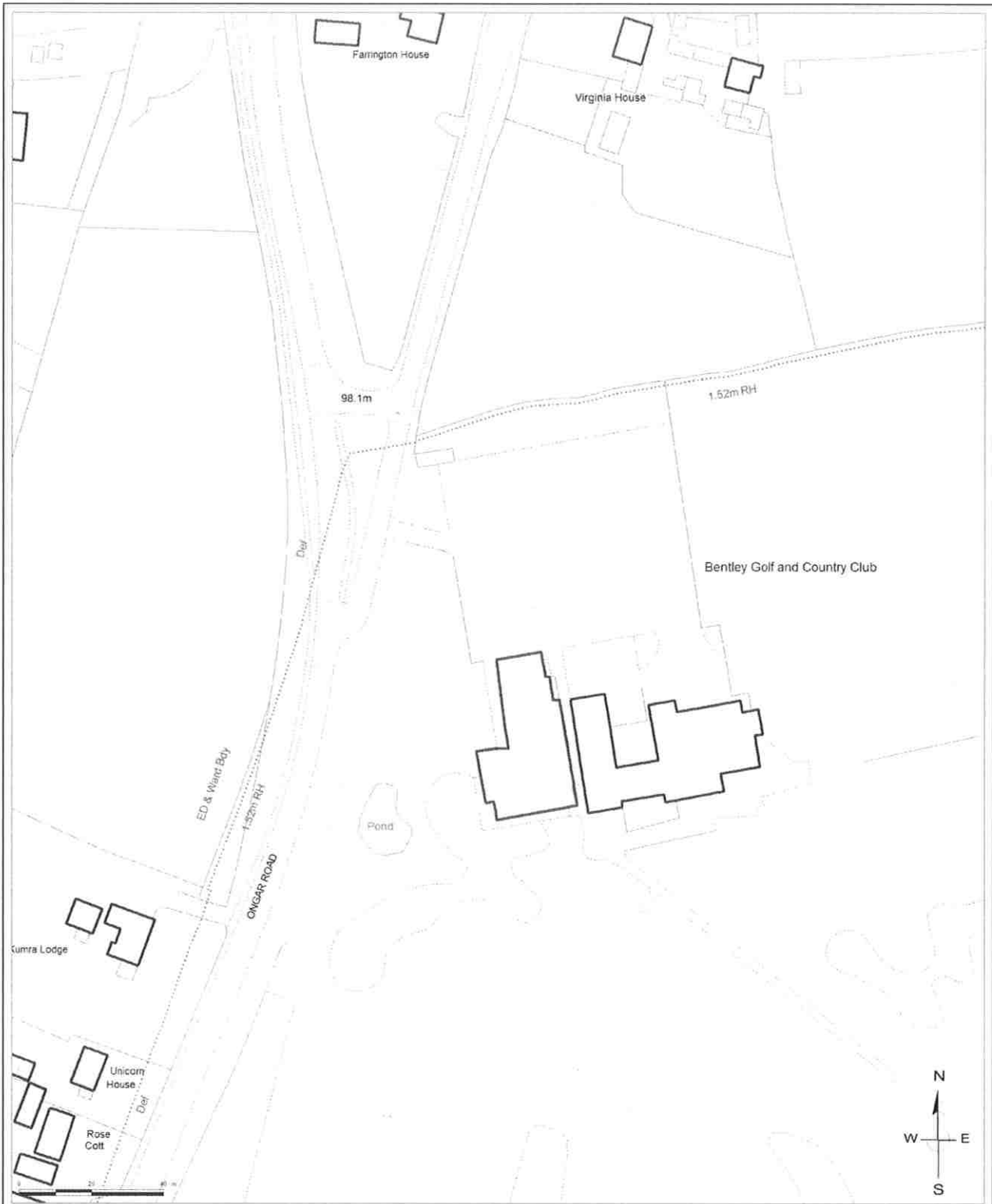


*YIAMAS, ONGAR ROAD, PILGRIMS HATCH CM15 9SS*

# *APPENDIX 2*

*OS Maps & Images*





# DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

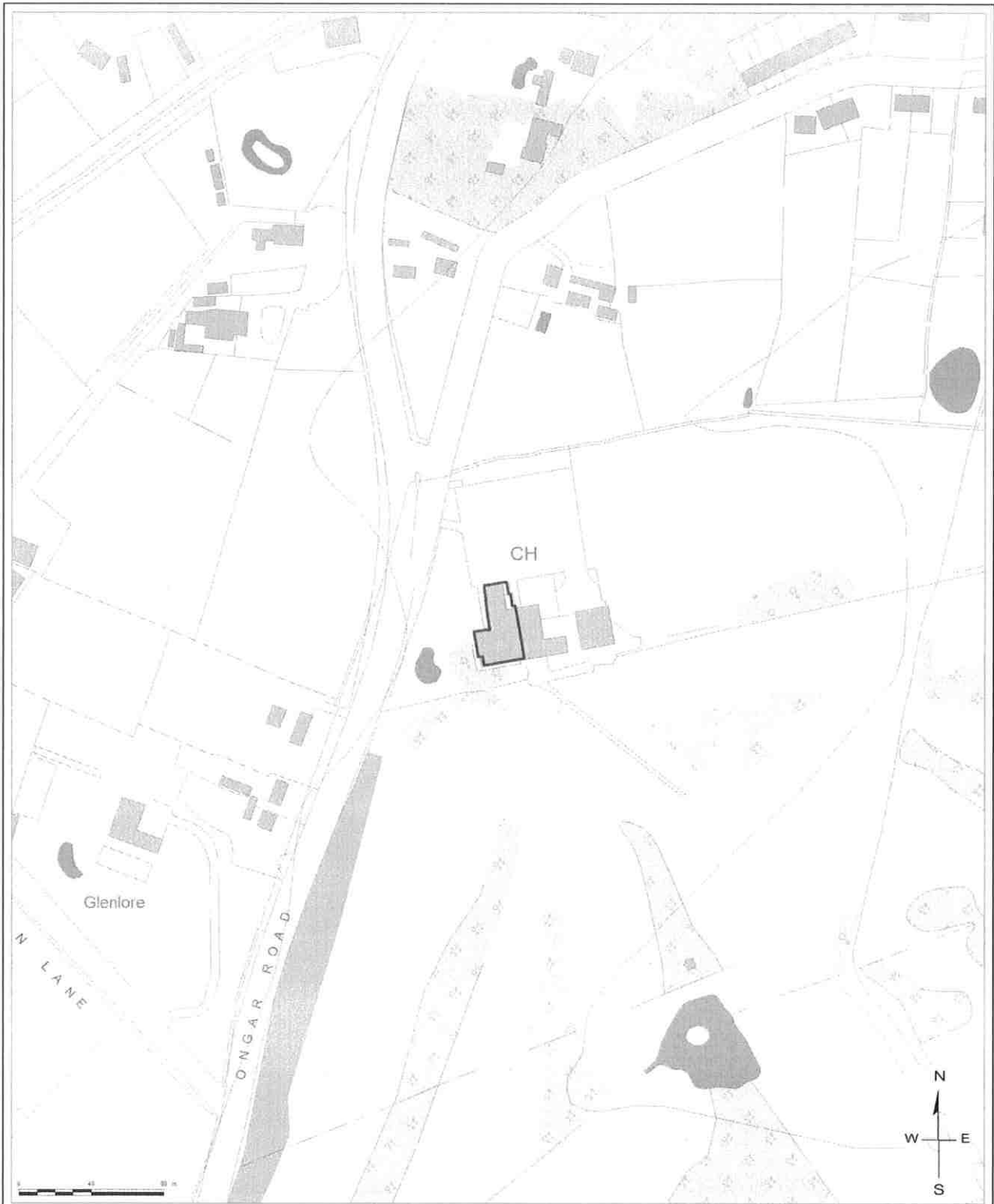


Drawing No. :  
 Scale at A4 : 1:1500  
 Drawn by : OSJ  
 Service : ICT  
 Date : 19th August 2019

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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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 Brentwood, CM15 8AY  
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**YIAMAS, ONGAR ROAD, PILGRIMS HATCH CM15 9SS**

# **APPENDIX 3**

## **REPRESENTATIONS**

### ***Responsible Authorities***

*Brentwood Borough Council*

*Mr. Zach Byrne – Environmental Health Officer*

*Essex Police (Licensing)*

*Mr. Simon Barnes – Essex Police Licensing Officer*

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

**REPRESENTATION**

***Responsible Authority***

*Brentwood Borough Council*

*Environmental Health Team*

*Mr. Zach Byrne – Environmental Health Officer*



## Paula Hammond

---

**From:** Paula Hammond  
**Sent:** 07 July 2023 11:37  
**To:** Paula Hammond  
**Subject:** FW: Official Sensitive - Dusk Premises License Application - EH Representations  
**Attachments:** NOISE MANAGEMENT PLAN 03.07.23.docx

**From:** Zach Byrne  
**Sent:** 03 July 2023 16:23  
**To:** Paul Adams <[paul.adams@brentwood.gov.uk](mailto:paul.adams@brentwood.gov.uk)>; Dave Leonard <[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)>  
**Cc:** David Carter <[david.carter@brentwood.gov.uk](mailto:david.carter@brentwood.gov.uk)>  
**Subject:** Official Sensitive - Dusk Premises License Application - EH Representations

Good afternoon all,

I hope you are well.

I am writing to provide comments for the above license application (although I am aware as per Dave's emails last week this is already going to a sub-committee hearing).

David and I have been speaking with the applicants over the last few weeks, including an on-site meeting with them, to discuss our concerns and their overall objectives for the new premises.

We are very aware that the previous owners/license holders at this premises have given rise to complaints from nearby residents, largely related to music being played in outdoor areas without regard for sound attenuation, and patrons causing nuisance in the car park outside the premises/leaving the premises in a disorderly manner, among other issues. As such, I can understand hesitancy and concern for residents regarding future developments at this premises.

I have agreed a noise management plan with the applicants (document attached) which, if adhered to, is hoped to abate many of the prior issues. It includes, but is not limited to, the following:

- A soundcheck at the premises being carried out with BBC EHOs to agree set volumes for music, for which only management will have access to;
- Music played in the alfresco dining area to be played at background, non-licensable levels only;
- Doors and windows closed, insofar as is reasonably practicable, at the premises to avoid sound escaping;
- Perimeter checks to be carried out on-site, and a record kept of their results, to monitor potential noise nuisance from sound escape;
- Strict management of access/egress to the premises, particularly for smokers, to prevent sound escape and management of patrons outside the premises.

If this noise management plan is conditioned into the license it would be very helpful to reduce the chance of nuisance caused to nearby residents.

However, David has highlighted that there are still some areas of concern for us regarding this application. The hours of operation, particularly for when the applicants plan to provide recorded music, could give rise to nuisance if volume levels are not progressively altered into the early hours of the morning; what is considered reasonable at 6PM will differ from 1AM. Furthermore, it is understood that the applicants have chosen to partition the car park with the golf course such that it is much smaller and manageable. However, on particularly busy nights this could mean that there is not enough space for all patrons which could cause problems for Frog Street etc. if patrons park further away in large numbers. Combined with the hours of operation mentioned previously, this could lead to nuisance being caused as lots of patrons leave in the early hours of the morning. Based on these concerns, we would like to object to the application.

Kind regards,

Zac.

**Zac Byrne | Environmental Health**

☎ 01277 312500

✉ [zach.byrne@brentwood.gov.uk](mailto:zach.byrne@brentwood.gov.uk)

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



Find out more about [cost of living support](#) | [Brentwood Council](#)

Find out more about [cost of living support](#) | [Rochford Council](#)

**#ByYourSide**

We are committed to helping you, your family and community as the cost of living increases. Visit our websites for information, advice and support from us and our service providers.

[Brentwood.gov.uk/cost-of-living](http://Brentwood.gov.uk/cost-of-living)  
[Rochford.gov.uk/cost-of-living](http://Rochford.gov.uk/cost-of-living)

The banner features the hashtag #ByYourSide in large white text on a dark blue background. Below it is a white box with a message of support. At the bottom, there are two logos: Brentwood Borough Council and Rochford District Council. The background of the banner shows silhouettes of people with thought bubbles.



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<p><b>NOISE MANAGEMENT PLAN</b>  <b>PREMISES FORMERLY KNOWN AS 'DUSK'</b>  <b>ONGAR ROAD, BRENTWOOD, ESSEX CM15 9SS</b></p>	
<p><b>SUMMARY OF PREMISES</b></p>	<p>This noise management plan relates to the premises formerly known as 'Dusk' on Ongar Road, Brentwood, Essex CM15 9SS ('Premises').</p> <p>The Premises shall operate during the following times:</p> <p>Sunday – Thursday 12:00 until 00:00; and          Friday – Saturday 12:00 until 02:00.</p> <p>Live and/or recorded music will be played at the Premises during the following times:</p> <p>Monday 16:00 until 00:00;          Tuesday 16:00 until 00:00;          Wednesday 16:00 until 00:00;          Thursday 16:00 until 00:00;          Friday 16:00 until 01:30;          Saturday 13:00 until 01:30; and          Sunday 13:00 until 00:00.</p> <p>The Premises will have an outside area (shown on the attached plan) which we are aware may generate noise.</p>
<p><b>KEY OBJECTIVES</b></p>	<p>Our objectives are to minimise disturbance to local residence and prevent any public nuisance. We intend to satisfy the local authority by discussing any noise related concerns at our Premises Licence application meeting.</p> <p>We have identified the relevant noise sources at the Premises and will continue to review this once we are open and trading. We are aware of historic noise complaints relating to the Premises and have investigated the nature of these complaints so as to avoid facing similar complaints in the future.</p>

	<p>We have identified steps to manage and control noise both within and outside of the Premises.</p> <p>We will promptly address and manage any complaints related to unacceptable noise and public nuisance.</p>
<p><b>LOCATION PLAN / SITE PLAN</b></p>	<p>Attached is a plan showing the location of the Premises and also a site plan. The location of the DJ booth is indicated on the plan. The plan also shows an Alfresco Dining Area which will be connected to the main building via two sets of doors. There will be no dance at the Premises.</p>
<p><b>NOISE SOURCES</b></p>	<p>The main noise source will be the speakers inside of the Premises. Noise will also be generated from the Alfresco Dining Area but there will be no speakers outside. Noise may also be generated by people entering and leaving the Premises.</p>
<p><b>NOISE CONTROLS</b></p>	<p>We are aware of historic noise complaints and understand that these related exclusively to noise generated from outside areas. Despite this we are still taking precautions to control the noise inside the Premises. We will be setting a reasonable noise limit within the Premises by conducting a sound check with Environmental Health in order to agree a volume level, and shall ensure that the volume controls are accessible only by management. We have also instructed the services of a professional acoustic consultant, Richard Vivian (Big Sky Acoustics Ltd) to assist us with noise controls.</p> <p>In order to minimise the noise level outside we will be implementing the following:</p> <ul style="list-style-type: none"> <li>- The outside area will be adapted to be part of the main restaurant with two sets of doors to act as an acoustic corridor;</li> <li>- Keeping doors and windows shut so far as possible, in particular after 21:00;</li> <li>- Doors will be installed with self-closers;</li> <li>- Managing entry and egress at the Premises by ensuring staff trained in noise management are present at the entrance to the premises;</li> <li>- During busy periods, a reasonability security team shall assist with regular perimeter monitoring and managing patrons leaving the Premises;</li> <li>- Perimeter monitoring shall be undertaken regularly by staff trained in noise management to assess if excess sound is escaping at unreasonable volumes. A record should be kept on site of when perimeter monitoring is carried out;</li> </ul>

	<ul style="list-style-type: none"> <li>- Clear and visible signage will be displayed to remind patrons to keep noise to a minimum when leaving the Premises;</li> <li>- Music played in the outside areas of the Premises will be restricted to background levels only at all times;</li> <li>- The Alfresco Dining Area will be closed for food and drink at 22:30 hours and smoking will be prohibited in the Alfresco Dining Area in order to prevent this area from becoming a comfortable smoking area where patrons are encouraged to linger.</li> <li>- Patrons will be prohibited from taking beverages outside with them to ensure that the smoking area at the front of the premises is used for smoking only.</li> <li>- The smoking area will be usable by only small groups at a time and managed by staff to control the area's use in order to avoid shouting and excess noise. Staff should also ensure that the door is only opened to allow access and egress.</li> </ul>
<p><b>NOISE MONITORING</b></p>	<p>A noise logbook will be kept at the Premises and maintained by management to be available for inspection by Local Authority upon request. The noise logbook shall record anything that could be considered a disturbance to local residents or a public nuisance and also any noise complaints.</p>
<p><b>PERSON WITH OVERALL CONTROL ON NOISE LEVEL</b></p>	<p>The person with overall control and responsibility on the noise level at the premises shall be Burak Erceci. He can be contacted on 07710910056 or at <a href="mailto:burak.erceci@gmail.com">burak.erceci@gmail.com</a>.</p>
<p><b>REPORTS AND REVIEWS</b></p>	<p>Reports on noise management and reviews of this plan shall be conducted annually unless complaints are received in relation to noise, in which case a report will be conducted as soon as possible, and this plan shall be reviewed accordingly.</p>



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

**REPRESENTATION**

***Responsible Authority***

***Essex Police***

***(Licensing)***

*Mr. Simon Barnes – Essex Police Licensing Officer*





Licensing Authority  
Brentwood Borough Council  
Town Hall  
Ongar Road  
Brentwood

3 July 2023

**POLICE REPRESENTATION TO THE GRANTING OF A PREMISES LICENCE  
SECTION 17 LICENSING ACT 2003**

Proposed Licence Holder:



Address of Premises:

Dusk, Ongar Road, Pilgrims Hatch, Brentwood,  
Essex CM15 9SS

Essex Police have received an application for a the granting of a new premises licence for a premises known as Dusk located on Ongar Road in Pilgrims Hatch. On behalf of the Chief Officer of Police for the county of Essex and non-metropolitan areas of Southend-on-Sea and Thurrock, I wish to put forward a representation in regards to this application on the grounds that, if granted, as per the conditions the application currently sets out, the prevention of crime & disorder and public nuisance objective of the Licensing Act 2003 is likely to be undermined.

In considering this application it must be noted that the application seeks significantly late hours without any late night refreshment it is logical to draw the conclusion that the premises will likely function as an event/function premises and potentially as a nightclub in the future.

The location of the premises, being equidistant between the outskirts of Pilgrims Hatch and Kelvedon Hatch places the premises outside of the public transport network and at a significant distance from any taxi facilities with a similar closing time to the main high street in Brentwood meaning taxi facilities are likely to be stretched at this time, this could lead to significant delays in dispersal of persons from the premises as many will likely be too intoxicated to drive.

---

Essex Police Licensing Unit, Blyths Meadow Braintree, Essex CM7 3DJ

Email: [licensing.applications@essex.police.uk](mailto:licensing.applications@essex.police.uk) Tel: 01245 452035

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In considering what has been proposed in the form of conditions I have carefully considered the above areas of concerns and the general concerns regarding a late night premises operating to 2am, with this in mind Essex Police would like to propose the following conditions:

1. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:
  - a. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality {in all lighting conditions} particularly facial recognition;
  - b. CCTV cameras shall cover all entrances, exits and the areas where alcohol sales take place;
  - c. 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;
  - d. 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 and exits 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 or offensive weapons
  - f. any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

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





4. Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:
  - a. The day and date when door supervisors were deployed;
  - b. The name and SIA registration number of each door supervisor on duty at the premises; and
  - c. 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. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and to leave the area quietly.
6. 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 (photo, name, date of birth and either a holographic mark or ultraviolet feature) and is either a:
  - a. Proof of age card bearing the PASS Hologram;
  - b. Photocard driving licence;
  - c. Passport; or
  - d. Ministry of Defence Identity Card.
7. 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.
8. A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
9. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made

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Essex Police Licensing Unit, Blyths Meadow Braintree, Essex CM7 3DJ

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immediately available to police, trading standards or licensing authority staff upon reasonable request.

These conditions have been proposed to the applicant who has indicated that they are supportive of these conditions in an email on 26<sup>th</sup> June. A copy of this email is attached as an appendix to this representation.

On the 29<sup>th</sup> June Essex Police was made aware that an application for building regulation approval of the premises was being processed, on the plans on this application it is clear that there have been changes to the premises. At the time of writing it is unclear if a change of plan will be submitted as part of this application, should this occur it may change affect the position Essex Police may take on this application.

In accordance with paragraph 9.37 of the Statutory Guidance, Essex Police may amplify its representation at the subsequent hearing and may also produce further documentary or other information in support of this representation ahead of the hearing and would ask the authority to take this into account as it may do under Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

Yours faithfully

Simon Barnes

Licensing.applications@essex.police.uk

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Essex Police Licensing Unit, Blyths Meadow Braintree, Essex CM7 3DJ

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Simon Barnes [REDACTED]

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**From:** [REDACTED]  
**Sent:** 26 June 2023 17:25  
**To:** Licensing Epping and Brentwood  
**Cc:** [REDACTED]; licensing@brentwood.gov.uk  
**Subject:** Re: EXTERNAL - Re: Dusk - New Grant Application - Police Enquiries  
**Categories:** Ongoing

Dear Simon

Thank you for your email.

The conditions you have proposed seem fair and reasonable to us. We did try to incorporate the conditions from the previous licence on our application, but we are happy with the wording you have used and can confirm we are content to move forward with this wording.

Kind regards,

---

**From:** Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.police.uk>  
**Sent:** 26 June 2023 14:46  
**To:** [REDACTED]  
**Cc:** [REDACTED]; licensing@brentwood.gov.uk <licensing@brentwood.gov.uk>  
**Subject:** RE: EXTERNAL - Re: Dusk - New Grant Application - Police Enquiries

Good Afternoon [REDACTED]

I have given your application very careful consideration. I note your answers below, I also note the requested hours.

In considering your application I have considered the location of the premises, this is a semi-rural area between Kelvedon Hatch and Pilgrims Hatch on the same site as a golf club and in vicinity of several private residence. As no application has been made for late night refreshment it is logical to draw a conclusion that the premises will likely be a function/event premises after 2300 and/or a nightclub or similar environment, this is drawn from the principle that the premises will cease trading as a restaurant at 2300 as it will no longer be able to serve hot food or drinks from this time under the applied for licence.

In considering what conditions to recommend I have considered what was on the licence for the premises before and the likely operational plan for the premises, as well as current and likely future risks that may arise from the premises going forward. As such I would propose the following worded conditions:

1. The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:
  - a. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality {in all lighting conditions} particularly facial recognition;
  - b. CCTV cameras shall cover all entrances, exits and the areas where alcohol sales take place;
  - c. 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;
  - d. 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 {and exits} 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 or offensive weapons
  - f. any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence

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

4. Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:
  - a. The day and date when door supervisors were deployed;
  - b. The name and SIA registration number of each door supervisor on duty at the premises; and
  - c. 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. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and to leave the area quietly.
6. 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 (photo, name, date of birth and either a holographic mark or ultraviolet feature) and is either a:
  - a. Proof of age card bearing the PASS Hologram;
  - b. Photocard driving licence;
  - c. Passport; or
  - d. Ministry of Defence Identity Card.
7. 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.
8. A refusals record shall be maintained at the premises that details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the name of the staff member refusing the sale. All entries must be made as soon as possible and in any event within 4 hours of the refusal and the record must be made immediately available to police, trading standards or licensing authority staff upon reasonable request. The refusals record shall be either electronic or maintained in a bound document and retained for at least 12 months from the date of the last entry.
9. All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months. 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.

Please consider the above conditions and get back in touch with any concerns you may have with these conditions, if you are content please confirm this in writing so that this can be communicated with the council.

Please reply by 30<sup>th</sup> June.

Kind Regards





**Simon Barnes** [REDACTED]  
Licensing Officer – Brentwood & Thurrock  
101 / [REDACTED]  
[REDACTED]  
Brentwood Police Hub, Town Hall, Ingrave Road, Brentwood CM15  
8AY

---

**From** [REDACTED]  
**Sent:** 14 June 2023 14:42  
**To:** Licensing Epping and Brentwood <[licensing.epping.and.brentwood@essex.police.uk](mailto:licensing.epping.and.brentwood@essex.police.uk)>  
**Cc:** [REDACTED]; [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)  
**Subject:** Re: EXTERNAL - Re: Dusk - New Grant Application - Police Enquiries

Dear Simon

Thank you for your email.

Please see attached the requested plan. As you will note, there will be no dancefloor and vertical drinking will be limited.

We look forward to hearing from you in due course.

Kind regards,

[REDACTED]

---

**From:** Licensing Epping and Brentwood <[licensing.epping.and.brentwood@essex.police.uk](mailto:licensing.epping.and.brentwood@essex.police.uk)>  
**Sent:** 13 June 2023 16:29  
**To:** [REDACTED]  
**Cc:** [REDACTED]; [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk) <[licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)>  
**Subject:** RE: EXTERNAL - Re: Dusk - New Grant Application - Police Enquiries

Good Afternoon,

Thank you for your speedy reply. I have noted your answers and will start considering any condition changes from your application in due course. If at all possible, if you could place the red line around the plan including internal walls/seating etc as this will be the one uploaded to your licence, but for my purposes I understand your intention is only to licence the building itself and not your car park.

This certainly does not need to be done immediately but if it could be done in the next week or so, unless directed otherwise by the council.

Brentwood Council – For your awareness regarding plan

Kind Regards



**Simon Barnes** [REDACTED]  
Licensing Officer – Brentwood & Thurrock  
101 / [REDACTED]  
[REDACTED]  
Brentwood Police Hub, Town Hall, Ingrave Road, Brentwood CM15  
8AY

From [REDACTED]  
Sent: 13 June 2023 16:19  
To: Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.police.uk>  
Cc: [REDACTED]  
Subject: EXTERNAL - Re: Dusk - New Grant Application - Police Enquiries

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Dear Simon

Thank you for your email.

Please see responses to your queries below in the same numerical order:

1. No plans for a dance floor. Vertical drinking at the bar will apply until 00:30. Table service until 01:30;
2. We plan for a standing bar area using the existing bar location;
3. Please see attached a plan showing the proposed licenced area in red outline.

Please do let me know if you need any further information.

Kind regards,

[REDACTED]

---

From: Licensing Epping and Brentwood <licensing.epping.and.brentwood@essex.police.uk>  
Sent: 13 June 2023 11:56  
To: [REDACTED]  
Subject: Dusk - New Grant Application - Police Enquiries

Mr [REDACTED],

My name is Simon Barnes, I am the Essex Police Licensing Officer for the Brentwood area and I am writing to you in relation to your application for the granting of a new Premises Licence for a premises known as Dusk located on Ongar Road in Pilgrims Hatch.

I am currently reviewing your application and will be suggesting some re-wording of conditions and potentially additional conditions, but before I finalise my proposal I would like to clarify a few things.

1. You have indicated that you are looking for a licence until 0130 on busy nights/bank holidays, will the premises be operating a dance floor or vertical drinking towards the end of the evening or will it be confined to table service throughout these hours?
2. Will there be any standing bar area?
3. You have provided several plans for the premises, only one appears to have a red outline which shows your premises and a section of car park. Please can you confirm what you are seeking to have licenced? I may request a new plan to ensure clear picture of what is and is not being licenced.

Please can I have a response by 18<sup>th</sup> June to enable time to continue further discussion regarding conditions.

4

Kind Regards



**Simon Barnes** [REDACTED]  
Licensing Officer – Brentwood & Thurrock

101 [REDACTED]



[REDACTED]  
Brentwood Police Hub, Town Hall, Ingrave Road, Brentwood CM15  
8AY

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YIAMAS, ONGAR ROAD, PILGRIMS HATCH CM15 9SS

# **APPENDIX 4**

## **REPRESENTATIONS**

*Other Persons*

**(REDACTED)**



## **REPRESENTATIONS**

### ***Other Persons***

1. *Dr P Mohamed & Megan Bashir*
2. *Mrs, resident in Frog Street*
3. *Brian & Carolyn Billington*
4. *Michael & Jemma Ballard*
5. *Mrs, resident in Frog Street*
6. *Frank Golebiowski*
7. *Jennifer Golebiowski*
8. *Richard Austin*
9. *Miss, resident in Frog Street*
10. *Mr, resident in Frog Street*
11. *Miss, resident in Frog Street*
12. *Michael & Shirley Ballard*
13. *Carole Edgeler*
14. *Tracey Hamilton*
15. *Mr & Mrs Cook*
16. *Nigel & Catherine Bourbery*
17. *Linda Martin*
18. *Richard Martin*





**Dominika Jaskolska**

---

**From:** [REDACTED]  
**Sent:** 08 June 2023 00:20  
**To:** † Dave Leonard  
**Subject:** Re: UPDATE - DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION FOR A PREMISES LICENCE

Dear Dave,

Thank you for your email. We object to any licence being granted other than that of normal restaurant hours. Absolutely no amplified music/live DJs at any time. The business activities should cease at 11.00pm Monday, Tuesday, Wednesday, Thursday, and Sunday; Midnight Friday and Saturday.

We residents have suffered repeated and well documented failures to protect our wellbeing and quiet enjoyment of our properties because of repeated disturbances, noise and antisocial conduct emanating from these premises, under various ownerships in the past. The pattern of disturbance is regular and unrelenting: proprietors or tenants have assumed they can do whatever they like with impunity and total disregard for those of us who live close by.

I trust our objection will be registered.

Yours sincerely,

[REDACTED]  
Sent from my iPhone

On 7 Jun 2023, at 2:55 pm, Dave Leonard <dave.leonard@brentwood.gov.uk> wrote:

Dear [REDACTED]

I hope that you are both keeping safe and well.

For your information.

On 6 June 2023 the Licensing Office received an application from NFS Essex Ltd. for a premises licence at **DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS**

The applicant also currently operates The Fat Turk (Horse & Groom) at Warley.

**LICENSING ACT 2003**

**NOTICE OF APPLICATION FOR A PREMISES LICENCE**

**PREMISES: Dusk, Ongar Road, Pilgrims Hatch CM15 9SS**

**Notice is given that NFS Essex Ltd T/A Dusk has applied for a new premises licence to provide the following licensable activities:**

**Live Music:** Monday-Thursday 1600hrs-0000hrs, Friday 1600hrs-0130hrs, Saturday 1300hrs-0130hrs and Sunday 1300hrs-0000hrs

**Recorded Music:** Monday-Thursday 1600hrs-0000hrs, Friday 1600hrs-0130hrs, Saturday 1300hrs-0130hrs and Sunday 1300hrs-0000hrs

**Performance of Dance:** Monday-Thursday 1600hrs-0000hrs, Friday 1600hrs-0130hrs, Saturday 1300hrs-0130hrs and Sunday 1300hrs-0000hrs

**Supply of Alcohol (On premises):** Monday-Thursday 1200hrs-0000hrs, Friday & Saturday 1200hrs-0130hrs and Sunday 1200hrs-0000hrs

**Anyone who wishes to make representations in response to this application must give notice in writing to:**

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

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

Representations must be received within the 28 days consultation period which ends at  
midnight on **Tuesday 4 July 2023**.

Any person wishing to view this application may do so by making an appointment by email  
via the Licensing Office: [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)

**Reference: 23/00010/LAPRE**

It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to  
make a false statement in connection with an application and the maximum fine for which a  
person is liable on summary conviction for the offence is up to level 5 on the standard scale  
(£5000).

**This Notice is dated 6 June 2023**

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

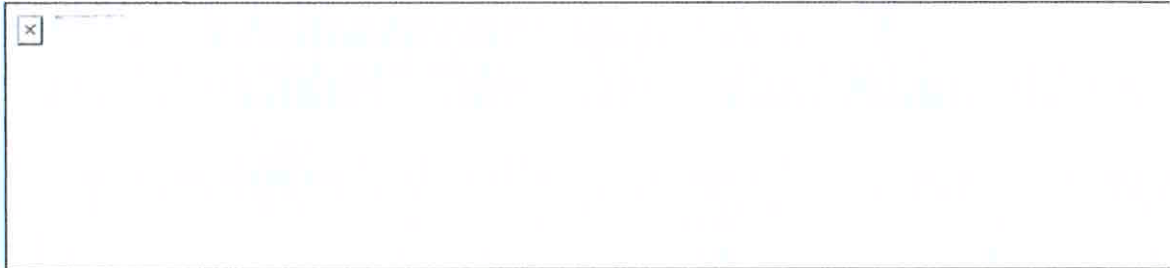
Kind regards,  
<image001.png>

Dave Leonard | Licensing Officer

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

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new.rochford.gov.uk/data-protection](http://www.brentwood.gov.uk/privacy-new.rochford.gov.uk/data-protection).*

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①

**Dominika Jaskolska**

---

**From:** [Redacted]  
**Sent:** 23 June 2023 17:20  
**To:** Licensing  
**Cc:** [Redacted]  
**Subject:** Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS - Application For pa Premises Licence

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Further to your recent communication in respect of the above Application for a Premises Licence submitted by NFS Essex Ltd.T/A Dusk. We wish to object to this application. These premises have been a cause of misery and distress to local residents because of late night activities involving loud music and raucous, antisocial behaviour on the part of some patrons over many years, and under different leaseholders. In very recent times there have been multiple meetings of the Licensing Committee when the persistent nuisance emanating these premises has been well recorded and documented. This is a rural location where the ambient noise level is very low indeed after 20.00 hours, when there is little traffic noise along this section of the Ongar Road and Frog Street.

[Redacted]  
[Redacted]

Sent from my iPad





1

**Dominika Jaskolska**

---

**From:** [Redacted]  
**Sent:** 27 June 2023 00:50  
**To:** Licensing  
**Subject:** Re: Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS - Application For pa Premises Licence

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for your acknowledgement of our objection to the above application. Our full address is :

[Redacted]  
Ongar Road  
Kelvedon Hatch, or Pilgrims Hatch?!!!  
CM15 0JX

Our address is well documented from the numerous council hearings in respect of these premises.

[Redacted]

Sent from my iPhone

> On 26 Jun 2023, at 3:13 pm, Licensing <licensing@brentwood.gov.uk> wrote:  
>  
> Dear [Redacted]  
>  
> Please see attached acknowledgement letter to your representation to Dusk and respond accordingly.  
>  
> Kind Regards,  
>  
> Dominika Jaskolska | Admin Assistant - Licensing & Environmental Health | Brentwood Borough Council  
> 01277 312500 | www.brentwood.gov.uk | dominika.jaskolska@brentwood.gov.uk

> -----Original Message-----

> From: [Redacted]  
> Sent: 23 June 2023 17:20  
> To: Licensing <licensing@brentwood.gov.uk>  
> Cc: [Redacted]

> Subject: Dusk, Ongar Road, Pilgrims Hatch, CM15 9SS - Application For pa Premises Licence

> Further to your recent communication in respect of the above Application for a Premises Licence submitted by NFS Essex Ltd.T/A Dusk. We wish to object to this application. These premises have been a cause of misery and distress to local residents because of late night activities involving loud music and raucous, antisocial behaviour on the part of some patrons over many years, and under different leaseholders. In very recent times there have been multiple meetings of the Licensing Committee when the persistent nuisance emanating these premises has been well recorded and documented. This is a rural location where the ambient noise level is very low indeed after 20.00 hours, when there is little traffic noise along this section of the Ongar Road and Frog Street.

> [Redacted]  
> [Redacted]  
> [Redacted]

> Sent from my iPad

>

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> Find out more about cost of living support | Rochford Council<<https://www.rochford.gov.uk/community-and-people/cost-living>>

>

> [Email Footer]

>

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> <\_Representation\_Ack\_Letter[REDACTED].pdf>

2

Dominika Jaskolska

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**From:** [REDACTED]  
**Sent:** 07 June 2023 16:35  
**To:** Licensing  
**Subject:** Re: UPDATE - DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION FOR A PREMISES LICENCE

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

The applicant also currently operates The Fat Turk (Horse & Groom) at Warley.

**LICENSING ACT 2003**

**NOTICE OF APPLICATION FOR A PREMISES LICENCE**

**PREMISES: Dusk, Ongar Road, Pilgrims Hatch CM15 9SS**

Notice is given that NFS Essex Ltd T/A Dusk has applied for a new premises licence to provide the following licensable activities:

**Live Music:** Monday-Thursday 1600hrs-0000hrs, Friday 1600hrs-0130hrs, Saturday 1300hrs-0130hrs and Sunday 1300hrs-0000hrs

**Recorded Music:** Monday-Thursday 1600hrs-0000hrs, Friday 1600hrs-0130hrs, Saturday 1300hrs-0130hrs and Sunday 1300hrs-0000hrs

**Performance of Dance:** Monday-Thursday 1600hrs-0000hrs, Friday 1600hrs-0130hrs, Saturday 1300hrs-0130hrs and Sunday 1300hrs-0000hrs

**Supply of Alcohol (On premises):** Monday-Thursday 1200hrs-0000hrs, Friday & Saturday 1200hrs-0130hrs and Sunday 1200hrs-0000hrs

**Anyone who wishes to make representations in response to this application must give notice in writing to:**

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

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

Good afternoon Mr Leonard,

I wish to oppose the above licence being granted in its current form.

The history of the premises licences granted has demonstrated that the licensing beyond midnight does not work, be that Bugatti's or Dusk. We were disturbed by on-going noise most evenings. There are records and emails and complaints all on files with Council and ourselves and neighbours.

I note that the current premises of The Fat Turk is open until midnight on Friday and Saturdays and operates as a restaurant. Thus there can be no comparison between the sites, of one that wishes to have recorded/live music and a weekend licence until 1.30am (I assume with clientele leaving by 2am) and a restaurant operating as that.

The difficulties with the premises is the outside area and the patrons leaving the car park. After midnight it is unacceptable for us living in our semi rural environment to recommence the screaming ,shouting, mentally exhausting noise from intoxicated patrons. This has proved extremely difficult, if not impossible to manage. Numerous times the security have been shouted or sworn at, taxi's not turning up so patrons partying in the car park etc. We wish to avoid this happening again.

When the premises was Joy Fook, it closed at midnight. The music was solely inside with no access to outside smoking area. There was not doors being left open, or patrons regularly walking outside. From your records you will

see that the noise complaints were solely from Bugattis and Dusk. There were none from Joy Fook it was run extremely well with the neighbourhood very much kept in mind.

We do not wish to suffer limited sleep again, stress etc that we have in the past. We strongly oppose this licence in its current form. However, we would not oppose a granting of licence if the venue was to completely close at midnight on Saturdays and Sundays and 11pm Monday - Thursday and Sunday as per the current opening hours at Warley venue. At Warley the music is upstairs and so when the doors open downstairs it cannot be heard much outside. Thus we would expect that the doors outside ie into the covered outdoor area would be shut off during the playing of music and that no music would be piped into the outside area. We would seek that the outside area is only open until 10pm which was agreed prior to Dusk closing down. Thus after 10pm all music and patrons are to be inside the premises not outside.

For the mental health of the neighbours, the stress caused, alongside the stress to our animals (due to patrons climbing in our garden previously) we seek that this licence is not granted in its current form. There has been an incredible waste of valuable time from the police/noise department/neighbours/councillors when trying to take the licence away from previous vendor. Please can we avoid this happening again. A licence until midnight, then seeing how that is operated, surely is the better way to go.

Kind regards.



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2

**Dominika Jaskolska**

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**From:** Paula Hammond  
**Sent:** 28 June 2023 12:05  
**To:** Dominika Jaskolska  
**Subject:** FW: Reference: 23/00010/LAPRE

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

If I can be of any further assistance please do not hesitate to contact me on **01277 312500**.

Kind regards,

Paula Hammond | Administrator - Licensing & Environmental Health | Brentwood Borough Council  
01277 312500 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [paula.hammond@brentwood.gov.uk](mailto:paula.hammond@brentwood.gov.uk)

**From:** Dave Leonard <dave.leonard@brentwood.gov.uk>  
**Sent:** 28 June 2023 11:07  
**To:** Paula Hammond <paula.hammond@brentwood.gov.uk>  
**Subject:** FW: Reference: 23/00010/LAPRE

Hi Smiler.

Has this Rep found its way to the Licensing in box? [REDACTED]

Would you kindly do your brilliant Uniform/IDOX/acknowledgement business for me on this one (or three or four – watch this space) , please?

Thank you. Eternally grateful 😊

---

**From:** [REDACTED]  
**Sent:** 27 June 2023 10:43  
**To:** Dave Leonard <dave.leonard@brentwood.gov.uk>; [REDACTED]

**Cc:** [REDACTED]  
**Subject:** Reference: 23/00010/LAPRE

Dear Mr Leonard,

I wish to oppose the above license being granted at the premises currently known as Dusk, Ongar Road, CM15 9SS. I believe the owner is the Fat Turk at Warley. I have noted their opening hours and can see that not only are they quite a lot shorter, but that the premises next door is to be run as a separate entity under a different name Yiamas, alarm bells are ringing.

I have looked at the web page for the new restaurant where it quotes " Expect fine wine and cocktails with entertainment every Fri and Sat evening and be prepared to raise a glass and call out "Yiamas" and cheers with friends, family and guests"



I am wondering if the owners have done their research on the premises with regard its previous occupants known as Dusk. I strongly oppose the licence being granted in its current form. The mental anguish, stress and anxiety that has been caused when the premises have been used for late night alcohol consumption has been extremely damaging to myself. We live in extremely close proximity and have three children in our home, two of whom are disabled. We simply cannot endure any more late night shouting, cars revving, fights and indeed people coming into our garden. This is a semi rural area and such a restaurant is not needed. Indeed the proprietor advertises that there will be "calling out" before its opened.

When the premises was operated as Joy Fook, there was no outside area. The outside area was created with sound system etc. by Dusk and no planning permission application was put outside of the premises it was within the curtail of the car park. Anyway we now find ourselves having this outside area. From the plans that seem to have gone in for Yiamas, again we were not consulted on the plans, it was a neighbour who found them on line, the outside area is being developed. The retractable canopy remains.

Shouting, entertainment be that DJ or live, will simply be heard yet again from the doors leading to the outside area. The noise of the patrons travels either in our direction or that of our neighbours.

The premises is suitable for 300 plus guests. The council also need to be aware of the extremely hazardous parking that will then be endured along Ongar Road and Frog Street. Bentley Golf Club are closing off some of their car park, they own 3/4 of the car park and it is being partitioned off with wrought iron fencing so will not be able to be used by 300 plus patrons. This was the case with the previous nightclub that was closed down by a Court order, after causing disruption to residents. The cars parked along the Ongar Road and Frog Street (which is already in most parts single car access).

We are not opposed to a restaurant opening. We are not opposed to entertainment finishing strictly by midnight as was the case of Joy Fook. We did not raise any complaints with them. However, with the outside area now in place which wasn't before, we do not wish any music in any form being heard within their outside area. We cannot sit outside/watch tv etc. without hearing noise, so we really do not want this granted in its current form.

Moving forward, the licensing also does not say how many car park attendants, door security etc. there will be. How will they prevent the noise from travelling etc. as per the rules that the premises was given previously.

The late night operating of this venue has caused so many people stress and anxiety. It would be great as a family restaurant, but nothing more. I strongly oppose the licence for late night music/entertainment being granted.

Kind regards.



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3

**Dominika Jaskolska**

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**From:** [REDACTED]  
**Sent:** 25 June 2023 09:55  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Dusk, Ongar Road. Application by NFS Essex Ltd. T/A Dusk

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

[REDACTED] Frog Street Brentwood Essex CM15 0JL wish to object to this application. The opening hours requested are absolutely unacceptable for this quiet and peaceful area. The problems that we went through with Dusk were very long winded and in the end the Council made the changes that returned the area to peace and quiet. When this establishment was managed by Joy Fook we had no problems at all, if this company are allowed to open with the hours requested we will be back to having problems every week-end and possibly every night.

I hope the Council make the right decision.

Could you please acknowledge receipt of this email.

[REDACTED]





4

Dominika Jaskolska

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**From:** [REDACTED]  
**Sent:** 25 June 2023 15:49  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Dusk application for premises license submitted by NFS Essex Ltd. T/A DUSK

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern,

I live at [REDACTED] Ongar Road, Brentwood, CM15 0JX.

I fully object to the licence applied for by the above company. The main objection is that the very unsociable hours the licence is applying for. I have a young family and midnight during the week and 1.30 am Friday and Saturday is totally outrageous.

The Dusk license was suspended due to these reasons and feel the licensing department should maybe have realised this and objected the application before getting to this stage.

Please could you email acknowledgement and safe receipt of this email.

Kind regards

[REDACTED]

Sent from my iPhone



5

**Dominika Jaskolska**

---

**From:** [REDACTED]  
**Sent:** 27 June 2023 12:36  
**To:** Licensing  
**Subject:** Re: Neighbour representation re DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION FOR A PREMISES LICENCE

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Licensing Office

I live at [REDACTED] [REDACTED] The above licence application will therefore directly affect me and my household.

I understand the premises is intended to be a Greek dancing cocktail bar seeking a late licence for serving alcohol, playing live and recorded music with dance performance. The licence requested is until midnight Monday to Thursday and Sundays and until 1:30 am on Fridays and Saturdays.

I also understand the Bentley golf club is remodelling the car park arrangement so that only the golfers can park in the golf car park. This would leave a very small amount of parking for the 300 plus patrons of the new venue. This would result in parking along Frog Street with patrons returning to their cars into the early hours of the morning, inevitably creating noise of car engines, laughter and talking at unsociable hours.

The premises have historically been used for similar operations and each time neighbours in the area have had problems with noise pollution and noisy patrons. I have made submissions on a previous licence application by Dusk at the same premises for the same type of licence with the same objections, as have numerous other neighbours in the area.

In summary, I oppose a nightclub style establishment when extended opening hours, late sale of alcohol and I wish parking to be considered with assurances that off site parking along nearby neighbourhood roads would not occur. The previous owners were required by licence as a result of council investigations to install an additional inner door, a sound limiter and gates at the car park entrance. This should also form part of any licence to new proprietors.

The property where my family lives is only 0.5km away across open fields (as the crow flies). Any noise in the area at night time is very easily heard. I have written to the council before regarding the previous establishment objecting to the noise and nuisance caused. As an indication of the level of my concern, I attended a licence application hearing in person at the Brentwood Council offices so that I could verbally voice my objections and to plead that noise levels be respected and minimised and patron behaviour improved.

[REDACTED]  
[REDACTED]  
[REDACTED] Living in a semi-rural area has been a conscious choice that we have heavily invested in housing-wise, so that we and our children can enjoy a calmer and quieter environment. It was a great disappointment to us that the noise emitted by Dusk during the late evening and early morning hours, and the rowdy and loud behaviour of its patrons after closure, occurring so near to our property, disrupted the rural benefits we had

enjoyed. In the summer months, when windows are open all night, the sound levels are far worse. Cars leaving the establishment late at night roared past our house causing further noise nuisance. This would be even worse if patrons park along our road if the Bentley golf club remodels its car park arrangement.

Dusk, the previous establishment, was keen to emphasise that it was a high-end, "fine-dining" restaurant offering quiet ambient music. This conjured images of Alec's restaurant, only 0.9km away as the crow flies, positioned in a similar rural setting, which is indeed a luxury restaurant offering a quiet 'fine-dining' experience. Dusk also admitted during the hearing that it had not, at the time of purchasing the property, realised the extent of semi-rural housing located very nearby, showing a lack of in depth research into the nature of its location.

It was obvious to everyone concerned, that Dusk was very evidently a nightclub, not a fine dining establishment. The nature of the current license application is by nature also a nightclub type establishment. The semi-rural location is not appropriate for a nightclub playing loud music into the early hours of the morning and out of which spill rowdy patrons during unsociable hours. I would be very surprised if the council had granted Alec's restaurant a licence to become a nightclub in the quiet of Navestock Side.

The police have been called out on several occasions in response to neighbours' complaints about the noise levels and nuisance caused by the previous establishment and upset neighbours were told to 'F-off'.

In short, I object to the current licence application and I do not feel that the Council has historically cared for the residents of our area on this topic.

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

Kind regards  
Yours sincerely



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6

**Dominika Jaskolska**

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**From:** [REDACTED]  
**Sent:** 27 June 2023 22:58  
**To:** Licensing  
**Subject:** Objection to Licensing application Re 'Dusk' Ongar Road Pilgrims Hatch CM15 9SS  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FAO: Dave Leonard

Ref: 23/00010/LAPRE

Dear Sir

It has just been brought to my attention, that there has been an application submitted to the licensing office for a license for the premises known as 'Dusk' Ongar Road Pilgrims Hatch CM15 9SS

I need to make on record a strong objection to this application and explain why it would be absurd and totally unacceptable for this to be granted in its proposed state.

The site is situated on the Ongar Road at the junction of Frog Street, Frog Street is a quiet and peaceful hamlet and has many families and properties situated within earshot of "Dusk" We all as residents enjoy our surroundings and peaceful environment, to have a licence granted which includes for the playing of live and recorded music to be played from early afternoon to the early hours of the morning is completely outrageous. It is a complete invasion of our lives and will disrupt our neighbourhood to the point of despair for the pure financial gain of a business that has no interest or thoughts to the surrounding area and the people in it.

Both our bedrooms face out to Frog Street and we are in earshot of "Dusk" so there is no seeking refuge from the music and noise that will be created if the license is granted. [REDACTED]

Frog street has no parking restrictions, therefore another major concern would be the parking of patrons cars all along Frog Street and the Avenue. They would be collecting their vehicles in the early hours of the morning, opening and closing of car doors and people screaming and shouting after a night of drinking alcohol.

I'm sure you can see and relate to our deep concerns and threat to our lives and trust you will give this careful thought in your decision.

Yours Faithfully

[REDACTED]  
Frog Street  
Kevedon Hatch CM15 0JN



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7

**Dominika Jaskolska**

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**From:** [REDACTED]  
**Sent:** 28 June 2023 08:11  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Objection to Licensing application Re 'Dusk' Ongar Road Pilgrims Hatch CM15 9SS

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FAO: Dave Leonard

Ref: 23/00010/LAPRE

I am writing to you in absolute amazement at the license application that NFS Essex LTD T/A Dusk are now applying for at the venue premises on the Ongar Road next to Bentley Golf Club. This is a totally unacceptable and quite frankly frightening application for me as a resident of Frog Street.

The lovely quiet hamlet that I live in is within a stone's throw from this property, the small country lane that is Frog Street has no parking restrictions so that obviously would enable anyone using the said premises to park up and down the lane causing major noise and disruption when the venue was open until such late times. I understand Bentley Golf Club own the car park and so the venue has very little if not no parking for such a volume of cars. The venue has already desecrated the beautiful oak trees and pine trees that stood around it, I cannot imagine who gave permission for that to happen, the loss of wildlife habitat has been immense.

The license is totally unacceptable, live music seven days a week, dancing and live music until 1.30am recorded music until 1.30am, I say again this is a quiet residential area, small children that are in bed by 7pm live here. Elderly people that have lived here for over forty years, why should we all be subjected to this, the venue is totally unsuitable for this type of license.

I have a grandson with [REDACTED] that stays regularly, the noise and disruption to his night time pattern would have a major effect on his well-being and also mine and my family. This application has caused me great anxiety, just the thought of what my daily life would become living nearby to such a place of noise. This is not the right area for this type of venue/night club which is exactly what it would become, with drunks and party goers leaving late at night, banging of car doors, cabs pulling up at all hours of the day and night.

I strongly oppose this application and am worried beyond belief how this would impact our lives if it is allowed to go ahead. I therefore ask you to make the right decision on this and to save our lovely area from what could potentially be massively damaging for so many people in the area.

Yours Faithfully



Frog Street  
Kevedon Hatch CM15 0JN



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8

**Dominika Jaskolska**

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**From:** Dave Leonard  
**Sent:** 28 June 2023 13:06  
**To:** Dominika Jaskolska  
**Subject:** FW: UPDATE - DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION FOR A PREMISES LICENCE

---

**From:** [REDACTED]  
**Sent:** 26 June 2023 22:08  
**To:** Dave Leonard <dave.leonard@brantwood.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** UPDATE - DUSK, ONGAR ROAD, PILGRIMS HATCH CM15 9SS - APPLICATION FOR A PREMISES LICENCE

Dear Dave

I once again write to defend the peace and tranquillity of living in rural Frog Street.

I understand the latest leaseholder of the premises currently known as DUSK wishes to apply for a late night and entertainment licence.

We all know that this only going to cause problems with parking in the very narrow lane, especially as parking spaces will be restricted in the main car park of Bentley Golf Club.

The noise levels from live music and entertainment in the early hours will also be disturbing to us local residents (as proven with the last occupants), and must stress that in particular both my wife [REDACTED] and daughter [REDACTED] who work long hours from 06.00 a.m to 7p.m running and providing nursery childcare to the community, really need their sleep and rest of a Friday night and weekend.

Over the years we continue to face these concerns and challenges to our little hamlet, and I do hope the councillors and yourself will respect our appeal and privacy.

Kind regards,

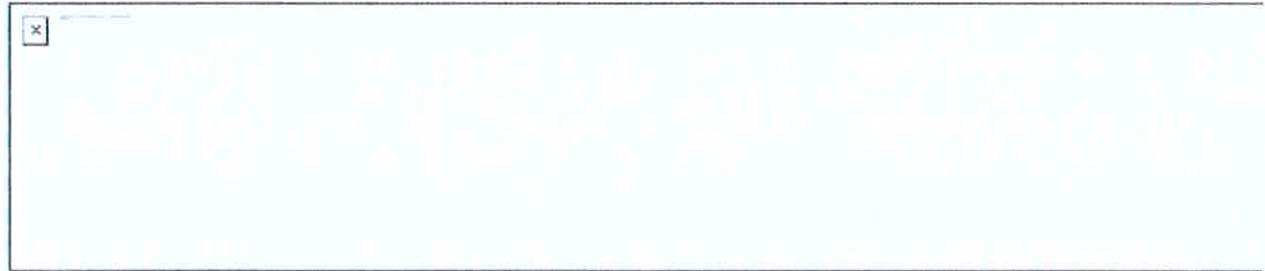
[REDACTED]  
Frog Street  
[REDACTED]  
[REDACTED]

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

9

**Dominika Jaskolska**

---

**From:** Paula Hammond  
**Sent:** 28 June 2023 12:05  
**To:** Dominika Jaskolska  
**Subject:** FW: Reference: 23/00010/LAPRE

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

If I can be of any further assistance please do not hesitate to contact me on 01277 312500.

Kind regards,


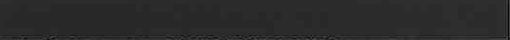
Paula Hammond | Administrator - Licensing & Environmental Health | Brentwood Borough Council  
01277 312500 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [paula.hammond@brentwood.gov.uk](mailto:paula.hammond@brentwood.gov.uk)

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

**From:** Dave Leonard <[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)>  
**Sent:** 28 June 2023 11:10  
**To:** Paula Hammond <[paula.hammond@brentwood.gov.uk](mailto:paula.hammond@brentwood.gov.uk)>  
**Subject:** FW: Reference: 23/00010/LAPRE

This one is for 

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

**From:**   
**Sent:** 27 June 2023 11:05  
**To:** Dave Leonard <[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)>  
**Cc:**   
**Subject:** Reference: 23/00010/LAPRE

Good morning

I wish to oppose the above licensing application. I am a secondary school teacher and do not wish to be constantly interrupted by loud music/shouting through the night. The historical practice of late night drinking at this venue has caused much distress to those around.

Kind regards.



Find out more about cost of living support | Brentwood Council<<https://www.brentwood.gov.uk/cost-of-living>>  
Find out more about cost of living support | Rochford Council<<https://www.rochford.gov.uk/community-and-people/cost-living>>

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10

## Dominika Jaskolska

---

**From:** Paula Hammond  
**Sent:** 28 June 2023 12:06  
**To:** Dominika Jaskolska  
**Subject:** FW: REF 23/00010/LAPRE

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

If I can be of any further assistance please do not hesitate to contact me on **01277 312500**.

Kind regards,

Paula Hammond | Administrator - Licensing & Environmental Health | Brentwood Borough Council  
01277 312500 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [paula.hammond@brentwood.gov.uk](mailto:paula.hammond@brentwood.gov.uk)

**From:** Dave Leonard <[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)>  
**Sent:** 28 June 2023 11:11  
**To:** Paula Hammond <[paula.hammond@brentwood.gov.uk](mailto:paula.hammond@brentwood.gov.uk)>  
**Subject:** FW: REF 23/00010/LAPRE

**From:** [REDACTED]  
**Sent:** 27 June 2023 11:07  
**To:** Dave Leonard <[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)>  
**Subject:** REF 23/00010/LAPRE

Hi Mr Leonard,

Am sending again as didn't put planning reference above also my address.

wish to oppose the above license being granted at the premises previously known as Dusk, Ongar Road, CM15 9SS and now as either Fat Turk or Yiamas greek restaurant.

I have looked at the web page for the new restaurant where it quotes " Expect fine wine and cocktails with entertainment every Fri and Sat evening and be prepared to raise a glass and call out "Yiamas" and cheers with friends, family and guests"

I assume the council still have all the historical emails from neighbours, meetings held etc. from the previous proprietors, being Dusk, Joy Fook and Bugatti's. You will see that all those that operated that late night licence with music each night have been closed down, in particular Bugattis with a Court Order lasting 30 years and Dusk after a couple of years of absolute torture to neighbours of loud music and shouting from patrons in the car park. Incidentally the car park will only be able to hold a quarter of the cars that it used previously. Using the full car park, cars were parked along frog street and Ongar Road which is very unsafe. This premises can hold more than 300 guests. There is not the infrastructure to support the cars and taxi turnings unless impacting on nearby roads. Frog Street in most parts is single vehicle access.

The proprietor advertises that there will be "calling out" before its opened. That demonstrates what type of a venue this is to be. This isn't a fine dining experience whatsoever, as we learnt from previous occupants, "fine dining" masks a lot! The new proprietor hasn't masked, they have said "calling out" so expect and encourage noise! Already, this indicates surrounding properties are not being considered before its opened!

The retractable canopy and outdoor space causes much distress, anxiety and unrest to neighbours. Music/chatter noise etc can all be heard. Not to mention the bright lights that shine through the bedrooms (there have been many emails sent to David Carter and yourself with regard to this and the lighting needed adjusting). We do not want the outside area in any form, but as it is here now there needs to be considerable reflection on how it is to be used by the new vendor ie no music heard whatsoever, no bright lights etc and not to be used as a walk way to enter or leave ie everyone leaves by the same set of doors. Its not to be used as a large smoking area where crowds gather etc. Just simply to be used as a restaurant.

Shouting, entertainment be that DJ or live, will simply be heard yet again from the doors leading to the outside area. The noise of the patrons travels either in our direction or that of our neighbours.

We are not opposed to a restaurant opening. We are not opposed to entertainment finishing strictly by midnight as was the case of Joy Fook. We did not raise any complaints with them. However, with the outside area now in place which wasn't before, we do not wish any music in any form being heard within their outside area. We cannot sit outside/watch tv etc. without hearing noise, so we really do not want this granted in its current form.

Moving forward, the licensing also does not say how many car park attendants, door security etc. there will be. How will they prevent the noise from travelling etc. as per the rules that the premises was given previously.

The late night operating of this venue has caused so many people stress and anxiety. It would be great as a family restaurant, but nothing more. I strongly oppose the licence for late night music/entertainment being granted.

Kind regards.



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Find out more about [cost of living support | Rochford Council](#)

**Dominika Jaskolska**

---

**From:** Paula Hammond  
**Sent:** 28 June 2023 12:06  
**To:** Dominika Jaskolska  
**Subject:** FW: Licensing reference: 23/00010/LAPRE

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

If I can be of any further assistance please do not hesitate to contact me on 01277 312500.

Kind regards,

Paula Hammond | Administrator - Licensing & Environmental Health | Brentwood Borough Council  
01277 312500 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [paula.hammond@brentwood.gov.uk](mailto:paula.hammond@brentwood.gov.uk)

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

**From:** Dave Leonard <[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)>  
**Sent:** 28 June 2023 11:12  
**To:** Paula Hammond <[paula.hammond@brentwood.gov.uk](mailto:paula.hammond@brentwood.gov.uk)>  
**Subject:** FW: Licensing reference: 23/00010/LAPRE

This one is for [REDACTED]

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

**From:** [REDACTED]  
**Sent:** 27 June 2023 11:27  
**To:** Dave Leonard <[dave.leonard@brentwood.gov.uk](mailto:dave.leonard@brentwood.gov.uk)>  
**Subject:** Licensing reference: 23/00010/LAPRE

Dear Mr Leonard

Licensing reference: 23/00010/LAPRE

I wish to oppose the above licence being granted. In particular my bedroom faces directly onto the car park and when this has operated as a music venue in the past I cannot have a window open at all without the disturbance of noise, be it from shouting patrons in the car park, or music travelling not just from the outside area, but from when the doors to the outside area are opened. Many people go through these doors, indeed to just get to the toilets, so any inside music being played also travels.

The anxiety and stress that was caused to myself and my family during the previous occupants was very high.

The venue was closed down as a music venue many years ago through a Court order, it then operated as a Chinese restaurant which we fully supported. The vendors were extremely respectful and music was turned off completely at the weekend by midnight. The venue did not operate any music through the week and the restaurant was not open each night anyway. The restaurant had no outside area and thus when music was played (Friday and Saturday 7-1130pm) the noise did not travel.

I am surprised that the new proprietors have not sought information and done their due diligence from the council on the history of the licensing of the premises as feel if they had they would not apply for similar, but more in line with something that could be worked with neighbouring properties. Thus I have to oppose this licence.



I hope that the Council listens to the neighbours and that we can continue to live in a peaceful area and that such late night licences remain granted to the main town area rather than those who seek solace in a semi rural environment. It is simply not in keeping with the area.

Kind regards.



Find out more about cost of living support | Brentwood Council<<https://www.brentwood.gov.uk/cost-of-living>>  
Find out more about cost of living support | Rochford Council<<https://www.rochford.gov.uk/community-and-people/cost-living>>

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12

**Dominika Jaskolska**

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**From:** [REDACTED]  
**Sent:** 28 June 2023 18:32  
**To:** Licensing  
**Subject:** Dusk application for premises license submitted by NFS Essex Ltd. T/A Dusk

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

We live at [REDACTED], Ongar Road, Kelvedon Hatch, Brentwood, CM15 0JX.  
We object the licence applied for due to the unsociable hours and noise at early hours of the morning.  
The Dusk Licence was rejected as the customers leaving were drunk and very loud in the car park, with no respect for neighbours and local residents.  
Thank you for your time in this matter.

Kind regards  
[REDACTED]

Sent from my iPhone



**Dominika Jaskolska**

---

**From:** [REDACTED]  
**Sent:** 28 June 2023 20:28  
**To:** Licensing  
**Subject:** Mgs. NFS. essex Ltd.T/A DUSK

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am objecting to the licensing application regarding DUSK nightclub having a late license to play music late at night and having its revellers parking down frog street. I am an [REDACTED] who has lived here for 42 years with no problems and have been very happy and content living out my last years here. I am so frightened of having drunken strangers passing by my door late at night and leaving their cars down this road if they have had too much to drink. I have family and ambulances coming to pick me up to take me to hospital appointments and shopping etc. I am too old to move away from here now and feel very depressed thinking about the noise and the upset that will be caused by Dusk being able to have this late license.

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14

**Dominika Jaskolska**

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**From:** [REDACTED]  
**Sent:** 29 June 2023 14:27  
**To:** Licensing  
**Subject:** Music/ late licence

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good afternoon

I would like to submit my objection to the application for music and late licensing at the new premises of the fat Turk, Bentley golf course ongar rd Brentwood.  
This would cause a nuisance and loss of our Peaceful surroundings with load music and parking, they do not have enough parking for the size of the venue and we would have to endure people parking along frog st, causing mayhem! There is no st lighting or pavement along this rd and this will cause anxiety to residents. We have only 1 access into frog st, with residents-golf club and now this application for a music venue! It will put people lives at risk with a 40 mph along an unlit and no pavement road.

[REDACTED] frog st

OBJECT

Sent from my iPhone

Sent from my iPhone



15

**Dominika Jaskolska**

---

**From:** [REDACTED]  
**Sent:** 03 July 2023 20:24  
**To:** Licensing  
**Subject:** 23/00010LAPRE

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good evening,

I would like to give a response to the above mentioned premises license application.

My husband and I would like to object to this late license. We have bought a house in the countryside because we appreciate the quiet life away from the busy town. We moved from Brentwood High street for this reason. The sound travels across the field and it will be very disruptive.

This will attract bad attention to our road. We will end up with drunk and disorderly behaviour on our road as people leave the premises. We will end up with glass and litter on our street along with all the other crime, fighting, swearing and trouble that comes with a late license and alcohol consumption. I know this as I have previously lived close to bars and restaurants.

Kervan Kitchen is 4 minutes away. Why do we need yet another bar/restaurant offering the same thing, opening late and serving alcohol right next door?

Taxis do not even come out this far so many people will be walking our street looking for other options.

Many Thanks  
[REDACTED]





**Dominika Jaskolska**

---

**From:** [Redacted]  
**Sent:** 03 July 2023 21:54  
**To:** Licensing  
**Subject:** 23/00010/LAPRE Dusk, Ongar Road, Premesis Licence application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

As residents of Frog Street we wish to register our objection to aspects of the above application. The venue is situated in a rural/residential location and relatively open countryside. As the council will be aware from residents comments on previous applications for the site, routine noise from the venue such as the emptying of glass bottle bins and open door alarms travels to the adjacent residential properties including our own. The same also applies to equipment used on the golf course which commences early in the morning. This is particularly the case in summer when windows need to be kept open overnight to lower temperatures and increase ventilation within homes.

The applicant is a business whose aim will be to maximise the profitability of that business by attracting as many people as possible to the venue across all their trading hours - indeed we understand that their other site The Fat Turk has been very successful in doing so. The rural location means that people will have no option but to travel there by vehicle and their arrival and departure at the hours proposed will mean greater public nuisance for local residents from the related traffic. The sale of alcohol and the music at the venue will mean that customers will be in "high spirits" and boisterous when leaving which will translate into noise and possible anti-social behaviour and nuisance for residents.

The application to trade until midnight Sunday to Thursday and 1.30am on Fridays and Saturdays means that customers and staff and the resulting noise etc will go on beyond those times. Whether enjoying a rest from work or preparing for work we do not find it acceptable for residents to be subjected to this nuisance. The times of operation should reflect those of a business in a village centre not Brentwood High Street.

From previous applications for the site we would expect that should a licence be granted no matter what hours it covers, that the rigorous requirements available to the council, which were required in the granting of previous licences for the site, be attached to it to mitigate noise coming from music within the venue and to control the behaviour of customers inside and outside.



Frog Street  
Kelvedon Hatch  
Brentwood  
CM15 0JL

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



Dominika Jaskolska

---

**From:** [REDACTED]  
**Sent:** 04 July 2023 16:00  
**To:** Licensing  
**Subject:** Ref: 23/00010/LAPRE Dusk Ongar Rd CM15 9SS

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sirs

Re: Licensing Application 23/00010/LAPRE.

I strongly object to the application to play live and recorded music at the Dusk Restaurant.

When Dusk was open previously, loud music was played into the early hours. It was so loud that the DJ could be heard as well as the music, making sleep impossible.

This nuisance affects a large number of people living in Frog St and its surroundings. Most of whom work, and many of whom have young children who need their sleep.

This level of intrusion is absolutely unacceptable.

[REDACTED]  
[REDACTED] Frog St. Kelvedon Hatch.  
CM15 0JN.

Sent from my iPad

Paula Hammond

---

**From:** [REDACTED]  
**Sent:** 04 July 2023 16:47  
**To:** Licensing  
**Subject:** Objection to Premises Licence for Dusk, Ongar Road, CM15 9SS

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Re. Application for Premises Licence at DUSK, Ongar Road, Pilgrims Hatch, CM15 9SS.  
I would like to seriously object to a Premises Licence being granted to the club called DUSK, on the Ongar Road, nexts the Bentley Golf Club.  
We are a quiet, rural community here, and it is very disturbing when, especially deep base music sounds, are heard at night; and there is increased traffic and rubbish in our Road.  
Last time these premises were open, it was so loud that you could hear the DJ's voice; especially when sleeping with the windows open, as is common.  
As I collect rubbish, thrown out of cars down our road, it was clear that when the DUSK club ceased working last time, the rubbish significantly dropped.  
So the prospect of having all this resume, is not a very pleasant one.

[REDACTED]  
Frog Street  
Kelvedon Hatch  
CM15 0JN

Sent from my iPad

## **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.