

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

# **APPENDIX 1**

## **APPLICATION FORM**

*Application to Vary a Premises Licence*

*(Sisu Enterprises Ltd. T/A DUSK)*

*Supporting Statement of Mr Shakil Islam*

*(Director, Sisu Enterprises Ltd.)*

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Sisu Enteroprises Limited

*(Insert name(s) of applicant)*

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

<b>Premises licence number</b> PRM_0569
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**Part 1 – Premises Details**

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

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

**Part 2 – Applicant details**

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

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

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

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

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

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

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

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

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

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

N/A
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**Part 4 Operating Schedule**

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

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

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

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

**In all cases complete boxes K, L and M**

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

J

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

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).**

NONE.

L

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

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

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

Please tick as appropriate

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

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

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

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

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

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

**b) The prevention of crime and disorder**

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

**c) Public safety**

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

**d) The prevention of public nuisance**

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

**e) The protection of children from harm**

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

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	15/07/2020
Capacity	Solicitor

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

Signature	
Date	
Capacity	

<p>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)</p> <p><b>KAIZAD CASSAD</b>                  Cassadys Solicitors                  5 Chancery Lane                  London</p>			
Post town	London	Post code	EC4A 1BL
Telephone number (if any)	0203 772 5439		

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

### Notes for Guidance

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

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

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

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

### **Statement of Shakil Islam**

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

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

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

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

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

Signed on 9 July 2020



Shakil Islam