

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

# **APPENDIX 3**

## **REPRESENTATIONS**

### ***Responsible Authorities***

*Mr. David Carter – Environmental Health Manager*

*Mr. Dave Leonard – Licensing Officer*

Our ref:  
Your ref:

Date: 23 October 2020

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

cc  
Cassadys Solicitors  
5 Chancery Lane  
London EC4 1BL

Dear Sirs

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

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

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

Dusk operates as a restaurant with late night refreshment, and public entertainment within the premises mostly from recorded music. The premises formerly operated as a Chinese restaurant, with recorded music entertainment in the form of a disco and dancefloor contained within the building.

Dusk has operated an extended area which is open for customers to drink, smoke and use shisha pipes either after or possibly in conjunction with a meal. This area is described as a black pergola with a retractable canopy on the plan attached to the application

Historically this premises once was operating as a nightclub which caused a number of complaints from several residents relating to noise from loud music from the premises, subsequently when operating as a Chinese restaurant the number of complaints had reduced significantly, and it appears that the management present had dealt with any noise issues being reported directly to them.

The operation of Dusk, however has caused a substantial increase in the number of complaints received, largely as a result of the use of the lounge area, which as it is designed to comply with the smoking legislation is required to be at least 50% open, which significantly reduces any noise attenuation from the structure and effectively operates as an outside area, with associated noise from customers and any amplified music played in the area.

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

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

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

The applicant has sought a variation to enable the performance of live music, recorded music, and other entertainment falling within the Act from 12:00 until 00:00 midnight Sunday to Wednesday, and on Friday and Saturday from 12:00 to 01:00. Late night refreshment is being requested from 23:00 to 00:00 midnight Sunday to Thursday and from 23:00 to 01:30 Friday and Saturday.

The premises opening hours that have been requested through this variation, (which is still pending at the time of writing) are until 00:00 midnight Sunday to Thursday and until 02:00am on Friday and Saturday.

As residential property is located in the vicinity of the premises and the area is largely rural in nature with no major night-time noise sources other than limited road traffic on the Ongar Road, it is considered likely that the use of the premises has caused and is likely to continue to cause disturbance to residents without additional measures.

There is in my opinion insufficient detail provided in the supporting statement to this application to demonstrate that public nuisance will be prevented, in particular as a result of the provision of regulated entertainment and the opening hours of the premises.

The operating plan only specifies that the premises licence holder shall monitor the volume of any entertainment and if appropriate take steps to reduce the volume.

The location of the premises is rural and relatively isolated. Background noise levels in this area are quiet at night-time, with the premises itself currently being the predominant source of noise. The impact of noise from entertainment at the premises previously has been found to cause complaints from residents at some distance.

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

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

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

**3 There shall be no use of the outside space on Sunday to Thursday after 2230hrs and on Friday and Saturday after 0000hrs except for the purpose of smoking.**

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

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

It is my contention that the lounge area is effectively 'outside' the premises as it is deliberately constructed to be open to the air and has also been provided with a retractable canopy.

If the Licensing Authority for the premises wishes to reduce the likelihood of noise nuisance I would strongly recommend that no amplified music is permitted in the area I would describe as 'outside', i.e. the lounge area of the restaurant, and that there are controls in place to prevent music breakout from the inside of the building to the lounge area and beyond the premises curtilage, including the closing of doors from the inside of the building to the shisha area, the removal of external speakers and the installation of equipment to limit noise breakout from within the premises, which again exists as condition 7 on the current licence but has never been arranged or agreed with the Pollution Team officers. This would prevent the need to determine at what level music is 'background music' and not a licensable regulated entertainment, although I would argue that music presented/selected by a DJ/VJ is more likely to be for the purposes of entertainment rather than background music.

The supporting statement from the variation application alleges that the Council 'has never responded to our request for the maximum decibel that it wanted Dusk to comply with'. Whilst I have not dealt directly with this premises much previously I have managed the Pollution Team before and since the premises opened and do not recall being approached by the management to determine an appropriate noise level – it is not merely a case of providing a decibel level and this will need to be set and agreed at the premises.

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

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

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

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

It is my opinion that in the absence of suitable measures currently within the operating schedule the Licensing Authority should consider the following matters with regard to the objective of prevention of public nuisance:

1. The operation of the premises late at night as a restaurant (with additional entertainment) has been identified as a noise issue in this location; the hours of operation that may be considered by the pending variation are later than many licensed premises in the town centre, including bars, pubs and busier locations with more activity and background noise.
2. The previous operation of this premises has given justifiable cause for complaint from residents to the Council and repeated visits and contact from officers has failed to secure any lasting improvement in reduction of noise or engagement with residents.
3. The controls proposed do not address the concerns over use of the premises; in addition to noise breakout from entertainment noise the activity of the car park and vehicles leaving the premises late at night has also been found to cause concern.
4. The performance of live, recorded music or 'other entertainment falling within the Act' within the external lounge area should be prohibited, such that there is no noise in this area apart from customers talking
5. If regulated entertainment in the lounge/garden area is permitted, a suitable method of setting and permanently controlling the level of sound in this area shall be provided, installed and set to operate at an appropriate level to be agreed with an officer from the Pollution Team present, (i.e. a 'noise limiter' device)
6. The use of shisha pipes should be limited in numbers or time availability to coincide with the restriction on amplified music to discourage extended use of the shisha lounge area later at night.
7. All doors and windows of the premises shall be kept closed during the provision of any regulated entertainment within the building to reduce the likelihood of noise breakout into the shisha lounge area and loudspeakers removed from the outside area.

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

Yours faithfully

**David Carter**  
Environmental Health Manager

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



**BRENTWOOD  
BOROUGH COUNCIL**

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

Tuesday 27 October 2020

Dear Mr Adams,

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

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

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

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

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

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

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

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

**2 The retractable roof will be completely shut/closed by 2100hrs each day.**

**3 There shall be no use of the outside space on Sunday to Thursday after 2230hrs and on Friday and Saturday after 0000hrs except for the purpose of smoking.**

**4 The area is to be staffed when it is being used.**

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

**6 The passageway will be staffed at times of use.**

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

**8 Signage to be displayed requesting patrons to use courtesy and respect to neighbours.**

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely,

Dave Leonard

Licensing Officer | Brentwood Borough Council



**BRENTWOOD  
BOROUGH COUNCIL**

**Mr Sharif Uddin  
Mr Shakil Islam**

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

**Contact: Dave Leonard  
01277 312523**

Dear Sirs,

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

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

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

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

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

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

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

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

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

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Leonard', with a stylized, cursive script.

Dave Leonard  
Licensing Officer



Mr Sharif Uddin  
Mr Shakil Islam

Date: 22 July 2020

Contact: Dave Leonard  
01277 312523

Dear Mr Uddin,

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

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

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

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

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

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

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

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

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

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

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Leonard', with a stylized, cursive script.

Dave Leonard  
Licensing Officer

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

Dear Mr Uddin,

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

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

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

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

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

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

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

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

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

Kind regards and stay safe,



**Dave Leonard | Licensing Officer**

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



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

Dear Mr Leonard

Please correct me if I am wrong.

Attached is the licence document authorised

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

These are the hours of operation.

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

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

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

Regards  
Sharif

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

Dear Mr Uddin,

Please find attached the new Premises licence and Summary for

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

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

Kind regards,



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

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**T:** 01277 424 987

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

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

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

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**BRENTWOOD  
BOROUGH COUNCIL**

Mr Sharif Uddin  
Mr Shakil Islam

Date: 29 July 2020

Contact: Dave Leonard  
01277 312523

Dear Mr Uddin,

**FINAL WARNING**

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

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

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

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

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

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

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

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

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

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

Yours Sincerely,

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

Dave Leonard  
Licensing Officer

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

Dear Mr Uddin,

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

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

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

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

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

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

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

Kind regards and stay safe,



**Dave Leonard | Licensing Officer**

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