

AGENDA SUPPLEMENT (1)

Meeting: Western Area Licensing Sub Committee
Place: The Pratchett Room - County Hall, Trowbridge BA14 8JN
Date: Wednesday 4 November 2015
Time: 10.00 am

The Agenda for the above meeting was published on 27 October 2015. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Lisa Pullin, lisa.pullin@wiltshire.gov.uk or tel -01225 713015, of Democratic Services, County Hall, Bythesea Road, Trowbridge.

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

5g **Appendix 7 - Update from Responsible Authority -
Environmental Health and Protection (Pages 3 - 16)**

DATE OF PUBLICATION: 2 November 2015

Time Line of Events Since the Hearing on the 01st of September 2015

02/09/2015 – An appointment was made by Damaris Broad with The Proactive Learning Centre and one of the owners of 1 Bratton Road, for the 07th of September to measure noise from the extraction.

03/09/2015 – Email from the Pro-active Learning Centre to Damaris Broad. The extraction unit had started to make a louder noise and the engineer booked to visit on the 10th of September, so noise measurements for the 07th of September is not feasible, but meeting to go ahead (See appendix 1).

07/09/2015 – Meeting between an owner of 1 Bratton Road, Members of the Pro-active Learning Centre, and Gary Tomsett (Public Protection Team Leader, Richard Francis (Senior Environmental Health Officer), Damaris Broad (Environmental Health Officer). There was no knowledge of what odour control is in place or whether there is a silencer. Advised to check with engineer on his visit what is in place for odour control and noise. Damaris Broad agreed to send copy of the abatement notices and website details for Building and Engineering Services Association (B&es).

07/09/2015 – Damaris Broad sent email to the Proactive Learning Centre, with B&es website details, further details of what is expected in terms of odour control in relation to relevant guidance (Please see appendix 2)

11/09/2015 – Email from the Proactive Learning Centre to Damaris Broad with details of an engineer visit on Monday the 14th of September.

15/09/2015- Email from The Proactive Learning Centre advising that more work is to be done and will be completed on Thursday the 17th of September.

17/09/2015- Engineer's report received via email from the Proactive Learning Centre (Please see appendix 3)

17/09/2015- Hearing adjourned due to concerns that the weather will not be suitable, and officer availability to monitor and report back by the 25th of September, when the hearing is due to reconvene.

21/09/2015- Telephone call between Damaris Broad and Elite Kitchen Services, that carried out the work. Elite Kitchen-services stated that the noise is now 29dB when measured from the courtyard, which meets the abatement notice. Elite Kitchen Services agrees to send the residency time of the carbon filters used.

29/09/2015 – Telephone Call between Damaris Broad and Elite Kitchen Service, chasing up the detail of the carbon filters. Elite Kitchen Services will chase up the supplying company and get back to me.

30/09/2015- Damaris Broad and Richard Francis from Public Protection visited The Castle to take noise measurements. Measurements are taken with the extraction on full, and also the lowest level the extraction can feasibly operate at.

05/10/2015 – Damaris Broad writes up and analyses the noise measurements from the visit on the 30th of September 2015. The noise is still a statutory nuisance, and does not meet the criteria of the abatement notice. The noise readings taken are included in appendix 4.

07/10/2015 – Meeting between one of the owners of 1 Bratton Road, members of the Proactive Learning Centre and Gary Tomsett (Public Protection Team Leader, Richard Francis (Senior Environmental Health Officer) and Damaris Broad (Environmental Health Officer). It was discussed that the noise is not suitable level. As the noise is still a nuisance despite two attempts to reduce the noise, with reassurance that the criteria has been met (please see appendix 5), due to concerns about progress, It was recommended to get an acoustician to go out and look at what has been done and then come up with a plan that would achieve the noise criteria. The Proactive Learning Centre were advised to email once they have an initial plan with details of timescale to ask for an extension on the abatement notice. Damaris Broad asked for the details of the residency time of the carbon filters. Damaris Broad arranged to email list of noise consultants.

07/10/2015 – Damaris Broad sends list of noise consultants to the Proactive Learning Centre (See appendix 6)

19/10/2015 – Details of the hearing date for the 04th November 2015 received.

19/10/2015 - Information received from that Elite Kitchen Services were carrying out the work on the extraction at 1 Bratton Road. Linda Holland (Public Protection Team Leader, Licensing), received a call from Proactive Learning Centre that work was being carried out on the extraction and would be completed on the 23rd October.

28/10/2015 –Email from the Proactive Learning Centre to Damaris Broad (Environmental Health Officer). Elite Kitchen Services are completing further work today. Struts have been put in place that join to the roof below, so that the flu is not attached to the wall, and a cover over the motor, cowl and fan (Appendix 7).

28/10/2015 – Email from Damaris Broad (Environmental Health Officer) to The Proactive Learning Centre asking for the residency times of the carbon filters (See appendix 8)

28/10/2015 – Noise monitoring following works to extraction are taken.

29/10/2015 – Results of noise monitoring are analysed. Although the noise is reduced, and the tonal noise is gone from the master bedroom the noise level is still 40dB within the upstairs rooms at the back of the property. Before 11pm, noise from the extraction at its reduced level would no longer be a nuisance. World Health Organisation guidelines are that for continuous noise, 30dB should not be exceeded to avoid negative effects on sleep. This applies to 'anonymous' noise, and noise from an extraction cannot be classed as anonymous, which suggests an even lower target value. It is therefore not possible to support the application for a late license, as the noise levels produced by the extraction are too high for the night time period. For monitoring results please see Appendix 9.

Appendix 1

From: Info [redacted]
To: @Broad, Damaris
Cc: [redacted]
Subject: RE: Meeting at 1 Bratton Road

Sent: Thu 03/09/2015 09:41

Hi Damaris

We were informed last night that the fan has started to make a noise, this will obviously affect the readings on Monday. The Engineer is coming on Thursday 10th, I know you can't make it then but if we meet yourself and Garry on Monday as planned I can make a list of all that has to be done, Garry said he knows exactly what to do to stop the vibration as well. I can then email the list to the Engineer so he comes fully prepared on Thursday.

I did ask if he could make any other day and the earliest after 10th is 21st which is too near to 25th. He is willing to go to the Council to meet with you.

Kind regards

[redacted]

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

From: Broad, Damaris [mailto:Damaris.Broad@wiltshire.gov.uk]
Sent: 02 September 2015 16:23
To: info@ [redacted]
Cc: Tomsett, Gary
Subject: RE: Meeting at 1 Bratton Road

Appendix 2

From: # Broad, Damaris
To: [REDACTED]
Cc: Francis, Richard; Tomsett, Gary
Subject: 1 Bratton Road

Sent: Mon 07/09/2015 15:

Message: pb10527-kitchen-exhaust-0105.pdf (431 KB) Bratton Road Odour Abatement Notice#.docx (35 KB) Bratton Road Noise Abatement Notice Schedule 1#.docx (34 KB)
Bratton Road Schedule 2 site plan#.docx (132 KB)

Thank you for taking the time to meet earlier today.

With regard to the engineer's visit on the 10th September, [REDACTED]

I have attached the abatement notices which show the requirements for odour and noise. The Building and Engineering Services Association (B&es) website link is here: <http://www.b-es.org/locate-member/> and 'kitchen ventilation' can be entered under the 'activities' tab. A local post code will bring up contractors registered with the trade association.

I am pretty sure [REDACTED] had the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' by Defra but have attached it anyway just in case.

Annex C on page 95 of the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' contains a risk assessment for odour. In order to do the risk assessment fully the speed of the discharge in m/s needs to be established. Assuming that the speed is between 10-15m/s and there are 30-100 covers a day or it is a medium sized takeaway, a 'high' level of odour control is required for the Corner Food Bar.

Page 11 of the document gives details of the odour treatment necessary for a 'high' level of odour control under the heading of Odour arrestment plant performance.

I recommend that as the system is an unknown, the engineer provide details of what current treatment there is for odour control, and establish the discharge speed of the stack.

Taking into account the actual discharge speed the premises should be risk assessed according to Annex C, and ensure a 'high' or 'very high' level of odour control be in place as appropriate.

The engineer should also establish whether there is a silencer or any noise attenuation fitted to the extraction, and provide a plan to reduce the noise to ensure the abatement notice criteria

ELITE KITCHEN SERVICES




**Report on work carried out at the Corner Food Takeaway, 1 Bratton Road,
Westbury, BA13 3EN**

The following work has been completed;

- Removed top section from silencer and replaced with Environmentally Friendly cowl this allows the rain to go inside as well as the outside of the cowl, which helps to cool the system.
- Fitted Anti-vibration Neoprene, covered with a stickle rubber coating to make it extremely effective.
- Fitted odour filter on inside of canopy leading to extraction.
- Fitted interlock. The gas appliances cannot be used without extraction.

Signed



Date 14th September 2015

The report has been produced by  (Proprietor)

Appendix 4

Extraction on full	Outside in courtyard at measuring point on Abatement Notice									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
56.7dB		76	59	48	40	34	30	27	25	23
(3 mins)	Measured NR	40	38	44	30	41	33	28	22	13

Extraction on full	Within The Castle (First floor bathroom with window open, as substitute for children's bedroom in similar position)									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
42.4dB		76	59	48	40	34	30	27	25	23
(3 mins)	Measured NR	40	30	39	28	34	26	17	8	8

Extraction on as low as practical to use	Outside in Courtyard at measuring point									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
52dB		76	59	48	40	34	30	27	25	23
(3 mins)	Measured NR	40	38	44	30	41	33	28	22	13

Extraction on as low as practical to use	Within the Castle									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
37dB		76	59	48	40	34	30	27	25	23
(3 mins)	Measured NR	24	18	30	18	29	21	12	8	8

Background Noise level taken from Westfield Car Park in absence of the extraction at approximately 11:15 was L90 31dB (5 mins)

Residual Noise level was 32dB.

Subjectively a humming from the extraction can be heard in the master bedroom of The Castle, close to the corner of the room that adjoins 1 Bratton Road, and is nearest to where the extraction is positioned, and also nearer to the door. The Bed is positioned between the corner and the door, and the humming can be heard on both sides of the bed. It did not seem to lessen with the extraction on its lowest practical setting or the highest.

Before any work had taken place on the extraction, noise measured on the first of July, in the courtyard at a similar location was 56dB (As compared to 52dB on the lowest setting, and 56.7dB on the highest setting on this occasion). Noise within the property measured on July the 1st at the same point was 45.5dB (Compared to 42.4dB within The Castle with the extraction on full, and 37dB within the Castle with the extraction on the lowest setting as practical). We do not know what setting the extraction was on for these measurements taken in July so it is difficult to make direct comparisons.

There may have been a slight reduction in the noise from the extraction, but not enough to meet the requirements of the abatement notice. It is still very audible within the complainant's property and still a statutory nuisance.

Appendix 5

From: [REDACTED]
Sent: 13 August 2015 13:45
To: Holland, Linda
Subject: 1 Bratton Road, Westbury
Importance: High

Good Morning Linda

So sorry I did not manage to send this email earlier but [REDACTED] myself have been at 1 Bratton Road since 7am. I did try to call you as soon as we got back to the office but your meeting had already started.

The morning started off badly with [REDACTED] on holiday, the house sitter refused to give permission yesterday when asked and again today to give access to the extraction company, we resolved that by showing the [REDACTED] who owned the access and front parking.

The noise / smell etc. has been completed by Elite Kitchen Services. The readings at 10am are as follows; on full 32d (before today 71.4d) running at 1/4 - 25d. They have given a certificate for the work which I will send a copy to you shortly.

I have got further information on people concerned with 1 Bratton Road:

[REDACTED]

[REDACTED]

[REDACTED]

Kind regards

[REDACTED]

Proactive Learning Centre

Appendix 6

From: Damaris Broad
To: [redacted]
Cc: Francis Piddock, Tompall, Gary
Subject: RE: Acoustic Consultants, 1 Stratton Rd

Sent: Wed 07/10/2015 17:40

Hello [redacted]

Following the meeting this afternoon, here are a list of noise consultants. As I mentioned in the meeting I cannot make recommendations towards any particular one.

- MACH Acoustics [redacted]
- INVC [redacted]
- [redacted]
- Jan Sharland Ltd, [redacted]

I look forward to hearing from you once you have had the opportunity to contact and discuss the situation with a noise consultant.

Kind regards




Damaris Broad
Environmental Health Officer
Public Protection
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

(01225) 716686

Appendix 7


You replied on 26/10/2015 10:14

This message was sent with High importance.

to: 
cc: 
cc: 
Subject: 1 Bratton Road Time Line

Sent: Tue 27/10/2015 16:00

Hi Damaris

Just confirming the time line for completion of works with you so that the Abatement Notice to Comer Food Shop Ltd will not be actioned on the enforcement date, and more time will be given as promised as  doing all within his power to comply. The Enforcement notices are still addressed to 1a Bratton Road!

Time Line:

19/10/15 Removed supports holding the extraction unit and cowling from the wall, fitted struts to extension roof of 1 Bratton road to reduce vibration and noise further.

28/10/15 Fit covering to cow, motor and fan to reduce the noise and vibration even further.  even though  has right of way. This is not an ideal way to fit the covering! I will be in attendance.

29/10/15 Agreed; decibel reading by yourself and Richard!

4/11/15 Licencing hearing at Wiltshire Council 10am.

Kind regards



Proactive Learning Centre
41 Roundstone Street
Trowbridge
Wiltshire
BA14 8DE

Tel: 
Mobile: 

Appendix 8

You forwarded this message on 23/10/2015 10:15.

From: @ Broad, Damaris
To: [REDACTED]
Cc: @ Holland, Linda; [REDACTED]; Fraide, Richard
Subject: RE: 1 Bratton Road Time Line

Sent: Wed 20/10/2015 10:15

Good Morning [REDACTED]

It was agreed during our meeting on the 07th of October that an extension to the notice would be granted if a time line of specific works to take place after the deadline of the 02nd of November were to be provided. The works detailed on the time line you have provided are to be completed before the 02nd of November, so I do not see a need to grant an extension to the abatement notice.

I have been informed that Elite Kitchen Services are carrying out the work. If this is the case it is contrary to the advice given during the meeting on the 07th of October, to seek the services of a noise consultant in order to come up with a scheme to reduce noise from the extraction unit. Although I hope that the work carried out today is successful, if it is necessary for an extension to be granted, this will be considered on the receipt of a scheme of works in the form of a report, that details the reduction in noise to be achieved by carrying them out. The qualifications of the individual devising the scheme would also be necessary. I would steer you again towards the services of a noise consultant.

The Abatement notices are addressed to 1a Bratton Road, as this is the registered office of the company, and is the correct address on which to serve the notices.

We did not agree a specific date on which to monitor the noise. As you are aware noise readings are weather dependent. Access also has to be arranged with [REDACTED] Thursday has been discussed but this has yet to be confirmed.

Please would yourself or [REDACTED] be able to send me the residency time of the carbon filter that is in place?

I will be in touch once a date for the monitoring has been confirmed, and would be grateful if you would let [REDACTED] know, as we will be asking him to adjust the setting on the unit as during the previous monitoring.

Kind regards

Damaris Broad
Environmental Health Officer
Public Protection
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN
01225 716686

Appendix 9

Extraction on full	Outside in courtyard at measuring point on Abatement Notice									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
48.9 (3 mins)		76	59	48	40	34	30	27	25	23
	Measured NR	56	53	48	36	43	34	29	24	16

Extraction on full	Within The Castle (First floor bathroom with window open, as substitute for children's bedroom in similar position)									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
43.1 (3 mins)		76	59	48	40	34	30	27	25	23
	Measured NR	40	30	36	31	35	25	18	10	8

Extraction on half	Outside in Courtyard at measuring point									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
48.8 (3 mins)		76	59	48	40	34	30	27	25	23
	Measured NR	50	45	42	30	42	35	26	19	13

Extraction on half	Within the Castle									
LAeq:	NR30:	31.5	62.5	125	250	500	1000	2000	4000	8000
40dB		76	59	48	40	34	30	27	25	23
(3 mins)	Measured NR	30	-	36	28	33	28	19	10	9

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