

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Statutory Nuisance

To: Corner Food Shop Ltd
1a Bratton Road
Westbury
Wiltshire
BA13 3EN

Ref: 201513137

TAKE NOTICE pursuant to Section 80(1) of the Environmental Protection Act 1990 **WILTSHIRE COUNCIL** being satisfied of the ~~(existence)~~ ~~(likely)~~ (occurrence) ~~(recurrence)~~ of a statutory nuisance under Section 79(1)(d) of that Act at the premises known as Corner Food Shop Ltd within the district of Wiltshire Council arising from odour from the kitchen extract giving rise to a statutory odour nuisance to ~~_____~~

HEREBY REQUIRE YOU as the ~~(person responsible for the said nuisance)~~ ~~(owner)~~ (owner or occupier) of the premises within 12 weeks from the service of this Notice, to abate the same and also

HEREBY (PROHIBIT) (RESTRICT) the ~~(occurrence)~~ (recurrence) of the same and for that purpose require you to implement measures to control cooking odours that emanate from the ventilation system serving Corner Food Shop Ltd. In achieving this, regard should be had to the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

~~IN the event of an appeal this Notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the nuisance to which this Notice relates is (injurious to health) (likely to be of a limited duration such that suspension would render the Notice of no practical effect) (such that the expenditure which would be incurred by any person in carrying out works in compliance with this Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance)~~

IF without reasonable excuse you contravene or fail to comply with any requirement of this Notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding £5,000 together with a further fine of an amount equal to one-tenth of that level (£500) for each day on which the offence continues after conviction. In the cases of offences committed on industrial, trade or business premises you will be liable to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance pursuant to Section 81(5). Further, if you fail to execute all or any of the works in accordance with this Notice, the Council has power under Section 81(3) and (4) to execute the works and recover from you the necessary expenditure incurred.

DATED 22 July 2015

Signed ~~_____~~
Environmental Health Officer

Address for all communications:-

Wiltshire Council Public Protection Services Bythesea Road TROWBRIDGE Wilts BA14 8JN
Tel 0300 456 0100 email publicprotectionwest@wiltshire.gov.uk

NB The person served with this Notice may appeal against the Notice to a Magistrates' Court within twenty-one days beginning with the date of service of the Notice. See notes on the reverse of this form.

**Currently £5,000 subject to alteration by Order.

Updated. 10 June 2013, v1.1