

## **DECISION NOTICE WESTERN AREA LICENSING COMMITTEE**

In respect of an application by Mr Refki Ibisi for a Premises Licence at 1 Bratton Road, Westbury, Wiltshire, SN13 3EN.

### **Date of Hearing:**

1 September and 4 November 2015

### **Decision:**

The decision of the Sub Committee is that the application by Mr Refki Ibisi for a Premises Licence at 1 Bratton Road, Westbury, Wiltshire, SN13 3EN be rejected.

### **Reasons for the Decision:**

The Sub Committee considered that, at present, the operation of the premises for the provision of late night refreshment beyond 23:00 would prejudice the licensing objective of the prevention of public nuisance as there would be unacceptable levels of noise and odour which would affect the amenity of local residents.

The Sub Committee accepted that these are issues that may be able to be addressed by technical measures; however at present the measures in place are not adequate to prevent the unacceptable level of nuisance.

The hearing had been adjourned from 1 September to allow time for the Applicant to carry out works at the premises to address the concerns that had been raised by local residents and the Council's Environmental Control and Protection Officers relating to noise, odour and vibration. The Sub Committee accepted that the vibration issues had largely been resolved, but considered that insufficient steps had been taken to mitigate the effects of noise and odour arising from the operation of the premises.

The Sub Committee accepted the evidence of the Council's Environmental Control and Protection Officers that the levels of noise, as measured by them, were still unacceptably high and, as such constituted a public nuisance. They also accepted the evidence from both the local residents and the Council's Environmental Control and Protection Officers that the use of the premises as a hot food take-away produced levels of odour that were not adequately controlled at present, and which would be a nuisance to neighbouring residents if the premises were to operate beyond 23:00 hours.

The Sub Committee considered the offer to reduce the hours applied for but did not consider that this would sufficiently mitigate any of the concerns raised.

A number of other matters had been raised by the parties, both in writing and orally at the hearing. These included the storage of used cooking oil and other waste and

allegations of unlawful parking. However, these were not considered to be relevant to the issue of whether a licence should be granted for the provision of late night refreshment.

The Sub Committee, therefore, concluded that rejection of the application was the only practical option and was one which was both proportionate and appropriate.

In reaching its decision, the Sub Committee took account of the representations, both oral and written, that had been made on behalf of the Applicant, together with those made on behalf of Wiltshire Council Environmental Control and Protection Team and those who made Relevant Representations in objection to the application. The Sub Committee also took account of relevant Government guidance and the Council's licensing policy.

### **Right of Appeal**

Any party has the right to appeal against this decision to a Magistrates' Court. Any appeal must be made to a Magistrates' Court within 21 days of the date of notification of this decision.