

**From:** McIlroy, Matt: RBKC <Matt.McIlroy@rbkc.gov.uk>  
**Sent:** Monday, April 15, 2024 2:45 PM  
**To:** Licensing RBKC: RBKC <Licensing@rbkc.gov.uk>  
**Cc:** Vicki Caress <v.caress@popall.co.uk>; a.tomlinson@popall.co.uk  
**Subject:** RE: LA2003 - Application for a Premises Licence - (340693) 138 Brompton Road, London, SW3 1HY.- ref: KCLC019/5192

Good Afternoon,

Following some legal advice in respect of the wording of the odour control condition, I would like to amend my representation.

Dear Licensing,  
Thank you for consulting with us on this licensing application.

I would like to make a representation on the basis of the prevention of public nuisance key licensing objective.

The premises is to be used as a fish and chip restaurant which has the potential to cause significant odour issues through the change to cooking operation.

There is no detail on odour control methods and as the premises is lower than those around it and it backs onto residential premises there is the chance that without sufficient odour control, residents may suffer nuisance as a result of the proposed operation.

In respect of the operation of the premises, I do not have significant concerns about the hours of operation or the hours for the supply of alcohol, I would however suggest some further conditions, if the committee were minded to grant the application to ensure sufficient promotion of the prevention of public nuisance key licensing objective.

- No smells generated from the cooking processes at the Premises shall give rise to nuisance to occupiers of neighbouring properties.
- Rubbish including bottles or cans shall not be deposited outside the Premises between 11:00 p.m. and 7:00 a.m. the following day.

In regards to the odour concerns, if the committee were minded to grant the application, I would suggest the following condition:

The Premises shall not operate under the terms of this Premises Licence until the Premises Licence Holder has :-

- a) carried out an odour risk assessment in accordance with the Risk Assessment for Odour derived from the latest EMAQ guidance to ensure there is no nuisance to local residents from odour and fumes emitted from the ventilation and extraction system;
- b) due regard has been had to any recommended mitigation arising from the assessment; and,
- c) the assessment report and the odour risk assessment has been submitted to and approved in writing by the Director of Environmental Health

Once approved in writing by the Director of Environmental Health, the ventilation and extraction system and ducting shall be correctly installed, operated, maintained and regularly serviced all in accordance with the manufacturer's instructions throughout the life of the plant.

I have included my contact details below if the applicant would like to discuss this representation.

Kind Regards

**Matt McIlroy**

Principal Noise and Nuisance Officer

Noise and Nuisance Team

Transport and Regulatory Services

Tel: 0207 361 3002

Mobile: 07814 615 608

Council Offices, 37 Pembroke Road, London, W8 6PW

[www.rbkc.gov.uk](http://www.rbkc.gov.uk)