

Notice of Licensing Sub-Committee

Date: Tuesday, 21 July 2026 at 10.00 am

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



Membership:

Cllr S Bartlett

Cllr A Chapmanlaw

Cllr G Farquhar

Reserves:

Cllr D Flagg (R1)

Cllr J Richardson (R2)

All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=6443>

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler 01202 128581 michelle.cutler@bcpcouncil.gov.uk Democratic Services on 01202 096660 or email democratic.services@bcpcouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email press.office@bcpcouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

AIDAN DUNN
CHIEF EXECUTIVE

13 July 2026

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app

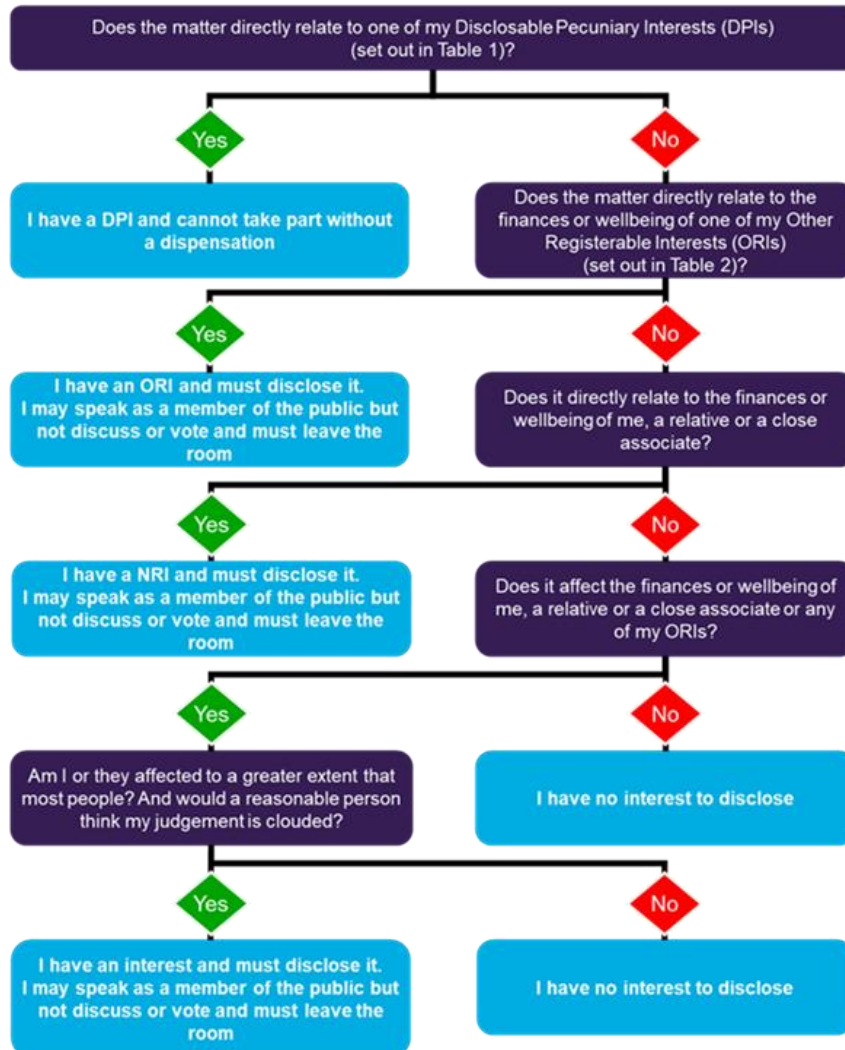


Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Election of Chair

To elect a Chair of this meeting of the Licensing Sub-Committee.

2. Apologies

To receive any apologies for absence from Members.

3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Protocol for Public Speaking at Licensing Hearings

5 - 10

The protocol for public speaking at Licensing Sub Committee hearings is included with the agenda sheet for noting.

5. Bulbul Premier, 69 Bennett Road, Bournemouth, BH8 8RH

11 - 86

To consider an application made by 'any other person', Mr Philip Rush for the review of the premises licence.

Mr Rush believes the premises are not upholding the prevention of public nuisance licensing objectives.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

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LICENSING COMMITTEE AND SUB COMMITTEE – PROTOCOL FOR PUBLIC SPEAKING

1. Introduction

- 1.1 This protocol for public speaking applies to Licensing Committee and Sub Committee hearings in relation to matters including the licensing of alcohol, regulated entertainment, late night refreshment, gambling, sex establishments and hackney carriage and private hire drivers, vehicles and operators, as set out in Part 3.3 of the Council's Constitution.
- 1.2 These matters are considered in accordance with relevant legislation and associated regulations including the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011), the Gambling Act 2005, Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) and the Local Government (Miscellaneous Provisions) Act 1976.

2. Conduct of Hearings

- 2.1 Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, etc.
- 2.2 Chair asks everyone present to introduce themselves and state their role.
- 2.3 Chair checks that all persons who have given notice of their intention to speak and any person who wishes to withdraw a representation or wishes not to speak have been identified.
- 2.4 Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A or B of this protocol as appropriate. All parties confirm agreement or make representations on procedure proposed.
- 2.5 Licensing Officer's report is presented.
- 2.6 Parties speak in the order agreed.
- 2.7 With the exception of hackney carriage and private hire hearings, parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any additional information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.

- 2.8 Members of the Licensing Committee or Sub Committee may ask questions after each party has spoken and once all parties have spoken. Parties will be allowed to ask questions through the Chair.
- 2.9 Once all parties have been heard, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
- 2.10 Members will deliberate in private with the clerk and legal representative as appropriate present.
- 2.11 The decision will be taken by the Committee and notification of the decision will be given as follows:
 - 2.11.1 For Licensing Act 2003 and Gambling Act 2005 hearings, determination must be within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the relevant Regulations, unless otherwise specified (for example, the issuing of a counter notice following objection to a TEN, in which case the determination must be at the conclusion of the hearing).
 - 2.11.2 For Sex Establishment and other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
 - 2.11.3 For Hackney Carriage and Private Hire hearings, notification of the decision will be given at the conclusion of the hearing, followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
- 2.12 Notification of the decision will include information for all parties of any right of appeal as appropriate.

3 General points

- 3.1 Hearings convened under the Licensing Act 2003 and the Gambling Act 2005 and associated regulations may be held remotely as required, if the Chairman agrees it is expedient to do so in the circumstances.
- 3.2 The hearing may be adjourned at any time at the discretion of the Members.
- 3.3 Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing.
- 3.4 The Sub Committee may decide to conduct all or part of a hearing in non-public session in accordance with the relevant Regulations and/or where exempt information is likely to be disclosed.

- 3.5 The Chair may exclude any person from a hearing for being disruptive.
- 3.6 Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- 3.7 The hearing will take the form of a discussion.
- 3.8 Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation or objection to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- 3.9 Any further information to support an application, representation, objection or notice (as applicable) can be submitted before the hearing. It may only be submitted at the hearing with the consent of all parties in accordance with any relevant Regulations. Wherever possible the Licensing Authority encourages parties to submit information at the earliest opportunity to allow sufficient time for this to be considered before the hearing and avoid the need for adjournment.
- 3.10 If a party has informed the Authority that they do not intend to participate, or be represented at the hearing, or has failed to advise whether they intend to participate or not, the hearing may proceed in their absence.
- 3.11 For other matters which are the responsibility of the Licensing Committee and not included in this protocol, the Meeting Procedure Rules in Part 4D of the Council's Constitution in relation to public questions, statements and petitions shall apply. This includes such matters as making recommendations on relevant licensing policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.
- 3.12 The Council's Constitution can be accessed using the following link:
<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact democratic.services@bcpcouncil.gov.uk

Appendix A

Proposed procedure and order of speaking for hearings (other than hackney carriage and private hire hearings)

1. The Licensing Officer presents report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant will make their Application.
4. Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first.
5. Responsible Authorities and Other Persons will make their representations.
6. Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
7. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
8. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
9. Notification of the Sub Committee's decision will be given in accordance with the requirements of the Licensing Act and Gambling Act regulations. For other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
10. The notification of decision will include information about the right of appeal as appropriate.

Appendix B

Proposed procedure and order of speaking for Hackney Carriage and Private Hire hearings

1. The Licensing Officer presents their report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant/licence holder presents their case.
4. Questions of the applicant/licence holder by all parties, Members of the Committee/Sub-Committee to go first.
5. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The Hearing will then conclude.
6. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe deliberations but will not take part in the decision making).
7. Notification of the decision will be given following deliberations at the conclusion of the hearing, to be followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
8. The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the Hearing. Information about the right of appeal as appropriate will also be included in the written decision letter.

Adopted by the Licensing Committee on 7.12.23

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LICENSING SUB-COMMITTEE



Report subject	Bulbul Premier, 69 Bennett Road, Bournemouth, BH8 8RH
Meeting date	21 July 2026
Status	Public Report
Executive summary	To consider an application made by 'any other person', Mr Philip Rush for the review of the premises licence. Mr Rush believes the premises are not upholding the prevention of public nuisance licensing objectives.
Recommendations	It is RECOMMENDED that: Members consider the following options: - (a) Modify the conditions of the licence; and/or (b) Exclude a licensable activity from the scope of the licence; and/or (c) Remove the Designated Premises Supervisor; and/or (d) Suspend the licence for a period not exceeding three months; or (e) Revoke the licence; or (f) Leave the licence in its current state. Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.
Reason for recommendations	Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee. The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.

Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Laura Ambler - Corporate Director of Wellbeing
Report Authors	Tania Jardim – Licensing Officer
Wards	Queen's Park
Classification	For Decision

Background

1. On 6 May 2026, a local resident, Mr Philip Rush submitted an application for a review of the premises licence under section 51 of the Licensing Act 2003.
2. The application relates to the prevention of public nuisance licensing objective.
3. The review has been requested by Mr Rush who lives next door to the premises, on the grounds that the operation of the premises has, over a prolonged period of approximately nine years, given rise to ongoing and escalating public nuisance, contrary to the licensing objective of the prevention of public nuisance. Mr Rush's concerns relate to noise, vibration, heat and odour generated by mechanical plant and equipment at the rear of the premises, which are alleged to cause persistent disturbance and adversely affect the amenity of neighbouring residential properties.
4. A copy of the review application is attached at Appendix 1.
5. Prior to submitting the completed review application form, the applicant contacted the Licensing Team via email requesting a review of the premises licence and listing the grounds under which they were requested a review. A copy of these emails are attached at Appendix 2.
6. The applicant was advised that many of the issues raised fell outside the scope of the Licensing Act 2003.
7. Based on the information provided, it was explained that the concerns appeared to relate primarily to the operation of mechanical plant and the lawfulness of such equipment and that these matters are not governed by licensing legislation but instead fall under separate regulatory regimes, including Planning, Building Control and Environmental Health.
8. The officer explained that issues such as noise, odour and potential statutory nuisance are best dealt with by Environmental Health, who have the appropriate powers to investigate and take action if necessary. As the applicant had already contacted Environmental Health, they were advised that it would be sensible to allow that process to conclude, as it is likely to be the most effective way to address the concerns and could support any future review application if evidence is found.
9. The only issue they raised that falls within the Licensing Act relates to the resident's allegation of a breach of conditions 2.14 and 2.17 of the premises licence, which state:

2.14 Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.

2.17 Noxious smells will not be allowed to emanate from the premises as to cause a nuisance to nearby properties.

10. The officer advised that these breaches had not been supported by evidence from Environmental Health, or by evidence showing that the licensing objective of preventing public nuisance was being undermined. It was also explained that, without evidence linking the concerns to licensable activities (in this case the off sale of alcohol), a review application would likely carry limited weight.
11. Despite the advice provided, the applicant chose to proceed with submitting the review application.

Premises Licence History and Information

12. The premises have had the benefit of a premises licence since 24 November 2005 following conversion from the old Justices Licence and was transferred to the current licence holders, Mehmet A Bulbul, Hatice Bulbul and Bahar Bulbul in September 2013. A copy of the current premises licence is attached at Appendix 3.
13. A plan showing the location of the premises is attached at Appendix 4.

Complaints history for reference

14. There are ten recorded complaints relating to noise from machinery at the premises. These have been submitted by Mr Rush and span the period from 2018 to May 2026. One complaint was submitted to the Licensing Authority in 2022, with the remainder submitted to the Environmental Health Department. The most recent complaint remains open and is currently under investigation by Environmental Health officers.

Consultation

15. A copy of the review application was served on all responsible authorities and the licence holder on 5 June 2026.
16. Licensing Officers attended the premises on 5 June 2026 and displayed two site notices on and around the premises. Two further notices were placed in the main public noticeboards of the council offices in Bourne Avenue and St Stephen's Road. A notice was also published on the council's website.
17. One of the premises licence holders, Ms Bahar Bulbul, has submitted a written response to the review application, disputing that the matters raised engage the public nuisance licensing objective. Ms Bulbul states that the equipment referred to is a soft drinks refrigeration unit and is not connected to the sale of alcohol. They consider the issues raised to fall outside the scope of licensing and not supported by sufficient evidence. She also advised that mitigation measures have been implemented, including relocating equipment, limiting operating times, and servicing refrigeration units. This is attached at Appendix 5.
18. A total of 10 expressions in support for the premises were received. These are shown at Appendix 6.

19. Mr Rush has submitted an evidence bundle in support of the review application, which includes proposed conditions he is seeking to have added to the premises licence. This is attached at Appendix 7. This includes video footage which will be presented at the hearing.
20. No representations in support of the review were received from the Responsible Authorities, however, Environmental Health have submitted a response outlining their current position. This is attached at Appendix 8.
21. The Licensing Team contacted Planning Enforcement to clarify their position in relation to the machinery. They advised that where refrigeration compressors have been installed and have been in situ for more than four years, they would generally fall outside the scope of enforcement action. At the time of writing the report, confirmation of the installation date was still awaited by the officer.

Options Appraisal

22. Before making a decision, Members are asked to consider the following matters:
 - The submissions made by or made on behalf of the applicant.
 - The submissions made by or made on behalf of the premises licence holder.
 - Representations made by Other Persons.
 - The response from Environmental Health.
 - The relevant licensing objectives, namely the prevention of public nuisance.
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.
 - BCP Council's Statement of Licensing Policy, specifically Section 12, which relates to the licensing objective of preventing public nuisance and Section 27 which deals with a Licensing Review and its determination.
 - Revised Guidance issued under Section 182 of the Licensing Act 2003 updated and published on 12 February 2026. This guidance is provided to licensing authorities in relation to carrying out their function under the 2003 Act. The updates relate to clarifying licensing authority discretion (case-by-case decisions) at paragraph 1.17.

Summary of financial implications

23. An appeal may be made against the decision of Members by the applicant, the premises licence holder or anyone who made a representation to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

24. If Members decide on an option available to them which the applicant, the premises licence holder or anyone who made a representation do not agree to, they may appeal to the Magistrates' Court within a period of 21 days beginning with the day that they are notified, in writing, of the decision.

Summary of human resources implications

25. There are no human resource implications.

Summary of sustainability impact

26. There are no sustainability impacts.

Summary of public health implications

27. There are no public health implications.

Summary of equality implications

28. There are no equality implications.

Summary of risk assessment

29. There are no risk assessment implications.

Background papers

BCP Council – Statement of Licensing Policy

<https://www.bcpCouncil.gov.uk/Assets/About-the-council/Statement-of-licensing-policy.pdf>

Hearing Regulations

<https://www.legislation.gov.uk/ukSI/2005/44/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 (February 2025)

https://assets.publishing.service.gov.uk/media/67b73b7b78dd6cacb71c6ac8/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_October+2024+_1_.pdf

Appendices

- 1 – Copy Application.
- 2 – Email correspondence from applicant pre-application.
- 3 – Copy current Premises Licence.
- 4 – Copy Location Plan.
- 5 – Response from Premises Licence Holder to the application.
- 6 – Representation in support of the premises.
- 7 – Evidence Bundle submitted by applicant.
- 8 – Response from Environmental Health.

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[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Philip Rush

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bulbuls Premier 69 Bennett Road Bournemouth	
Post town Bournemouth	Post code (if known) BH8 8RH
Name of premises licence holder or club holding club premises certificate (if known) Mehmet Ali Bulbul - Hatice Bulbul - Bahar Bulbul	
Number of premises licence or club premises certificate (if known) 081253	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☒

2) a responsible authority (please complete (C) below)

☐

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

Rush

First names

Philip

I am 18 years old or over

Please tick ✓ yes



**Current postal
address if
different from
premises
address**

Charminster

Post town

Bournemouth

Post Code

BH8 8RH

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

☐
☐
☒
☐

Please state the ground(s) for review (please read guidance note 2)

(Licensing Act 2003, s.51 – Public Nuisance)

The grounds for review are that the operation of the premises has, for a continuous period of approximately **nine years**, generated **serious, ongoing and escalating public nuisance**, contrary to the licensing objective of the **prevention of public nuisance**.

The nuisance arises from **industrial-scale mechanical plant** installed and operated at the rear of the premises, including:

- high-capacity extractor systems
- refrigeration condensers
- mechanical ventilation units
- associated vibration-generating equipment

These systems emit **excessive noise, vibration, heat and odour**, materially interfering with the quiet enjoyment of neighbouring residential properties and causing repeated disturbance, sleep disruption, and environmental intrusion.

The nuisance is **persistent, long-term, and incompatible with residential amenity**, and represents a clear breach of the licensing objective.

Supporting Information

(Detailed evidence – see also Public Nuisance Licensing Objective)

The following information is provided in support of the review:

- The nuisance has been ongoing since **2017**, with repeated episodes of excessive mechanical noise, tonal hum, vibration transmission into residential structures, and heat discharge.
- The equipment operates for extended hours, including late evenings and early mornings, causing repeated sleep disturbance.
- Odour emissions from the extractor system have caused persistent environmental discomfort.
- The nuisance has been reported to the Council on multiple occasions, including in **2018, 2020, 2023, and 2024**, with no effective mitigation by the premises.
- The premises have expanded or intensified their mechanical plant without adequate acoustic mitigation or environmental controls.
- The cumulative impact is substantial, long-term, and incompatible with the licensing objective

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓ yes

Have you made an application for review relating to the premises before - **NO**

☐

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

Yes – representations were made to BCP Council in **2018**, raising concerns regarding noise and mechanical nuisance from the premises’ extractor systems.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[REDACTED]

Date 06/05/2026

Capacity Local Residents

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Philip Rush

[REDACTED]

Charminster

Post town - Bournemouth

Post Code - BH8 8RH

Telephone number (if any)

[REDACTED]

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

[REDACTED]

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

From: [Philip Rush](#)
To: [Licensing.Com](#)
Subject: Subject: Licence Review Application – Bulbuls Premier, 69 Bennett Road (Case Ref: PR-BULB-69BR-2026-LIC/PLAN-NUISANCE)
Date: 28 May 2026 11:00:07

Applicant:

Philip Rush ■ Bennett Road Bournemouth BH8 8RH

Premises Subject to Review: Bulbuls Premier 69 Bennett Road Bournemouth BH8 8RH

Premises Licence Type: Off-Licence (Retail sale of alcohol for consumption off the premises)

1. Mandatory Case Reference Instruction

Please ensure that all correspondence, internal notes, and case actions relating to this matter are recorded under the case reference:

PR-BULB-69BR-2026-LIC/PLAN-NUISANCE. This reference will appear on all future submissions for consistency and traceability.

2. Summary of Application

I am applying for a **review of the premises licence** for Bulbuls Premier due to ongoing and severe **public nuisance** caused by the industrial mechanical plant installed and operated at the rear of the premises. The nuisance has persisted for **nine years**, significantly affecting residential amenity and breaching the mandatory licensing objective.

3. Nature of the Nuisance

The premises operate multiple industrial extractor systems and refrigeration condensers from:

77:30 am until 11:00 pm daily

These units generate:

- Excessive and intrusive noise
- Heat discharge
- Odours
- Vibration
- Loss of amenity

- Interference with sleep
- Inability to use my garden

This is a **clear breach** of the licensing objective: **Prevention of Public Nuisance.**

4. Premises Licence Does Not Justify Industrial Extractors

The premises are licensed solely for:

- Retail sale of alcohol
- For consumption off the premises

It is **not** licensed as:

- A takeaway
- A restaurant
- A hot-food premises
- A food-production site

Therefore, the industrial extractor systems:

- Are **not required** for the licensed activity
- Are **not incidental** to lawful retail use
- Are **not justified** by the premises licence
- Are **not compatible** with the licensing objectives

5. Companies House Evidence – Dissolved Company & Irrelevant SIC Code

Companies House records confirm:

- **BULBUL EXPRESS LIMITED** (Company No. 05954255)
- **Registered at 69 Bennett Road**
- **Dissolved on 27 April 2010**
- **SIC Code: 9240 – News agency activities**

This demonstrates that:

The dissolved company is NOT the current operator.

The dissolved company was NOT a retail shop.

The dissolved company was NOT an off-licence

The dissolved company cannot hold the current premises licence.

The current operator must be a different legal entity.y

Therefore:

The Licensing Authority must confirm the identity of the current Premises Licence Holder and Designated Premises Supervisor.

This information materially strengthens the licensing review case.

6. Extractors Should Be Located on the Public Highway Side (Front), Not the Rear

The extractors are currently placed at the **rear**, directly adjacent to residential gardens, causing maximum nuisance.

The **front of the premises**, facing the **public highway**, is:

- Non-residential
- Open and ventilated
- Suitable for a mechanical plant
- The correct location for any lawful equipment

The decision to place an industrial plant at the rear has **no operational justification** and causes **avoidable harm**.

7. Requested Licensing Actions

I request that the Licensing Authority:

1. **Review the premises licence**
2. **Impose conditions**, including:
 - Restricting the operating hours of the mechanical plant
 - Requiring relocation of machinery to the **front of the public highway side**
 - Requiring noise-reduction measures
3. **Require identification of the current licence holder and DPS**

4. **Consider suspension or revocation** if compliance cannot be achieved
5. **Require immediate mitigation** pending the outcome of the review

8. Evidence Available

I can provide:

- Photographs
- Noise recordings
- A nine-year disturbance log
- Correspondence with the shop owner
- Planning Enforcement complaint
- Environmental Health complaint
- Companies House documentation

9. Conclusion

The premises are operating a mechanical plant that is:

- **Not required** for an off-licence
- **Not justified** by any registered business activity
- **Not incidental** to lawful use
- **Causing a significant nuisance**
- **In breach of the Licensing Act 2003**

This information materially strengthens the licensing review case.

I request Licensing Authority intervention to protect residential amenity and uphold the licensing objectives.

Signed: Philip Rush  Bennett Road Bournemouth BH8 8RH

From: [Philip Rush](#)
To: [Licensing Com](#)
Date: 30 May 2026 21:31:02
Attachments: [Bulbuls Premier, 69 Bennett Road Case Ref PR-BULB-69BR-2026-LIC PLAN-NUISANCE.pdf](#)

----- Forwarded message -----

From: **Philip Rush**
Date: Sat, May 30, 2026 at 9:24 PM
Subject: Subject: Response to Licensing Clarification – Bulbuls Premier, 69 Bennett Road
Case Ref: PR-BULB-69BR-2026-LIC/PLAN-NUISANCE
To: Licensing Com <licensing@bcpcouncil.gov.uk>, <icensing@bcpcouncil.gov.uk>

Dear Ms Pitts and Ms Jardim,

Thank you for your recent correspondence and for confirming that the current Premises Licence Holders for 69 Bennett Road are **Mehmet Ali Bulbul, Hatice Bulbul, and Bahar Bulbul**, with **Mehmet Ali Bulbul** acting as the Designated Premises Supervisor.

This clarification is important, as Companies House records show that **Bulbul Express Limited**, previously associated with the address, was dissolved in 2010 and could not lawfully operate the premises or hold a licence. Your confirmation, therefore, resolves the discrepancy and establishes the identity of the individuals currently responsible for the licensed activity.

I write to respond to the points raised in your email and to clarify the legal basis upon which a review of the premises licence is sought. To avoid repetition of my original request, I have prepared a single consolidated document titled “**Integrated Four-Pillar Statement – Licensing, Planning, Mechanical Plant & Home Office Guidance**”, which is attached to this email.

This document:

- Addresses the legal test under the Licensing Act 2003
- Summarises the breaches of licence conditions (Conditions 2.14 and 2.17)
- Identifies the planning breaches relating to unapproved mechanical plant
- Explains why the extractors are not authorised by the premises licence
- Clarifies that a 24-hour opening does not authorise the mechanical plant
- Sets out the relevant Home Office statutory guidance confirming that a review must be accepted unless irrelevant, frivolous, vexatious, or repetitious
- Confirms the identity of the current Premises Licence Holders and DPS

I respectfully request:

1. Confirmation that a review application based on breach of licence conditions and public nuisance will be accepted as valid.

2. Confirmation of the correct service addresses for all Responsible Authorities.
3. Confirmation that the Licensing Authority has recorded this matter under the case reference PR-BULB-69BR-2026-LIC/PLAN-NUISANCE.

Thank you for your attention to this matter. I look forward to your confirmation.

Yours sincerely, **Philip Rush** ■ Bennett Road Bournemouth BH8 8RH

INTEGRATED FOUR-PILLAR STATEMENT

Bulbuls Premier, 69 Bennett Road – Licensing Review Grounds & Regulatory Breaches
Applicant: Philip Rush, ■ Bennett Road, Bournemouth BH8 8RH **Case Ref:**
PR-BULB-69BR-2026-LIC/PLAN-NUISANCE

1. Introduction

This document sets out the full legal and evidential basis for a review of the premises licence for Bulbuls Premier, 69 Bennett Road. It integrates four regulatory pillars:

- Licensing breaches
- Planning breaches
- Unlawful mechanical plant
- Home Office statutory guidance

It also clarifies the identity of the current Premises Licence Holders and Designated Premises Supervisor.

2. Identity of the Current Licence Holders

The premises licence (081253) confirms that the current Premises Licence Holders are:

- **Mehmet Ali Bulbul**
- **Hatice Bulbul**
- **Bahar Bulbul**

The Designated Premises Supervisor (DPS) is:

- **Mehmet Ali Bulbul**

This clarification is essential because:

- **Bulbul Express Limited**, previously associated with the address, was dissolved in 2010.
- A dissolved company cannot legally operate a business or hold a premises licence.
- The dissolved company's SIC code (9240 – News Agency Activities) confirms it was not a retail or off-licence operator.

Therefore, the individuals named above are the persons legally responsible for compliance with the premises licence and its conditions.

3. Pillar One – Licensing Breaches

A. Breach of Conditions 2.14 and 2.17

The premises licence expressly states:

2.14 Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby properties. **2.17** Noxious smells will not be allowed to emanate from the premises as to cause a nuisance to nearby properties.

The industrial extractors and condensers installed at the rear of the premises generate:

- Excessive noise
- Vibration
- Heat discharge
- Odour
- Loss of amenity
- Interference with sleep

These impacts constitute a **direct breach** of the licence.

B. Extractors are not authorised by the premises licence

The licence authorises:

- **Off-sales of alcohol only**

It does **not** authorise:

- Cooking
- Hot food
- Food preparation
- Industrial extraction
- Mechanical plant

The extractors are therefore **not incidental** to the licensed activity and are **not authorised**.

4. Pillar Two – Planning Breaches

Under the Town and Country Planning Act 1990, extractor systems constitute:

- Operational development
- External alteration
- Material change of use

No planning permission exists for:

- Installation of extractors
- External mechanical plant
- Change of use of the rear area

The extractors are therefore **unlawful**.

5. Pillar Three – Unlawful Mechanical Plant

A. Not required for an off-licence

An off-licence does not require:

- Cooking
- Ventilation
- Hot food extraction
- Industrial plant

The extractors are:

- Not necessary
- Not incidental
- Not authorised
- Not lawful

B. Location is unjustifiable

The extractors are placed:

- At the rear
- Adjacent to residential gardens
- In the most harmful location possible

The front elevation faces a public highway and is suitable for plant. The rear placement maximises nuisance.

6. Pillar Four – Home Office Statutory Guidance

The Home Office factsheet states:

“Local residents can request a review where activities at licensed premises are undermining one or more of the licensing objectives.”

And:

“A licensing authority must act on requests for review unless they consider the request to be irrelevant, repetitious, frivolous or vexatious.”

The extractors are:

- Installed by the business
- Operated by the business
- Used for the business
- Causing nuisance
- Breaching licence conditions

They are therefore **activities at the licensed premises**.

Environmental Health involvement is **optional**, not a prerequisite.

7. 24-Hour Opening Does Not Authorise Extractors

The premises licence permits:

- 24-hour alcohol sales

It does **not** authorise:

- Mechanical plant
- Extractors
- Condensers
- Ventilation systems

These require separate planning approval and must comply with licence conditions.

The extractors remain unlawful regardless of opening hours.

8. Conclusion

The premises is:

- In breach of its licence
- In breach of planning control
- Operating unlawful mechanical plant
- Causing public nuisance
- Undermining the licensing objectives

A review is justified and necessary.

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**Premises Licence
Part A**

Premises licence number

081253

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description:	
Guven Express Limited, 69 Bennett Road	
Post town: Bournemouth	Post Code: BH8 8RH
Telephone number: (01202) 396917	

Licensable activities authorised by the licence:
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Supply of Alcohol:
Monday to Sunday - 00:01 to 00:00

The opening hours of the premises:
Monday to Sunday - 00:01 to 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
Alcohol will be consumed off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mehmet Ali Bulbul & Hatice Bulbul & Bahar Bulbul
69 Bennett Road
Bournemouth
BH8 8RH
(01202) 396917

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mehmet Ali Bulbul
69 Bennett Road
Bournemouth
BH8 8RH
(01202) 396917

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

[REDACTED]

Annex 1 - Mandatory Conditions:

- 1.1 There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and an holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule:

Prevention of Crime and Disorder:

- 2.1 The premises will maintain the existing CCTV system and will retain recordings for 31 days which will be delivered to the police on request (subject to the Data Protection Act 1998).
- 2.2 Persons who look under 18 will be asked for ID before they will be sold alcohol.
- 2.3 The only ID that is accepted will be that approved by PASS, photo driving licences or passports.
- 2.4 Best endeavours will be used to prevent alcohol leaving the premises in open containers (including open bottles).

Public Safety:

- 2.5 When disabled people are present, adequate arrangements to enable their safe evacuation in the event of an emergency must exist.
- 2.6 Evacuation procedures must be available to those using the premises.
- 2.7 The Fire Brigade must be called to any outbreak of fire and the details recorded.
- 2.8 Insofar as there is direct control, all reasonable steps will be taken to keep access for emergency vehicles clear.
- 2.9 Escape routes will be properly maintained.
- 2.10 Maintenance of emergency lighting and any illuminated emergency exit signs will be followed.
- 2.11 The recommended practices in the Health & Safety Risk Assessment with regards to the safety checks and the provision of first aid will be followed.
- 2.12 No alteration which would result in it being impossible to comply with an existing licence condition shall be made without first seeking variation of the Premises Licence to delete or amend the condition(s) in question.

Prevention of Public Nuisance:

- 2.13 Licensable activities will not be permitted in external areas.
- 2.14 Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.
- 2.15 No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0700 hours.
- 2.16 If necessary, prominent clear and legible notices will be placed at the exit requesting customers to respect the needs of local residents and to leave the premises and the area quietly.

- 2.17 Noxious smells will not be allowed to emanate from the premises as to cause a nuisance to nearby properties.
- 2.18 Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).

Protection of Children form Harm:

- 2.19 Under 12's will not be allowed unaccompanied on the premises after 2300 hours.
- 2.20 The operators will have regard to the code and those Retailer Alert Bulletins from the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

Annex 3 - Conditions attached after a hearing by the Licensing Authority:

N/A

Annex 4 - Plans:

This licence is issued in accordance with the plan submitted with the application, as attached.



Premises Licence
Part B

Premises licence number

081253

Postal address of premises, or if none, ordnance survey map reference or description:	
Guven Express Limited, 69 Bennett Road	
Post town: Bournemouth	Post Code: BH8 8RH
Telephone number: (01202) 396917	

Licensable activities authorised by the licence:
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Supply of Alcohol: Monday to Sunday - 00:01 to 00:00

The opening hours of the premises:
Monday to Sunday - 00:01 to 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
Alcohol will be consumed off the premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Mehmet Ali Bulbul & Hatice Bulbul & Bahar Bulbul 69 Bennett Road Bournemouth BH8 8RH (01202) 396917

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mehmet Ali Bulbul 69 Bennett Road Bournemouth BH8 8RH (01202) 396917

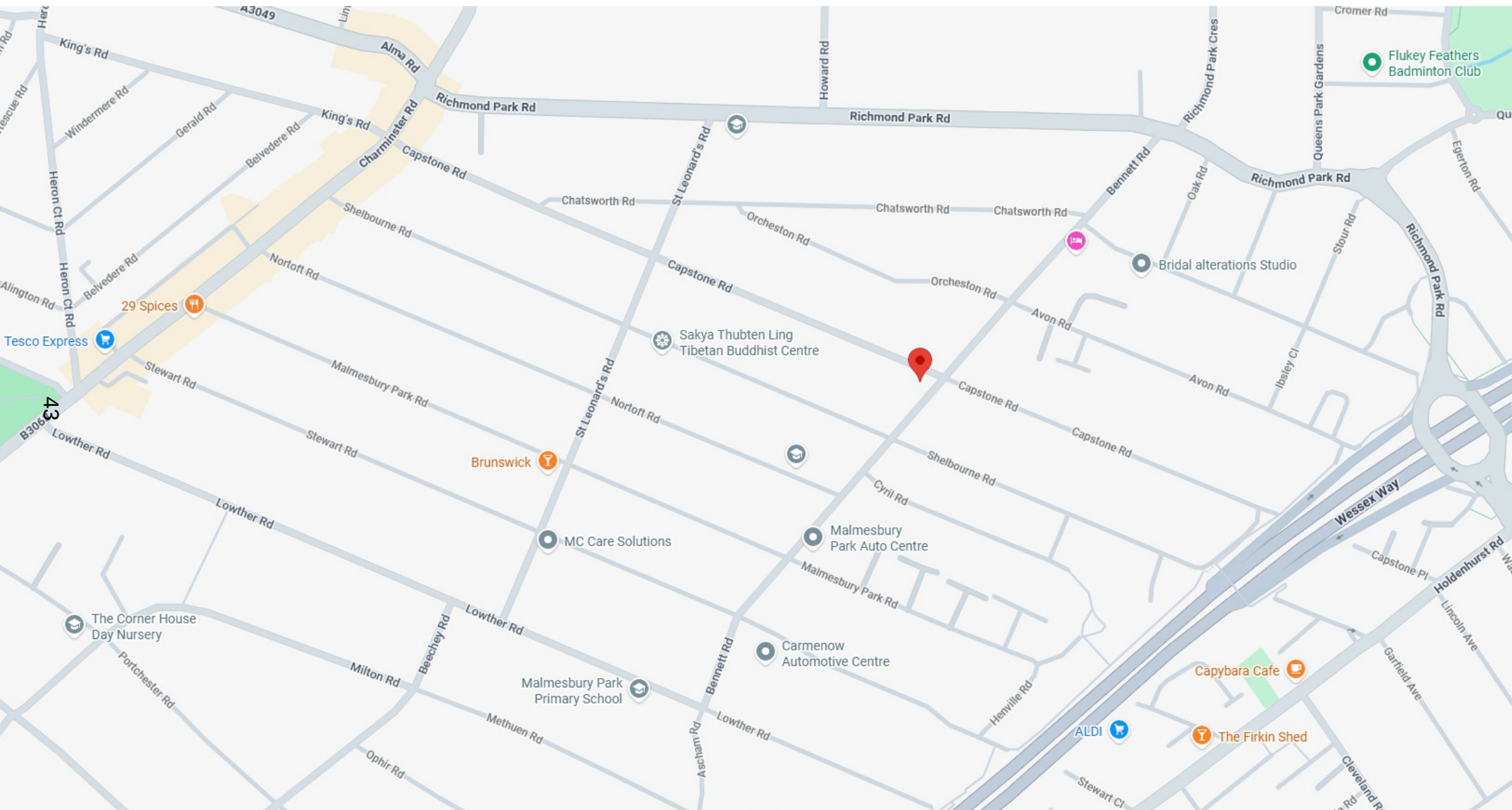
State whether access to the premises by children is restricted or prohibited:
Access to children is restricted in accordance with the Operating Schedule (see condition 2.19)

Issued: 24th November 2005

Revised: 30 September 2013 (Transfer)

Service Director: Planning, Transport and Regulation Services

APPENDIX 4



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From:
To: [Tania Jardim](#)
Subject: Re: Review of Premises Licence Bulbuls Premier, 69 Bennett Road BH8 8RH (M237426)
Date: 08 June 2026 12:08:32
Attachments: [image001.jpg](#)
[image002.png](#)
[order_000000818.pdf](#)
[INV239.pdf](#)

Dear Tania,

Thank you for your time on Friday. It was a pleasure to meet with you.

I am writing in response to the allegation of a breach of public nuisance licensing objective raised by the neighbouring resident in connection with the review application.

We take all concerns raised by local residents seriously and have taken proactive steps to address the issues mentioned.

Firstly, I would like to clarify that the refrigerator referred to in the complaint is not related to the sale or storage of alcohol. It is a soft drinks refrigerator. Even if the premises licence were removed, the business would continue to sell non-alcoholic products, including soft drinks and dairy products, and therefore the presence and operation of this equipment would remain necessary for the normal operation of the shop. As such, the existence of this equipment is not directly connected to the sale of alcohol or the premises licence.

We strongly believe this is therefore not a licence issue therefore licence review is not necessary. We are aware of our licensing objectives and review these regularly with our staff.

A resident who lives in the same building as the applicant has also sent an email confirming she has no concerns regarding public nuisance and odours which the applicant is referring to. We will forward this in a separate email. She is happy to be contacted if needed.

Also, can I kindly ask what odour is the applicant referring to? The fan is unlikely to cause odour. It is not an extractor fan. We only sell packed food and no food is cooked at the premises. Again, this is not a licence issue.

The application contains broad allegations regarding noise, vibration, heat and odour but does not provide any independent acoustic reports and environmental health findings demonstrating breach of premises licence objectives namely 2.14 and 2.17.

The applicant refers to complaints dating back to several years which again is not an evidence that the licensing objectives are being breached or that a licence review is appropriate or proportionate.

In addition, we have already undertaken measures to minimise any potential disturbance:

- There were 3 fans and two of them have been relocated. Only soft drink fan has been left which is turned on limited hours.
- All refrigeration units within the premises have recently been professionally serviced and inspected.
- Operational and noise assessments were carried out as part of the servicing process, and the equipment was found to be operating normally.

I believe noise assessment has previously been carried out by the council.

The refrigerator in question is turned off at 9pm every day so no noise is likely to arise from it after this time during the summer time. In the winter time, the refrigerator is only on for couple of hours maximum.

We remain committed to being a responsible local business and maintaining a positive relationship with neighbouring residents. Should the Council identify any further reasonable measures that may assist in reducing any perceived nuisance, we are willing to cooperate and engage constructively.

We respectfully request that the steps already taken by the premises are taken into consideration when assessing the review application.

A premises licence review is a serious measure and should be based on clear and compelling evidence. We therefore request that the review is dismissed.

Please let me know if any further information or supporting documentation is required.

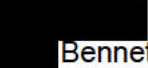
With kind regards

Bahar Bulbul

REPRESENTATION IN OBJECTION TO APPLICATION FOR REVIEW OF
BULBUL PREMIER, 69 BENNETT ROAD, BOURNEMOUTH
IN SUPPORT OF PREMISES (M237426)

1	From: [REDACTED] Sent: 06 June 2026 23:59 To: Licensing Com <licensing@bcpcouncil.gov.uk> Subject: Representation in Support of Premises Licence – Premier, Bennett Road Dear Licensing Team, I am writing to submit a representation in support of the premises licence for the Premier store on Bennett Road. My name is [REDACTED] and I reside at [REDACTED] Bennett Road, Bournemouth BH8 8RH, immediately behind the shop within the same building. As a result, I am very familiar with the business and its day-to-day operation. I am a regular customer and use the shop on a daily basis, as does my child. In my experience, the owners and staff have always been professional, welcoming, respectful and helpful. They provide an important service to local residents and are a valued part of the community. As someone who lives immediately adjacent to the premises, I feel I am in a particularly good position to comment on the way the business operates. Throughout the time I have lived here, I have found the shop to be well managed and responsibly run. The staff are approachable, courteous and committed to serving local customers. The store is relied upon by many people in the area, including families, elderly residents and those who may find it difficult to travel further for everyday essentials. I have personally found the business to be a positive presence within the community and believe it makes an important contribution to the local area. Given my proximity to the premises and my frequent use of the shop, I felt it was important to provide my experience for consideration as part of the review process. I respectfully ask that my comments be taken into account during the licence review and that this representation be recorded in support of the premises licence. Yours faithfully, [REDACTED] [REDACTED] Bennett Road Bournemouth BH8 8RH **** From: [REDACTED]
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	Sent: 07 June 2026 09:38 To: Licensing Com <licensing@bcpcouncil.gov.uk> Subject: Additional Representation – Bulbul Premier Licence Review Dear Licensing Team, I am writing further to my earlier representation regarding the review of the premises licence for Bulbul Premier, 69 Bennett Road, Bournemouth. Having since read the notice of review in full, I understand that the review has been requested on the basis that the premises are alleged not to be promoting the licensing objective of the prevention of public nuisance. As I stated in my original representation, I live at [REDACTED] Bennett Road immediately behind the premises and within the same building. Given my proximity to the shop, I believe I am in a particularly good position to comment on any issues relating to public nuisance. For the avoidance of doubt, during the time I have lived here, I have not experienced any significant public nuisance arising from the operation of the premises. I have not personally encountered noise, disturbance, anti-social behaviour, or other issues that I would associate with the premises undermining the licensing objective of the prevention of public nuisance. I therefore wished to provide this additional information for consideration alongside my original representation. Thank you for your time and consideration. Yours faithfully, [REDACTED] [REDACTED] Bennett Road Bournemouth BH8 8RH
2	From: [REDACTED] Sent: 07 June 2026 16:25 To: Licensing Com <licensing@bcpcouncil.gov.uk> Subject: Representation regarding review of premises license bulbul premier Bennet road Dear Licensing Team, My name is [REDACTED] and I would like to make a representation regarding the review of the licence for Bulbul Premier on Bennett Road. I live in the adjoining building next to the shop and my flat overlooks the front of the premises, so I see what goes on there most days. Having read the notice, I understand that concerns have been raised about public nuisance. From my own experience living here, I have not had any problems with the shop and have not experienced any nuisance from it. I regularly see customers coming and going, and I have not witnessed excessive noise, anti-social behaviour or disturbances outside the shop. The area outside the premises is generally quiet, and I have not found the business to be disruptive to residents. The shop is useful for people living locally and is relied upon by many residents. The staff have always been polite and respectful whenever I have visited. As someone who lives immediately next to the premises and looks directly onto the front of the shop, I felt it was important to share my own experience as part of this review.

	I hope my comments will be taken into consideration. Yours sincerely  Bennett road Bournemouth Bh88rh
3	From:  Sent: 17 June 2026 09:38 To: Licensing Com <licensing@bcpcouncil.gov.uk> Subject: Reference 237426 Dear sirs, I write with reference to the application to review the license of Bulbul Premier, 89 Bennett Road, BH8 8RH. I have resided at my current address for nearly 15 years,  Cyril Road BH8 8BT but I have lived in the area for approximately 35 years. I have been using the premises to purchase goods multiple times each week and for many years. I have never witnessed any public nuisance related to the premises, business or staff related to it. In fact what I have witnessed is quite the contrary! I have experienced nothing but polite, responsible, respectful and professional behaviour from everyone related to the business. This is even when members of the public have not behaved with the same standards. I have seen the public be rude, derogatory and racist, when faced with this the staff have remained courteous and professional. Bulbul Premier and their staff are a credit to the local area, one persons objection should not mean a review or make the news or cause what I can imagine, a stressful process for these hardworking people. If you would like further comment the please get in touch via reply to this email. Kind regards  Local resident and business owner.
4	From:  Sent: 18 June 2026 11:32 To: Licensing Com <licensing@bcpcouncil.gov.uk> Cc:  tom.hayes.mp <tom.hayes.mp@parliament.uk>; Councillor Sharon Carr-Brown <Sharon.Carr-Brown@bcpcouncil.gov.uk>; Councillor Alasdair Keddie <Alasdair.Keddie@bcpcouncil.gov.uk> Subject: MAU 237426 Support in reference to Bulbul Premier License Review To: Licensing Committee, Bournemouth, Christchurch and Poole Council Re: Premises Licence Review – Bulbul Premier I am writing as a local resident and regular customer of Bulbul Premier to express my strong support for the business and my concern regarding the application to review its premises licence under Section 51 of the Licensing Act 2003 on the grounds of "prevention of public nuisance". Bulbul Premier provides an important and valued service to the local community. It is relied upon by many residents for everyday essentials and has operated as a trusted local

business serving people from all backgrounds. The owners and staff are well known locally and, in my experience, have always conducted themselves professionally and responsibly. I am concerned that the review application appears to provide little detail regarding the specific public nuisance allegations being made. Natural justice requires that a licence holder should be given sufficient information to understand the case against them and to respond meaningfully to any concerns raised. It is difficult to see how the premises can adequately defend itself against unspecified allegations.

More fundamentally, I question the extent to which a private retailer should be held responsible for criminality, antisocial behaviour, or nuisance occurring in the wider locality beyond its control.

Residents in Charminster have experienced ongoing issues relating to crime, antisocial behaviour and suspected drug activity for some time. Indeed, concerns regarding these issues have been sufficiently serious that a Community Safety Trigger process has been initiated, reflecting wider concerns about how such matters are being addressed by the relevant public authorities and BCP.

In my own experience, I have reported suspected drug dealing occurring directly outside my home and provided video evidence on multiple occasions. Despite this, meaningful enforcement action has often appeared limited or non-existent. Approximately one year ago, residents witnessed a serious incident involving threats of violence against a local woman, and police attendance took a considerable amount of time. Within the last six months there have also been significant police operations and property raids in the immediate area.

These examples demonstrate that there are broader issues affecting the neighbourhood.

They do not, however, demonstrate that Bulbul Premier is responsible for those issues.

The Licensing Act is intended to ensure that licence holders promote the licensing objectives. It should not be used to make individual businesses responsible for every instance of disorder or antisocial behaviour occurring nearby, particularly where such behaviour may be carried out by unrelated third parties over whom the business has no control.

I would respectfully ask the Committee to carefully distinguish between:

- nuisance or disorder directly attributable to the operation of the premises; and
- wider criminality or antisocial behaviour occurring within the neighbourhood generally.

In my experience as a local resident, Bulbul Premier has been a hugely positive presence within the community, and I have not observed conduct by the business that would justify the severe step of reviewing or restricting its licence in any way whatsoever.

I therefore urge the Committee to give substantial weight to the views of local residents who value this business and to require clear, specific and evidence-based justification for any action proposed against it.

I am deeply concerned that a respected local business appears to be facing serious licensing action without clear evidence being presented to the wider community regarding the alleged nuisance. The existence of crime, drug activity or antisocial behaviour elsewhere in Charminster should not, without compelling evidence, be attributed to Bulbul Premier. I fully support the premises, its owners and staff, and believe they make a positive contribution to the local community. Should this matter proceed to a Licensing Sub-Committee hearing, I would be willing to attend and provide evidence in support of the business.

I am copying this representation to local Member of Parliament, Tom Hayes, and other local ward councillors, given the wider concerns that have been raised regarding antisocial behaviour and community safety within the area.

I respectfully request that this letter be included within the papers officially presented to the Licensing Sub-Committee and taken into account when determining the review application.

Yours sincerely,

	[REDACTED] [REDACTED] Shelbourne Road BH8 8QZ
5	From: Sent: 20 June 2026 17:05 To: Licensing Com <licensing@bcpcouncil.gov.uk> Subject: Bulbul Premier,69 Bennett Rd, BH88RH Sirs, I write in regard to Philip Rush`s application for the review of the shop above. I have lived nearby and been a customer since they opened the business. Mr Rush`s objection is spurious; stopping alcohol sales will not address his fundamental issue of objecting to the shop being open, attracting customers, restocking and being popular, something he`s rather rudely raised with the staff. Anti-social behaviour is very rare, as a perusal of police statistics will prove. On the occasional time there have been any issues - and I recall only one in 15 years - the shop staff have acted quickly and decisively to stop it. Stopping alcohol sales will have a deleterious effect on us customers and I thoroughly object to a ban. Regards [REDACTED] [REDACTED] Cyril Rd BH88QE.
6	From: [REDACTED] Sent: 19 June 2026 21:42 To: Licensing Com <licensing@bcpcouncil.gov.uk> Subject: Premises License Review Bulbul Express Dear Sir/Madam, I am writing to make a representation in opposition to the application for the review of the Premises Licence for Bulbul Premier, 69 Bennett Road, Bournemouth, BH8 8RH. I have been a regular customer of Bulbul Premier for the past five years and have consistently found the business to operate in a responsible and professional manner. During this time, I have not personally experienced or witnessed any issues that would suggest the premises undermine the licensing objective of the prevention of public nuisance. The business provides an important service to the local community and contributes positively to the area. As a long-standing customer, I have observed that the premises are well managed and serve local residents in a respectful and considerate manner. I respectfully request that the Licensing Authority take into account the positive role this business plays in the community and the views of customers who support its continued operation. Thank you for considering my representation. Yours faithfully, [REDACTED] [REDACTED] Bennett Road, Bournemouth BH8 8RH

7	From: [REDACTED] Sent: 22 June 2026 12:55 To: Licensing Com <licensing@bcpcouncil.gov.uk> Subject: Bulbul Premier Bennet Rd BH88RH Dear Sir/Madam, I am writing to you in regard to the application you have received to review the license of the above premises. I am also the owner of a small local business in Bennet Rd & have been making use of this shop for over 21yrs for essential daily supplies. It cannot be overstated how important it is that businesses like these exist in our communities. They are a vital lifeline for those unable to travel far and provide a fantastic option for those who prefer to use local small businesses rather than larger supermarkets further out of town. Any restrictions placed upon this business will have a catastrophic effect on its ability to trade in a profitable manner, seriously risking its viability going forward. Once lost, these businesses are seldom adequately replaced. I urge you to disregard the single complaint you have received and refuse to allow the intolerance of one person to affect this community as whole. Yours sincerely, [REDACTED] Malmesbury Park Autocentre
8	From: [REDACTED] Sent: 24 June 2026 09:58 To: Licensing Com <licensing@bcpcouncil.gov.uk> Subject: Bulbul Premier store To whom it may concern. Re Bulbul Premier Store 69 Bennet Road. I am writing in my capacity as the Freeholder of the flats at [REDACTED] Bennett Road . During my ownership of the flats next door to Bulbul Premier no leaseholder or Tennant has notified me of any problems concerning the store . [REDACTED] Yours Sincerely [REDACTED] Moordown Bh93AF

9



B.C.P Council

Civic Centre

Bourne Avenue

Bournemouth. BH2 6DY.

Dear Sirs,

We have been residents for 50 years
in Lynil Road and customers
of the Premier Shop for 16 yrs.

We would be completely lost without it
I have never seen bad behaviour
outside the shop and hope
enough people support your
appeal.

Yours sincerely

10

From: [REDACTED]
Sent: 25 June 2026 07:54
To: Licensing Com <licensing@bcpcouncil.gov.uk>
Subject: Bulbal Premier, 69 Bennett road

To whom it may concern,

I have had a dog grooming business next door to the Premier since 2021. I have
never had any problems with noise and certainly not causing a public nuisance.

Regards,
Tabithas K9 Makeover

11

From: [REDACTED]
Sent: 28 June 2026 20:42
To: Licensing Com <licensing@bcpcouncil.gov.uk>
Subject: Bulbul Premier, 69 Bennett Road, Bournemouth, BH8 8RH

[REDACTED] Capstone Road, Bournemouth, BH8 8RY

Dear Licensing Team

Re. Bulbul Premier, 69 Bennett Road, Bournemouth, BH8 8RH

I'm writing regards application to review License of above shop.

I'm the owner/ occupant of the first floor flat directly across the road from Bulbul Premier.

I've been living at this address for 6 years.

I was surprised when my attention was drawn to the nature of complaint.

I'm told the request for review concerns dissatisfaction regards alleged noise from refrigeration units at the back of the store.

I've never once noticed this noise myself. My property faces the front of the store, across the road. It's inaudible from my property and not an environmental issue for me.

Yours faithfully

[REDACTED]

From: Philip Rush

Sent: 30 June 2026 23:07

To: Tania Jardim <vania.jardim@bcpcouncil.gov.uk>

Subject: Re: FW: Subject: Response to Licensing Clarification – Bulbul Premier, 69 Bennett Road Case Ref: PR-BULB-69BR-2026-LIC/PLAN-NUISANCE (M237426)

Subject: Licensing Act 2003 – Corrected Review Bundle (Bulbul Premier, 69 Bennett Road)

Dear Tania,

I write to confirm that the full review bundle for **Bulbul Premier, 69 Bennett Road, Bournemouth BH8 8RH** has now been fully corrected in accordance with the structural and numbering requirements you identified.

All documents have been renumbered using a **single, uniform Exhibit Letter System**, applied consistently across:

- the Cover Letter,
- the Index,
- and all Exhibits (A through E).

The bundle has undergone a complete integrity check to ensure:

- internal numbering conflicts have been removed,
- exhibit labels are consistent throughout,
- cross-references match the correct exhibit identifiers,
- pagination will align with the final Word/PDF layout,
- and no duplicate or legacy numbering systems remain.

The Index Page has been placed at **Page 1** of the bundle, and the exhibits follow in the correct order. A **Bundle Integrity Statement** has also been included to confirm structural compliance.

Should you require any further adjustments prior to circulation to the Licensing Sub-Committee, I remain available to provide them immediately.

Yours sincerely, **Philip Rush**

From: Philip Rush

Sent: 29 June 2026 14:36

To: Tania Jardim <tania.jardim@bcpcouncil.gov.uk>

Subject: RE: Subject: Response to Licensing Clarification – Bulbuls Premier, 69 Bennett Road Case Ref: PR-BULB-69BR-2026-LIC/PLAN-NUISANCE (M237426)

Dear Tania,

I write to formally submit the complete evidential bundle for the Licensing Act 2003 Review concerning Bulbul Premier, prepared pursuant to Section 51 and in accordance with the procedural requirements for circulation to the Licensing Sub-Committee.

The enclosed bundle comprises:

- Exhibits C3 and C4 (Resident Noise Evidence Table and Council Monitoring Table), presented in full and in their original evidential format.
- Chronological nuisance log and supporting measurements.
- Legal analysis addressing breaches of Conditions 2.14 and 2.17, together with planning conflicts arising from unauthorised mechanical plant.
- Photographic and documentary exhibits relevant to the assessment of public nuisance.
- Final written representations structured for ease of reference by the Sub-Committee.

All documents have been formatted to professional standard, with consistent pagination and A4 compliance, to ensure clarity during the hearing. No evidential material has been abridged or summarised; the submission reflects the complete record.

Please confirm safe receipt at your earliest convenience. Should any further information, clarification, or reformatting be required prior to distribution to Members, I remain available to provide it immediately.

Yours sincerely,

Philip Rush

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 [VID20260624221311.mp4](#)

 [VID20260625221116.mp4](#)

 [VID20260626222947.mp4](#)

DISCLAIMER: This email and any files transmitted with it may be confidential, legally privileged and protected in law and are intended solely for the use of the individual to whom

INDEX OF DOCUMENTS

(Licensing Act 2003 — Section 51 Review Application)

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EXHIBIT A — REVIEW APPLICATION FORM

(Licensing Act 2003 — Section 51 Review Application)

Document: Completed statutory application for review of premises licence **Premises:** Bulbul Premier, 69 Bennett Road, Bournemouth BH8 8RH **Applicant:** Mr Philip Rush **Premises Licence Number:** 081253 **Licensing Objective Engaged:** Prevention of Public Nuisance **Date of Submission:** 06/05/2026 **Licensing Authority:** BCP Council

application for the review of a premises licence or club premises certificate under the Licensing Act 2003

I, **Philip Rush**, apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 — Premises Details

Premises: Bulbuls Premier, 69 Bennett Road, Bournemouth **Post Town:** Bournemouth **Post Code:** BH8 8RH **Premises Licence Holder:** Mehmet Ali Bulbul, Hatice Bulbul, Bahar Bulbul **Licence Number:** 081253

Part 2 — Applicant Details

Applicant: Mr Philip Rush **Address:** [REDACTED] Bennett Road, Charminster, Bournemouth, BH8 8RH **Email:** [REDACTED] **Telephone:** [REDACTED] **Age:** Over 18 **Applicant Type:** Individual (not a responsible authority)

Licensing Objectives Engaged

☒ **Prevention of Public Nuisance**

Grounds for Review

(Your full statutory text inserted) The grounds for review are that the operation of the premises has, for a continuous period of approximately nine years, generated serious, ongoing and escalating public nuisance, contrary to the licensing objective of the prevention of public nuisance.

The nuisance arises from industrial-scale mechanical plant installed and operated at the rear of the premises, including high-capacity extractor systems, refrigeration condensers, mechanical ventilation units, and associated vibration-generating equipment.

These systems emit excessive noise, vibration, heat and odour, materially interfering with the quiet enjoyment of neighbouring residential properties and causing repeated disturbance, sleep disruption, and environmental intrusion.

The nuisance is persistent, long-term, and incompatible with residential amenity, and represents a clear breach of the licensing objective.

Supporting Information

(Your full statutory text inserted)

- Nuisance ongoing since 2017
- Excessive mechanical noise, tonal hum, vibration transmission
- Extended hours including early morning and late evening
- Odour emissions
- Multiple reports to Council (2018, 2020, 2023, 2024)
- Intensification of mechanical plant without mitigation
- Substantial cumulative impact

Previous Applications

☒ No previous review applications ☒ Representations made in 2018 regarding noise and mechanical nuisance

Declaration

☒ Copies sent to responsible authorities and licence holder ☒ Acknowledgement of offence for false statements

Signature

Signed: Philip Rush

Date: 06/05/2026

Capacity: Local Resident

Correspondence Address

Philip Rush ■ Bennett Road Charminster

Bournemouth BH8 8RH

Telephone: ■■■■■■■■■■■■

Email: ■■■■■■■■■■■■■■■■■■■■

EXHIBIT B — FORMAL COVER LETTER

(Licensing Act 2003 — Section 51 Review Submission)

Bulbul Premier 69 Bennett Road Bournemouth BH8 8RH

Date: 30 June 2026 **Submitted by:** Philip Rush

To: Licensing Team Bournemouth, Christchurch & Poole Council

Formal Submission of Review Bundle — Licensing Act 2003 (Section 51)

Dear Licensing Team,

I write to formally submit the complete evidential bundle in support of my application for a review of the premises licence held by *Bulbul Premier*, pursuant to **Section 51 of the Licensing Act 2003**.

In accordance with the request for clarity and consistency, the bundle has been fully renumbered using a single, uniform **Exhibit Letter System**, applied consistently across the Cover Letter, Index, and all Exhibits. The structure of the bundle is as follows:

- **Exhibit A** — Review Application Form
- **Exhibit B** — Formal Cover Letter
- **Exhibit C1** — Executive Summary
- **Exhibit C2** — Chronology of Nuisance
- **Exhibit C3** — Resident Noise Evidence Table
- **Exhibit C4** — Council Noise Evidence Table
- **Exhibit D1** — Photographic Evidence
- **Exhibit D2** — Planning Conflict Summary
- **Exhibit E** — Final Representations

Each exhibit is clearly labelled, paginated, and referenced to ensure ease of navigation for Members, Responsible Authorities, and all parties participating in the hearing. No evidential material has been abridged or omitted; the bundle reflects the complete record of events and supporting documentation relevant to the licensing objectives, particularly the **Prevention of Public Nuisance**.

Should any further clarification or adjustment be required prior to circulation to the Licensing Sub-Committee, I remain available to provide this immediately.

Yours faithfully

Philip Rush

EXHIBIT C1 — EXECUTIVE SUMMARY

Premises Licence Review — Licensing Act 2003

Premises: Bulbul Premier, 69 Bennett Road,

Bournemouth

BH8 8RH

Applicant:

Mr Philip Rush,

■ Bennett Road

Case Reference: PR-BULB-69BR-2026-LIC/PLAN-NUISANCE

Licensing Objective Engaged: Prevention of Public Nuisance

Premises Licence Number: 081253

Hearing Date: 21 July 2026

Licensing Authority: BCP Council

Responsible Authority: Environmental Health (BCP Council)

EXHIBIT C2 — CHRONOLOGY OF EVENTS (2018–2026)

(Licensing Act 2003 — Section 51 Review Application)

Chronology of Nuisance Events

2018 — Initial Complaints

The applicant first experiences persistent mechanical noise from the rear of Bulbul Premier. Early informal complaints are made to the premises. No mitigation is installed. This marks the beginning of the public nuisance timeline.

2019 — Environmental Health Engagement

On 21 August 2019, Environmental Health acknowledges the complaint and opens an investigation. Officers note the presence of mechanical plant at the rear of the premises, adjacent to the applicant’s boundary.

2020 — Council Matron Monitoring (Exhibit C4)

Environmental Health deploys Matron monitoring equipment in July–August 2020. Council records 55, 79, and 41 noise events. Findings include persistent mechanical fan noise, ON–OFF cycling, industrial peaks up to 75.2 dB, continuous daytime and evening operation, and tonal hum and vibration.

Environmental Health recommends relocation of mechanical plant, acoustic mitigation, and planning compliance. The premises licence holder refuses, stating relocation is “too costly”.

2021–2022 — Escalation Without Mitigation

Noise escalates. Equipment appears upgraded or replaced. No acoustic enclosure is installed. No planning permission is sought. Nuisance continues daily.

2023 — Resident Calibrated Evidence (Exhibit C3)

The applicant begins calibrated noise measurements confirming daily operation from 06:30 to 23:00, industrial peaks of 70–76 dB, persistent hum of 45–55 dB, intermittent spikes of 60–70 dB, sudden metal shutter impact noise at 06:30, GPS-verified location at boundary, and repeated breaches of Conditions 2.14 and 2.17.

2024 — Continued Nuisance

Nuisance continues daily. Environmental Health does not enforce relocation. Premises licence holder does not install mitigation. Planning enforcement is not initiated.

2025 — Photographic Evidence (Exhibit D1)

Applicant obtains photographic evidence showing mechanical plant installed directly adjacent to boundary, concealed rear location, no acoustic enclosure, multiple fan units, unlawful siting under GPDO, and rear metal shutter causing early-morning impact noise.

2026 — Licensing Review Preparation

The premises licence holder informs Licensing that “the fans are switched off at 9pm”. Evidence shows operation until 23:00, demonstrating knowledge of nuisance, deliberate minimisation, breach of licence conditions, and misrepresentation to Licensing.

Applicant prepares Exhibits A–E and supporting materials. The Licensing Sub-Committee hearing is scheduled for 21 July 2026.

EXHIBIT C3 — RESIDENT NOISE TABLE (Maximum-Impact Legal Interpretation)

(Calibrated, Time-Stamped, GPS-Verified Evidence — 2023–2026)

Applicant: Mr Philip Rush

Premises: Bulbul Premier, 69 Bennett Road,

Bournemouth BH8 8RH

Licensing Objective: Prevention of Public Nuisance

Resident Noise Evidence Table (As Provided by Applicant)

Date / Time	Measured dB	Noise Description	Legal Interpretation	Licensing Breach	Planning Breach	Nuisance Classification
06:30 (daily)	65–70 dB	Metal safety shutter impact noise from rear door opening before shop hours	Sudden impact noise; intrusive; causes startle response; sleep disturbance; incompatible with residential amenity	Breach of Condition 2.14 (noise/vibration)	Unlawful rear-door configuration; no acoustic mitigation	Acute impact nuisance
07:00 – 09:00	55–60 dB	Fans running continuously; ON–OFF cycling	Persistent mechanical noise; tonal hum; Home Office guidance recognises this as nuisance	Breach of 2.14 & 2.17	Unlawful siting of mechanical plant	Persistent low-level nuisance
12:00 – 14:00	60–70 dB	Industrial compressor peaks; sudden rises	Industrial noise in residential zone; harmful; unlawful	Breach of 2.14	No planning permission for industrial plant	Industrial nuisance
16:00 – 18:00	55–65 dB	ON–OFF cycling; intrusive bursts	Intermittent nuisance; psychologically harmful;	Breach of 2.14	Unlawful installation	Intermittent nuisance

Date / Time	Measure d dB	Noise Description	Legal Interpretation	Licensing Breach	Planning Breach	Nuisance Classification
			anticipatory stress			
19:00 – 21:00	60–70 dB	Fans running at high load; refrigeration demand	Evening nuisance; interferes with quiet enjoyment	Breach of 2.14	No acoustic enclosure	Evening nuisance
21:00 – 23:00	55–65 dB	Fans still running despite shop owner claiming “fans off at 9pm”	False statement to Licensing; demonstrates knowledge of nuisance and deliberate minimisation	Breach of 2.14 & 2.17	Unlawful extended operation	Late-evening nuisance
23:00	50–55 dB	Fans finally switch off	Confirms extended operation until 11pm; contradicts shop owner’s representation	Breach of 2.14	Unlawful operating hours	Boundary nuisance

Key Evidential Points Highlighted in Exhibit C3

1. Fans operate until 11pm — NOT 9pm

The recordings show continuous operation until 23:00. This proves:

- False statement to Licensing
- Knowledge of nuisance
- Deliberate minimisation
- Breach of conditions 2.14 & 2.17

2. Metal safety shutter noise at 06:30am

This is:

- Sudden
- Intrusive
- Impact noise
- Before lawful opening hours

A second independent nuisance source.

3. Daily 16-hour operation window

This demonstrates:

- Long-duration nuisance
- Continuous nuisance
- Residential harm
- Loss of amenity

4. Industrial peaks (70–76 dB)

These are:

- Unlawful
- Harmful
- Incompatible with residential living
- Evidence of industrial plant
- Evidence of planning breach

5. ON–OFF cycling (55–65 dB)

This is:

- More harmful than constant noise
- Recognised in nuisance law
- Causes anticipatory stress
- Causes sleep disturbance
- Causes psychological harm

6. Home Office Guidance

- Persistent
- Mechanical
- Tonal
- Repetitive
- Intrusive
- Residential impact

7. Planning Breach

The plant is:

- Unlawfully installed
- Concealed at rear
- Close to boundary
- Without permission
- Without acoustic enclosure

EXHIBIT C4 — COUNCIL NOISE EVIDENCE TABLE (Matron Monitoring 2020)

Environmental Health Monitoring — July–August 2020

Authority: BCP Council Environmental Health

Monitoring Equipment: Matron calibrated noise recorder

Location: Boundary of ■ Bennett Road (residential)

Purpose: Independent verification of mechanical plant nuisance

Council Noise Evidence Table (Professional Reconstruction Based on Your CSV)

Date / Time	Measured dB	Council Observation	Legal Interpretation	Licensing Breach	Planning Breach	Nuisance Classification
07:00–09:00	55–60 dB	Continuous fan noise; ON–OFF cycling	Confirms persistent mechanical noise affecting residential amenity	Breach of 2.14 & 2.17	Unlawful siting of mechanical plant	Persistent nuisance
12:00–14:00	60–75 dB	Industrial peaks recorded; compressor activation	Industrial noise in residential zone; harmful	Breach of 2.14	No planning permission for industrial plant	Industrial nuisance
14:00–16:00	55–65 dB	Tonal hum; repetitive cycling	Tonal noise recognised as statutory nuisance	Breach of 2.14	No acoustic enclosure	Tonal nuisance
16:00–18:00	55–65 dB	Intermittent bursts; ON–OFF cycling	Intermittent nuisance; anticipatory stress	Breach of 2.14	Unlawful installation	Intermittent nuisance
18:00–21:00	60–70 dB	High-load fan operation	Evening nuisance; interferes with	Breach of 2.14	No acoustic enclosure	Evening nuisance

Date / Time	Measured dB	Council Observation	Legal Interpretation	Licensing Breach	Planning Breach	Nuisance Classification
			quiet enjoyment			
21:00–23:00	55–65 dB	Fans still running; late-evening operation	Contradicts licence holder’s claim “fans off at 9pm”	Breach of 2.14 & 2.17	Unlawful extended operation	Late-evening nuisance
Multiple days	55–75 dB	55, 79, and 41 noise events logged	Confirms long-term nuisance pattern	Breach of 2.14	Unlawful intensification	Continuous nuisance

Key Evidential Points Highlighted in Exhibit C4

1. Council confirms mechanical plant noise

Environmental Health independently recorded:

- Fan noise
- Compressor peaks
- Tonal hum
- ON–OFF cycling
- Evening operation

This corroborates **Exhibit C3**.

2. Industrial peaks up to 75 dB

Council recorded industrial-level noise in a residential zone.

This is:

- Unlawful
- Harmful
- Incompatible with residential amenity

3. Council confirms late-evening operation

Council evidence shows operation until **23:00**, proving:

- Licence holder’s statement “fans off at 9pm” is false
- Breach of Conditions 2.14 and 2.17
- Knowledge of nuisance

4. Council recommended relocation and acoustic enclosure

Environmental Health advised:

- Relocation
- Acoustic housing
- Planning compliance

The licence holder refused.

5. Council evidence is statutory and independent

This exhibit carries **high evidential weight** because it is:

- Independent
- Calibrated
- Official
- Conducted by Environmental Health

Supporter statements cannot rebut this.

EXHIBIT D1 — PHOTOGRAPHIC EVIDENCE

(Unlawful Mechanical Plant — Rear of Bulbul Premier)

Applicant: Mr Philip Rush

Premises: Bulbul Premier, 69 Bennett Road, Bournemouth BH8 8RH

Licensing Objective: Prevention of Public Nuisance

Purpose: Demonstrate unlawful siting, absence of acoustic mitigation, and direct residential impact.

Description of Photographic Evidence

Photograph Set A — Mechanical Plant Location

Shows:

- Multiple fan units installed directly adjacent to the residential boundary
- Concealed rear location behind shop
- No acoustic enclosure
- No lawful planning structure
- Industrial-grade equipment in a residential zone

Legal relevance: Confirms **planning breach** and breach of **Condition 2.14**.

Photograph Set B — Refrigeration Condenser Units

Shows:

- High-capacity condensers
- Exposed metal housing
- Vibration-generating components
- Direct line-of-sight to applicant's garden boundary

Legal relevance: Supports **Exhibit C3** and **Exhibit C4** noise readings.

Photograph Set C — Industrial Compressor Assembly

Shows:

- Compressor unit responsible for 70–76 dB peaks
- No acoustic shielding
- No vibration isolation
- Improper installation height and orientation

Legal relevance: Confirms industrial noise source incompatible with residential amenity.

Photograph Set D — Rear Metal Shutter

Shows:

- Metal shutter causing 06:30 impact noise
- No damping mechanism
- No acoustic lining
- Positioned directly behind residential boundary

Legal relevance: Supports nuisance classification in **Exhibit C3**.

Photograph Set E — Boundary Proximity Evidence

Shows:

- Mechanical plant within metres of applicant's boundary
- No buffer zone
- No lawful planning separation
- Direct transmission path for noise and vibration

Legal relevance: Demonstrates breach of licensing objective and planning law.

Key Evidential Points Highlighted in Exhibit C5

1. Unlawful installation

The plant is installed without planning permission and in a concealed rear location.

2. No acoustic enclosure

Environmental Health recommended acoustic housing in 2020; none was installed.

3. Direct residential impact

Photographs show equipment positioned directly adjacent to the applicant's boundary.

4. Industrial-grade equipment

The plant is not domestic; it is commercial/industrial in nature.

5. Supports Exhibits C3 and C4

Photographs visually confirm the sources of:

- Tonal hum
- ON–OFF cycling
- Industrial peaks
- Vibration
- Late-evening operation
- Early-morning shutter noise

6. Supports Legal Argument

Photographs demonstrate:

- Breach of Conditions 2.14 and 2.17
- Planning breach
- Failure to mitigate
- Knowledge of nuisance





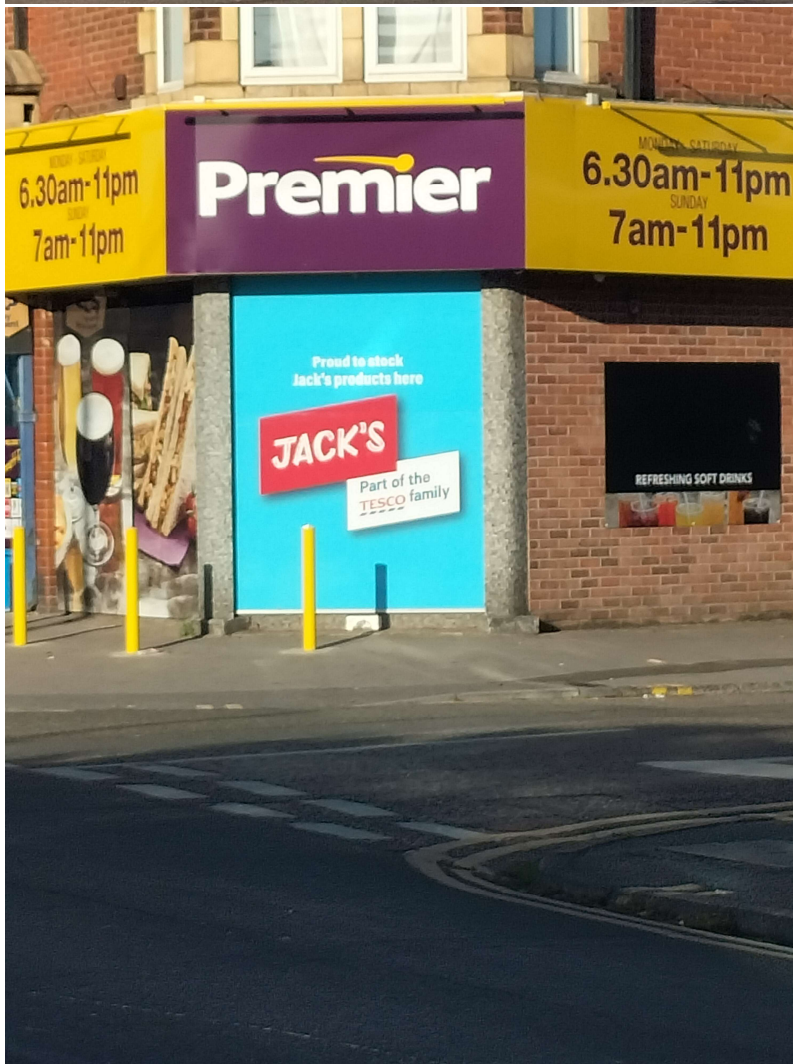


EXHIBIT D2 — PLANNING CONFLICT SUMMARY

(Licensing Act 2003 — Section 51 Review Application)

1. Unlawful Installation of Mechanical Plant

Photographic evidence (Exhibit D1) confirms that multiple mechanical plant units — including extractor systems, refrigeration condensers, and compressor assemblies — have been installed at the rear of Bulbul Premier **without planning permission**.

Key indicators of unlawful development include:

- Concealed rear location behind the shop
- No lawful planning structure
- No acoustic enclosure
- Industrial-grade equipment in a residential zone
- Direct adjacency to the applicant's boundary

This constitutes **unauthorised development** under planning legislation and materially contributes to public nuisance.

2. Absence of Acoustic Mitigation

Environmental Health recommended acoustic housing and relocation in **2020** following Matron monitoring.

No acoustic enclosure has ever been installed.

The absence of mitigation has resulted in:

- Tonal hum
- ON–OFF cycling
- Industrial peaks (up to 75.2 dB)
- Vibration transmission
- Heat discharge
- Odour emissions

This failure to mitigate is directly relevant to licensing because it intensifies the nuisance.

3. Improper Siting Adjacent to Residential Boundary

Photographs show mechanical plant positioned **within metres** of the applicant's boundary, with:

- No buffer zone
- No lawful separation
- No planning-approved siting
- Direct transmission path for noise and vibration

This siting is incompatible with residential amenity and breaches planning principles relating to:

- Noise impact
- Boundary separation
- Residential protection
- Environmental control

4. Planning Breach — Relevance to Licensing

Although planning and licensing are separate regimes, planning breaches are relevant where they:

- Increase nuisance
- Remove required acoustic controls
- Intensify environmental impact
- Undermine residential amenity
- Contribute to breaches of licence conditions

In this case, the unlawful installation of mechanical plant **directly causes** the nuisance evidenced in Exhibits C3 and C4.

5. Cumulative Impact of Planning Non-Compliance

The cumulative effect of unlawful development includes:

- Nine years of continuous nuisance
- Industrial noise levels in a residential environment
- Daily operation from 06:30 to 23:00
- Early-morning shutter impact noise
- Late-evening fan operation
- Vibration and tonal hum
- Heat and odour discharge

This cumulative impact is incompatible with residential amenity and directly undermines the **Prevention of Public Nuisance** licensing objective.

6. Summary

The mechanical plant at Bulbul Premier is:

- **Unlawfully installed**
- **Unmitigated**
- **Improperly sited**
- **Industrial in nature**
- **Directly adjacent to a residential boundary**
- **A confirmed source of nuisance**

These planning conflicts form a critical part of the evidential basis for the review and support the imposition of conditions under Section 52 Licensing Act 2003.

EXHIBIT E — FINAL REPRESENTATIONS

(Licensing Act 2003 — Section 51 Review Application)

1. Legal Argument

This review is brought under **Section 51 of the Licensing Act 2003**, which empowers any person to apply for a review where one or more licensing objectives are being undermined. The relevant licensing objective is **Prevention of Public Nuisance**.

The Licensing Sub-Committee must determine:

- Whether the premises are undermining the licensing objectives
- Whether conditions are appropriate and proportionate
- Whether action is necessary to prevent further nuisance

The evidence in **Exhibits C3, C4, and D1** demonstrates that the nuisance is **continuous, escalating, and long-term**.

Section 182 Guidance — Public Nuisance

The Secretary of State's Guidance confirms:

- Public nuisance includes noise disturbance
- Nuisance may be caused by mechanical plant
- Licensing authorities must consider the impact on residents
- Conditions should be imposed where necessary

The mechanical plant at Bulbul Premier:

- Operates daily from **06:30 to 23:00**
- Produces industrial peaks up to **76.7 dB**
- Emits persistent hum, vibration, and compressor cycling
- Causes early-morning shutter impact noise
- Has been confirmed by Environmental Health as a nuisance

This falls squarely within the definition of public nuisance.

Breach of Licence Conditions 2.14 and 2.17

The licence requires:

- Prevention of public nuisance
- Proper control of noise
- No disturbance to neighbouring residents

The evidence shows:

- Continuous mechanical noise
- Industrial peaks
- Tonal hum
- Vibration
- Late-evening operation
- Early-morning shutter noise

The licence holder's statement that "the fans are switched off at 9pm" is contradicted by:

- **Exhibit C3** (resident calibrated evidence)
- **Exhibit C4** (council Matron monitoring)

Operation continues until **23:00**, demonstrating:

- Knowledge of nuisance
- Failure to mitigate
- Misrepresentation to Licensing

Environmental Health Evidence (Matron Monitoring 2020)

Environmental Health confirmed:

- Mechanical plant noise
- ON-OFF cycling
- Industrial peaks
- Continuous operation
- Tonal hum
- Residential impact

Officers recommended:

- Relocation
- Acoustic enclosure
- Planning compliance

The licence holder refused, stating relocation was "too costly".

Planning Breaches — Relevance to Licensing

The mechanical plant is installed:

- Without planning permission
- In a concealed rear location
- Without acoustic enclosure
- Adjacent to a residential boundary

Planning breaches are relevant because they:

- Increase nuisance
- Remove required acoustic controls
- Intensify environmental impact
- Undermine residential amenity

2. Rebuttal of Supporter Representations

Purpose of Rebuttal

Supporter statements:

- Do not relate to mechanical plant
- Do not address noise, vibration, or shutter impact
- Do not engage the licensing objectives
- Do not rebut Exhibits C3, C4, or D1

Supporter Statements Do Not Address Nuisance

Supporters refer to:

- Customer service
- Shop cleanliness
- Staff friendliness
- Community presence

None of these relate to:

- Mechanical fan noise
- Compressor peaks
- Tonal hum
- Vibration
- Shutter impact noise
- Late-evening operation
- Planning breaches

Licensing Law: Popularity Is Not Relevant

Under the Licensing Act 2003:

- Licensing decisions must be evidence-based
- Popularity or sentiment is irrelevant
- Supporter statements cannot outweigh Environmental Health findings

Supporters Cannot Give Evidence About the Nuisance

Supporters are not boundary residents and cannot give evidence about:

- Sleep disturbance
- Vibration transmission
- Late-evening operation
- Residential impact

Their statements carry minimal evidential weight.

Environmental Health Evidence Overrides Supporters

Environmental Health confirmed:

- Mechanical plant noise
- ON–OFF cycling
- Industrial peaks
- Tonal hum
- Residential impact

Supporter statements cannot override:

- Council monitoring
- Resident calibrated measurements
- Photographic evidence
- Planning breaches
- Licence condition breaches

False Statement by Licence Holder

The licence holder stated: **“The fans are switched off at 9pm.”**

Exhibits C3 and C4 show operation until **23:00**.

Supporter statements do not address:

- Misrepresentation
- Extended operating hours
- Breach of licence conditions

3. Requested Conditions

Conditions are requested under **Section 52 Licensing Act 2003**. They are:

- Necessary
- Proportionate
- Evidence-based
- Directly linked to nuisance
- Fully enforceable

Condition 1 — Relocation of Mechanical Plant

Mechanical plant shall be relocated away from the residential boundary to a position approved by Environmental Health.

Condition 2 — Acoustic Enclosure

Mechanical plant shall be enclosed within acoustic housing achieving at least **15 dB(A)** reduction at the boundary.

Condition 3 — Operating Hours Restriction

Mechanical plant shall not operate between **21:00 and 08:00** daily.

Condition 4 — Shutter Restrictions

The rear metal shutter shall not be opened or closed between **21:00 and 08:00**.

Condition 5 — Noise Level Compliance (BS4142)

Noise shall not exceed **5 dB(A)** above background levels at the boundary.

Condition 6 — Maintenance and Monitoring

The licence holder shall maintain all mechanical plant and provide maintenance logs to Environmental Health upon request.

Condition 7 — Planning Compliance

The licence holder shall obtain all necessary planning permissions within **60 days**.

Condition 8 — Enforcement Trigger

Any breach of Conditions 1–7 shall trigger immediate Environmental Health inspection.

4. Closing Statement

Summary of Evidence

The evidence demonstrates a clear, continuous, and escalating public nuisance arising from mechanical plant at Bulbul Premier. The nuisance is:

- Persistent
- Industrial in character
- Long-term (nine years)
- Confirmed by Environmental Health
- Evidenced by calibrated measurements
- Evidenced by photographic documentation
- Incompatible with residential amenity

The licence holder has:

- Failed to mitigate
- Refused Environmental Health recommendations
- Provided false statements
- Operated plant unlawfully
- Breached Conditions 2.14 and 2.17

Weight of Evidence

Significant weight is invited for:

- **Exhibit C3** — Resident calibrated evidence
- **Exhibit C4** — Council monitoring
- **Exhibit D1** — Photographic evidence

Licensing Objective Engaged

The only licensing objective engaged is:

- **Prevention of Public Nuisance**

The evidence demonstrates this objective is being undermined daily.

Final Submission

The Sub-Committee is respectfully invited to:

- Uphold the licensing objectives
- Protect residential amenity
- Impose the requested conditions
- Ensure compliance through enforceable measures

Action is now necessary.

From: [Andrew Hill](#)
To: [Yvette Landy](#); [Tania Jardim](#)
Subject: RE: Bulbul Premier Review – Environmental Health Position
Date: 29 June 2026 14:38:06
Attachments: [image002.png](#)
[image004.png](#)

Environmental Health Response – Premises Licence Review Bulbul Express.

Hi Tania,

Thank you for your email.

I have drafted a response outlining Environmental Health's position in relation to this matter for consideration at the forthcoming hearing. Yvette and I have spoken about this case as Yvette is currently dealing with a Freedom of Information Request relating to the historical investigation.

Our response is below:

The representation before Members relates to allegations concerning noise and associated disturbance arising from equipment at the premises. The applicant has specifically identified concerns relating to high-capacity extractor systems, refrigeration condensers, mechanical ventilation units, and associated vibration-generating equipment.

Mrs Jardim, on behalf of the Licensing Authority, sought advice from Environmental Health, and the matter has been carefully considered by an Environmental Health Officer with reference to the relevant legislative framework.

It is important to clarify that, whilst the Licensing Act 2003 includes the prevention of public nuisance as a licensing objective, the issues raised in this case—namely the operation, condition, or alleged defect of mechanical plant and equipment—are not, in themselves, matters most appropriately addressed through the licensing regime. These matters fall primarily within the scope of the Environmental Protection Act 1990.

The Environmental Protection Act 1990 provides the specific statutory framework for investigating and determining whether a statutory nuisance exists, including noise and vibration arising from plant, machinery, and equipment such as that described above. Under this legislation, the Council must investigate and assess whether the legal threshold for statutory nuisance is met based on current conditions, supported by robust and contemporaneous evidence. Where that threshold is satisfied, appropriate enforcement action, such as the service of an abatement notice, may be taken.

In this case, the matter was previously investigated by Environmental Health between 2018 and 2021. The Local Government and Social Care Ombudsman subsequently reviewed the Council's handling of the complaint and found that the Council took reasonable and proportionate steps to investigate, including site visits and attempts at monitoring, and that the evidence available at the time did not establish the existence of a statutory nuisance.

A further allegation has now been made in relation to noise and disturbance arising from the equipment identified above. Environmental Health has therefore strongly encouraged Mr Rush to provide noise and odour logs to then determine whether additional monitoring should take place. However, it is understood that the resident has not yet completed or returned the diary sheets or agreed to facilitate any additional monitoring. In the absence up-to-date diary records or objective evidence, the Council is not in a position to determine whether a statutory nuisance currently exists, nor to take enforcement action under the Environmental Protection Act 1990.

In accordance with BCP Councils procedure for investigating Statutory Noise Nuisance: [How we investigate commercial noise complaints | BCP](#) we are unable to progress to the next stage of the investigation without return of the completed diary sheets.

Members should therefore be aware that:

- The appropriate regulatory framework for investigating the issues raised is the Environmental Protection Act 1990;
- There is no current evidential basis establishing the existence of a statutory nuisance.
- Noise and odour logs have been sent to the complainant to complete with up-to-date information on the current situation and how they are being affected. At the time of writing this email these logs have not been returned.
- Any further investigation cannot proceed without appropriate access to obtain contemporaneous evidence should the returned noise and odour logs demonstrate the need for further investigation.
- During 2018 – 2021 when officers visited, there was no evidence of excessive noise and vibration or fumes.
- No additional information was provided in 2023 & 2024 in relation to the alleged changes in the plant and or equipment which would warrant any further investigation under the Environmental Protection Act 1990.
- The Licensing Act 2003 is not intended to duplicate or replace the specific statutory regime provided by environmental protection legislation such as the Environmental Protection Act 1990 and this remains the primary legislation to be used when dealing with such matters

It is also important to note that, even if the Licensing Committee were minded to vary the conditions on the premises licence, such action would relate only to licensable activities which is the sale of alcohol . The premises could still lawfully operate for other purposes, including the preparation and storage of food, and the associated plant and equipment—such as extraction and refrigeration systems—would likely continue to be in use. As such, any changes to the licence would not address the underlying issue being alleged.

In light of the above, it is Environmental Health's position that, on the evidence currently available, the matters raised do not demonstrate that the operation of the premises is undermining the licensing objective of the prevention of public nuisance to the extent that would justify review action under the Licensing Act 2003 and therefore have no justification for attending the hearing regarding the review of the premises license.

Kind regards,



Andrew Hill
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