

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.