

We submit this statement in response to the allegations that the external refrigerator fan breaches 2.14 and 2.17 of our licensing objectives.

We do not accept that the refrigeration equipment amounts to public nuisance. The equipment is standard commercial refrigeration necessary for the safe storage of chilled food and drinks. Like any commercial refrigeration system, it produces some operational noise, but existence of noise alone does not establish public nuisance. The refrigerator fans are operating in accordance with the manufacturer's specifications. We attached a screenshot of the current condensing unit which shows the noise level. Since the installation of the unit it has been maintained to ensure it produces excessive noise beyond that is expected from normal commercial refrigeration equipment. The three fan units that are present are cleaned and maintained regularly as evidenced by the recent service records. Mr Rush also refers to the rear shutter. We are sorry but you would appreciate this is necessary for the safety of our premises.

**The refrigerator fan that Mr Rush has taken a video of is used solely for the storage of sealed soft drink.** Mr Rush has repeatedly referred to industrial extractors. This is incorrect, it is a condensing unit for cooling refrigerator. We do not sell hot food in the shop to use industrial extractors. We attach a photograph of the location of the fan.

We take the prevention of public nuisance very seriously as witnessed by all representations received from local residents. We have always sought to operate the premises responsibly. Where complaints have been previously raised, we have been willing to engage and reasonable measures to minimise any impact. Such as we relocated the fan when first complained. Mr Rush, in his allegation states that we refused to the fan. This is incorrect. We have always tried to cooperate with the council and have taken our responsibilities seriously. You could liaise with Andrew Hill in this regards

Mr Rush has referred to concerns over a number of years but that does not mean there has a continuous breach off the licensing objectives. The Sub-Committee must determine whether there is sufficient evidence that the licensing objectives are currently being undermined, not simply that the complaints have been made over time. The allegations are unsupported by evidence as demonstrated by Andrew Hills email such as acoustic measurements or findings from environmental health. The Sub-Committee need to give appropriate weight to independent evidence. We draw your attention to Andrew Hill's email which clearly shows that the allegations should not be addressed through the licensing regime. **The council investigated and at the time did not establish the existence of a statutory nuisance.**

This review is being conducted under the Licencing Act, not planning legislation. Whether planning permission was required is a matter for the local authority and is separate from licensing. We are in correspondence with the planning department in

regards to this and Huseyin Simsek has submitted a statutory declaration confirming that the fans have been in the same position for beyond the enforcement period of 4 years. Mr Rush would also be able to confirm this. The Committee should not determine planning issues unless they are directly relevant to true licensing objectives.

Mr Rush relies largely on his own recordings and interpretation of those recordings. We do not accept that these measurements alone prove a breach of the licensing objectives. Can Mr Rush clarify how he managed to get those noise measurements as these seem to be incorrect. We do not accept that there is evidence of significant vibration or odour amounting to public nuisance. You will also note this from Andrew Hill's email.

Mr Rush has stated that we operate all of our fans from 07:30am until 11:00 pm daily. This is incorrect. The soft drink fan in question is turned on for limited hours. In situations like heatwave, the refrigerator is on until 11pm which is like 2 months of the year. The dairy refrigerator is on for 24hrs as you would appreciate. The alcohol refrigerator is again on for limited hours as same as the soft drink refrigerator. The dairy and the alcohol fans were moved to the rear when complaint from Mr Rush first made.

**Even if the licensing committee were to vary the conditions on our premises licence, such actions would relate only to licensable activities which is sale of alcohol. The premises could still lawfully operate for other purposes so the refrigeration systems would continue to be in use. As such any changes to the licence would not address the issues being alleged.**

Mr Rush is referring to the name of our premises in all his correspondence. We are operating as Guven Express Ltd and Bulbul Express Ltd was dissolved in 2010. Companies house and council are aware of the change. Not too sure why this is a concern to Mr Rush.

We have been operating for over 20 plus years with no complaints whatsoever other than Mr Rush. We believe Mr Rush lives [REDACTED] and then the neighbours who live directly opposite the fan in question has never made any complaints. We believe she will also be able to confirm this at the Committee.

Mr Rush's application relies heavily on his subjective interpretation of events and repeatedly asks the committee to make findings on environmental and planning matters that fall outside the purpose of a licensing review. We respectfully submit that the evidence does not demonstrate that the licensing objective of preventing public nuisance is being undermined to such an extent that the premises licence should be modified.

However, we remain committed to working constructively with the council and environmental health if any reasonable measures are considered appropriate.

With kind regards

Bahar Bulbul

14:15



## Condensing Unit E-Cold 21C (3...



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**\*\*Before you purchase please check your product measurements.**  
**Measurements given to the nearest to in the foot size.**

Description 

Condensing unit calculated evaporation temperature -10 / ambient 30c

| eight | Width  | Depth | Weight | Refri     | Noise<br>1dB(A) | Phi |
|-------|--------|-------|--------|-----------|-----------------|-----|
| 0mm   | 1030mm | 360mm | 72kg   | R449A/448 | 32              | Sin |

More Information 





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INVOICE NO:

TO. GUVEN EXPRESS LTD,  
 BENNET ROAD,  
 BOURNEMOUTH.

I CAN CONFIRM THAT I HAVE REGULARY SERVICED THE  
 FOLLOWING EASYCOLD CONDENSING UNITS OVER THE PAST  
 FIVE YEARS

- 1.) DAIRY UNIT MOD E-COLO3C
- 2.) BEER RAIOCE UNIT MOD E-COLO3C
- 3.) SOFT DRINKS UNIT MOD E-COLD-26C

I CAN CONFIRM THAT THE THREE UNITS HAVE  
 BEEN IN THERE CURRENT LOCATIONS THROUGHOUT THIS  
 PERIOD.

[REDACTED]  
 O.C. BOWERS./

CONTACT NO. [REDACTED]

[REDACTED]



# Right Plumbing

# INVOICE

**BILL TO: GUVEN EXPRESS LTD**

69 BENNETT ROAD  
BOURNEMOUTH  
BH8 8RH

**NUMBER:** Quotation  
1073

**DATE:** Jun 30, 2026

**DUE DATE:** On receipt

| Description | Quantity | Unit price | VAT | Amount |
|-------------|----------|------------|-----|--------|
|-------------|----------|------------|-----|--------|

**Annual service history**

1

£400.00

0.0 %

£400.00

**ANNUAL SERVICE HISTORY**

I have been carrying out the annual servicing of this site's refrigeration equipment since 2021. These units have remained in the same location since that time.

This year's service included:

- 1 soft drink fridge
- 1 beer fridge
- 1 dairy fridge (milk storage)

A full annual service was completed on all units, including inspection, operational checks, adjustments where required, and noise assessment. All equipment was tested and found to be operating normally at the time of service.

**SUBTOTAL:** £400.00

**VAT:** £0.00

**TOTAL:** £400.00

**PAID:** £400.00

**BALANCE DUE**

**£0.00**