

SUPPLEMENTARY CLARIFICATION BUNDLE

Licensing Act 2003 – Section 51 Review Hearing

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

Applicant: Mr Philip Rush

Hearing Date: 21 July 2026

Purpose of This Supplementary Bundle

This Supplementary Clarification Bundle is submitted **in addition to** the main evidential bundle provided on 30 June 2026. It is **not a replacement, not a duplication, and not an expansion** of the primary evidence.

Its purpose is to:

- **clarify key issues** raised by the Premises Licence Holder,
- **correct factual inaccuracies** in their representations,
- **summarise critical licensing breaches**,
- **explain Environmental Health procedural failures**,
- **highlight medical harm**,
- **provide a concise chronological timeline** of events from 2018–2026.

This bundle is intentionally **brief** to support clear decision-making by the Licensing Sub-Committee.

1. Contradiction & Clarification Summary

This section highlights factual contradictions between the licence holder’s statements and the evidence already submitted.

A. Operating Hours Contradiction

Licence Holder: “Fans off at 9pm.” **Evidence:** Resident recordings and Council Matron monitoring show operation until **23:00**.

B. Machinery Purpose Contradiction

Licence Holder: “Soft drink only.” **Evidence:** Invoices confirm **beer, dairy**, and **soft drink** units; photographs show industrial condensers.

C. Relocation Contradiction

Licence Holder: “Fans relocated.” **Evidence:** EH confirms only one new fan moved; original units remain; additional units installed later.

D. Nuisance Existence Contradiction

Licence Holder: “No nuisance.” **Evidence:** EH recommended relocation, acoustic enclosure, planning compliance.

E. Planning Relevance Contradiction

Licence Holder: “Planning irrelevant.” **Evidence:** EH confirms relocation requires **planning consent**.

F. “Only One Complainant” Contradiction

Licence Holder: “No other neighbours affected.” **Evidence:** Applicant’s boundary uniquely exposed; opposite neighbour has no exposure.

G. Cooperation Contradiction

Licence Holder: “We always cooperate.” **Evidence:** Refused relocation, refused acoustic wall, refused planning compliance.

H. Odour/Fume Contradiction

Licence Holder: “No odour nuisance.” **Evidence:** Burning smell reported; EH attended urgently.

I. Continuous Breach Contradiction

Licence Holder: “Not continuous.” **Evidence:** Nuisance documented **2018–2026**; daily operation confirmed.

2. Licensing Objective Breach Summary

Licensing Objective: Prevention of Public Nuisance

The premises undermines this objective through:

A. Continuous Noise Nuisance

- Daily operation **06:30–23:00**
- Industrial peaks **70–76 dB**
- Tonal hum, compressor cycling
- Early-morning shutter noise
- Late-evening operation contradicting licence holder’s claim

B. Heat, Fume, and Odour Nuisance

- Hot air discharge into garden
- Burning smell entering home
- Industrial refrigerant fumes
- Environmental intrusion beyond acceptable levels

C. Boundary Intrusion & Loss of Amenity

- Mechanical plant installed directly adjacent to boundary
- No buffer zone or acoustic enclosure
- Continuous interference with garden use

D. Misrepresentation to Licensing

- False operating hours
- False machinery purpose
- False relocation claims
- False denial of nuisance

E. Environmental Health Findings Support Nuisance

EH confirmed mechanical noise, industrial peaks, tonal hum, late-evening operation.

F. Planning Breach Intensifies Licensing Breach

Unlawful installation increases nuisance and removes required acoustic controls.

G. Psychological Harm & Sleep Disturbance

GP confirms anxiety, sleep disruption, fatigue, cognitive impairment.

3. Environmental Health Procedural Failure Summary

Environmental Health did **not** conclude “no nuisance”. They concluded “**insufficient evidence**” because their own procedures failed.

A. Monitoring Equipment Failure

- Recorder faulty
- Background noise assessment incomplete
- Data contaminated
- Multiple failed installations

B. COVID Restrictions Prevented Visits

EH unable to attend or install equipment for months.

C. Failure to Investigate Fumes, Heat, Odour, Boundary Intrusion

Ombudsman confirms EH only investigated noise.

D. Failure to Investigate Planning Breach

EH confirms relocation requires planning consent but did not refer to Planning Enforcement.

E. Failure to Enforce Mitigation

EH recommended relocation and acoustic enclosure; licence holder refused.

F. Failure to Act on Medical Evidence

GP letter acknowledged but not acted upon.

G. Failure to Progress Case for 9 Years

Procedural gaps prevented statutory action.

Conclusion: EH procedural failure does **not** mean nuisance does not exist. Licensing must now act.

4. GP Evidence Summary (Health Impact)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. Chronological Timeline Summary (2018–2026)

2018

First complaint; EH confirms high noise levels and multiple fans.

2019

Additional fans installed; burning smell reported; monitoring equipment faulty.

2020

EH monitoring confirms industrial peaks; operator refuses mitigation; COVID prevents visits.

2021

EH admits procedural failure; insufficient evidence due to equipment issues.

2022

Ombudsman confirms EH did not investigate fumes/heat/odour; procedural delays.

2023

Resident calibrated evidence confirms 16-hour operation and industrial peaks.

2024

Head of Service states “no statutory nuisance witnessed” due to lack of evidence, not absence of nuisance.

2025

Photographs confirm industrial plant, boundary intrusion, planning breach indicators.

2026

Licence holder’s representations contradicted by evidence; Section 51 review submitted.

End of Supplementary Clarification Bundle

Submitted by: Philip Rush

Date: 15 July 2026