

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 21 July 2026 at 10.00 am

Present: Cllr S Bartlett, Cllr A Chapmanlaw and Cllr G Farquhar

33. Election of Chair

RESOLVED that Cllr G Farquhar be elected Chair of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

34. Apologies

There were no apologies for absence received.

35. Declarations of Interests

There were no declarations of interest.

36. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

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

Present:

From BCP Council:

Tania Jardim – Licensing Officer

Andy McDiarmid – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix 'A' to these minutes in the Minute Book.

The Licensing Sub-Committee was asked to consider an application made by 'any other person', Mr Philip Rush, for the review of the premises licence. Mr Rush believed the premises was not upholding the prevention of public nuisance licensing objective.

Mr Rush's concerns related to noise, vibration, heat and odour generated by mechanical plant and equipment at the rear of the premises, which were alleged to cause persistent disturbance and adversely affected the amenity

of neighbouring residential properties. During the hearing, several short video clips of the rear fan were played. The video clips had been submitted by Mr Rush as part of his evidence bundle.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Mr Philip Rush – Applicant

Ms Goldmen – Partner of Mr Rush

Ms Bahar Bulbul - Premises Licence Holder

Mr Huseyin Simsek - Company Director

Mr Wayne Bradley - Premier Franchise Manager

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that having considered the application dated 26 May 2026, made by a local resident, Mr Philip Rush, to review the premises licence for the premises known as ‘Bulbul Premier’, 69 Bennett Road, Bournemouth, BH8 8RH, the Sub-Committee has decided that it is appropriate to leave the licence in its current state on the grounds that there is no evidence to show that the premises are not upholding the prevention of public nuisance licensing objective.

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5, presented by Tania Jardim, Licensing Officer, as well as the verbal submissions made at the hearing by Mr Philip Rush, the Applicant, accompanied by his partner Ms Goldmen, Ms Bahar Bulbul, Premises Licence Holder, Mr Huseyin Simsek, Company Director and Mr Wayne Bradley, Premier Franchise Manager.

In determining the review, the Sub-Committee considered the options available to them as set out in the recommendations of the report and provided for in the Licensing Act 2003. They took account of the Guidance by the Secretary of State made under section 182 of that Act as well as the BCP Statement of Licensing Policy. The Sub-Committee’s decision is based upon consideration of the promotion of the Licensing Objectives. The Sub-Committee acknowledged that it was only able to consider matters directly relevant to the licensing objectives raised in the application namely prevention of public nuisance.

The Sub-Committee concluded that the premises had upheld the prevention of public nuisance licensing objective, and that leaving the

licence in its current state was the only appropriate response to the issues raised in the review when considering the evidence currently available to it.

Reasons for decision

Members of the Sub-Committee in determining the application for review must consider the following options: -

- a) Leave the licence in its current state.
- b) Modify the conditions of the licence; and/or
- c) Exclude a licensable activity from the scope of the license; and / or
- d) Remove the Designated Premises Supervisor; and/or
- e) Suspend the licence for a period not exceeding three months; and/or
- f) Revoke the licence.

Leave the licence in its current state:

In considering the information contained within the agenda report, the written representations submitted by all parties, and the verbal submissions made during the hearing, the Licensing Sub-Committee determined that taking no action in response to the review application was the appropriate course of action.

The Sub-Committee noted that the evidence submitted by the applicant, Mr Rush was both inaccurate and outdated, relating to concerns raised over a period of approximately nine years.

Whilst the Sub-Committee sympathised with Mr Rush and acknowledged the concerns he had raised, it was not satisfied that there was sufficient evidence to demonstrate that the licensing objective of the prevention of public nuisance was being undermined.

The Sub-Committee heard that the premises currently operates three external fan units. One fan is located at the rear of the premises and faces towards Mr Rush's garden, whilst the remaining two are situated on the side of the building. It was noted that, following complaints made by Mr Rush over several years, the premises had voluntarily relocated and replaced these units.

Evidence was provided by the premises licence holder that the rear fan, which faces Mr Rush's garden, serves the soft drinks refrigerator and operates independently of alcohol sales. The Sub-Committee also heard that this refrigeration unit operates for only several hours each day. The fan serving the refrigerator used to store dairy products is located on the side of the premises, above the fan serving the refrigerator used to store alcoholic products.

Mr Rush stated that the fan facing his garden operated continuously, 24 hours a day, and emitted both heat and fumes into his garden. The Sub-Committee accepted the opinion of the Environmental Health Officer that warm air in itself would not constitute a statutory nuisance. Furthermore, the Environmental Health Officer advised that if fumes were being emitted,

this could indicate a defect with the unit; however, there was no evidence that the fan unit was defective. The Sub-Committee also accepted the Environmental Health Officer's assessment that, due to the elevated position and location of the two side-mounted fan units, which serve the dairy and alcohol refrigerators, they were unlikely to be audible from Mr Rush's property.

Mr Rush also stated that the rear shutter at the premises, which is opened at approximately 06:30 hours and closed at 23:00 hours daily, generated a significant level of noise which disturbed him. The Sub-Committee noted that no supporting evidence had been provided in relation to these allegations.

The Sub-Committee further heard from the Environmental Health Officer that Mr Rush had declined to engage with Environmental Health in relation to monitoring and recording any alleged noise disturbance within his garden.

Modify the conditions of the licence; and/or add conditions

The Sub-Committee do not consider that modifying the existing conditions would be an appropriate response to the concerns raised in the Application for Review.

Exclude a licensable activity from the scope of the licence:

The Sub-Committee do not consider that excluding a licensable activity from the scope of the licence to be a necessary or appropriate response to the concerns raised in this review. The issue was not the sale of alcohol but the noise from the fan relating to the soft drink refrigerator, which was not related to the sale of alcohol.

The removal of the Designated Premises Supervisor (DPS) from the licence:

The Sub-Committee do not consider removing the DPS from the licence to be an appropriate response to the concerns raised in the Application for Review.

Suspension of the Licence:

The Sub-Committee feel that a temporary suspension of the Premises Licence of up to three months will not resolve the concerns raised in the Application for Review.

Revocation of the Licence:

The Sub-Committee determined that revocation of the premises licence is not an appropriate in response to this Application for Review.

The Sub-Committee concluded that leaving the licence in its current state was the most suitable outcome in this Application for Review. The Sub-Committee could only take into consideration the fan located at the side of the premises, which related to the refrigerator that stored alcohol, and there was no evidence that this fan was causing a public nuisance.

The Sub-Committee take their role very seriously regarding promoting and upholding all 4 licensing objectives and concluded that there was no evidence before them to show that the alcohol fan or door shutters were causing a public nuisance.

The Sub-Committee was grateful for the willingness shown by the Premises Licence Holder to continue to work with Environmental Health in the face of any future complaints raised.

Right of appeal

An appeal against the review decision may be made to a Magistrates' Court within 21 days of the appellant being notified of the Licensing Authority's determination on the review.

The meeting ended at 12.48 pm

CHAIRMAN

This page is intentionally left blank