



Coventry City Council

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 Steven Dewar, Environmental Protection Team

(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

The Oak Inn, 119, Gosford Street, Coventry, West Midlands, United Kingdom, CV1 5DL

Post town as above

Post code (if known) as above

Name of premises licence holder or club holding club premises certificate (if known)

PLH - THE OAK INN 2023 LTD., Director - Vedat Kamaci

The Oak Inn, 119, Gosford Street, Coventry, West Midlands, United Kingdom, CV1 5DL

DPS - Mr Cemil Yavuz, 37 Vinecote Road, Coventry, CV6 5DZ.

Number of premises licence or club premises certificate (if known)

Martons Plc.

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)
✓ yes

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

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

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

Steven Dewar
Environmental Protection Officer
Environmental Protection Team
Coventry City Council
One Friargate
Coventry
CV1 2GN

Telephone number (if any) 024 7697 2261

E-mail address (optional) steve.dewar@coventry.gov.uk

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

- | | Please tick one or more boxes ✓ |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

3) the prevention of public nuisance

See time log of events below.

There has been persistent ongoing noise nuisance from the premises due to loud amplified music coming from outside and inside the premises since December 2023.

This has resulted in eight separate complaints and eight noise reports from our officers working on the night-time noise monitoring service confirm witnessed repeated noise issues from the premises including:

- Extremely loud music being heard in neighbours' bedrooms and lyrics to songs being clearly heard even with windows closed.
- Loud bass beats causing sleep disturbance and stress to neighbours, this hugely impacts on people's health and daily lives when stressed and losing sleep.
- Repeated events of the above and doors being left open at the premises making the problems even worse.
- Initial failure to remove loudspeakers from the outdoor area and then reinstalling them after officers have left the premises.
- These statutory noise nuisance events have occurred late at night and into the early hours on eight separate occasions ranging from 23:30, 23:50, 01:08, 01:28, 01:33, 01:56, 02:00 and 02:21 hours. Eight noise witness reports are available to confirm details of what was heard and where the noise monitoring was conducted.
- Ignorance of their own licensing conditions.
- Completely ignoring the noise abatement notice.
- Failing to follow up on advice for soundproofing.
- A rear fire door and other doors being left open causing noise to escape from the building despite the management saying they keep closing doors and windows.

- A belief by the management they are allowed to be loud before 23:30 hours despite it being obvious that they have to control music volume at all times and being told so on numerous occasions.
- Responding to officer's emails when issued with noise warning letters with one line responses and ridiculous excuses for loud music such as "we had a birthday party".
- These events have repeatedly happened during the week and weekends even after warnings have been issued. As a result, people have been unable to sleep, causing them severe stress and affecting their health. I have had conversations with people affected who have not been able to do their jobs properly because they are so tired.
- From the first complaint in December 2023 CCC officers have tried to work with and advise the licensees informally to resolve the noise issues. Support and advice has been given through site visits, email and phone calls but unfortunately the advice has been ignored, agreements have been broken and assurances by the licensees have not been adhered to.
- Noise abatement notices have been served on the DPS and PLH, but these have been breached on several occasions and non-compliance is continuing.

In my view I have no confidence in the management of the premises, and it is highly likely that noise issues will continue adversely affecting the lives of nearby residents.

I would request that Licensing committee consider taking one of the following options:

1. Revoke the license.

OR

2. Removal of rights under deregulation (Live Music Act 2012)

No music outdoors at any time

Music indoors until 23.00hrs subject to the following conditions:

- All windows to be kept closed, and all doors save for normal access/egress during regulated entertainment
- Noise limiting device to be installed by a competent qualified engineer and connected to (to be specified) doors and windows.
- All staff to be trained and made aware of these conditions, a record of such training will be placed in the site register

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

| Date | Actions | |
|----------|--|---|
| 17/12/23 | <p>Officers monitored from the bedroom of a flat in a nearby residential property and witnessed a statutory noise nuisance due to excessively loud music coming from a marquee in the rear beer garden of The Oak Inn on Sunday 17/12/23 between 01:56 and 02:21 hours</p> <p>The officer noted on arrival whilst driving past The Oak Inn that loud music could be heard. The officer also noted that when in the flat the windows were closed as it was a cool evening, but the music was clearly audible in the bedroom. The music was highly intrusive throughout the officers visit and was a dance style music with strong beats and deep bass tones. In the officer's opinion the music was highly intrusive throughout the time of the visit and that there was no way the resident could escape the loud music whilst inside the flat.</p> <p>The officer concluded that the loud music was adversely affecting enjoyment of the property and the sleep of the person living there was disturbed. This was a statutory noise nuisance.</p> <p>Officer's noise report appended docs SD1, pages 1 & 2)</p> | <p>Statutory noise nuisance witnessed (Officer Simon Jones)</p> <p>Sunday 17/12/23 between 01:56 and 02:21 hours</p> |
| 21/12/23 | <p>A noise warning letter was sent to the DPS:</p> <p>Mr Cemil Yavuz 37 Vinecote Road Coventry CV6 5DZ.</p> <p>He was advised to reduce the volume of the music and it was made clear to contact the officer to discuss and ask any questions.</p> <p>Warning letter appended doc SD2</p> | <p>Noise nuisance warning letter</p> |
| 05/01/24 | <p>No contact was received by CCC following the letter of the 21/12/23.</p> <p>Officers witnessed a statutory noise nuisance due to excessively loud music coming from a loudspeaker in the marquee/ rear beer garden on Friday 05/01/24 between 02:30 and 02:45 hours.</p> <p>Therefore, the warning letter from December was ignored as the loudspeakers were still in the beer garden as observed by officers on their</p> | <p>Statutory noise nuisance witnessed (Officer James Kirby)</p> <p>Friday 05/01/24 between 02:30 and 02:45 hours</p> |

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| | <p>night-time visit with dance music being played at a very loud volume. In the officer's opinion the loud music was likely to be affecting the use and enjoyment of surrounding properties and likely to be affecting people's sleep.</p> <p>Officer's noise report appended doc SD3</p> | | |
| 12/01/24 | <p>Site meeting between licencing & environmental protection officers and pub staff. Attending: Steven Dewar, Environmental Protection Officer Rekha Masih, Licensing Team Leader Motunrayo-Josephine Adediran, Apprentice Environmental Health Officer</p> <p>We Advised on noise control and made it clear that outdoor speakers are not permitted and need to be removed. Told DPS and PLH that music volume needs to be monitored when inside premises to ensure it is not too loud. I made it clear that they could telephone or email for advice or if they had any questions and that CCC wanted to help advise them to reduce the noise.</p> | Site meeting | |
| 16/01/24 | <p>Noise warning letter sent DPS Cemil Yavuz confirming the above advice.</p> <p>Warning letter appended doc SD4</p> | Noise warning letter | |
| 07/02/24 | <p>However, this advice was also ignored.</p> <p>Officers again called out and witnessed loud music being played in the outdoor area/white marquee as they could hear it as they walked past the Oak Inn. They then went to the complainants' address, a nearby residential property and monitored from there. The music was intrusive into the complainant's bedroom when the windows were both open and closed. They identified Abba songs and others as being clearly audible in the person's bedroom.</p> <p>This was a statutory nuisance and was witnessed between 01:33 and 02:00 hours on Wednesday 07/02/24.</p> <p>Officer's noise report appended doc SD5</p> | <p>Statutory noise nuisance witnessed (Officer J. Spence)</p> <p>Weds 07/02/24 between 01:33 and 02:00 hours</p> | |
| 08/02/24 | <p>Due to the ongoing noise issue and failure to follow advice on noise control a statutory noise abatement notice (NAN) was served on the DPS CEMIL YAVUZ.</p> | Notice served by hand | |

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| | <p>This was delivered by hand and is attached with the certificates of service.</p> <p>Noise abatement notice appended doc SD6</p> | | |
| 14/02/24 | <p>This abatement notice was then breached days later. Officers of this department witnessed loud music from their car which was parked outside The Oak Inn on Wednesday 14/02/24 between 23:30 and 23:50 hours which was a statutory nuisance.</p> <p>Officer's noise report appended doc SD7</p> | <p>Statutory noise nuisance witnessed. (Officer J.Spence)</p> <p>First breach s.80 NAN (Cemil Yavuz)</p> <p>Wednesday 14/02/24 between 23:30 and 23:50 hours</p> | |
| 16/02/24 | <p>A second noise abatement notice (NAN) is served on: VEDAT KAMACI (Premises License Holder) Director, THE OAK INN 2023 LTD Noise Abatement Notice (s.80 NAN).</p> <p>Noise abatement notice with certificate of service appended doc SD8</p> | <p>Notice served by hand</p> | |
| 18/02/24 | <p>Almost immediately after service of the second NAN both notices are breached.</p> <p>Officers of this department witnessed loud music by monitoring from outside the pub on Sunday 18/02/24 between 01:08 and 01:28 hours which was a statutory nuisance.</p> <p>The officers first monitored outside The Oak Inn and noted that the pub doors were open and that excessively loud "dance type" music was coming from either inside the pub or the marquee area outside.</p> <p>They then monitored from the complainant's property (nearby residential premises) and observed that the same dance music could be heard loudly and intrusively coming from the Oak Inn and the bass from the music was especially loud and likely to prevent sleep.</p> <p>They returned to opposite the Oak Inn and confirmed the same music with the loud bass was coming from the pub and was a statutory nuisance.</p> <p>Officer's noise report appended doc SD9</p> | <p>Statutory noise nuisance witnessed. (Officer J. Parker)</p> <p>2nd breach s.80 NAN Cemil Yavuz</p> <p>First breach s.80 NAN vedat Kamaci</p> <p>Sunday 18/02/24 between 01:08 and 01:28 hours</p> | |
| 06/03/24 | <p>Meeting at premises with DPS Cemil Yavuz and PLH Vedat Kamaci. From CCC attending:</p> <p>Attending: Steven Dewar, Environmental Protection Officer Rekha Masih, Licensing Team Leader</p> | <p>Site meeting</p> | |

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| | <p>Motunrayo-Josephine Adediran, Apprentice Environmental Health Officer</p> <p>The reason for the second meeting was that although external speakers had been removed it was apparent that advice from the first meeting was not being given due attention. Continuing excessively loud music from inside the pub was causing noise nuisance to neighbours.</p> <p>Discussed the continuing non-compliance with NAN's (Noise Abatement Notices) , advised about noise control and reinforced that the licensees needed to:</p> <ul style="list-style-type: none"> • Reduce the volume of the music. • Keep doors and windows closed to stop the sounds escaping and affecting neighbours. <p>I noted the ground floor has single glazed windows and an air vent near the DJ booth which could also allow noise to escape (breakout) from the building. For this reason, as the building has such poor sound insulation and openings where noise can breakout; I recommended they get a noise consultant to do a survey and produce a scheme of sound insulation.</p> <p>I gave them advice on contact details and advised them to send me copies of any reports and I would help and advise them to get it right. Cemil Yavuz said that they would turn the music off completely starting immediately and agreed to get a noise consultant appointed.</p> <p>The above advise and the agreement from the licensees to turn off the music was confirmed by email from S.Dewar on 07/03/24</p> <p>Email appended as doc SD10</p> | | |
| 23/03/24 | <p>Further breach of notices and non-compliance.</p> <p>Despite the advice given on the 06/03/24 and the agreement by the licensees to turn off the music completely; officers witnessed another statutory noise nuisance caused by excessively loud music from The Oak Inn on Saturday 23/03/24 between 23:30 and 23:47 hours which was a statutory nuisance.</p> <p>Officers monitored from a complaints nearby residential property where it was noted the loud music was clearly audible and deeply intrusive. The music was so loud that the lyrics to songs could be clearly heard, and it was impossible to escape the noise anywhere inside the complainants address. This was noted to be contact</p> | <p>Statutory noise nuisance witnessed. (Officer A. Wilcox)</p> <p>3rd breach s.80 NAN CEMIL YAVUZ</p> <p>2nd breach s.80 NAN VEDAT KAM-ACI</p> <p>Saturday 23/03/24 between 23:30 and 23:47 hours</p> | |

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| | <p>throughout the visit and would prevent people from sleeping.</p> <p>The officer walked round to The Oak Inn and confirmed the loud music was from the pub and that a fire door was wide open allowing music to escape and affect neighbours.</p> <p>By this date also the licensees also had not contacted CCC regarding the noise consultant and soundproofing which they were advised to follow up. This showed the licensees had not followed the advice given and also had not stuck to their own agreement to turn off the music. The lack of mismanagement of the premises demonstrates the irresponsible approach of the licensees.</p> <p>The impact of this loud music was a statutory nuisance.</p> <p>Officer noise report appended doc SD11</p> | | |
| 28/03/24 | <p>Following this latest statutory noise nuisance noise warning letters were sent to the DPS and PLH.</p> <p>The letter reminded them about their agreement to turn off the music and asked about progress with the noise consultant and sound insulation. Again, the letters make it clear that the officer can be contacted for advice and to ask questions.</p> <p>Email from S.Dewar appended doc SD12 Letters appended as docs SD13 and 14</p> | Noise warning letters sent by post and email | |
| 28/03/24 | <p>Email from The Oak Inn, saying they had closed all the doors, but this was contrary to the noise report of the 23/03/24 which confirmed a fire door was left wide open.</p> <p>The email stated someone opened a door (but then appears took no action to close it?) so are admitting ineffective management of the premises despite previous advice.</p> <p>They now stated that they will only be playing background music from now on and that there will be no more complaints about loud music. This was change to the agreement they offered to turn off the music completely.</p> <p>Despite the site meeting with CCC just over two weeks earlier where officers had done their best to support and advise the licensees:</p> <ul style="list-style-type: none"> • No mention was made of employing a noise consultant or following up on sound insulation. • It was apparent that the email contained excuses but no real substance to provide future confidence in the management. | Email | |

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| | Email reply from The Oak Inn appended as doc SD15 | | |
| 30/03/24 | <p>Email from The Oak Inn stating: “We had specialist all speakers all speakers have been set up no more noise complaints will be even door will left open all sorted”</p> <p>Various photos of amplifiers and mixer consoles were included showing tape on dials but there was no explanation as to what had been done. There was no confirmation of who the specialist was and no report from a noise consultant on soundproofing.</p> <p>Email appended doc SD16</p> | Email | |
| 03/04/24 | <p>Email from S.Dewar to The Oak Inn (follow up from meeting 06/03/24) requesting details about their meeting with a noise consultant?</p> <p>Email appended doc SD17</p> | Email | |
| 10/04/24 to 12/04/24 | <p>10/04/24 received an email from The Oak Inn, they have now arranged an appointment with a noise consultant, but it is not until 26th April. They agreed to do this at the meeting on 06/03/24 which is seven weeks later.</p> <p>12/04/24 Email from S. Dewar to The Oak Inn, requesting details of noise consultant.</p> <p>Email trail showing the above appended doc SD18</p> | Email | |
| 12/04/24 | <p>An email received from The Oak Inn (no name, sent from someone’s iPhone) with a quote attached from a noise consultant: Jonathan Mape, Technical Director, Noise Assessments Ltd.</p> <p>There was no contact from The Oak Inn requesting any advice or to discuss the proposed survey showing a lack of follow up by the licensees.</p> <p>Email appended doc SD19 Quote from noise consultant appended doc SD20</p> | Email | |
| 16/04/24 | <p>As I had not heard from The Oak Inn I took it upon myself to contact the noise consultant and emailed him offering my advice. Email appended as doc SD21</p> <p>I then received a phone call from J. Mape (the noise consultant) to discuss his quote and proposed survey.</p> | Email & Phone call | |

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| | <p>He had not yet visited the pub and it became clear from our conversation The Oak Inn had not provided him with sufficient information. They had informed him the assessment was for a planning application and not mentioned the noise abatement notices. I explained the situation in detail, and I offered to meet him on site if required.</p> <p>He agreed this would be useful and would depend on his conversation with The Oak Inn.</p> <p>Since the conversation, no further details have ever been received from the noise consultant or The Oak Inn regarding the noise survey or soundproofing.</p> | | |
| 27/05/24 | <p>Telephone call from neighbouring resident reporting loud music but noise monitoring service had finished at midnight.</p> <p>Officer report attached doc SD22</p> | Noise report | |
| 27/06/24 | <p>Telephone calls with neighbouring residents confirming that noise issues are ongoing, and they are having disturbed sleep.</p> | Phone call | |
| 08/07/24 | <p>Officers of this department located at a nearby residential property witnessed a statutory noise nuisance caused by loud amplified music from The Oak Inn on Monday 08/07/24 between 22:30 and 22:45 hours.</p> <p>The attending officer noted that whilst inside a neighbour's flat they could hear loud singing which was deeply intrusive and easily audible above normal conversation volume.</p> <p>Even with the windows closed the singing was clearly audible , it was a mild evening, and it was reasonable for people to want to open their windows. The playing of a guitar could also be heard, and the singing was constant throughout the officers visit and loud enough to cause sleep disturbance.</p> <p>The officer noted that a fire door was left open and that was why the noise from the music and singing was escaping from the pub.</p> <p>The noise from music and raised voices was extremely likely to cause sleep disturbance to nearby residents and was a statutory noise nuisance.</p> <p>Officer report appended doc SD23</p> | <p>Statutory noise nuisance witnessed. (Officer A. Wilcox)</p> <p><u>4TH BREACH s.80</u> NAN CEMIL YA-VUZ</p> <p><u>3RD BREACH s.80</u> NAN VEDAT KAM-ACI</p> <p>Monday 08/07/24 between 22:30 and 22:45 hours.</p> | |
| 10/07/24 | <p>Noise warning letters and email sent to DPS and PLH at The Oak Inn.</p> <p>Letters appended docs SD24 & SD25 Email appended doc SD26</p> | Email & Letters | |

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| | <p>Email confirmation from premises admitting responsibility for latest statutory nuisance but offering an extremely poor excuse by saying they had a birthday party. They again gave an assurance it would not happen again.</p> <p>From email: <i>"Hi mr Steve Yes was music loud we had birthday party its was early before 23:30 after 23:00 we turned down and closed door . If can see after last meeting we sorted everything till now . I will extra care it's not to happen again thank you"</i></p> <p>Email appended SD27</p> | | |
| 11/07/24 | <p>Despite the warning from the previous day and reassurance from The Oak Inn they again caused a statutory noise nuisance on the following day.</p> <p>Officers of this department located at neighbouring residential witnessed loud music from The Oak Inn on the Thursday 11/07/24 between 01:17 and 01:53 hours which was a statutory nuisance.</p> <p>The attending officer noted that noise from music and raised voices was extremely likely to cause sleep disturbance to nearby residents and was a statutory noise nuisance.</p> <p>Officer report appended doc SD28</p> | <p>Statutory noise nuisance witnessed.</p> <p>5th BREACH s.80 NAN CEMIL YAVUZ</p> <p>4th BREACH s.80 NAN VEDAT KAM-ACI</p> <p>Thursday 11/07/24 between 01:17 and 01:53 hours</p> | |
| 17/07/24 | <p>Noise warning letters and email sent to DPS and PLH at The Oak Inn asking them to contact me and discuss the matter.</p> <p>Letters appended Officer report appended docs SD29 & SD30 Email appended SD31</p> | Email & Letters | |
| 10/07/24 to | <p>Email trail with The Oak Inn, reason provided for the noise nuisance on the 11/07/24 was as follows:</p> <p>"Yes but bands are finished 11pm it's that's mean it's on all night I think we can be loud before 11:30pm if that's not right corrected me please thank you " (email doesn't say who from)</p> <p>I replied in the clearest way highlighting that they do not have permission to be loud at any time and should always ensure the volume is kept to a reasonable level.</p> <p>After 8 months of dealing with the premises and licensees I find it staggering that they should respond in such an irresponsible way which displays ignorance of all previous advice and their license conditions..</p> | Email | |

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| | <p>Email trail appended doc 32</p> | | |
| <p>December 2023 to 23/07/24</p> | <p>License Conditions There is continuing non-compliance with license conditions.</p> <p>The following conditions were agreed with Licensing and have been in place since 2021. Therefore, when the current licensees took over in July 2023 they will have been aware that their premises license contained these conditions.</p> <p>This is confirmed by the appointment of Vedat Kamaci as company director of The Oak Inn 2023 Ltd on 06/03/23.</p> <p>Companies house info appended as doc 33</p> <p>The current licensees have persistently failed to comply with these conditions over the last 8 months since December 2023. This ignorance of the license conditions demonstrates ongoing irresponsible management of the premises.</p> <p>From Current Operating Schedule d) The prevention of public nuisance</p> <p>No further risks have been identified which need to be addressed, save as below:</p> <p>2. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.</p> <p>From Current Annex Voluntary Condition agreed with the Responsible Authorities</p> <p>Voluntary Condition agreed with Environmental Protection:</p> <p>Doors and windows shall be kept closed after 23.30 when live and/or recorded entertainment is undertaken</p> <p>License Operating Schedule appended as doc 34 License Annex appended as doc 35</p> | | |
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Have you made an application for review relating to the Premises before?

Please tick yes / **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

N/A

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 ✓ **yes**

- I understand that if I do not comply with the above requirements my application will be rejected yes

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

.....

Date 25/07/24

.....

Capacity Environmental Protection Officer

.....

| | |
|---|------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) | |
| Provided above | |
| Post town | Post Code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) | |

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.