



London Borough of Hackney – Decisions taken by the Licensing Sub Committee D on Thursday 11 November 2021

Agenda Item No	Topic	Decision
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Part A – Items considered in public - Licensing Sub Committee – 11 November 2022

EXPEDITED SUMMARY REVIEW: THE DOLPHIN WINE BAR and RESTAURANT, 163 MARE STREET, LONDON, E8 4AH and THE DOLPHIN, 165 MARE STREET, HACKNEY, LONDON, E8 4AH

The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the Summary Review hearing have determined that having regard to the promotion of the licensing objectives and in particular:

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- The Protection of Children from Harm

(i) Decision on the Expedited Summary Review:

This is a decision on the three premises licences issued in respect of the Dolphin, Wine Bar and Restaurant, 163 and 165 Mare Street, Hackney, London E8 4AH.

The Licensing Sub-Committee after carefully considering the evidence presented to them at the Summary Review by the Metropolitan Police Service and their representative, the Licence holder and their representative, Environmental Protection and Other Persons (local residents) decided to revoke the following 3 premises licences. The reasons for this decision are set out below:

The Dolphin, 165 Mare Street, Hackney, London E8 4AH - Licence No: LBH-PRE-T-0669

The Dolphin, 165 Mare Street, Hackney, London E8 4AH - Licence No: 104306

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Dolphin Wine Bar and Restaurant, 163 Mare Street, Hackney, London E8 4AH – Licence No: LBH-PRE-T-0906

It was agreed by the Metropolitan Police Service that the standard review applications submitted to the Licensing Authority before 15th October 2021 have been dispensed with, and withdrawn.

(ii) Decision on Interim steps for the Dolphin, Wine Bar and Restaurant, 163 and 165 Mare Street, Hackney, London E8 4AH:

After hearing the representations from both the Metropolitan Police Service’s representative, and the Licence holder's representative, the Licensing Sub-Committee decided that the interim steps issued on 15th October 2021 shall continue pending any appeal. Given that they did not have confidence in Mr Yildiz's ability as the Licence holder to uphold the licensing objectives, they were not persuaded there were any grounds to suspend the interim steps. They took into consideration the police's ongoing concerns about crime and public safety.

The Reasons for the Decisions: Expedited Summary Review and Interim Steps:

The Licensing sub-committee felt after carefully considering the application from the Metropolitan Police Service (“ the police”) and hearing submissions from their representative, and the representations from the Licence holder, Mr Yasar Yildiz and their representative, and the supporting evidence presented to them decided that revocation of the premises license was appropriate, and a necessary course of action, given the repeated failures to comply with the terms and conditions of the premises licence, and the serious incident that occurred on 15th October 2021 which has been taken very seriously.

The sub-committee also considered the other options available to them, as detailed in the report. They were satisfied that none of these would adequately address the likelihood of crime and disorder re-occurring. They felt that the licensing objectives would continue to be undermined.

The sub-committee carefully considered the evidence relating to the serious incident that led to the Summary Review being called by the Metropolitan Police Service. The sub-committee noted that the Licence holder had held the licence for 18 years. However, since 2019 to date the Licence holder demonstrated a pattern of disregard for the conditions on the licence, and the licensing regime which was a concern.

The sub-committee took into account that there was no action plan in place to improve the operation of premises even though the police had meetings with the Licence holder raising their concerns.

The sub-committee heard that the premises were closed for a period following Covid Regulations. However, when the premises were reopened the Licence holder did not take the failures brought to his attention seriously which is a concern. The sub-committee felt that the Licence holder did not engage with the police to overcome their concerns.

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The sub-committee took into consideration that the Licence holder, Mr Yildiz allowed the following breaches of the licence to occur, which undermined the licensing objectives:

non-compliances with several conditions on the licence including
 Issues with the scanner not operating properly, and no training regime in place;
 failing to comply with licensing and Covid-19 regulations and breaches of statutory notices served on the premises,
 failure to comply with warning letters sent and the consequences if they did not comply,
 failure to report the serious incident that took place on 15.10.21, and the incident had been cleaned up before the police arrived.
 On 26.09.21, a sexual assault took place at the premises that was reported to the police after the event.
 On 05.09.21, an assault was reported at the premises. The police were not informed by the licence holder.

The sub-committee was concerned that despite a serious incident, evidenced by video footage, that was viewed by the sub-committee, no appropriate follow up action was taken by the Licence holder or the management of the premises.

The sub-committee felt these breaches of the licence, and the incident that took place are completely unacceptable. The sub-committee has very serious concerns about the ability of the Licence holder, Mr Yildiz to uphold the licensing objectives particularly his ability to ensure public safety. The sub-committee recognised that this was poor judgement on the part of the Licence holder. The Licence holder has a duty to promote the four licensing objectives at all times.

While it was noted that the Licence holder had gone through a difficult period personally the failures to comply with the conditions on the licence and to ensure public safety is not acceptable.

The sub-committee heard that prior to the recent incident on 15 October 2021 the police had made an application to the Licensing Authority for a standard review following breaches of the conditions of the premises licence. The Licence holder had more of a track record of non-compliance in spite of working with the police and the Licensing Authority over a period of time and issues relating to the premises being brought to their attention.

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The sub-committee had concerns that the licence holder was not taking his duties as licence holder seriously and had no control over what occurred at the premises.

The sub-committee did not hear in evidence from the licence holder anything that addressed their concerns about the history and serious incident that occurred at the premises, and they were not provided with any plans to improve the management and operation of the premises.

The sub-committee took into account that the licence holder jointly owned and held the premises licence with his wife, Nuvit Yildiz who are currently going through a divorce. It was noted that Nuvit Yildiz was not present at the hearing. The sub-committee heard that Nuvit Yildiz had been sent a notification letter about the review hearing that was sent to the premises, and they heard that there were no other contact details for Nuvit Yildiz.

The sub-committee took into consideration that both Licence holder's were jointly and severally liable for the operation of the premises, however, it was noted that the Licence holder did not provide contact details for Nuvit Yildiz and the licence holder did not ask for an adjournment. The sub-committee were satisfied that it was appropriate to proceed with making their decision on this Summary Review taking into consideration the section 182 Guidance on reviews arising in connection with crime, and that decisions are made for the benefit of the wider community.

The sub-committee when making their decision took into consideration the evidence presented by the Metropolitan Police Service. The evidence relating to this serious incident, together with the breaches of the conditions of the licence, caused the sub-committee to have no confidence in the Licence holder, and the current management of the premises. The sub-committee felt they were not capable of upholding or promoting the licensing objectives given the issues raised. In addition the sub-committee had no confidence that the Licence holder will comply with conditions on the licence given their history of non-compliance with the licence conditions.