

<b>For Consideration By</b>	Licensing Sub-Committee
<b>Meeting Date</b>	29 November 2022
<b>Type of Application</b>	Application for Summary Licence Review of Premises Licence
<b>Address of Premises</b>	The Dolphin, 165 Mare Street, London E8 4AH
<b>Classification</b>	Decision
<b>Ward(s) Affected</b>	London Fields
<b>Group Director</b>	Rickardo Hyatt

1. **Summary**

- 1.1. Application for an expedited review on the basis of prevention of crime and disorder following an incident of serious crime/disorder which occurred on 15th October 2021.

2. **Background**

- 2.1. The Metropolitan Police applied on 15th October 2021 for a summary review under 53(a) of the Licensing Act 2003 of the premises licences licence issued in respect of The Dolphin, 165 Mare Street, E8 4AH (Licence No: LBH-PRE-T-0669).
- 2.2. The expedited/summary review application are attached at Appendix A.

3. **Current Status/History**

- 3.1. The Dolphin has been in possession of a premises licence since 24<sup>th</sup> November 2005. The premises licensee is Mr Yasar Yildiz and Mrs Nuvit Yildiz and Designated Premises Supervisor is named as Mr Yasar Yildiz.
- 3.2. The current premises licence is attached as Appendix B.
- 3.3. At a meeting on 15th October 2021 to consider interim steps, a decision was made to suspend the premises licence pending the full review. At the full review hearing on 11th November 2021, the Licensing Sub-Committee decided to maintain the interim steps and revoke the premises licence.

- 3.4. Mrs Nuvit Yildiz subsequently appealed against the decision to the Magistrate's on 30<sup>th</sup> November 2021. Following a series of court hearings, the Magistrates decided (with an agreement from all parties) to dispose of the matter and remit the case back to the Licensing Sub-Committee.

4. **Representations: Responsible Authorities**

From	Details
Environmental Health Authority (Environmental Protection) (Appendix C)	Representation received on the basis of the prevention of public nuisance
Environmental Health Authority (Environmental Enforcement)	Have confirmed no representation on this application
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	No representation received
Planning Authority	No representation received
Area Child Protection Officer	No representation received
Fire Authority	Have confirmed no representation on this application
Police	N/A
Licensing Authority	Have confirmed no representation on this application
Health Authority	No representation received

5. **Representations: Other Persons**

From	Details
Representation received from and on behalf of local residents. (Appendix D)	Representation received in support of the review.

6. **REPRESENTATIONS: LICENSEE**

- 6.1 None

7. **Policy Considerations**

- 7.1. The Licensing Sub-Committee is required to have regard to the Hackney Statement of Licensing Policy ("the Policy") adopted by the Licensing Authority.

7.2. Extracts from Licensing Policies are reproduced at the front of the agenda for this meeting.

7.3. The Policy applies to applications where relevant representations have been made. With regard to this application, policies, LP1 (General Principles) and LP2 (Licensing Objectives) are relevant.

8. **Guidance Considerations**

8.1. The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

9. **Officer Observations**

9.1. The Police are seeking the revocation of the licence.

10. **Reasons for Officer Observations**

10.1. N/A

11. **Legal Implications**

11.1. A legal representative will be in attendance to advise Members.

12. **Legal Comments**

12.1. The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;

- The Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- The protection of children from harm

12.2. It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

13. **Human Rights Act 1998 Implications**

13.1. There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.

14. **Members Decision Making**

14.1. **Option 1**

Take no action

14.2. **Option 2**

Modify the conditions on the premises licence

14.3. **Option 3**

Exclude a licensable activity from the scope of the licence

14.4. **Option 4**

Remove the designated premises supervisor

14.5. **Option 5**

Suspend the premises licence for a period not exceeding three months.

14.6. **Option 6**

Revoke the licence

15. **Conclusion**

- 15.1. That Members decide on the application for the expedited/summary review of the premises licence.

**Appendices:**

Appendix A: Application for summary review of premise licence and supporting documents

Appendix B: Current Premises Licence

Appendix C: Representation from Responsible Authority

Appendix D: Representation from other persons

Appendix E: Licensing Sub-Committee D Decision dated 11<sup>th</sup> November 2021

Appendix F: Location map

**Background documents**

Licensing Act 2003

LBH Statement of Licensing Policy

<b>Report Author</b>	Suba Sriramana Principal Licensing Officer Suba.Sriramana@hackney.gov.uk Tel: 020 8356 4915
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**METROPOLITAN  
POLICE**
**TOTAL POLICING**
**Form for Applying for a Summary Licence Review**

**Application for the review of a premises licence under section 53A of the Licensing Act 2003**  
(premises associated with serious crime, serious disorder or both)

**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 the 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.**

**Insert name and address of relevant licensing authority and its reference number:**

**Name:** Metropolitan Police Service

**Address:**

Stoke Newington Police Station

**Post town:** Hackney

**Post code:** N16 8DS

**Ref. No.:**

**I PC Sian Giles**

**on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.**

**1. Premises details**
**Postal address of premises or club premises, or if none, ordnance survey map reference or description:**

The Dolphin Public House, 165 Mare Street

**Post town:** Hackney

**Post code:**  
(if known) E8 3RH

**2. Premises licence details**
**Name of premises licence holder or club holding club premises certificate (if known):**

Mr Yasar Yildiz and Mrs Nuvit Yildiz

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

LBH-PRE-T-0669

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)**

**I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.**

**Please tick the box to confirm:**



# PROTECTIVE MARKING

## 4. Details of association of the above premises with serious crime, serious disorder or both

(Please read guidance note 2)

In the early hours of 15/10/2021 a GBH occurred inside the venue whereby the victim was seriously injured with a glass by another customer who is believed to be a regular at the venue. The London Ambulance Service were called some 10 minutes after the incident. The staff did not call police, they then cleaned up the crime scene before Police attendance and did not detain the suspect. The PLH Mr Yasar was present at the time. Due to the venues actions vital evidence has been lost and the suspect still at large.

The premises is already under a review which was submitted on 5<sup>th</sup> Oct 2021 due to concerns over its running and management. Serious crime and disorder has now occurred inside the venue meaning both the prevention of crime and disorder as well as the public safety objective are both seriously at risk. We have no confidence in the management of this venue and are therefore requesting an immediate suspension of this licence in order to protect the public and to can investigate the matter in hand.

### Signature of applicant

Signature:

Date:

15/10/2021

Capacity:

CE Licensing

### Contact details for matters concerning this application

Surname:

Giles

First Names:

SIAN

Address:

STOKE NEWINGTON POLICE STN

Post town:

Hackney

Post code:

N16 8 0J

Tel. No.:

Email:

Sian.giles@met.police.uk

### Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.  
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
  - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
  - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
 Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.




**METROPOLITAN  
POLICE**
**TOTAL POLICING**

Form 693A

**Certificate under Section 53A(1)(b) of the Licensing Act 2003**

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with:  
both serious crime and serious disorder

**Premises** (Include business name and address and any other relevant identifying details):

**Postal address of premises or club premises, or if none, ordnance survey map reference or description:**

The Dolphin Public House 165 Mare Street

**Post town:**

Hackney

**Post code:**  
(if known)

E8 3RH

**Premises licence number (if known):**

 LBH- PRE-T0669 <sup>5a.</sup>
**Name of premises supervisor (if known):**

Mr Yasar Yildiz and Mrs Nuvit Yildiz

 I am a *SUP* \* in the Metropolitan Police Service.

\*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the  
Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

This address is already under review of its licence due to concerns over the running and management of the venue. These papers were submitted by CE Licensing on 5<sup>th</sup> October 2021. After this incident on the early hours of the 15<sup>th</sup> October 2021 Police are concerned that due to the serious nature of the events that have taken place at the venue an immediate review of the premises licence is necessary to prevent the licensing objectives from being undermined, namely crime and disorder and public safety.

We are requesting an immediate suspension of the licence with interim steps, this is in order to protect the public and to investigate the matter.

**Signature**

Signature:

*PM8070*

Date:

*15<sup>th</sup> 2021*



**This premises licence has been issued by:**

Licensing Service  
2 Hillman Street  
London E8 1FB

## **PART A – PREMISES LICENCE**

### **Premises Licence Number**

LBH-PRE-T-0669

### **Part 1 – Premises details**

The Dolphin  
165 Mare Street  
London E8 3RH

020 8985 3727

### **Where the licence is time limited the dates**

Not Applicable

### **Licensable activities authorised by the licence**

Indoor Sporting Events

Live Music

Recorded Music

Other Entertainment Similar to Live or Recorded Music or Dance Performance

Supply of Alcohol

### **The times the licence authorises the carrying out of Licensable activities**

#### **Indoor Sporting Events**

#### **Standard Hours:**

Mon 11:00-23:30

Tue 11:00-23:30

Wed 11:00-23:30

Thu 11:00-23:30

Fri 11:00-23:30

Sat 11:00-23:30

Sun 11:00-23:30

#### **Premises:**

#### **Live Music**

#### **Standard Hours:**

Mon 11:00-23:30

Tue 11:00-23:30

Wed 11:00-23:30

Thu 11:00-23:30

Fri 11:00-23:30

Sat 11:00-23:30

Sun 11:00-23:30

#### **Premises:**

**Recorded Music****Premises:****Standard Hours:**

Mon 11:00-23:30  
Tue 11:00-23:30  
Wed 11:00-23:30  
Thu 11:00-23:30  
Fri 11:00-23:30  
Sat 11:00-23:30  
Sun 11:00-23:30

**Other****Entertainment****Similar to Live or****Recorded Music or****Dance****Performance****Premises:****Standard Hours:**

Mon 11:00-23:30  
Tue 11:00-23:30  
Wed 11:00-23:30  
Thu 11:00-23:30  
Fri 11:00-23:30  
Sat 11:00-23:30  
Sun 11:00-23:30

**Supply of Alcohol****Premises:****Standard Hours:**

Mon 11:00-01:00  
Tue 11:00-01:00  
Wed 11:00-01:00  
Thu 11:00-01:30  
Fri 11:00-03:30  
Sat 11:00-03:30  
Sun 11:00-01:00

**The opening hours of the premises****Premises****Standard Hours:**

Mon 11:00-01:30  
Tue 11:00-01:30  
Wed 11:00-01:30  
Thu 11:00-02:00  
Fri 11:00-04:00  
Sat 11:00-04:00  
Sun 11:00-01:30

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On Premises

**Part 2 –**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Mr Yasar Yildiz  
The Dolphin  
165 Mare Street  
Hackney  
London  
E8 3RH

Mrs Nuvit Yildiz  
The Dolphin  
165 Mare Street  
Hackney  
London  
E8 3RH

**Registered number of holder, for example company number, charity number (where applicable)**  
N/A

**Name, address and telephone number of designated premises supervisor where the premises authorises the supply of alcohol**

Mr Yasar Yildiz

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

**Date of Grant:** 24 November 2005

**Signed:**

David Tuitt  
Team Leader - Licensing

## **Annex 1 - Mandatory Conditions**

### **Supply of Alcohol**

1. No supply of alcohol may be made under the premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6.1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sales or supply of alcohol.
- 6.2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that:
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - beer or cider: 1/2 pint;
    - gin, rum, vodka or whisky: 25ml or 35ml; and
    - still wine in a glass: 125ml; and
  - b) customers are made aware of the availability of these measures.

### **Door Supervision**

8. Each individual who is to carry out a security activity at the premises must be licensed by the Security Industry Authority.



## **Annex 2 – Conditions consistent with the Operating Schedule**

N/A

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

9. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or any authorised officer of Hackney Borough Council. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times -when the premises are open to the public. This staff member shall be able to show Police or any authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.

10. An incident log shall be kept at the premises, and made available immediately on request to any authorised officer of the Hackney Borough Council or the Police, which will record the following:

- a. all crimes reported to the venue;
- b. any complaints received;
- c. any incidents of disorder;
- d. any faults in the CCTV system or searching equipment or scanning equipment;
- e. any refusal of the sale of alcohol;
- f. any visit by a relevant authority or emergency service.

11. There shall be "CCTV in Operation" signs prominently displayed.

12. All instances of crime or disorder are to be reported by the Designated Premises Supervisor or a responsible member of staff to an agreed police contact point, as agreed with the Police.

13. There shall be no promotional sales of alcohol at the premises.

14. There shall be a minimum of 6 SIA registered door supervisors employed at the public house and restaurant on a Thursday, Friday and Saturday evenings from 2000 hours. Additional SIA registered door supervisors to be employed on an operational risk assessment basis. All door supervisors shall enter their full details in the premises daily register at the commencement of their work. They shall record their full name, home address and contact telephone number, their SIA registration number, and the time they commence and conclude working. If the door supervisor was provided by an agency the name, registered business address and contact telephone number will also be recorded. This register will be made available to police or any authorised officer of Hackney Borough Council immediately upon request.

15 There shall be no glass, drinks or open containers outside the front of the



premises at any time. Customers shall not be permitted to take glasses, drinks or open containers outside the front of the premises at any time, with the exception of water in plastic vessels.

16. Entry and exit to the premises shall be through the front main entrance directly into the premises and not the access way between the restaurant at 163 Mare Street and the Dolphin Bar at 165 Mare Street, except after 0000hours Sunday to Thursday

17. Where the sale or supply of alcohol is taking place, employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.

18. The premises will also, in cooperation with the police, regularly facilitate a premises drug audit using the ion itemiser or similar device

19. The premises will display prominent signage by every entrance and exit, requesting customers to leave the premises quietly and respect local residents.

20. The premises will display and maintain appropriate signage advising customers of the contact details, including telephone contact numbers, of the Designated Premises Supervisor and the manager of the premises.

21. Refuse, including bottles, shall not be taken outside the premises between the hours of 2000 and 0800.

22. All staff should receive training and have an awareness of the four licensing objectives.

23. All emergency exits will remain clearly marked at all times. Emergency escape routes will be kept free of obstruction at all times.

24. There will be no more than 520 patrons within both premises at any one time

25. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.

26. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business.

27. The licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles

28. In order to minimise the amount of time any waste remains on the public highway in readiness for collection, the Licensee will ensure the timeframe within which it may expect its waste carrier to collect is adhered to.

29. The Licensee shall erect a sign asking customers to refrain from littering the public highway outside the premises and will also instruct a member of staff to make regular checks of the area immediately outside and within 10 metres either side of the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.

30. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.

31. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.

32. All devices capable of playing music in either premises shall be operated through a sound limiting device. The sound limiting device shall be installed within the premises and set at a level determined by and to the satisfaction of an authorised officer of the Noise Pollution Service to allow no more than background music after 2330 hours. The operational panel of the noise limiter shall be secured to the satisfaction of the officer. The keys securing the device shall be held by the Designated Premises Supervisor or another responsible member of staff, and the device shall not be accessed via any other person. The limiter shall not be altered without prior agreement with the Noise Pollution Service

33. The premises will operate an electronic identification scanning system (e.g. ClubScan) after 2100 hrs for customers entering the premises.

34. There shall be at least one male and one female member of staff operating as 'floorwalkers' at the premises on Thursday, Friday and Saturday nights from 2000 hours. The task of the floorwalkers shall to be move around the premises, identifying unattended property and minimising losses and thefts.

35. Door staff shall use "clickers" to monitor capacity at the premises.

36. A free cloakroom service shall be provided, and suitable signage displayed encouraging customers to use it.

37. There will be no more than 150 patrons in the garden area before 0200 hours. There will be no more than 100 patrons in the garden area between 0200 hours and 0300 hours. The garden area is as marked in red on the plan. The garden area is to be empty of patrons from 0300 hours.

**Annex 4 – Plans**

PLAN/LBH-PRE-T-0669/250705

## STATEMENT OF WITNESS

(C.J. Act 1967 S.9, M.C. Act 1980 s.s.5A (3)(a) & 5B; M.C. Rules 1981 R.70)

<b>STATEMENT OF</b>	<b>George Wokorach</b>
<b>AGE OF WITNESS</b>	<b>OVER 18</b>
<b>OCCUPATION OF WITNESS</b>	<b>Senior Environmental Protection Officer</b>
	<b>London Borough of Hackney</b>
<b>TELEPHONE</b>	

This statement, (consisting of **3** page(s) signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**DATE: 29 October 2021**

I am the person named above and I am employed as a Senior Environmental Protection Officer for the London Borough of Hackney. I have been employed by the Borough of Hackney since March 2017. In my role I resolve issues that relate to noise from commercial premises, noise from construction sites, and make comments in relation to planning and licensing applications within the Borough of Hackney. The facts and matters stated herein are true to the best of my knowledge, information and belief, except where they are within my own personal knowledge, in which case they are true.

On Saturday 2 October 2021 at approx 0149 hours I attended a site visit with Ms Bianca Rembrandt, a Community Safety and Principal Enforcement Officer to the Dolphin Public House, following several complaints made by residents to the Environmental Protection Team regarding loud music and loud conversations



emanating from the premises in the early hours of the morning and causing disturbance to residents who are trying to sleep.

As the ward Officer for the area, I had a duty to investigate the matter. As soon as we arrived in the street behind the Dolphin, we immediately became aware of the music and voices in the street. Bianca and I parked the car behind the premises and the noise was extremely loud in the street and in my opinion may have been disturbing quite a significant number of close residents. There was a lightweight temporary structure at the back of the premises where customers seemed to be drinking, having loud conversations and music playing at the same time. We waited at this location for approximately 15 minutes and during this time the noise was excessive and unreasonable and in my opinion, the noise was highly likely to be causing a statutory nuisance from within the nearest residential dwellings, even if I had been inside a complainant's property.

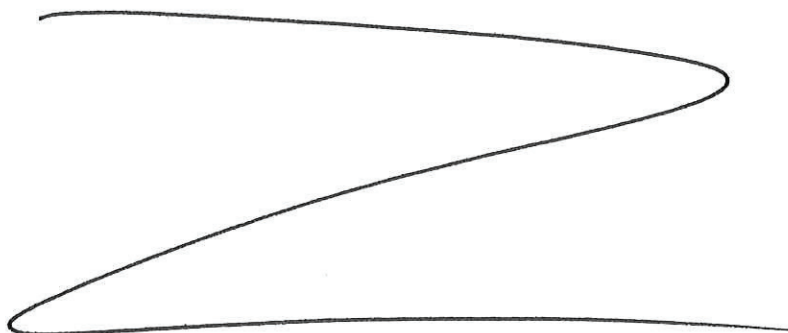
We left the location behind the premises at 0205 hours and drove round to the front of the premises where we stopped at the traffic lights directly outside the premises on Mare Street. Whilst waiting for the traffic lights to change, I could clearly hear the heavy bass beat from the music emanating from the premises in the street with the car windows shut and engine running. In my opinion the bass beat of the music was louder at the front of the premises than at the rear. We waited at the lights for a couple of minutes only and the lights changed to green and we drove off.

On Sunday 3rd October 2021 at 0230 hours, Ms Rembrandt and I visited the Dolphin and went to the back of the premises and parked directly at the rear. From street level, I could hear loud music and loud conversations emanating from the temporary light weight structure at the back of the premises. The bass element of the music was extremely loud in the street. I could also clearly hear the loud conversations in the street. As I was recording the noise on my mobile phone, I was approached by

the male Licensee. I explained to him that we have received several noise complaints and were monitoring the noise outbreak, as discussed during a previous visit in September 2021. The Licensee advised me that he wants to carry out sound insulation works to the premises but is in the process of getting quotes and suggested that as soon as he gets the quotes, he should be able to carry out the works around November or December time. I advised him that we have witnessed excessive noise in the street and asked him to lower the volume of the music and I also informed him that I will be writing to him regarding my observations. In my opinion the noise was extremely loud in the street on this occasion and highly likely to be causing a statutory nuisance within the nearest residential dwellings.

Following the visits, a noise abatement notice under section 80 of The Environmental Protection Act 1990 was served on the premises on 29th October 2021 as I am satisfied beyond all reasonable doubt that the nuisance will reoccur.

The only means of abating a nuisance in my opinion is by way of serving a notice and reviewing the premises licence and I would like to support the application to review the premises licence in order to uphold the Public Nuisance objective of the Licensing Act 2003.



Statement of ~~Bianca Rembrandt~~ **GEORGE WOKORACH**

~~Community Safety and Public Protection Officer~~

**ENVIRONMENTAL PROTECTION OFFICER**

SIGNED:



DATE: 29 October 2021

~~Statement of [REDACTED]~~

~~Community Safety [REDACTED]~~

~~[REDACTED]~~

~~[REDACTED]~~

11 November 2014

11 November 2014





**Community Safety, Enforcement and  
Business Regulation**

Neighbourhoods & Housing Directorate  
London Borough of Hackney

1 Hillman Street

London, E8 1DY

Tel: 020 8356 3403

Email: george. [wokorach@hackney.gov.uk](mailto:wokorach@hackney.gov.uk)

Mr Yasar Yildiz

The Dolphin Public House  
163-165 Mare Street  
London  
E8 3RH

29th October 2021

Dear Mr Yildiz

**The Dolphin Public House, 163-165 Mare Street, London E8 3RH**  
**Environmental Protection Act 1990 Section 80 – Statutory Noise Nuisance from  
loud music**

I refer to the enclosed Abatement Notice that has been served on you under the above legislation.

This notice has been served on you following receipt of complaints regarding noise nuisance due to loud music and raised voices from your property. On Saturday 2nd October 2021 at 0149 hours and on Sunday 3rd October at 0230 hours, Noise and Nuisance officers visited the area and witnessed a **statutory nuisance** caused by loud music and loud conversations being emitted from your property at excessive and unreasonable levels.

This department has had previous complaints of loud music emanating from your premises at unreasonable and excessive levels in the last couple of months. I am therefore of the opinion that the nuisance witnessed on 2nd and 3rd of October 2021 at 0149 hours is likely to reoccur.

As the **person responsible for the nuisance**, you should note that the notice requires you to:



**"At all times control the levels of amplified music and raised voices emitted from the premises so as not to cause nuisance to the occupiers of neighbouring dwellings".**

This in effect means that you should, from today's date, control noise levels to a suitable level so that your neighbours are no longer disturbed.

If you fail to comply with the notice it is likely to result in prosecution, leading to an unlimited fine plus costs. In addition, if further complaints are received, council officers can seize hi-fi or other equipment and apply for it to be forfeited and sold.

This Department operates an out-of-hours Noise and Nuisance Service, which is able to provide a rapid response to complaints of noise and other nuisances. I therefore trust that this service will not receive further complaints of excessive behaviour or unreasonable activities from or associated with your premises.

Should you wish to discuss the contents of this letter or the conditions of the notice please contact me on 0208 356 3403

Yours sincerely,



**George Wokorach**  
**Senior Environmental Protection Officer**  
**The London Borough of Hackney**

**LONDON BOROUGH OF HACKNEY**  
**ENVIRONMENTAL PROTECTION ACT 1990 SECTION 80**  
**Abatement Notice in respect of Noise Nuisance**

**To: The Dolphin, 163-165 Mare Street, London E8 3RH**

**TAKE NOTICE** that under the provisions of the Environmental Protection Act 1990 the **THE LONDON BOROUGH OF HACKNEY** ("the Council") being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of the Act at the premises known as:

**The Dolphin, 163-165 Mare Street, London E8 3RH**  
(within the district of the said Council) arising from **the playing of amplified music and raised voices on the premises**

**HEREBY REQUIRE YOU** as the person responsible for the said nuisance at the premises from which the noise is or would be emitted **immediately** from the service of this notice, to **prohibit** the recurrence of the same and for that purpose require you to:

**At all times control the levels of amplified music and raised voices emitted from the premises so as not to cause nuisance to the occupiers of neighbouring dwellings.**

**IN** the event of an appeal this Notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

**IF** without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to an unlimited fine, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction.

**If you fail to comply with this notice the Council may abate the nuisance and do whatever is required to achieve compliance. The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.**

Environmental Protection Team – Environmental Health Department  
Hackney Service Centre, 1 Hillman Street, London E8 1DY

Officer dealing with it is: George Wokorach  
Telephone: 020 8 356 3403  
Email: [george.wokorach@hackney.gov.uk](mailto:george.wokorach@hackney.gov.uk)

**NB: The person served with this notice may appeal against the notice to a Magistrates' Court within 21 days from the date of service of the notice. (See notes overleaf)**



The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:

**2. Appeals under section 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("The 1990 Act")**

(1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case:

that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);

that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

- (e) where the nuisance to which the notice relates-
- (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
  - (ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or
  - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
- (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
- (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
  - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
  - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings), or
  - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and—
    - (aa) the artificial light is emitted from industrial, trade or business premises, or
- (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
- (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
- (h) that the abatement notice should have been served on some person instead of the appellant, being-
- (i) the person responsible for the nuisance, or
  - (ii) the person responsible for the vehicle, machinery or equipment, or
  - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
  - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) that the abatement notice might lawfully have been served on some person instead of the appellant being-
- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
  - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
- and that it would have been equitable for it to have been so served;
- (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-
- (i) a person also responsible for the nuisance, or
  - (ii) a person who is also owner of the premises, or
  - (iii) a person who is also an occupier of the premises, or
  - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
- and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(f) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may:

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-
  - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
  - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court-
  - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
  - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

### 3. Suspension of notice

#### (1) Where-

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and-
- (b) either-
  - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
  - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where-
  - (a) the nuisance to which the abatement notice relates-
    - (i) is injurious to health, or
    - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
  - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice-
  - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



## **STATEMENT OF WITNESS**

(C.J. Act 1967 S.9, M.C. Act 1980 s.s.5A (3)(a) & 5B; M.C. Rules 1981 R.70)

<b>STATEMENT OF</b>	<b>Bianca Rembrandt</b>	
<b>AGE OF WITNESS</b>	<b>OVER 18</b>	
<b>OCCUPATION OF WITNESS</b>	<b>Community Safety and Principal Enforcement</b>	
<b>Officer</b>		
	<b>ADDRESS</b>	<b>London</b>
	<b>Borough of Hackney</b>	
<b>TELEPHONE</b>		

This statement, (consisting of **X** page(s) signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**DATE: 06 October 2021**

1. I am the person named above and I am employed as a Community Safety and Principal Enforcement Officer for the London Borough of Hackney. I have been employed by the Borough of Hackney since March 2009. In my role I resolve issues that relate to anti-social behaviour, community safety and environmental enforcement within the Borough of Hackney. The facts and matters stated herein are true to the best of my knowledge, information and belief, except where they are within my own personal knowledge, in which case they are true.
2. On Saturday 2 October 2021 at approx 0149 hours I attended a site visit with George Wokorach, Environmental Protection Officer to the Dolphin Public House. The weather conditions were good and clear and I was driving. We drove to the street behind the Dolphin called Elizabeth Fry Road and parked up behind the rear of the Dolphin where they appear to have the beer garden. See picture with the spot marked with a red cross - see exhibit marked **[BR01]**. Loud noise could be heard at the rear from a lot of people talking. I could also hear this repetitive rhythmic base sound too which was ongoing.

3. We then got in the car and drove around the front of the Dolphin and stopped at the traffic lights see below picture with the blue cross. I exhibit the picture marked [BR01]. Whilst waiting for the lights to turn I could hear loud amplified music and that same rhythmic base beats even louder at the front and also felt the tremors from that base through my right foot on the gas pedal and also on my hands through the steering wheel.
4. The next day on Sunday 3rd October 2021 at approx 0230 hours I attended the Dolphin with Mr Wokorach at the same location behind the Dolphin in Elizabeth Fry Road and again I could hear the same loud noise from people talking in the beer garden along with the rhythmic base beat in the background.

**Statement of Bianca Rembrandt**

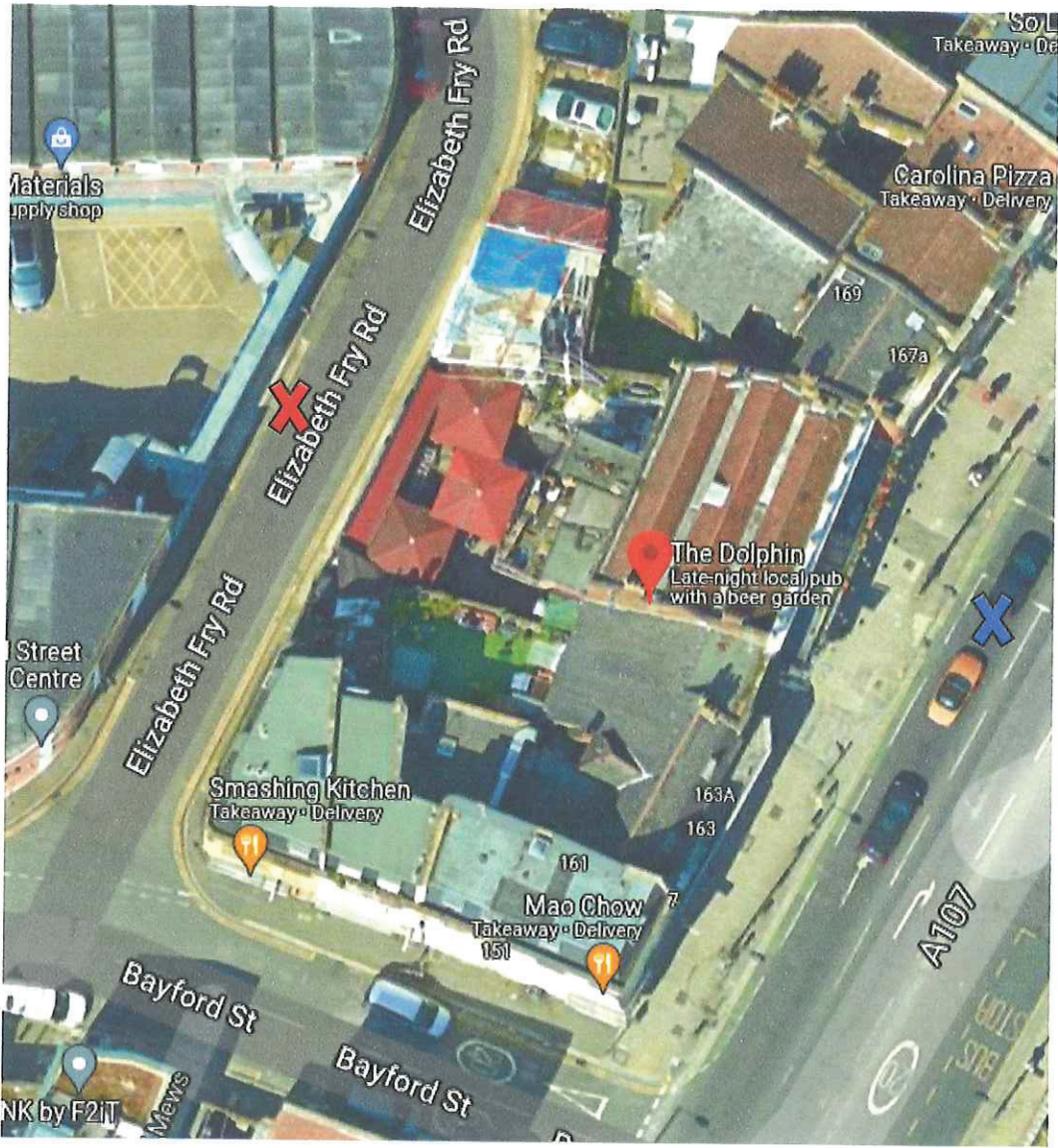
**Community Safety and Principal Enforcement Officer**

**SIGNED:**

**DATE: 06/10/2021**



Exhibit BR01



■ Bayford Street

Hackney

London

E8 ■

Licensing Service

1 Hillman Street

London

E8 1DY

To whom it may concern,

We are writing to you as residents of ■ Bayford Street, a property in proximity to The Dolphin. This venue has caused a great deal of disturbance, both because of the extremely loud music emanating from the property and loud noise coming from the terrace at the rear of the property. The late hours in particular are distressing to residents, making it difficult to sleep and causing general stress – this is a major problem for the ■ who ■ in the building, all of which are young and a number of which are under the ■.

We would like to express our strong support for the reduction of The Dolphin's operating hours, the sound as well as the vibrations which can be felt in the ■ of the property would be unacceptable during waking hours but are of even more serious concern because of the late-night hours in which the venue primarily operates. Additionally, there is a large amount of waste at the back of the property, causing flies to enter our apartments and attracting vermin.

Sincerely,

The Residents of ■ Bayford Street





## **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 decisions of 11th November 2021**

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:

- 1. The Dolphin, 165 Mare Street, Hackney, London E8 4AH - Licence No: LBH-PRE-T-0669**
- 2. The Dolphin, 165 Mare Street, Hackney, London E8 4AH - Licence No: 104306**
- 3. 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.

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:

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

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.

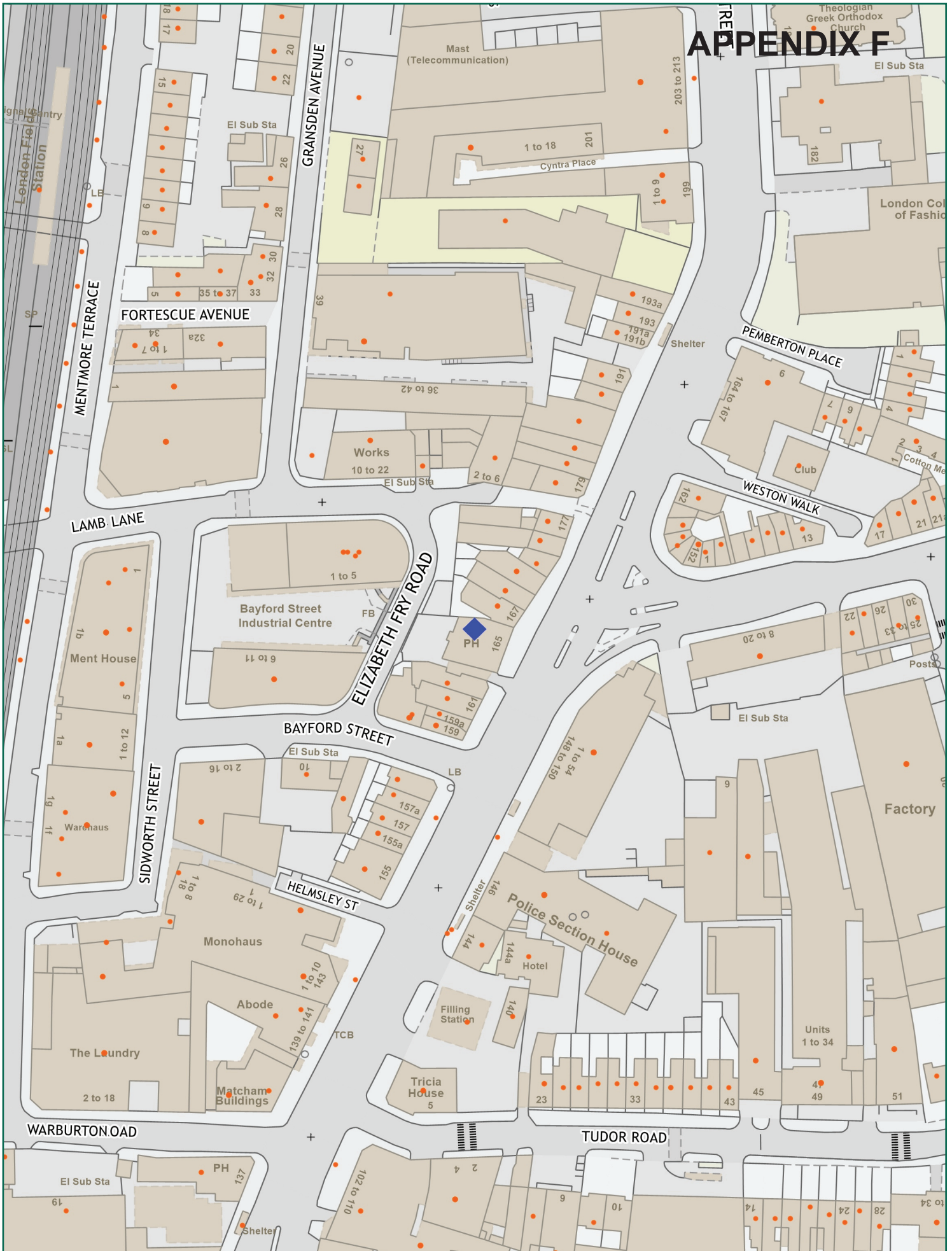
The sub-committee took into account that the licence holder jointly owned and held the premises licence with his wife, Nuvit Yildiz who are currently going through a divorce. It was noted that Nuvit Yildiz was not present at the

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.

# APPENDIX F



	<b>The Dolphin, 165 Mare Street, E8 3RH</b>		
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	Ref: Friday, November 18, 2022	Produced by: unspecified email:	please specify copyright statement