

**From:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Sent:** 18 January 2023 21:47  
**To:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Subject:** FW: Variation of a Premises Licence - 34 High Street London N8 7NX

**From:** Abiola Oloyede <[Abiola.Oloyede@haringey.gov.uk](mailto:Abiola.Oloyede@haringey.gov.uk)>  
**Sent:** 13 December 2022 18:55  
**To:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Cc:** Russell Quick <[Russell.Quick@haringey.gov.uk](mailto:Russell.Quick@haringey.gov.uk)>  
**Subject:** FW: Variation of a Premises Licence - 34 High Street London N8 7NX

Hi Daliah

The layout from 2004 (see attached PDFs) is the most relevant permission I could find in relation to its use as a restaurant. The layout in the images above seem to be for use as a Shisha bar? If so, it will require permission. We currently have ongoing issues with a shop front alteration which may result in enforcement action if not resolved.

Thanks

Abi

Kind Regards

Abiola

**Abiola Oloyede** | Team Manager Enforcement and Appeals  
Placemaking and Housing | Haringey Council  
River Park House 225 High Road | London | N22 8HQ

*Please note the above opinion represents informal officer observation only, offered without prejudice to all future formal Council decisions and accompanying procedures.*

*Please help to save paper by not printing this email unless absolutely necessary.*

**From:** Daliah Barrett <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Sent:** 12 December 2022 11:04  
**To:** Abiola Oloyede <[Abiola.Oloyede@haringey.gov.uk](mailto:Abiola.Oloyede@haringey.gov.uk)>  
**Subject:** Fwd: Variation of a Premises Licence - 34 High Street London N8 7NX

Hi Abiola,

Can you take a look at the pictures attached and let me know if the rear partially covered area is contained in the PP granted please?

Thanks

Daliah

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**From:** licensing fslconsultants.com <  
**Sent:** Monday, 21 November 2022, 13:04  
**To:** Licensing <[Licensing.Licensing@haringey.gov.uk](mailto:Licensing.Licensing@haringey.gov.uk)>; Daliah Barrett  
<[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Cc:** Nazyer Choudhury <[Nazyer.Choudhury@haringey.gov.uk](mailto:Nazyer.Choudhury@haringey.gov.uk)>  
**Subject:** Variation of a Premises Licence - 34 High Street London N8 7NX

Dear Licensing Authority

As we have not been provided with the contact details of all the 16 interested parties/residents who provided an objection to the application, we would like ask for your department to provide the contact details of these individuals in order for us to formula suitable measures in relation to the points raised by the individuals.

Could you please contact the parties and ask if they will allow you to share their email addresses/contact information with us.

If the above request isn't warmly received or if the request is denied would you be willing to facilitate and act as mediator in this matter and forward on the written materials which would help alleviate the concerns raised by the interested parties.

Please find attached to this email the internal and external designs for the premises, this will provide you and the interested parties with an insight into what the premises will look like.

We were also waiting for a noise impact assessment report and recommendations on the required measures to undertake in order to ensure that any regulated entertainment conducted at the premises would not impact negatively upon residents in the vicinity.

Unfortunately we have just been informed that the data (background noise levels taken over the past few weeks) the SD Cards has been corrupted and this would result in the noise impact assessment report being delayed as the background data will need to be collected again in order to produce a comprehensive report.

Due to the above and the fact that the objections received from the interested parties, Hornsey Ward Councillors and the LA circled around the potential for noise nuisance this is an official request for a deferral/adjournment of this case, we have been told that report will be produced by the end of the 1<sup>st</sup> week in December 2022 therefore having the meeting scheduled for any time after this would be idea.

Case-law makes it plain that Human Rights law applies to Licensing Committee hearings, and that licensees have a right to be heard when matters pertaining to their licences are being considered. Article 6 has been held to apply in full to Licensing Hearings, and also Protocol 1 of Article 1: Protection of property.

Article 6 (1) might have been expected to apply, since it talks of the determination of "civil rights and obligations"

A key European authority (Tre Traktor) confirms that Article 6(1) is applicable because a licence confers a right on a licensee, in the form of an authorisation in accordance with the conditions of the licence, and the legislation.

Therefore, a licensee has a "civil right" to run a business under the licence unless it contravenes the conditions laid down therein, or gives rise to any of the statutory grounds for revocation. Article 6 secures to everyone the right to have any claim relating to his civil rights and obligations brought before an independent and impartial tribunal.

This certainly includes a Licensing Committee. The European Court in *Tre Traktor* also took the view that the economic interests connected with the running of licensed premises were "possessions".

The Court found that the maintenance of the licence was one of the principal conditions for the carrying on of the applicant company's business, and that its withdrawal had adverse effects on the goodwill and value of the licensed premises. A licence to serve alcohol should, therefore, be considered to be a possession within the meaning of Article 1 Protocol 1.

Such withdrawal of a licence can therefore constitute an interference with the licensee's right to "peaceful enjoyment of its possessions"

These Human Rights and Natural Law principles will apply with force when the licence is being subjected to a review application with the possibility of restrictions being placed on the licence, or even revocation. In this matter it is imperative to allow us the appropriate time to research the criminal static's and events which are occurring in the area in order to construct appropriate and proportionate control measures.

The regulations make clear that an adjournment should be considered even if the premises licence holder simply fails to turn up. It is clear, therefore that the Licensing Authority must give consideration to the need for an adjournment where it becomes apparent that a party to the proceedings is unable to attend, particularly if that party is the proposed applicant/premises licence holder.

The consideration must be given in the context of the "public interest" of granting an adjournment. "Public" does not just mean members of the public. It is in the wider public interest to have due process upheld; and for potential licensees not to have their businesses and livelihoods adversely affected without being given the opportunity to be fairly heard; and it is in the public interest for human rights to be carefully observed and upheld at all times.

It is also in the public interest to give careful and fair hearings to applications that might be of general benefit to the public; the local nightlife, and the economy; or to representations that might demonstrate that the licence affects the public adversely.

These, and doubtless more, are all valid considerations. There is no justification for excluding the parties themselves from the consideration of "public interest".

Thus it can be seen that a request for an adjournment should never be ignored, and that a careful consideration and acceptance of the request should be made by the Licensing Authority. It is a good idea to consult the parties on availability before a date is set, to avoid the problem arising in the first place, if at all possible.

Unfortunately I am also not able to attend to represent my clients or attend to ask for an adjournment in person due to other commitments and at present would not be able to present all the facts in the best possible way, especially considering the nature of the objections against the application.

Full disclosure of the facts around the premises location in relation to criminal incidents which occurred at the premises would need to be assessed and measures/conditions to be prepared and the appropriate legal bundle of evidence would need to be created and circulated to the committee members as the impact of this hearing would have far reaching implications on several individuals.

Adjournment to a time agreed by all parties involved would allow for all the necessary paperwork to be produced and preparation for the hearing to occur in a fair and balance manner in accordance with Human rights legislation.

As previously stated the premises licence holder has made a significant commitment and investment in the area in order to open a business and is committed to working with the local authority and the responsible authorities in order to ensure that his business does not follow the previous operator at the site in regards to going out of business and the premises being left vacate & unused for a number of years.

Regards,

Fabien Simms  
FSL Business Consultants