

## MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 8 NOVEMBER 2013

**APPLICANT:** TATIANA LARA THEISS  
**PREMISES:** PATCH BAR, 58-60 CARTER LANE, LONDON, EC4V 5EA

### PRESENT

#### **Sub Committee:**

Edward Lord OBE (Chairman)  
Marianne Fredericks CC  
Deputy John Barker OBE

#### **City of London Officers:**

Rakesh Hira – Town Clerk’s Department  
Ru Rahman – Comptroller & City Solicitor’s Department  
Steve Blake – Markets & Consumer Protection Department  
Peter Davenport – Markets & Consumer Protection Department

#### **Premises User:**

Represented by Gareth Hughes, Barrister (Jeffrey Green Russell) and supported by Andy Buchanan (Owner of Swizzlestick)

#### **Representations by Responsible Authorities:**

John Hall, City of London Police  
Hector McKoy, City of London Police  
Garry Seal, Environmental Health

#### **In Attendance:**

Alderman Vincent Keaveny  
Ann Holmes CC  
Graham Packham CC  
Henrika Priest CC  
Virginia Rounding CC

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### **Licensing Act 2003 (Hearings) Regulations 2005**

A public Hearing was held at 10.08am in the Aldermen’s Court Room, Guildhall, London, EC2, to consider the representations submitted in respect of an application for three Temporary Event Notices (TENs) for the premises ‘Patch Bar, 58-60 Carter Lane, London, EC4V 5EA’.

The Sub Committee had before them a report of the Director of Markets and Consumer Protection, which appended copies of:-

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- Appendix 1: Temporary Event Notices
- i) Copy of Temporary Event Notice (6-7 December 2013)
  - ii) Copy of Temporary Event Notice (12-15 December 2013)
  - iii) Copy of Temporary Event Notice (18-20 December 2013)
- Appendix 2: Current Premises Licence
- Appendix 3: Current Conditions attached to Premises Licence
- Appendix 4: Objection Notices
- i) City of London Police
  - ii) Environmental Health
- Appendix 5: Previous Hearings/Reviews
- i) Hearing Decision - August 2008
  - ii) Review Decision - May 2012
- Appendix 6: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales
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1. The Hearing commenced at 10:08am.
2. The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee and the officers present.
3. The application sought three temporary events which were as follows:
  - Event 1**
  - Date and time of event:
    - Friday 6 December 2013 (00:00 to 01:00)
    - Saturday 7 December 2013 (00:00 to 01:00)
  - Licensable activities sought:
    - i) Sale of alcohol (on sales only)
    - ii) Provision of regulated entertainment
    - iii) Provision of late night refreshment
  - Maximum number of people:348

### **Event 2**

Date and time of event:

Thursday 12 December 2013 (00:00 to 01:00)

Friday 13 December 2013 (00:00 to 02:00)

Saturday 14 December 2013 (00:00 to 02:00)

Sunday 15 December 2013 (00:00 to 01:00)

Licensable activities sought:

- i) Sale of alcohol (on sales only)
- ii) Provision of regulated entertainment
- iii) Provision of late night refreshment

Maximum number of people:348

### **Event 3**

Date and time of event:

Wednesday 18 December 2013 (00:00 to 01:00)

Friday 20 December 2013 (00:00 to 02:00)

Licensable activities sought:

- i) Sale of alcohol (on sales only)
- ii) Provision of regulated entertainment
- iii) Provision of late night refreshment

Maximum number of people:348

4. In response to a question by the Chairman on the nature and operation of the three events Mr Hughes explained that the events had been booked by corporate clients for seasonal Christmas parties who had used the premises in previous years. The events had been organised with viewings and tastings done beforehand, corporate clients would arrive after 5.30pm with a champagne/mulled wine reception with canapés. A buffet style dinner would be served at approximately 7:30/8:00pm with a desert buffet thereafter. Late night snacks such as pizza/burgers would be served, if required, at approximately 11:00/11:30pm. The cost totalled approximately £100 per person. The premises would be closed to the general public when the events take place.
5. In response to a question by the Chairman on the steps being taken to manage the noise nuisance from patrons inside and outside the premises, Mr Buchanan explained that the historical problems associated with the premises related to 'promoted events' and that as these were Christmas parties for corporate clients, after people had finished work, there were no problems anticipated. A list of those attending the events would be provided in advance, operating procedures and other policies would be implemented with security door staff being on hand throughout the event.
6. Mr Buchanan explained that a Memorandum of Understanding (MoU) existed when the premises first opened however it was felt that the MoU was dated and no longer relevant. Following a meeting with the City Police and Environmental Health the MoU was amended and an agreement was drawn up which was due

to be formally signed off by the local residents including the City Police and Environmental Health.

7. In terms of the management of the 'promoted events', Mr Buchanan pointed out that the dispersal policy had been enhanced, announcements were made by the relevant DJs with winding down music being played and patrons were directed towards Ludgate Hill.
8. In relation to the TENs the premises would provide extra security door staff, with three managers on the premises for each event and the closing time being tailored for each event with the corporate client.
9. Mr Buchanan noted that an incident had taken place on 20 September 2013 whereby a birthday booking had been taken but the party group had arrived later than expected and then left the premises later than expected. He noted that on reflection poor judgement had been taken in accepting the booking.
10. It was noted that the premises had a small number of points on the traffic light scheme but was nothing of concern that had been raised with the premises. It was intended that the premises would be re-launched in the New Year as a cocktail lounge bar to attract more walking trade and with a view to increasing food sales in the evenings.
11. In response to a question on the delay in formulating the Operating Procedures, Mr Buchanan explained that he had not made contact with the City Police and on reflection this should have happened sooner.
12. Mr McKoy began explaining that since the residents had taken the premises to a Review the hours had been amended from allowing licensable activities from 03:00 hours to midnight. This had reduced the anti-social behaviour which was occurring and complaints had also decreased. As the TENs went beyond midnight there would be an issue around there being a noise nuisance. The MoU was a working document and was in the process of being formalised with the local residents, City Police and Environmental Health.
13. No complaints had been made to the City Police relating to crime and disorder. Mr Buchanan reported that he had asked Environmental Health to notify him of any complaints being made about his premises.
14. Mr Hughes summed up explaining that it was a seasonal time for such events to take place, the TENs impacted financially on his client and as extra measures, such as additional security and enhanced operating procedures/policies were being implemented, the events should be allowed to go ahead.
15. Members of the Sub Committee withdrew from the room to deliberate, accompanied by the representatives of the Town Clerk and the Comptroller & City Solicitor.

*All parties returned to the room*

16. The Chairman explained that having taken the licensing objectives into consideration and taking into account that the premises were situated next to and opposite residential units on a narrow lane, and the past history associated with the premises, in particular, the Review Hearing and decision made by the Sub Committee, it was the Sub Committee's decision to issue a Counter Notice for Events 1 and 2 for reasons relating to the 'public nuisance' licensing objective. In relation to Event 3, as that particular week would most likely be busy, in the run up to Christmas in the City, there would be noise to the general public during the course of that week regardless of whether Event 3 took place or not. The Sub Committee therefore decided that it was not necessary or appropriate to issue a Counter Notice for Event 3. The Chairman pointed out that the Licensing Authority was hopeful that the premises would run Event 3 well and would give Swizzlestick the opportunity to demonstrate the improved management style that it was adopting.

17. The Chairman thanked all those present at the hearing and informed them that a written decision would follow in due course.

**The meeting closed at 12.00pm**

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Chairman

**Contact Officer: Rakesh Hira**  
**Tel. no. 020 7332 1408**  
**E-mail: [rakesh.hira@cityoflondon.gov.uk](mailto:rakesh.hira@cityoflondon.gov.uk)**

*Decision Letter circulated to all parties on 22 November 2013:*

**Premises:** Patch Bar, 58-60 Carter Lane, London EC4V 5EA  
**Reason for Hearing:** To consider whether to issue a Counter Notice  
**Date of Hearing:** Friday 8 November 2013, at 10.00am

*I refer to the above matter and write to confirm the decision of the Licensing (Hearing) Sub Committee which was held on 8 November 2013.*

A Temporary Event Notice was served on the Local Authority on 25 October 2013 for events to be held in respect of the premises 'Patch Bar, 58-60 Carter Lane, London, EC4V 5EA'.

Details of the proposed temporary events were as follows:

### **Event 1**

Date and time of event:

**Friday 6 December 2013 (00:00 to 01:00)**

**Saturday 7 December 2013 (00:00 to 01:00)**

Licensable activities sought:

- i) Sale of alcohol (on sales only)**
- ii) Provision of regulated entertainment**
- iii) Provision of late night refreshment**

Maximum number of people:

**348**

### **Event 2**

Date and time of event:

**Thursday 12 December 2013 (00:00 to 01:00)**

**Friday 13 December 2013 (00:00 to 02:00)**

**Saturday 14 December 2013 (00:00 to 02:00)**

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- iii) Provision of late night refreshment**

Maximum number of people:

**348**

In response to the application, representations were served by the City of London Police and the City of London Environmental Health Pollution Team on 30 October 2013, on the basis that the proposed events would undermine the 'public nuisance' licensing objective.

At the hearing to consider the representations, the Sub Committee had to determine whether it would be appropriate or necessary to issue a counter notice for the promotion of the licensing objectives, in particular a 'public nuisance'.

Having heard from Mr Hughes, Mr Buchanan, the City of London Police and the City of London Environmental Health Pollution Team, the Sub Committee considered each of the events separately.

In reaching its decision the Sub Committee took into consideration the location of the premises being situated in a narrow lane, opposite and next to residential premises. The Sub Committee also took into account the past history associated with the premises, in particular, the Review Hearing and decision made by the Sub Committee, which was held on 4 May 2012.

The Sub Committee noted that whilst a new Memorandum of Understanding had been developed by the management of the premises to promote the licensing objectives, this was yet to be signed by the City Police, Environmental Health and the local residents, and thereafter implemented.

The Sub Committee had concerns that as Event 1 and Event 2 were relatively close together there would be a cumulative effect to give rise to the potential for a public nuisance. The Sub Committee therefore decided that it was appropriate and necessary to issue a Counter Notice for both Event 1 and Event 2.

The Sub Committee then took into account Event 3 and were of the view that the evenings of Wednesday 18 December 2013 (00:00 to 01:00) and Friday 20 December 2013 (00:00 to 02:00) would most likely be busy, in the run up to Christmas, in the City. There would be noise to the general public during the course of that week regardless of whether Event 3 took place or not. The Sub Committee therefore decided that it was not necessary or appropriate to issue a Counter Notice for Event 3. The Sub Committee then considered whether it was necessary and appropriate to impose conditions on the standard temporary event notice, to promote the relevant licensing objectives. The Sub Committee concluded that it was necessary and appropriate to impose the current licence conditions on the temporary event notice so as to address the concerns relating to public nuisance.

If any party is dissatisfied with the decision, he or she is reminded of the right to appeal, within 21 days, to a Magistrates' Court. An appeal may not be brought later than five working days before the day of the planned event pursuant to Schedule 5, Part 3, paragraph 16 of the Licensing Act 2003.

Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.