

Committee(s): <b>Licensing Sub-Committee</b>	Hearing Date(s): <b>/03/2024</b>	Item no.
<b>Subject</b>	<b>Licensing Act 2003 - Public Hearing in Respect of an Application for the Variation of a Premises Licence</b>	
<b>Name of Premises</b>	<b>Patch</b>	
<b>Address of Premises</b>	<b>58-60 Carter Lane, London, EC4V 5EA</b>	
Report of: <b>Bob Roberts – Interim Executive Director Environment</b>	<b>Public / <del>Non-Public</del></b>	
Ward (if appropriate): <b>Farringdon Within</b>		

## **1. Introduction and Purpose**

- 1.1. The purpose of this sub-committee is to consider and determine, by public hearing, an application for the variation of a premises licence under the provisions of the Licensing Act 2003, taking into consideration the representations of responsible authorities and other persons, as detailed in paragraph 4, together with policy considerations detailed in paragraph 8 of this report.
- 1.2. The decision of the sub-committee must be made with a view to promoting one or more of the four licensing objectives, namely:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

## **2. Summary of Application**

- 2.1. An application made by:

**Swizzlestick Ltd  
58-60 Carter Lane  
London  
EC4V 5EA**

was received by the City of London licensing authority on 15 January 2024 for the variation of a premises licence in respect of the premises:

**Patch, 58-60 Carter Lane, London, EC4V 5EA**

- 2.2. The current premises licence can be seen as Appendix 1.
- 2.3. Full details of the application can be seen as Appendix 2.
- 2.4. The proposed application is to extend the terminal hour for licensable activities on a Saturday only from 00:00 to 01:00 on the Sunday.
- 2.5. The proposed change of hours applied for each activity in the application are shown in column 3 of the table below, with the current licence hours shown in column 2.

<u>Activity</u>	<u>Current licence hours</u>		<u>Proposed licence hours</u>	
Supply of alcohol for consumption on the premises only	Mon–Sat	12:00-00:00	Mon–Fri <b>Sat</b>	12:00-00:00 <b>12:00-01:00</b>
Live Music, Recorded Music, Provision Dance	Mon–Sat	18:00-00:00	Mon–Fri <b>Sat</b>	18:00-00:00 <b>18:00-01:00</b>
Opening Hours	Mon–Sat	12:00-00:30	Mon–Fri <b>Sat</b>	12:00-00:30 <b>12:00-01:30</b>

**3. Deregulation considerations**

- 3.1. The applicant benefits from Live Music and Recorded music already as licensable activities, with a terminal hour exceeding 2300 hours and no relevant conditions, so the deregulatory changes in respect of those activities are not under consideration in determining this application.

- 3.2. Annex 3 condition 1 states that ‘There shall be no sale of alcohol in unsealed containers for consumption off the premises after 20:30’. That condition is currently suspended until 2300 hours under the temporary off-sales easements in the Business and Planning Act. From 2300 hours that condition is live and enforceable.

#### **4. Representations**

##### **Representations from Responsible Authorities**

- 4.1 There is 1 representation received from the City of London Police. Conditions have been agreed between the applicant and the City of London Police, and the purpose of the Police representation is merely to seek that these conditions be added to the licence were the application to be granted.
- 4.2 This representation can be seen as Appendix 3 (a).

##### **Representations from Other Persons**

- 4.3 There are 13 representations from other persons, including 3 from elected members of the City of London. All of the representations seek for the application to be rejected on the basis that granting the licence as applied for would undermine the licensing objectives of prevention of public nuisance, and/or prevention of crime and disorder, and/or public safety. It can be noted that some of the representations contain information not directly relevant to this application i.e. this application wouldn't permit any extra outside drinking permissions to those they have currently.
- 4.4 The representations can be seen in full as Appendix 3 (b) – 3 (n).

#### **5 Conditions**

##### **Conditions drawn from the Operating Schedule**

- 5.1 The operating schedule submitted with the applications suggests steps intended to be taken to promote one or more of the four licensing objectives. Conditions that are consistent with the steps described in the operating schedule and appropriate for the promotion of the licensing objectives can be included on the premises licence. No additional conditions were proposed in relation to this application.

## **Conditions agreed with Responsible Authorities**

- 5.2 During the period for representations conditions were agreed between the applicant and the City of London Police, and the application amended to include these conditions. These conditions are detailed in Appendix 4. Where the condition has a similar effect as one from the Corporation's pool of model conditions, this has been indicated in the summary.

## **6 Licensing/Planning History of Premises**

- 6.1 The occupiers have been in situ at the premises since the licence was first granted on 30<sup>th</sup> August 2007.

## **7 Map and Plans**

- 7.1 A map showing the location of the premises, and a table detailing terminal hour for alcohol sales and late-night refreshment, are attached as Appendix 5.
- 7.2 For reference, the plan of the premises, though not changing through this application, can be seen as Appendix 6.

## **8 Policy Considerations**

- 8.1 In carrying out its licensing functions, the Licensing Authority must have regard to its statement of licensing policy and any statutory guidance issued under s 182 of the Licensing Act 2003.

### ***City of London Corporation's Statement of Licensing Policy (2022)***

- 8.2 The following pages/sections/paragraphs of the City of London Corporation's Statement of Licensing Policy are particularly applicable to this application.

Pages 15-17 address the licensing objective 'The prevention of crime and disorder' and pages 22-25 address the licensing objective 'The prevention of public nuisance'.

Paragraph 92 states the need to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers.

Paragraph 92 also states an overriding policy principle namely, that each application will be determined on its individual merits.

Certain aspects of paragraphs 97 – 99 are relevant as they address the need of care when controlling noise from those persons leaving a premises – which can apply equally to staff at the premises.

Paragraph 104 considers various factors that should be taken into account when considering whether any licensable activity should be permitted.

Paragraphs 138-144 (Section 13) state the City of London Corporation's policy on setting conditions which may be applicable dependant on the step(s) taken by members as stated in paragraph nine of this report.

### ***Statutory Guidance***

8.3 The following sections/paragraphs of the statutory guidance issued under S182 of the Licensing Act 2003 are particularly applicable to this application (revised December 2022):

Chapter 2 of the guidance covers the four licensing objectives. In particular, paragraph 2.20 states that it is, '*...important that in considering the promotion of [the public nuisance licensing objective, licensing authorities] focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.*' Also, paragraph 2.21 indicates that the prevention of public nuisance could, in appropriate circumstances include, '*the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.*'

Chapter 10 refers to conditions attached to premises licences with paragraph 10.10 stating that, '*Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.*' To which is added; '*Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.*'

## **9 Summary**

9.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the licensing objectives. Each objective has equal importance. In carrying out its licensing functions, the licensing authority must also have regard to its Statement of Licensing Policy, any statutory guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1998. The City of London Corporation must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the City of London.

## **10 Options**

10.1 The Sub-committee must, having regard to the representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) grant the licence subject to any conditions consistent with the operating schedule modified to such extent as the Sub-committee considers appropriate for the promotion of the licensing objectives and include the mandatory conditions contained in Ss. 19-21 of the Licensing Act 2003;
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the designated premises supervisor;
- (d) reject the application

For the purposes of paragraph 10.1(a) conditions consistent with the operating schedule are modified if any of them are altered or omitted or any new condition is added

10.2 Where a licensing authority takes one or more of the steps stated in paragraph 10.1 above the applicant, or the holder of the licence and/or a person who made relevant representations in relation to the application, may appeal the decision to the Magistrates' Court. Any appeal must be commenced within 21 days following notification of the decision to the appellant by the licensing authority.

## **11 Recommendation**

11.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a new premises licence in accordance with paragraph 10 of this report.

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### **Background Papers**

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2022)	MCP	3rd Floor Guild Hall
Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. (December 2022)		<a href="#">Statutory Guidance</a>