

London Borough of Islington

Licensing Sub Committee C - 25 July 2024

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 25 July 2024 at 6.30 pm.

Present: **Councillors:** Joseph Croft, Clare Jeapes and Angelo Weekes.

Councillor Angelo Weekes in the Chair

109 INTRODUCTIONS AND PROCEDURE (Item A1)

Councillor Angelo Weekes welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

110 APOLOGIES FOR ABSENCE (Item A2)

Apologies were received from Councillor Asima Shaikh.

111 DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)

Councillor Clare Jeapes substituted for Councillor Asima Shaikh.

112 DECLARATIONS OF INTEREST (Item A4)

There were no declarations of interest.

113 ORDER OF BUSINESS (Item A5)

RESOLVED:

That the order of business would be as the agenda.

114 MINUTES OF PREVIOUS MEETING (Item A6)

RESOLVED:

That the minutes of the meeting held on 29 April 2024 and the 21 May 2024 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

115 WI CURATES, 6-9 TIMBER STREET, EC1Y 0TQ - APPLICATION FOR NEW PREMISES LICENCE (Item B1)

The Licensing Officer reported that additional submissions from the applicant and resident had been circulated. The Sub-Committee noted that the Planning Department had confirmed that the application fell within Class E and they had no objection to the application. It was reported that there was an additional noise condition, which had been agreed by the applicant, that was not contained within the agenda pack and would be applied to the licence should it be granted.

The resident stated that there were issues with noise in respect of this premises which were ongoing and had not been adequately tackled. He was a long-term resident and had moved in twenty years ago. The previous owner ran the premises for several years and there had

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been noise and public nuisance issues throughout this time. He considered that the venue was not the correct choice for this type of enterprise. He had visited the premises and had noted the inadequate sound proofing which would be used for the event space which he stated had not been improved. He said that there was a club level sound system with heavy bass. Music noise was transmitted and was a statutory nuisance. There had been constant noise complaints, so the applicant was aware that noise had caused issues for neighbours. This was the wrong choice of building in the wrong location, and he considered that a licence was not necessary as the applicant could use Temporary Event Notices.

In response to questions, it was noted that the resident did not have blinds or curtains up at his windows. He considered that it was the responsibility of the applicant to acoustically seal the noise inside the premises. In winter, noise was less of a problem as windows were closed. He was slightly concerned with the position of the cameras on the building. Regarding the proposed noise condition, he considered that any complaints would take a long term to process. He would prefer that the applicant reviewed the weak areas regarding noise escape in the first instance. He welcomed the condition about closing windows but said that this should already be happening. He visited the premises when owned previously by Radar Radio. He considered that alcohol would exacerbate issues but was less concerned about this than other residents. He was concerned that the licence was for 7 days a week, 52 weeks a year. He considered that the temporary event notices could limit the number of events each year.

The applicant's representative stated that this application was not connected to Radar Radio. This was for an arts and events venue. The entrance was on Timber Street. This was covered by CCTV, staffed, all door and windows kept closed and there was a lobby. The indoor space was an immersive space with three sides as one screen. The front had fitted blinds to prevent light escape which was also limited by condition. The space as seen by the resident, was no longer the same and had no speakers or DJ decks. The premises would not be used for two separate events. Previous events had not provided alcohol or were self-funded. Floors 2 and 3 were office floors. There had been no objections from the Responsible Authorities and there were 20 or 30 neighbours who would have objected if they had concerns. Complaints had not been substantiated and a noise condition had been agreed with the noise team. There was an open-door policy, and he welcomed an exchange of numbers with the founder of WI Curates and residents. He stated that resident drop-in sessions could be organised. He considered that this business was a good fit with the cumulative impact policy as a creative hub and offering diversity as stated in the Licensing Policy. There was a comprehensive operating schedule. This was a mixed-use flexible premises supporting people during the day and staying after work. It was not alcohol led and there was no fixed bar. It was not a pub or a nightclub but a versatile event space.

The applicant stated that he had been working with elite emerging artists. There was a venue at Oxford Street, but this location was cheaper and smaller and he wished to work with emerging artists to sell alcohol to cover costs. They would not want to sell too much alcohol as work was displayed and they would not want any damage. This was a single immersive space.

In response to questions, it was noted that there would be art focussed projects. He had invited residents into the space. There was a licensed area on the ground floor with no sound system. There would be 75-80 people on each floor. Alcohol sold would be wine and beer. They were networking events so would be invitation only. A licence would allow greater flexibility to allow events at short notice. He would need to employ staff to manage smokers and to ensure that screens were not damaged. The street was narrow, and smokers could be roped off in order to be self-contained. Drinks were not allowed. The personal licence holder would need to book her exam before the 7 August and if there was no personal licence holder on the premises, there could be no event. The personal licence

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holder stated that she would ensure adequate cover for all events. She ran the health and safety courses and held regular meetings. The ground floor was the immersive space and the first floor would be the event space. The second and third floor was office space and not covered by the licence.

In summary, the resident stated that there could be a couple of events a week. The applicant had space at the Oxford Street unit to hold these events rather than in this, quiet location.

The applicant's representative stated that temporary event notices would not give the flexibility of allowing short notice events. They would not be holding events on consecutive days, and they would not be late. Events would be held to facilitate art events and collaborations between artists. The applicant's representative invited the Sub-Committee to grant the application.

RESOLVED

- 1) That the application for a new premises licence, in respect of Ground Floor and First Floor, WI Curates, 609 Timber Street, EC1Y 0TQ be granted to allow:-
 - a) The sale of alcohol which may be consumed on the premises Monday to Sunday from 10am to 10.45pm.
 - b) The regulated entertainment in respect of the showing of films on Monday – Sunday 10am to 11pm
 - c) To permit the premises to be open on Monday to Sunday from 10am to 11pm.
- 2) That conditions detailed on pages 55 to 59 of the agenda be applied to the licence with the following additional conditions:-
 - a) In the event of a noise nuisance complaint substantiated by an Authorised Officer, the Licensee shall take appropriate measures as directed by Authorised Officers in order to prevent any recurrence of that nuisance.
 - b) The Premises Licence Holder shall ensure that the blinds at ground floor level on the Timber Street side of the Premises are kept closed during Regulated Entertainment.
 - c) During the hours of operation of the Premises, the Premises Licence Holder shall ensure that sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers of the Premises in the area immediately outside the Premises, and that this area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
 - d) That a quarterly meeting with residents be arranged.
 - e) This licence can be used only when the building is operating as mixed use or flexible premises.
 - f) That there be strict management of smokers outside and noise kept to a minimum.
 - g) That events not be run on consecutive weekdays.

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having considered the Licensing Act 2003, as amended, and its regulations, the Home Office revised guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

The Sub-Committee took into consideration Licensing Policies 2 & 3. The premises fall within the Bunhill cumulative impact area. Licensing policy 3 creates a rebuttable

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presumption that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Four local resident objections had been received. The applicant adopted conditions suggested by the Police and Islington Council's Environmental Health Officer in relation to their Operating Schedule.

The Sub-Committee noted that the hours sought were within the hours specified in Licensing Policy 6.

The Sub-Committee heard evidence from one of the local residents. His main points are recorded here. He stated that his main issue was with noise and this had been ongoing and 'not adequately tackled'. He gave context to the noise issues that existed when the property was being run as a radio station – Radar Radio. He stated that when he moved into his flat the property W1 Curates now occupied was an Architect's Office. Therefore, the building represented a poor choice for the current business. He said that the ground floor was subject to inadequate sound proofing. The building was old, he believed it to be is a former textile factory – 'ill suited to W1 curates' due to the bass heavy levels that were associated with the events that took place. He stated that there was no evidence that there was anything to improve noise escape from the applicant. He stated that it was all vague or non-existent. He stated that the noise issue was a statutory nuisance. He stated that the on-site licence was most likely going to exacerbate noise nuisance and that the Temporary Event Notices that W1 Curates previously relied, appeared to be more reasonable and proportionate.

The Sub-Committee heard evidence from the applicant through their legal representative in the main. His main points are recorded here. He stated that; W1 Curates was not connected to Radar Radio. It was an arts and events business. The ground floor was an immersive space surrounded by screens where digital art and films would be shown. There were two small Sonos Speakers and the sound system that Radar Radio used was not there anymore. The use of the rooms would be one at a time for an on-site licence event. They were not being used for separate events. He stated that the space was full of high-tech equipment and they wanted to control who used the building. They would use a security company to control the crowd. He further stated that there were 4 neighbours that had complained and this was indicative of how good and mindful the business was as there were 30 neighbours approximately surrounding the building that could have complained but it was instructive to the Sub-Committee that they didn't. Further, the fact that there had not been any relevant representations from the Environmental Health Department was submitted to be further instructive to the Sub-Committee. He stated that the resident representations in relation to the light pollution had now been dealt with by the further conditions that they had offered. He stated that there had been a lot of dialogue between the resident and the owner but there needed to be a dialogue with the Director of W1 Curates. To this point, he stated that the applicant was happy to have a resident drop-in to engage with the community as a further condition. He stated that events would not be taking place on consecutive nights.

The Sub-Committee queried the status of the proposed personal license holder as her personal license was pending. Members were informed that this was progressing well and were also informed that no licensable events would take place without the personal license holder present per the condition proposed.

The Sub-Committee concluded that the granting of the licence with the agreed conditions would promote the licensing objectives. The Sub-Committee noted that the hours sought

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were within the hours specified in licensing policy 5 and 6. The Sub-Committee was concerned about the impact if the licensed premises were not being used as a mixed use or flexible premises in the future, so a further condition was added to ensure that the premises license was contingent to the premises operating as mixed use or flexible premises.

The Sub-Committee considered the narrowness of Timber Street and close proximity of the neighbouring buildings in adding further conditions to ensure good management of customers that are temporarily outside smoking or otherwise and ensuring that this space was kept clean. The Sub-Committee also decided to stipulate that licensable events were not to be carried out on consecutive weekdays.

The Sub-Committee was satisfied that granting the premises licence was proportionate and appropriate to the promotion of the licensing objectives

The meeting ended at 7.50pm

CHAIR