

Public Document Pack

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on 8 MAY 2024 at 7pm and held remotely via Microsoft Teams.

Present

Councillor Anifowose (Chair) Councillor Howard (Vice-Chair) and Councillor Jackson.

Apologies for absence were received from Councillors Brown, Atkinson, Burgess Harding, Kestner and Onikosi.

Also Present

Rachel Lyne - Legal advisor
Kennedy Obazee - Safer Communities Officer.

**Zhulin Hidden Village 2nd Floor at 100-104 Lewisham High Street, London,
SE13 5JH**

Applicant

Stewart Gibson – Agent representing the Applicant.
Paul Simpson – Applicant.

Objectors

Three objectors made a presentation at the meeting.

1. Minutes

RESOLVED that the minutes of the meetings of the Licensing Committee held on 13 and 14 March and 4 April 2024 be confirmed and signed at the next meeting.

2. Declarations of Interests

None.

3. Zhulin Hidden Village 2nd Floor at 100-104 Lewisham High Street, London, SE13 5JH

- 3.1 The Chair welcomed all parties to the Licensing Committee. She introduced those present and outlined the procedure to be followed for the meeting. She then invited the Safer Communities Officer to introduce the application.

Introduction

- 3.2 Mr Obazee said that this hearing was being held to determine a premises licence application made by Paul Simpson in relation to Zhulin Hidden Village 2nd Floor at 100-104 Lewisham High Street, London, SE13 5JH. He outlined the details of the application.
- 3.3 The application was received and served on all responsible authorities on 13 March 2024 and advertised in accordance with regulations. The last date for receipt of representations was originally 10 April, but this was extended to 15 April 2024 due to modification made by the applicant to the application.
- 3.3 During the consultation period, 11 objections were received from residents as well as the Police and Licensing Authority. Representations were received in time and were not considered vexatious or frivolous.
- 3.4 An updated list of conditions was agreed by the applicant; consequently, the licensing authority and the Police withdrew their objections. Mr Obazee then outlined the options available to members when making their decision.

Applicant

- 3.5 Mr Gibson, licensing agent for the applicant, said that there had been extensive discussions between the licensing team and the applicant, and a new set of conditions had been agreed between both parties. The hours of operation had been amended and licensing activity would finish at 3am and the premises locked by 3.30am. On Sunday, activity would finish at 1am with the premises locked at 1.30am.
- 3.6 The application was for the premises to open one night a week on a Friday, Saturday or Sunday only. It would not be managed as a night club; it would be a space used for various events and would be closed before the Alpha lounge and bar below.
- 3.7 Events at Zhulin Hidden Village would be by invite or by ticket only. Tickets could be purchased before the event and on the door during the first hour only. Examples of events to be held at the premises included a Northern Soul evening, wedding receptions, anniversaries, family birthdays, and baby showers. Two SIA staff would be employed for events held after midnight, unless written notice was received by the licensing authority or the Police stating that such security was not required.
- 3.8 A written dispersal policy would be in place. Patrons would be encouraged to leave the area quickly and quietly. A premises licence holder would be always on the premises when licensable activities took place and there would not be any admittance or readmittance after 2am for an event closing at 3am.
- 3.9 Approximately 10 Temporary Events had been held at the premises over the past year. Most of the objections referred to the Alpha Lounge situated below Zhulin Hidden Village. The applicant wanted to manage a different business to the Alpha Lounge which is a nightclub. The objections were not relevant to this application;

parking, traffic cabs etc. Noise, anti-social behaviour and public nuisance, which were common occurrences, were not related to Zhulin Hidden Village. Based on all the evidence, Mr Gibson asked members of the Committee to grant the application

- 3.10 Councillor Jackson asked the applicant if he had anything further to add. Mr Simpson explained that parties had been held for NHS staff at the premises. He wanted to hold more events like this and make it a community premises.
- 3.11 Councillor Howard asked whether a Northern Soul evening was any different to a well-run nightclub or whether the only difference was the infrequency of these evenings. Mr Simpson said that the infrequency of these events at Zhulin Hidden Village was a big factor, but Northern Soul was a close community and people flew in from other countries for these events. The focal point was the music, not just alcohol. These events were well known around Europe.

Representation

- 3.12 The first objector said that she was objecting because she lived close to the premises. When late night events had been held at the premises, residents had suffered from anti-social behaviour. People were shouting fighting, being sick, urinating in the street and in residents' gardens. Even though the events were to be a rare occurrence, there should be conditions in place to prevent this behaviour and there should be supervision in the car park.
- 3.13 Cars caused a lot of pollution as the cabs waited for people with their engines running and people chatting noisily.
- 3.14 The objector had concerns about the application for seasonal variation at Easter and Christmas, when events would be held until even later. She was also concerned about how loud the music would be and whether the room was sufficiently soundproofed.
- 3.15 Councillor Howard asked the objector if she agreed that the events held at the premises were only held once or twice a month. The objector referred to noise relating to other establishments. She said it was reassuring to know that events at Zhulin would only be held one night a week, but it would be helpful if she knew which night it would be. Living near a shopping centre she expected to experience some noise. The application until 3am was considered to be too late but she understood that Lewisham wanted to promote a late-night economy. She suggested that the application could be agreed for a trial period; assessment of the event could be considered and whether any complaints had been received.
- 3.16 Objector 2 then addressed the Committee. He said that he had sympathy with the applicant, but he strongly objected to this application. Lewisham had the highest rates of anti-social behaviour from an alcohol perspective and rowdy and inconsiderate behaviour. Adding another venue to this area would make the situation worse.
- 3.17 The conditions did not alleviate residents' concerns. For example, there was no information about what an acceptable dispersal policy looked like. Several

residents had been affected by these venues in and around Lewisham Town centre and the prospect of another late-night venue operating in the same building as Alpha Lounge had left residents feeling disheartened and disappointed for the future of the area.

- 3.18 The objector then outlined anti-social behaviour residents already had to endure and was keen to ensure that the same mistakes were not made again.
- 3.19 Councillor Jackson asked whether an extra event one or two nights a month would place a significant burden on residents. Objector 2 said that his concern was that if residents had a good night with one of the venues, that day of respite could turn into another noisy night if this application was granted. Although the applicant wanted to run a community venue, it was a commercial enterprise, and this would take priority over residents' need for a peaceful evening.
- 3.20 Objector 2 said that if the licence was granted in line with Council policy, the application would not be such an issue for residents. The recommended closing time for venues in town centres was 2am and he considered that this should be adhered to.
- 3.21 Objector 3 then addressed the Committee. He was representing Alpha Lounge and had the following concerns.
- There was only one entrance/exit.
 - There were health and safety issues for patrons entering and leaving the premises, and he did not know what plans were in place for managing patrons on the staircase.
 - Patrons entering Alpha Lounge were searched. If Zhulin employed two SIA doormen, he was concerned that this could put more pressure on his own staff.
 - Alpha Lounge was soundproofed, Zhulin was not and could cause noise nuisance.
- 3.22 Mr Kennedy clarified that there was one staircase up to Zhulin. He had witnessed patrons going up and down the staircase without any issues. He said that if Zhulin had a ticketed event, it would be easy for their door staff to search guests and would prevent them from going into Alpha lounge.

Conclusion

- 3.23 In summary, Mr Gibson said that the objections related to the current issues at the Alpha Lounge and if it was causing problems, its licence should be reviewed. Cars and pollution were not licensing issues, and there was no evidence that any of the problems were caused by the Temporary Events at Zhulin. The events would be ticketed and 3am was not an unreasonable closing time when Alpha Lounge closed at 4am. The dispersal policy would be agreed with the licensing authority before it was issued. The operation of Alpha Lounge and Zhulin were different because Zhulin would not be a nightclub. Representations made at this meeting had not been based on evidence and should be completely disregarded. The

licensing authority wrote the licensing policy. Suggested conditions had been agreed by the applicant and relevant authorities did not object to this application.

- 3.24 Objectors in their summary, referred to the noise nuisance caused by patrons leaving the premises late at night and how it had a negative effect on residents. Lewisham's nighttime economy was supported but the behaviour of some patrons was not acceptable.
- 3.25 When events were held and patrons were drinking alcohol, it was inevitable that one person would behave badly and cause a nuisance. It was considered to be ironic that the representative from Alpha Lounge complained about noise nuisance considering what residents had endured from the behaviour of his patrons over the last 5 years. The licensing policy had been written and approved for a reason and should be adhered to.
- 3.26 One objector was concerned about health and safety when both premises were in operation. Measures needed to be in place for the safe evacuation of all patrons.
- 3.27 The Chair said that she was satisfied that members of this Committee had read and heard all the information required to make a decision. All members confirmed their attendance throughout the meeting.
- 3.28 The Chair said that a decision letter would be sent out within 5 working days. She thanked all parties for their attendance, and they left the meeting.

Exclusion of the Press and Public

RESOLVED that under Section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighed the public interest in disclosing the information:

3 Zhulin Hidden Village 2nd Floor at 100-104 Lewisham High Street, London, SE13 5JH

The following is a summary of the item considered in the closed part of the meeting.

Zhulin Hidden Village 2nd Floor at 100-104 Lewisham High Street, London, SE13 5JH

1. The Committee's decision is to grant the application subject to the conditions agreed with the Licensing Authority and Police which include revised terminal hours of 03:00 hours on Fridays and Saturdays and 01:00

hours on Sundays. In addition a terminal hour of 03:00 hours for days which precede a bank holiday. Its reasons are as follows:

- a. The Committee noted that the Applicant had agreed the conditions with the Licensing Authority and Police and the Committee has determined that the additional conditions recommended by the Licensing Authority support the promotion of the licensing objectives and address a number of the representations made by the local residents, in particular:
 - i. They reduce the number of events the Premises can hold to one day each week and only for ticketed or invite only events;
 - ii. The terminal hour is reduced from 04:00 hours to 03:00 hours on Fridays and Saturdays and 01:00 hours on Sundays, except for the days preceding a Bank Holiday where the terminal hour will be 03:00 hours
 - iii. A Personal Licence Holder to be on duty at all times that the premises sells alcohol – this is not a legal requirement.
 - iv. The use of SIA approved door staff.
 - v. A dispersal policy which will be agreed with the Licensing Authority and Police
- b. The Committee was not persuaded by the representations made by the operator of Alpha Lounge on the grounds of public safety and nuisance. The Committee heard from the Licensing Officer, who had visited the Premises, he did not share the concerns raised by Alpha Lounge regarding the dynamics of the staircase servicing both the Premises and the challenges that would present to the operation.
- c. The Committee did have concerns about the application, and the representations raised by the local residents, but they put weight on the fact that the Applicant had agreed extensive conditions with the Licensing Authority and the Police.

15 May 2024

Appendix A

Zhulin Hidden Village –Conditions agreed with the Licensing Authority

1. The licensable activity permitted by this licence shall only cover events for one day per week on either the Friday, Saturday or Sunday. Other than ticketed or 'invite only' events, the premises will not open for licensable activity.
2. Any event which includes licensable activity covered by this licence shall be ticketed or by invitation only. Patrons having to purchase tickets must do so prior to the commencement of the event, or in person from the premises within the first hour of the event commencing.
3. Any licensable activity for events that begin on a Friday or Saturday shall cease at 3am. Any licensable activity for events that begin on a Sunday, shall cease at 1am except for those days which precede a Bank Holiday, in which case they will cease at 3am.
4. The premises must maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities. 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 Local Authority or Police Officer throughout the preceding 31 day period.
5. 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 carrying out licensable activity. This staff member must be able to show a Local Authority or Police Officer recent data or footage when requested.
6. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
7. Whilst carrying out licensable activity, the premises shall prominently display signage at all entrances informing customers:-
 - All persons entering this premises are liable to be searched. Agreement to search is a condition of entry. If persons do not consent entry will be refused
 - Police may be called if drugs or weapons are found.
 - CCTV is in operation throughout these premises and is made available to the police.

- Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.
 - Management reserve the right to refuse entry.
8. A minimum of 2 SIA registered door staff shall be employed on the premises when the premises are holding an event carrying out licensable activity after midnight (with the exception of wedding parties), unless prior written consent is obtained from Licensing Police or the Licensing Authority to less. SIA Door staff be present until all patrons have left the premises and must be employed by an Accredited Contractor Scheme (ACS) registered company.
 9. When the premises is hosting wedding parties, cordons will be in place over the entrance stating that it is a private event. A member of staff will carry out twice hourly checks on the entrance to the building as well as any smoking area to ensure that guests are managed.
 10. A register of security personnel employed on the premises shall be maintained in a legible format and made available to police upon reasonable request. The register should be completed by the DPS/ duty manager/ nominated staff member at the commencement of work by each member of security staff and details recorded should include; full name, SIA badge number, time of commencement and completion of duties. The security operative should then sign their name.
 11. When SIA staff are on duty, all persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.
 12. SIA licensed door supervisors shall be on duty and clearly visible outside the entrance of the premises from commencement of an applicable event.
 13. All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests.
 14. A register of security personnel employed on the premises shall be maintained in a legible format and made available to Police or Local Authority Officers on request. The register should be completed by the DPS/Duty Manager at the commencement of work by each member of security staff and details recorded should include:
 - Full name
 - Badge number

- Time of commencement of duties
- Security Operative to sign their name against these details

15. At the commencement of work, security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

16. Any designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.

17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

18. Patrons permitted to temporarily leave and then re-enter the premises e.g to smoke shall not be permitted to take drinks or drink containers with them.

19. Notices shall be displayed in an area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open for licensable activity.

21. There shall be no admittance or re-admittance to the premises after 02:00, apart from temporarily entering a designated smoking area outside the premises.

22. An incident log shall be kept at the premises, and made available on request to an authorised Local Authority or Police Officer, which will record the following:

- a) all crimes reported to the venue
- b) All ejections of patrons
- c) any complaints received
- d) any incidents of disorder
- e) All seizure of drugs or offensive weapons
- f) any faults in the CCTV system, searching or scanning equipment
- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service

22. Polycarbonate/plastic/toughened glass drink ware is to be used by **all** persons. All alcoholic and soft drinks are to be decanted by premises staff into such drink ware at the point of sale.

23. The premises shall have a written dispersal policy All staff shall be knowledgeable of this policy and able to enforce it.
24. The Licence holder shall take all reasonable steps to ensure that any customers loitering outside the premises disperse quickly and do not congregate.
25. The premises Licence Holder and/or Designated Premises Supervisor shall keep up to date policies and staff training records in relation to the following: Requirements of the challenge 25 scheme, drugs, identification & recognition of drunks, identification recognition and responsibilities of dealing with vulnerable persons. Staff must be trained in the correct procedures to be followed when refusing service and safety initiatives such as 'Ask Angela' Regular training must be provided to all staff at least every six months, and a record of the training will be maintained for at least twelve months.

The meeting ended at 8.20pm

Chair