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# Merton Council

## Licensing Sub-Committee

### Membership

#### Councillors:

Caroline Charles

Robert Page

Martin Whelton

A meeting of the Licensing Sub-Committee will be held on:

**Date: 27 June 2022**

**Time: 3.30 pm**

**Venue: This will be a virtual meeting and therefore not held in a physical location**

### Agenda for this meeting

- 1 Appointment of Chair
- 2 Apologies for Absence
- 3 Declarations of Pecuniary Interest
- 4 CMYK 105-109 The Broadway, SW19 1QG 1 - 64

### Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. For further advice please speak with the Managing Director, South London Legal Partnership.

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the licensing decision making process contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3357.

Press enquiries: [communications@merton.gov.uk](mailto:communications@merton.gov.uk) or telephone 020 8545 3181

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## **Procedure to be followed at Licensing Hearing**

1. The Chair will welcome all parties and all present will be introduced/introduce themselves
2. The Chair will confirm the sub-committee hearing procedures, a copy of which was included in the notice and agenda packs sent to all parties.
3. The Chair will ask the Legal Adviser to inform those present that the sub-committee had a briefing prior to the hearing to confirm the procedure and for clarification on any aspect of the application.
4. The Chair will ask Legal Adviser to confirm the process for questioning and whether there had been any requests for adjournments.
5. The Chair will ask the Licensing Officer if there are any technical issues they feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.  
If all conditions are agreed by all parties then the Sub-Committee may go straight to point 14)
6. The Applicant will present their case. Questions can then be asked of the Applicant by the Responsible Authorities, the interested parties and members of the Sub-Committee.
7. The Responsible Authorities will present their case. Questions can then be asked of the Responsible Authorities by the Applicant, the interested parties, and members of the Sub-Committee.
8. Presentation by any interested party. Questions can then be asked of the interested party by the Applicants, the Responsible Authorities and members of the Sub-Committee.
9. The Chair will ask the Licensing Officer for any comments/ clarifications
10. The Chair will ask the Legal Adviser for any comments/clarifications
11. The Chair will invite closing statements by the responsible authorities
12. The Chair will invite closing statements by the interested parties
13. The Chair will invite closing statements by the Applicant
14. The Chair will announce that the Sub-Committee are retiring for private session and that all parties will receive a written copy of the decision notice within 5 working days. The Legal Officer and Clerk will be invited to also retire.
15. In closed session the Sub-Committee will make their decision. They may ask the Legal Officer for advice during this session.

## **Public Information**

### **Attendance at meetings**

The public are welcome to attend meetings of the Council. Seating in the public gallery is limited and offered on a first come first served basis.

### **Audio/Visual recording of meetings**

The Council will film meetings held in the Council Chamber for publication on the website. If you would like to film or record any meeting of the Council held in public, please read the Council's policy [here](#) or contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) for more information.

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Copies of agendas, reports and minutes for council meetings can also be found on our website. To access this, click <https://www.merton.gov.uk/council-and-local-democracy> and search for the relevant committee and meeting date.

Agendas can also be viewed online in the Borough's libraries and on the Mod.gov paperless app for iPads, Android and Windows devices.

**CORPORATE SERVICES DEPARTMENT**  
Caroline Holland - Director



Democratic Services  
London Borough of Merton  
Merton Civic Centre  
Morden, Surrey SM4 5DX  
Direct Line: 020 8545 3616  
Email: [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

Date: 17/06/2022

## **NOTICE OF LICENSING SUB-COMMITTEE HEARING**

1. **DATE OF HEARING: 27 June at 3.30pm**
2. **SUBJECT OF HEARING: CMYK 105-109 The Broadway, SW19 1QG**
3. **WHAT IS INCLUDED IN THIS NOTICE PACK:**  
The enclosed papers are being sent to you as you are a party to the licensing hearing due to be held to consider this application. They contain all the hearing documents; a guide to Rights of the Parties to a Hearing and the Procedure to be followed at Licensing Hearing. The agenda pack which includes the application is also included.
4. **WHAT YOU NEED TO DO NOW:**  
Please respond to the questions set out on the reverse of this letter and return to the email/ phone/ address given above as soon as possible.
5. **IF YOU HAVE ADDITIONAL DOCUMENTS FOR CONSIDERATION BY THE SUB-COMMITTEE**  
If you have any additional documents which you wish the sub-committee to consider at the hearing, please send them to the above email /address to arrive at least 24 hours before the hearing. If any additional information is received by the Authority this will be sent on all parties, (via email where possible) and additional copies will be available at hearing.

Yours

Richard Seedhouse  
Democratic Services Officer

# London Borough of Merton



**Your Name:**

**Your Email address (where possible):**

If you wish to withdraw any representations you have made please notify us as soon as possible.

You are required to give the following information to us by the date specified in the letter:

- 1) Do you intend to attend the hearing? **Yes/No**
- 2) Do you intend to be represented or assisted at the hearing? **Yes/No**
- 3) Do you consider a hearing to be unnecessary? (If all parties agree that a hearing is unnecessary the sub-committee may dispense with the hearing and determine the matter on the basis of the written application, notices and representations)  
**Yes/No**
- 4) Do you wish to request that any other person(s) be given permission to attend the hearing to assist the sub-committee in relation to the matter under consideration?  
**Yes/No**

Please give the name(s) of any such person(s) and brief details of the points on which you feel they may be able to assist the sub-committee in relation to the matter under consideration.

Please return this form to Democratic Services, Civic Centre, London Road, Morden SM4 5DX or telephone 020 8545 3357 or email the information to [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

## Rights of the Parties to a Hearing

This document forms part of the Notice of Hearing.

The hearing will be conducted by a three member sub-committee of Merton's Licensing Committee.

You have the right to attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. **You should notify us if you wish to be represented or assisted in this way on the accompanying response form.**

You may also request that other persons be permitted to appear at the hearing to assist the sub-committee on particular points relating to the matter under consideration. You should notify us of any persons you wish to attend on the accompanying response form.

At the hearing you are entitled to:

- a) respond to any points of clarification detailed in the Notice of Hearing; and give further information in support of their application, representations or notice
- b) if given permission by the sub-committee, ask questions of other parties; and
- c) address the sub-committee.

**If you do not attend the hearing** the sub-committee may proceed in your absence or it may adjourn to another specified date and time. If the hearing proceeds in your absence any application, notice or representation you have made will be considered by the sub-committee. It would be helpful if you could notify us as soon as possible if you are not going to attend the hearing.

Please complete and return the accompanying response form by the response date shown on the Notice of Hearing. Post or send an email with the relevant information to:

[democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

## Procedure to be followed at Licensing Hearing

1. The Chair will welcome all parties and all present will be introduced/introduce themselves
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3. The Chair will ask the Legal Adviser to inform those present that the sub-committee had a briefing prior to the hearing to confirm the procedure and for clarification on any aspect of the application.
4. The Chair will ask Legal Adviser to confirm the process for questioning and whether there had been any requests for adjournments.
5. The Chair will ask the Licensing Officer if there are any technical issues they feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14. If all conditions are agreed by all parties then the Sub-Committee may go straight to point 14)
6. The Applicant will present their case. Questions can then be asked of the Applicant by the Licensee, the interested parties and members of the Sub-Committee.
7. The Licensee will present their case. Questions can then be asked of the Licensee by the Applicant, the interested parties, and members of the Sub-Committee.

8. Presentation by any interested party. Questions can then be asked of the interested party by the Applicants, the Licensee and members of the Sub-Committee.
9. The Chair will ask the Licensing Officer for any comments/ clarifications
10. The Chair will ask the Legal Adviser for any comments/clarifications
11. The Chair will invite closing statements by the licensee
12. The Chair will invite closing statements by the interested parties
13. The Chair will invite closing statements by the Applicant
14. The Chair will announce that the Sub-Committee are retiring for private session. The Legal Officer and Clerk will be invited to also retire.
15. The Chair will inform those present that all parties should receive a written copy of the decision notice within 5 working days, and then close the Hearing

### **Licensing Objectives**

Decisions will be made with respect to the four licensing objectives:

- Prevention of Public Nuisance
- Prevention of Crime and Disorder
- Protection of Children from Harm
- Promotion of Public Safety

### **Responsible Authorities**

These statutory bodies are called “Responsible Authorities” and are given responsibility to make representations if the licensing objectives are under threat.

- The Chief Officer of Police
- The Local Fire Authority
- The Local Enforcement Agency for Health & Safety At Work Act 1974
- The Local Authority with Responsibility for Environmental Health
- The Local Planning Authority
- Local Licensing Authority or any Licensing Authorities
- A body representing those interested in the protection of children and recognised by the council (Local Safeguarding Children Board).
- The Local Public Health Authority

### **Privacy Notice for Parties to a Licensing Sub-Committee Hearing**

The London Borough of Merton is a Data Controller in line with Data Protection law, as we collect and process personal information about you in order to accept and process your representation/application.

We are committed to protecting and respecting your privacy. Your personal information given as part of your Licensing Representation or Application (Contact details including your address and email address) is not published. Although your representation will remain published online, your personal data will be kept for 3 months and then destroyed.

Your data will not be shared with other third parties (with the exception of representations made being sent to the licence applicant as you will have already been advised).



Your data will be kept secure as it will be processed using the council's secure IT and email systems.

You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances.

If you have any questions regarding our privacy practices please contact the Data Protection Officer at [data.protection@merton.gov.uk](mailto:data.protection@merton.gov.uk)

For further details please see the Council's [full Privacy Notice](#).

## Licensing Act 2003 Notice of Extension of Time Limits

**Date of issue of this notice:** 17 June 2022

**Subject of hearing:** CMYK 105-109 The Broadway, SW19 1QG

The Licensing authority has decided to extend the time limits applying to this matter as follows:

**Date by which a hearing would normally be required to be held:** 24 June 2022

**Period of extension to time limits applying to holding a hearing:** 1 Working Day

**Reasons for extending the time limits:** To allow the authority to make proper arrangements for the application to be considered by a licensing sub-committee and to enable all parties to attend.

**For enquiries about this matter please contact**

Democratic Services  
Civic Centre  
London Road  
Morden  
Surrey  
SM4 5DX

**Telephone:** 020 8545 3357

**Email:** [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

**Useful documents:**

**Licensing Act 2003**

<http://www.hms.gov.uk/acts/acts2003/20030017.htm>

**Merton's Statement of Licensing policy**

<http://www.merton.gov.uk/licensing>

# Licensing Sub-Committee Report

Subject of hearing: **CMYK, 105 - 109 The Broadway, London, SW19 1QG – Review Hearing**

Date: **27 June 2022**

Time: **3.30pm**

Venue: **Zoom**

## **1. Special Policy Area (premises licences and club certificates)**

1.1 The premises are in the special policy area, but the policy doesn't apply as the sub-committee are not considering the grant of a licence.

## **2. Type of hearing and powers of the sub-committee**

2.1 The sub-committee is required to determine the application by taking such of the steps (if any) as set out below as it considers appropriate for the promotion of the licensing objectives.

2.2 In making their determination the sub-committee must have regard to the Licensing Act 2003, the licensing objectives, guidance issued by the Secretary of State and Merton's Licensing Policy.

2.3 Review of premises licence: s52

- (i) To modify the conditions of the licence
- (ii) To exclude a licensable activity from the scope of the licence
- (iii) To remove the designated premises supervisor
- (iv) To suspend the licence for a period not exceeding three months
- (v) To revoke the licence.

## **3. Hearing papers**

3.1 The applications, notices and representations for determination by the sub-committee are contained in the hearing bundle (attached) together with any relevant existing licence. This includes any documents which must be sent to any of the parties to the hearing under Regulation 7(2) and Schedule 3 of The Licensing Act 2003 (Hearings) Regulations 2005. This bundle has been issued to all parties to the hearing and forms part of this report.

## **4. Legal advice to the sub-committee**

4.1 A legal officer appointed by the South London Legal Partnership will attend the hearing to advise the sub-committee on statutory provision and legal matters.

## **5. Licensing Officer comments**

- 5.1 The application for a review of this premises licence has been brought by the Metropolitan Police. It was received by the Licensing Authority on the 27<sup>th</sup> April 2022.
- 5.2 The review application relates to two of the Licensing Objectives, namely, The Prevention of Crime and Disorder and The Prevention of Public Nuisance.
- 5.3 The grounds being that there have been a number of serious incidents at the venue, including intoxicated customers, assaults on and by customers and antisocial behaviour.
- 5.4 Notices advertising the review were placed by officers near the premises, at Merton Civic Centre and on the council's website.
- 5.5 On the 20 May 2022 supplementary evidence was received from the Metropolitan Police. **This is marked by the Police as not for publication.**
- 5.6 On the 21 May 2022 we received from the Premises Licence Holder's Agent an email containing a letter from the new security company employed at the venue and a letter of support from London Falcons football team.
- 5.7 Also on the 21 May 2022, we received an email containing a letter from the new management team at the venue.
- 5.8 On the 25 May 2022 a Freedom of Information Act response by the Licensing Authority was received from the Premises Licence Holder.
- 5.9 During the consultation period one relevant representation was received by the Licensing Authority relating to noise disturbance and anti-social behaviour.
- 5.10 The current Premises Licence showing the permitted licensable activities and the plan of the premises is attached with the papers before the Sub-Committee
- 5.11 This venue has had a Premises Licence issued by the council since November 2005.
- 5.12 At the time the review application was received, the Premises Licence holder was Tasoo Ltd. On the 11 May 2022 a transfer application by Webbs Leisure Ltd was received. The Premises Licence was subsequently transferred and Webbs Leisure Ltd are now the Premises Licence Holders.
- 5.13 On the same date as the application to transfer, the Licensing Authority received an application to vary the Designated Premises Supervisor (DPS). This was granted and there is now a new person stated as the DPS on the Premises Licence.
- 5.14 Any determination the Sub-Committee makes under Section 52 of the Act will not have effect until after the end of the appeal period, or if an appeal is made, until that appeal is disposed of.

**For enquiries about this hearing please contact**

Democratic Services  
Civic Centre  
London Road  
Morden  
SM4 5DX

**Telephone:** 020 8545 3357

**Email:** [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

## **Parties to the hearing**

This document forms part of the notice of hearing.

The following are parties to the hearing having submitted relevant applications, notices or representations under the statutory provisions indicated:

<b>Review Applicant</b>
Metropolitan Police
<b>Licence Holder</b>
Webbs Leisure Ltd
<b>Statutory Authorities</b>
None
<b>Interested Parties</b>
Mark Gentry



**Application for the Review of a Premises Licence or Club Premises Certificate  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
- You may wish to keep a copy of the completed form for your records.

I **PC Avril O'Brien**

apply for the review of a premises licence under Section 51 of the Licensing Act 2003  
for the premises described in Part 1 below

**Part 1 – Premises or club premises details**

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

CMYK, 105 - 109 The Broadway, London, SW19 1QG

Post town:

Wimbledon

Post code:  
(if known)

SW19

Name of premises licence holder or club holding club premises certificate (if known):

TASOO LTD, Union Suite, 51-59 Rose Lane, Norwich, Norfolk, NR1 1BY

Number of premises licence or club premises certificate (if known):

LN/000001184

**Part 2 – Applicant details**

I am:

Please tick Yes

<b>1</b>	<b>an individual, body or business which is not a responsible authority</b> (please read guidance note 1 and complete (A) or (B) below)	<input type="checkbox"/>
<b>2</b>	<b>a responsible authority (please complete (C) below)</b>	<input checked="" type="checkbox"/>
<b>3</b>	<b>a member of the club to which this application relates (please complete section (A) below)</b>	<input type="checkbox"/>

**PROTECTIVE MARKING**

<b>(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)</b>										
<b>Mr</b>	<input type="checkbox"/>	<b>Mrs</b>	<input type="checkbox"/>	<b>Miss</b>	<input type="checkbox"/>	<b>Ms</b>	<input type="checkbox"/>	<b>Any other title (e.g. Rev.)</b>	<input type="checkbox"/>	
<b>Surname:</b>						<b>First Names:</b>				
<b>I am 18 years old or over</b>				<input type="checkbox"/>						
<b>Current postal address if different from premises address:</b>										
<b>Post town:</b>						<b>Post code:</b>				
<b>Daytime Tel. No.:</b>						<b>Email: (optional)</b>				

<b>(B) DETAILS OF OTHER APPLICANT (fill in as applicable)</b>	
<b>Name and Address:</b>	
<b>Telephone Number (if any):</b>	
<b>Email address: (optional)</b>	

<b>(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)</b>	
<b>Name and Address:</b>	
PC Avril O'Brien 3406SW, [REDACTED]	
<b>Telephone Number (if any):</b>	[REDACTED]
<b>Email address: (optional)</b>	[REDACTED]

<b>This application to review relates to the following licensing objective(s)</b>		
Please tick one or more boxes		
<b>1</b>	<b>The prevention of crime and disorder</b>	<input checked="" type="checkbox"/>
<b>2</b>	<b>Public safety</b>	<input type="checkbox"/>
<b>3</b>	<b>The prevention of public nuisance</b>	<input checked="" type="checkbox"/>
<b>4</b>	<b>The protection of children from harm</b>	<input type="checkbox"/>
<b>Please state the ground(s) for review: (please read guidance note 2)</b>		
There has been a number of serious incidents incidents at the venue since lockdown restrictions have been lifted that give police concerns that CMYK, 105 - 109 The Broadway , SW19 1QG is seriously undermining the licensing objectives in relation to ;		
1. The Prevention of Crime & Disorder 2. The Prevention of Public Nuisance		

**PROTECTIVE MARKING**

**Please provide as much information as possible to support the application:** (please read guidance note 3)

Please see attached document.



PROTECTIVE MARKING

<b>Have you made an application for review relating to this premises before?</b>	<input type="checkbox"/> (Please tick yes)						
	<b>Day</b>	<b>Month</b>	<b>Year</b>				
If yes, please state the date of that application:							
If you have made representations before relating to this premises please state what they were and when you made them:							

**PROTECTIVE MARKING**

Please tick Yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.



I understand that if I do not comply with the above requirements my application will be rejected.



**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

<b>Signature:</b>		<b>Date:</b>	25/04/2022
<b>Capacity:</b>	Police Constable		

**Contact name** (where not previously given) **and postal address for correspondence associated with this application:** (please read guidance note 6)

<b>Post town:</b>		<b>Post code:</b>	
<b>Telephone Number (if any):</b>			
<b>If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):</b>			

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Retention Period: 7 years  
MP 321/12

## **Bar CMYK**

I am Police Constable Avril O'Brien 3406SW of the Metropolitan Police Service and I am currently working within the South West Borough Command Unit Licensing Department in my role as Police Licensing Officer.

This is submitted in relation to an application made under Section 51 of the Licensing Act 2003, for a review of the premises licence at BAR CMYK, 105 – 109 THE BROADWAY, SW19 1QG.

The premises licence is held by TASOO LTD, Union Suite, 51-59 ROSE LANE, NORWICH, NORFOLK, NR1 1BY, LN/000001184 refers, the designated premises supervisor is currently Troy Le Page.

The application for review has been made on behalf of the Commissioner of the Metropolitan Police Service, on the basis of serious concerns relating to the premises undermining the following licensing objectives;

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

There has been a number of Assaults and Public Order incidents at the premises over the past 6 months. These incidents are related to high intoxication levels resulting in crime and disorder inside and directly outside the premises that can be attributed to customers of CMYK.

The grounds to support this review is as follows;

On SUNDAY 17<sup>th</sup> APRIL 2022 at 01:00hrs police were called by the London Ambulance Service (LAS) after they were flagged down by a victim of GBH, the victim had been in CMYK, there had been an altercation on the dance floor which then resulted in the victim having a bottle smashed on his head causing a cuts above his left eyebrow. Neither police nor LAS were called to this incident by staff, officers attended the hospital and spoke with the victim who was very intoxicated and not willing to assist officers with names of any involved. The victim attended the police station two days later, he said that he wanted to progress with the report and provide a statement, in this statement he mentioned that after he was attacked he was held back by door staff and the suspect was allowed to slip away. He stated that he had multiple lacerations to his face, glass was removed by medical staff at St George's hospital and his injuries glued.

The de-brief from the venue states the following; A fight broke out on the dancefloor, it was dealt with quickly between security and police didn't need to be called.

On FRIDAY 15<sup>th</sup> APRIL 2022 at 23:45hrs police were called to CMYK by staff stating a member of security had been assaulted. Upon police arrival the suspect had ran from police and was detained just away from the venue. The suspect had been causing a disturbance by kicking chairs, whilst being ejected by security he punched the security member to the face causing a cut to his lip, injury classed as GBH.

On FRIDAY 15<sup>th</sup> APRIL 2022 at 01:45hrs police were called to CMYK by staff stating that a male (victim) had been ejected due to being intoxicated, while outside the venue the victim had been attacked by a group of males and had been knocked out twice.

On SATURDAY 26<sup>th</sup> MARCH 2022 at 02:30hrs police were notified of a sexual assault which had taken place within the venue. The victim was returning from the toilets which are on the lower ground

floor when she was approached by the suspect, who is unknown to her, he placed his arms around her and touched her bottom without consent.

On SATURDAY 12<sup>th</sup> MARCH 2022 at 22:13hrs police were called by staff who stated that a male (Victim) had been assaulted and knocked unconscious.

The intoxicated victim went outside for a cigarette, he had difficulty opening the door to re-enter the venue as he was unsteady on his feet, he is seen to turn and speak to the suspect, the suspect then punches the victim who falls to the floor losing consciousness. The victim had two large lumps to his head consistent with GBH.

On SATURDAY 27<sup>th</sup> FEBRUARY 2022 at 02:20hrs police were called to assist staff in removing an intoxicated male from the venue after he became verbally aggressive when he was refused service.

On MONDAY 21<sup>st</sup> FEBRUARY 2022 a female was found in the toilets semi responsive by staff, her condition did not improve after staff gave her water and so an ambulance was called and the female conveyed to hospital, unknown cause.

On SUNDAY 20<sup>th</sup> FEBRUARY 2022 at 01:20hrs police were called after a male became aggressive when asked to leave and threw a drink over a member of staff.

On SATURDAY 05<sup>th</sup> FEBRUARY 2022 at 03:00hrs police were called to the venue to reports of three females who had been sexually assaulted by an unknown male on the dance floor.

This is not an exhaustive list and I reserve the right to submit further written or digital evidence prior to a hearing.

Police have worked closely with the premises in using the Home Office "Stepped Approach" but this does not appear to have had any effect in the premises being able to manage intoxication levels and reduction of crime and disorder incidents when the premises is open between midnight – 03:00hrs Mon – SAT and midnight – 02:30hrs on Sundays.

The South west police licensing team have engaged with the premises licence holder and designated premises supervisor, meetings held, advice and extra training given. It was agreed at the meeting that daily de-briefs would be supplied to police, the intoxication levels would improve and the security team would be changed. The de-briefs and the security change was upheld, however, no change in the levels of intoxication as the majority of these serious incidents occur due to intoxication.

An action plan was implemented and a written warning was issued on 16/02/2022, but incidents still continue to occur.

Police seek the premises licence hours is modified to show; Terminal Hour for Licensable Activities Sunday to Saturday 00.00 (Midnight) Closing time Sunday to Saturday 00.30 hours and for the current designated premises supervisor be removed.



Dear Sir or Madam,

I am writing to you in regards to the licencing review currently happening at Bar CMYK. Myself and Sid Anstey took over as management at Bar CMYK and have already made significant changes, resulting in an obvious improvement already.

Since we were informed of the licencing review, the first step we took was replacing our security. Our new security company started at the end of April this year and we have managed to build an excellent relationship with them and all the staff. I have noticed a far better attitude from our new team, they care about the bar and who they're letting into our space. We have had a far better response from customers, saying they feel safe with these security members, and the security show a much higher level of customer service, taking time to engage with our customers and build the trust between them. Higher levels of refusals are resulting in lower levels of ejections and a far nicer and safer atmosphere in the bar. Due to the issues we had with our old security team, I have taken extra measures to ensure proper communication is happening between door staff. At the beginning of each shift, I have a de-brief with the door staff in that night to make them aware of any events planned for that evening, any new banned personnel and just to remind them of our entry requirements. The improvement can be seen on our nightly reports; fewer ejections, more refusals and no incidents resulting in the police being called.

We also have a new management team. Sid and I have been working really hard to make the bar as safe and welcoming to LGBTQIA+ individuals as we can. We have set new rules for entry, made it clear to customers on arrival that we are a Gay venue, and have a zero-tolerance policy on any kind of disrespectful or homophobic behaviour towards customers and staff (these incidents resulting in an immediate ban from our space). We have also started introducing more Queer Shows and themed nights, as well as cocktails to bring more of our preferred clientele to the bar. As well as this we are offering water when people come up and order drinks to stop high levels of intoxication to the bar, which has massively aided our lack of incidents. Getting together a newer and well-rounded staff team has created an obvious shift in the environment of the bar, well rounded sensible staff who are constantly aware of what's happening in our space. After meeting with Avril, our licencing officer, Sid and I intend to work a closely with her and get as much support as we can from the police to keep us open as a safe and secure late-night venue.

Aside from all the improvements we have seen, our bar is a safe space for a lovely group of individuals in South London. Having a late-night queer venue is so important for Wimbledon. People in the LGBTQ+ community who want to enjoy a night out deserve to have a place where they feel safe, and having somewhere that stays open later than other venues secures them a safe journey home after everyone else in Wimbledon has travelled home. We also give queer artists and performers a voice and a safe environment to perform and share their art outside of central London. As a member of the LGBTQ+ community myself, I have found a home at CMYK and feel that many other young gay people have too. I feel far safer at this bar than anywhere else in Wimbledon, especially within the past month given all the changes that have been made. I feel our space has created such a culture and has allowed LGBT people to meet other people who are just like them and understand them. Given the new repeat customers we have started getting, and the positive changes we have made I think we can continue running as a positive and safe late-night venue in Wimbledon.

Overall, I think many changes that have had provided consistent positive results warrant us to continue functioning as a late-night venue for queer people to enjoy. I think it would be such a shame for our hours to close and have a real negative impact on the LGBT scene in South London. Please take this into consideration and I hope that you can see the work we are doing towards becoming an outstanding venue.

Sincerely,  
George Maynard (they/them)  
CMYK MANAGEMENT



## LICENSING ACT 2003

### Part A Premises licence

Premises licence number

LN/000001184

#### Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**CMYK**  
**105-109 The Broadway**  
**London**  
**SW19 1QG**

**020 8540 8339**

Where the licence is time limited, the dates

**Not applicable**

The opening hours of the premises

<b>Monday</b>	<b>10:00</b>	<b>-</b>	<b>03:00</b>
<b>Tuesday</b>	<b>10:00</b>	<b>-</b>	<b>03:00</b>
<b>Wednesday</b>	<b>10:00</b>	<b>-</b>	<b>03:00</b>
<b>Thursday</b>	<b>10:00</b>	<b>-</b>	<b>03:00</b>
<b>Friday</b>	<b>10:00</b>	<b>-</b>	<b>03:00</b>
<b>Saturday</b>	<b>10:00</b>	<b>-</b>	<b>03:00</b>
<b>Sunday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>

**On New Year's Eve the permitted hours for all authorised licensed activities are extended from the terminal hour on New Year's Eve until the commencement of permitted hours on New Year's Day.**



Sale & supplies of alcohol, whether these are on and/or off supplies

**On and Off the premises**

**Licensable activities and permitted times authorised by the licence**

**Alcohol Sales**

**On and Off the premises**

<b>Monday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Tuesday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Wednesday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Thursday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Friday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Saturday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Sunday</b>	<b>10:00</b>	<b>-</b>	<b>02:00</b>

On New Year's Eve the permitted hours for all authorised licensed activities (including the supply of alcohol) are extended from the terminal hour on New Year's Eve until the commencement of permitted hours on New Year's Day.

**Live Music**

**Indoors**

<b>Monday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Tuesday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Wednesday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Thursday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Friday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Saturday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Sunday</b>	<b>10:00</b>	<b>-</b>	<b>02:00</b>

On New Year's Eve the permitted hours for all authorised licensed activities are extended from the terminal hour on New Year's Eve until the commencement of permitted hours on New Year's Day.



## **Recorded Music**

### **Indoors**

<b>Monday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Tuesday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Wednesday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Thursday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Friday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Saturday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Sunday</b>	<b>10:00</b>	<b>-</b>	<b>02:00</b>

On New Year's Eve the permitted hours for all authorised licensed activities are extended from the terminal hour on New Year's Eve until the commencement of permitted hours on New Year's Day.

## **Performance of Dance**

### **Indoors**

<b>Monday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Tuesday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Wednesday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Thursday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Friday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Saturday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Sunday</b>	<b>10:00</b>	<b>-</b>	<b>02:00</b>

On New Year's Eve the permitted hours for all authorised licensed activities are extended from the terminal hour on New Year's Eve until the commencement of permitted hours on New Year's Day.

## **Anything Similar to Music and Dancing**

### **Indoors**

<b>Monday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Tuesday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Wednesday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Thursday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Friday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Saturday</b>	<b>10:00</b>	<b>-</b>	<b>02:30</b>
<b>Sunday</b>	<b>10:00</b>	<b>-</b>	<b>02:00</b>





On New Year's Eve the permitted hours for all authorised licensed activities are extended from the terminal hour on New Year's Eve until the commencement of permitted hours on New Year's Day.

### Facilities for Music

#### Indoors

Monday	10:00	-	02:00
Tuesday	10:00	-	02:00
Wednesday	10:00	-	02:00
Thursday	10:00	-	02:00
Friday	10:00	-	02:00
Saturday	10:00	-	02:00
Sunday	10:00	-	02:00

### Facilities for Dancing

#### Indoors

Monday	10:00	-	02:00
Tuesday	10:00	-	02:00
Wednesday	10:00	-	02:00
Thursday	10:00	-	02:00
Friday	10:00	-	02:00
Saturday	10:00	-	02:00
Sunday	10:00	-	02:00

### Anything Similar to Facilities for Music and Dancing

#### Indoors

Monday	10:00	-	02:00
Tuesday	10:00	-	02:00
Wednesday	10:00	-	02:00
Thursday	10:00	-	02:00
Friday	10:00	-	02:00
Saturday	10:00	-	02:00
Sunday	10:00	-	02:00



## **Late Night Refreshment**

### **Indoors**

<b>Monday</b>	<b>23:00</b>	<b>-</b>	<b>02:30</b>
<b>Tuesday</b>	<b>23:00</b>	<b>-</b>	<b>02:30</b>
<b>Wednesday</b>	<b>23:00</b>	<b>-</b>	<b>02:30</b>
<b>Thursday</b>	<b>23:00</b>	<b>-</b>	<b>02:30</b>
<b>Friday</b>	<b>23:00</b>	<b>-</b>	<b>02:30</b>
<b>Saturday</b>	<b>23:00</b>	<b>-</b>	<b>02:30</b>
<b>Sunday</b>	<b>23:00</b>	<b>-</b>	<b>02:00</b>

On New Year's Eve the permitted hours for all authorised licensed activities are extended from the terminal hour on New Year's Eve until the commencement of permitted hours on New Year's D

The premises may also provide private entertainment for the purposes of gain at any time.

## Part 2

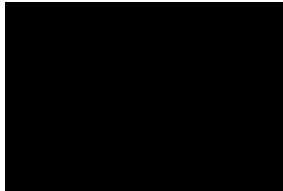
Name, (registered) address, telephone number of holder(s) of premises licence

**Webbs Leisure Ltd**  
**CMYK**  
**105-109 The Broadway**  
**London**  
**SW19 1QG**

Registered number of holder, ie company number, charity number etc.

**11555254**

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol



Issuing authority and licence number of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol





## **ANNEX 1 TABLE OF MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003**

1. That no supply of alcohol may be made under the premises licence  
(a) at a time when there is no designated premises supervisor in respect of the premises licence, or  
(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. That every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority by a licence granted under the Private Security Industry Act 2001 or entitled to carry out that activity by virtue of section 4 of the Private Security Industry Act 2001.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - i. drink as much alcohol as possible (whether within a time limit or otherwise);
  - (a) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (b) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (c) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (d) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).



**5.** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**6.** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

**7.** The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**8.** A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or



(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**9.** The admission of children to the exhibition of any film is to be restricted in accordance with any recommendation made by the relevant film classification body or relevant licensing authority.



## Annex 2 - Conditions consistent with the Operating Schedule

(1) The maximum number of persons that may be accommodated at any one time in the premises shall not exceed 180 plus staff. Ground floor bar and mezzanine: 120. Basement: 60 with the exception of those patrons using the toilet facilities.

(2) All amplified sound played on the premises shall be through the installed electronic noise limiter which restricts the installed sound system output to a threshold limit (as yet to be determined and agreed with the Environmental Health Department of the Council) in the centre of the ground floor bar area.

(3) The installed noise limiting system shall be secured such that the only persons that have access to it is the Licensee.

(4) An incident book containing details of any significant public order issues is to be maintained. The incident book shall be available for inspection by Police, Local Authority and London Fire Brigade Officers at all reasonable times.

## Annex 3 - Conditions attached after a hearing by the licensing authority

1. The variation shall not come into effect or be used until such time as the substantial refurbishment of the premises has been undertaken and completed and the premises is being promoted as an LGBT friendly venue to the satisfaction of the Police Licensing Officer and/or the Local Authority Licensing Officer.

2. All door supervisors employed at the premises must wear body worn video cameras whilst on duty. Footage must be retained for a minimum of 28 days at the premises, and must be made available to the police on request.

3. The premises must maintain a good quality digital CCTV system covering areas of the premises as advised by the police licensing officer. Footage must be kept for a minimum of 28 days at the premises and made available to the police without delay on request. There must be a member of staff fully conversant with the operation of the CCTV system on the premises at all times that it is open to the public.

## Personnel

4. A personal licence holder must be present at the premises at all times it is open for licensable activities.

## Door supervisors and toilet attendants

5. On Sunday and Thursday nights the premises must employ at least one (1) SIA licensed door supervisor from 22:30 hours.



6. On Monday to Wednesday nights the premises must employ at least one (1) SIA licensed door supervisor from 21:00 hours.

7. On Friday and Saturday nights the premises must employ at least two (2) SIA licensed door supervisors from 22:30 hours when the Basement Bar is closed (or when 100 or more customers are in the premises) and a minimum of three (3) SIA licensed door supervisors when the Basement Bar is open.

8. All door supervisors are to be provided by a reputable independent SIA company approved in advance by the police licensing officer.

9. The premises must employ dedicated toilet attendants to supervise both the male and female toilets at all times after 22:00 hours on Friday and Saturday nights when the premises is open to the public. A written log must be kept identifying the attendant on duty at any particular time. This log is to be kept at the premises and made available to police and local authority officers upon request.

Policies: Searching, Queuing and Dispersal, Anti-Drugs, Smoking Area

10. In consultation with the police licensing officer the premises must draw up and implement a customer search policy ensuring that customers and their bags are searched prior to entry or re-entry.

11. In consultation with the police licensing officer the premises must draw up and implement a queuing and dispersal policy designed to minimise noise and disorder caused by customers in the immediate vicinity of the premises. This policy must include a procedure to regulate the number of customers within the premises at any one time (e.g. by use of a clicker).

12. In consultation with the police licensing officer the premises must draw up and implement a Smoking Policy designed to ensure that no more than 14 customers are permitted in the designated smoking area at any one time after 22:00hrs when the premises is open to the public .

13. In consultation with the police licensing officer the premises must draw up and implement an "Anti-Drug Policy". This policy must include procedures and steps to minimise the risk of illegal drugs being brought into, used, or sold at the premises. This policy must include steps to prevent admission to persons who appear to be drunk or under the influence of illegal drugs.

Signage

14. Prominent signage is to be put up in the premises advising customers of (i) the zero drugs policy and (ii) the need to be quiet upon leaving the premises to avoid disturbing residents.





## Noise outbreak

15. The noise limiter is to be recalibrated and its setting approved by an officer of the licensing authority responsible for Environmental Health/Noise Nuisance.

16. The external doors of the premises must remain shut at all times save to temporarily permit the entry and exit of customers.

17. No music is to be played in the front bar area after 23:00.

## Training

18. All staff at the premises are to be trained in drink and drug awareness. This must include recognising the signs of drunkenness and drug intoxication and use. Refresher training must be provided at least once a year. A written log of all training is to be kept at the premises and made available to police and local authority officers upon request.

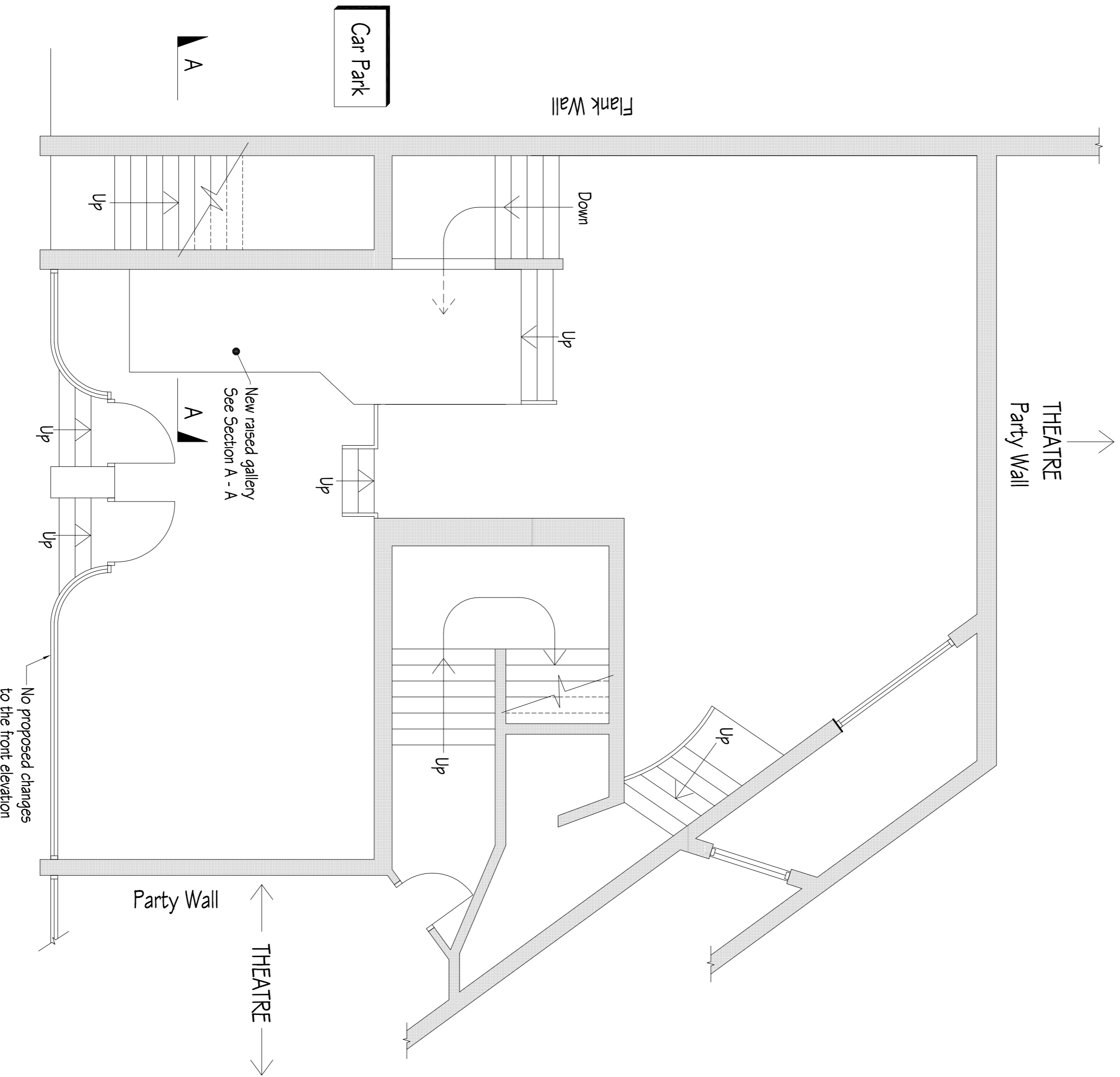
## Other

19. A locked drugs box must be installed to deposit any confiscated drugs.

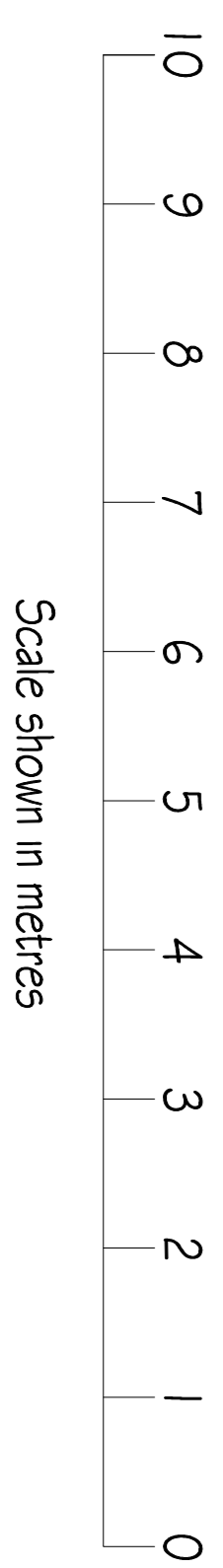
## Annex 4

Premises Plan: Drawing '4354/02' of 12/11/09.

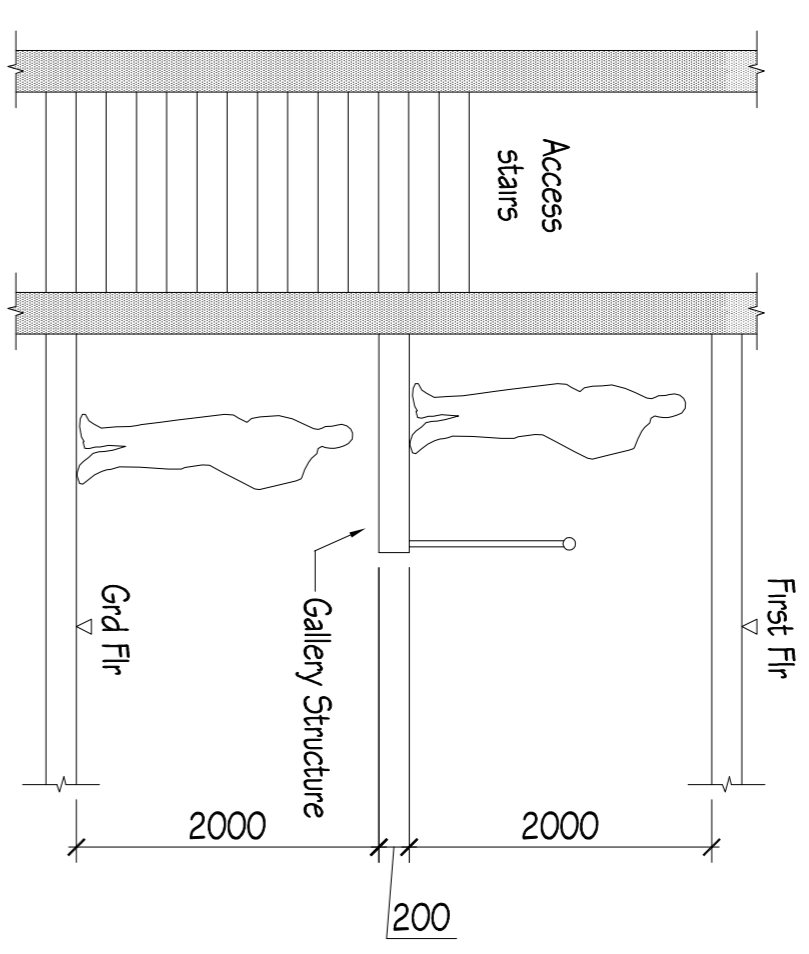
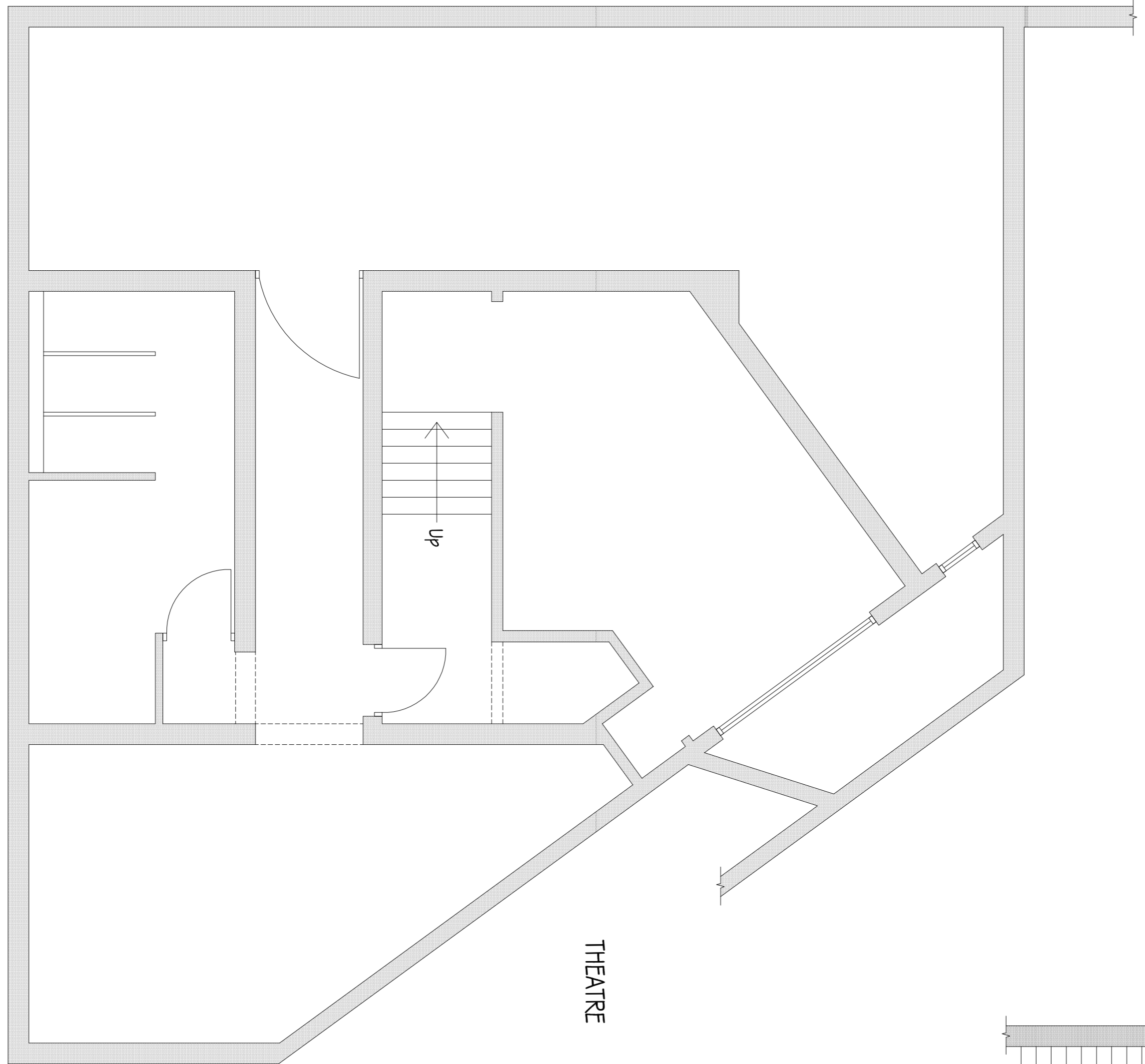
- ## SCOPE OF WORK
1. Removal of two internal walls only
  2. Addition of gallery
  3. No changes externally



GROUND FLOOR - PROPOSED  
(SCALE 1:50)



BASEMENT - PROPOSED  
(SCALE 1:50)



SECTION THRU GALLERY  
SECTION A-A  
(SCALE 1:50)

Rev	Date	Description
0	07/08/09	Proposed plans for proposed development
		Amendment

**Pole**  
STRUCTURAL ENGINEERS  
www.pole.co.uk

Project:  
**PROPOSED GROUND FLOOR  
AND BASEMENT AREA**

BAR SIA  
105 - 109 THE BROADWAY  
WIMBLEDON, SW19 1QG  
Date: 15/08/09  
Scale: 1:50  
Rev: 0  
Dwg No: 4354/02  
Rev: 0

Samuel Riches

S Resource Management Ltd.



As the new provider of Security for CYMK Wimbledon

Since we have taken over the venue we have had no incidents which have required the police everything we deal with is dealt by us the in house security team we are constantly reducing the number of ejections carried out in the venue and this is simply by following strict entry criteria on the door we don't allow groups of straight men or women in and always maintain a 100% search on entry policy we believe that with our heightened security procedures we will continue to see an reduction in incidents and ejections in the venue. We are a LGBTQ venue which welcomes everyone to a happy and safe environment and together with the staff and management of CYMK I strongly believe we are able to continue to set our standards high and continue to provide customers with a fun and happy late-night venue that meets all their needs. Our door staff are trained to defused situations with the upmost skill and compassion and it shows that our work is reaching its target of maintaining a successful sustainable safe venue for the gay community

We plan to introduce the extra steps over the coming the coming weeks to enhance our quality and give extra customer and staff satisfaction these include:

ID scanners we already operate a strict ID policy but adding these will give us that extra edge.

Regular training with all staff and management.

Introduction of security search wands which will give us the opportunity to enhance our body and bag searches.

And a once-a-month community chat with the director of the security company and general management where we listen to views of our customers.

**Business Improvement Districts** - We've recently added lots of Business Improvement District (BID) organisations to WhatDoTheyKnow. Read our blog which explains why we're listing them even though they're generally not subject to Freedom of Information law.

Printed from [https://www.whatdotheyknow.com/request/information\\_from\\_licensing\\_autho?nocache=incoming-2046267](https://www.whatdotheyknow.com/request/information_from_licensing_autho?nocache=incoming-2046267) on May 25, 2022 10:21

## WhatDoTheyKnow

# Information from Licensing Authority re CYMK

Graham Hopkins made this Freedom of Information request to Merton Borough Council

Follow

1 follower

We're waiting for Graham Hopkins to read recent responses and update the status.

Graham Hopkins 3 May 2022

Delivered

Dear Merton Borough Council,

We are the Licensing Consultants for Tasoo Ltd re CMYK, 105 / 109 The Broadway, London SW19 1QG.  
Could you please provide us with full details of all complaints made to LB Merton as the Licensing Authority for our clients premises or incidents or breaches detected by LB Merton as the Licensing Authority for our client's premises over the past two years plus details of all action taken by the Licensing Authority in respect of such complaints, incidents or breaches?

Yours faithfully,

Graham Hopkins

GT Licensing Consultants 07810 826778

foi, Merton Borough Council 3 May 2022

Thank you for your email message. We aim to respond to all requests under the Freedom of Information Act 2000 and Environmental Information Regulations 2004 within 20 working days. More information about the way we deal with information requests is on our web site at [1][www.merton.gov.uk/foi](http://www.merton.gov.uk/foi)

Information Governance Team  
London Borough of Merton.

020 8545 4634

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[\[email address\]](#)

<http://www.merton.gov.uk>

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References

Visible links

1. <http://www.merton.gov.uk/foi>

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Caroline Sharkey, Merton Borough Council 24 May 2022

**3 Attachments**

image001.png

11K [Download](#)

image002.png

9K [Download](#)

image003.png

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Dear Mr Hopkins

Freedom of Information Act 2000 / Environmental Information Regulations  
2004 Information request

We have now considered your information request as set out below.

You asked:

Could you please provide us with full details of all complaints made to LB Merton as the Licensing Authority for our client's premises or incidents or breaches detected by LB Merton as the Licensing Authority for our client's premises over the past two years plus details of all action taken by the Licensing Authority in respect of such complaints, incidents or breaches?

Response:

- We have checked our records and have no record of the Licensing Authority receiving any complaints made against the premises know as CMYK, 105-109 The Broadway, London SW19 1QG in the past two years.
- We have no record of any incidents or breaches detected by the London Borough of Merton as the Licensing authority in the past two years at the above premises.

If you have any queries or concerns about this please contact me.

If you are dissatisfied with the handling of your request or wish to appeal against the decision to exempt any part of your request, you should request an Internal Review at [1][Merton Borough Council request email] or write in to Freedom of Information team, Merton Council, Civic Centre, Morden, SM4 5DX.

If you escalate to the Information Commissioners Office (ICO) without following the council's internal review process, the ICO will refer you back to the council to enable the correct process to be followed.

You can also appeal to the Information Commissioner at:

[2]<https://ico.org.uk/make-a-complaint/offi...>

There is no charge for making an appeal.

Yours sincerely

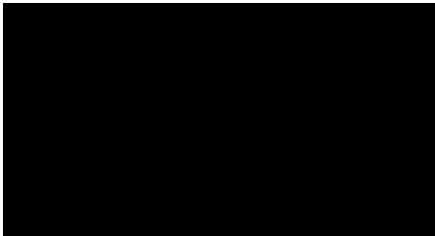
Caroline Sharkey

Licensing Manager

Regulatory Services Partnership

Serving the London Boroughs of Merton, Richmond upon Thames and Wandsworth.

Civic Centre, London Road, Morden SM4 5DX



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We work to defend the right to FOI for everyone



Dear Sir/Madam,

At a time of increasing crime against LGBTQ+ individuals, the existence and protection of safe venues for our community is of a huge importance.

There is already a dearth of safe LGBTQ+ venues in London. This has of course been compounded by the pandemic that has had a huge effect on the amount of LGBTQ+ venues in this country.

London has suffered several high-profile LGBTQ+ venue losses over recent years, including The Black Cap in Camden, The Joiner's Arms in Tower Hamlets and The Queen's Head in Chelsea. In 2006, there were 125 venues in operation, while in 2017 there are just 53 – a fall of 58%. This includes drops of 80% in Islington, 47% in Camden and 43% in Westminster.

Whilst LGBTQ+ venues often achieve great success, recent studies, such as the one attached, show that they are closing because of “external pressures such as large-scale developments, a lack of safeguarding measures in the existing planning system and the sale and change of use of the property by landlords.” Rising business rates and rents are also a crucial issue.

With long-standing queer venues such as this closing, it is vitally important that new ones can be allowed to gain a foothold and offer a safe space to its community in need. Working with the police to ensure greater safety and security at LGBTQ+ venues will hopefully allow this to happen. This is especially important for venues outside of central London, which can find it particularly difficult to establish themselves as a safe venue.

We hope that positive progress can be made here to secure more safe LGBTQ+ spaces in South West London and would be happy to discuss this further in future.

Kind regards,

London Falcons



**From:** Mark Gentry  
**Sent:** 24 May 2022 20:25  
**To:** Elizabeth Macdonald  
**Subject:** LICENSING ACT 2003 - Generic representation response CMYK, 105-109 The Broadway, London SW19 1QG

Dear Ms MacDonald

Re. CMYK, 105-109 The Broadway, London SW19 1QG

I have for several months been expressing my concerns about the above referenced venue, specifically in relation to intolerable and unrelenting noise, and anti-social and assaultive behaviour. Please see below correspondence since October last year with Andrew Pickup, and some of the attached evidence, which outlines these concerns. These are on the basis of personal nuisance I continue to experience as a resident, and also genuinely held concerns about the threat posed in a public area.

Mr Pickup has helpfully informed me that Police have requested a review of the licence.

Please accept this e mail as Representation in connection with this matter.

I would be grateful if you could acknowledge receipt.

With best wishes.

Yours Sincerely

Mark Gentry  
104 The Broadway  
London SW19 1RH

**Sent:** Saturday January 22, 2022 at 03:38 AM  
**From:** "Mark Gentry"  
**To:** "Andrew Pickup"

**Subject:** CMYK - Noise Complaint

Dear Mr Pickup

I am e mailing you following our last correspondence in November.

There has been no improvement in this matter. A alternative smoking facility has been built, but this is at the front of the building, not the back, as originally indicated. This is approximately the same distance from my property as the crowds which continue to congregate on the pavement at the front.

There continues to be excessive and unacceptable levels of noise until 04;00 most days, consisting of music and screaming. The Police were again called to a violent incident outside the club, presumably by a member of the public, in the early hours of 19th December. I am puzzled about how a venue in a residential area was licensed until 03:00 daily. I am considering contact with Stephen Hammond MP, outlining my correspondence with you to date, and asking for his intervention if necessary. In the meantime, I would be grateful for your view and intended plans regarding this matter.

I appreciate your assistance.

Sincerely  
Mark Gentry

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Mark Gentry

**Sent:** Saturday October 30, 2021 at 11:33 AM

**From:** "Mark Gentry"

**To:** "Andrew Pickup"

**Subject:** CMYK - Noise Complaint

Dear Mr Pickup

Thank you again for your correspondence. Unfortunately, there has been no improvement in this situation. There is noise on almost a daily basis. I have tried to record as accurately as possible, although there is inevitably some repetition, and recording is dependent on the times at which I am woken. The pavement is essentially used as an extension of the venue, and there is often noise until and after the time of closing. I have witnessed at least two altercations between people from the club on the pavement and road. I have recorded one; the other was in September before I started recording, and I was woken to the Police presence on that occasion.

I appreciate that you committed to make contact with the venue; however the lack of any change indicates to me either non willingness or non ability to control this situation.

When I took a flat on a main road, I did not expect it to be quiet. It would be unreasonable to object to the noise of restaurants and bars in the area, which are acceptable because it is limited to a reasonable time, generally shortly after midnight. The problem with CMYK relates to the hours to which the noise continues. I am concerned that it appears to be licenced so late every night of the week.

I will in separate and subsequent e mails attach short videos recorded between 00:00 and 03:45 hours over the days of recording.

Please take this e mail and associated evidence as a formal complaint against this establishment, and a request for an appropriate way forward.

Thank you again for your assistance. It is very much appreciated.

Sincerely

M A Gentry

Mark Gentry

**Sent:** Tuesday, October 05, 2021 at 3:39 PM  
**From:** "Andrew Pickup"  
**To:** "Mark Gentry"  
**Subject:** CMYK - Noise Complaint

Good Afternoon

I refer to your noise complaint regarding CMYK. I shall contact the premises regarding the issue raised, hopefully there will be an improvement. Should the issues remain I would be grateful if you could complete that attached diary sheet over the next 2/3 weeks and return it to me. This will help gauge the extent of the problem and enable me to decide how best to further your complaint.

Please contact me directly should you wish to discuss this further. Your complaint reference is WK/202168941.

Regards

**Andrew Pickup**

**Principal Environmental Health Practitioner**

Regulatory Services Partnership

London Boroughs of Merton, Richmond upon Thames and Wandsworth

Civic Centre, London Road, Morden SM4 5DX

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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