

Our Ref: PC446 Metcalfe – Cuba Libre Restaurant & Bar Ltd, Regent St. Cambridge, rep.

Licensing Officer
Cambridge City Council,
Mandela House,
4 Regent Street,
Cambridge
CB2 1BY

Date 26/05/2022

Dear Sirs,

SUBJECT: Representation for premises licence relating to Cuba Libre Restaurant & Bar Ltd, 19-31
Regent Street, Cambridge, CB2 1AB.

Please find attached the Police representation in regard to the new premises licence application submitted by Cuba Libre Restaurant & Bar Ltd, for a licensed premises at 19-31 Regent Street, Cambridge, CB1 1AB.

The premises is situated in a cumulative impact area and this representation is in regard to licensing objectives: Prevention of Crime and Disorder, Public nuisance, Public Safety under Licensing Act 2003.

Yours Sincerely,

[REDACTED]

PC 446 Clare Metcalfe
Licensing Officer for Cambridgeshire Constabulary
Operational Planning and Licensing Department,
Cambridgeshire Constabulary,
Hinchingsbrooke Park,
Huntingdon,
PE29 6NP.



CC:

**THE LICENSING ACT 2003
REPRESENTATION FORM FOR "RESPONSIBLE AUTHORITY"**

Please delete as applicable: **POLICE**

Your name	PC 446 Clare Metcalfe
Job Title	Licensing Officer, Cambridge Constabulary
Postal Address (inc post code)	Operational Planning and Licensing Department, Cambridgeshire Constabulary, Hinchingsbrooke Park, Huntingdon, PE29 6NP
Contact telephone number:	[REDACTED]
Mobile Number:	[REDACTED]
Email address:	[REDACTED]

Name of Premises you are making a representation about:	Cuba Libre Restaurant & Bar Ltd
Address of the premises you are making a representation about:	19-31 Regent Street, Cambridge, CB2 1AB.

This section is about your representation/s. They must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation, (under the relevant headings) and the reason for your representation/s. *It is important that you detail all matters that you wish to be considered. (Use additional sheets if necessary). Regulations provide that in considering representations the authority may take into account documentary or other information produced by the party either before the hearing or, with the consent of all parties, at the hearing.*

Which licensing objective(s) does your representation relate to?	Please see below
The prevention of crime and disorder	Public safety
See Below	See Below
The prevention of public nuisance	Protection of Children from Harm
See Below	

Background

The premises is situated within the city centre Cumulative Impact Zone (CIZ). It was previously a licensed premises that was home to a Pizza Hut, with the Premises Licence being surrendered in November 2020, and the building not being in use since.

Prior to being notified of the application, Cambridgeshire Constabulary Licensing Department had not received any pre-application advice with regard to this application. Such advice is recommended by Cambridge City Council, and it advertised on the 'Applying for a premises licence' section of their website.

The premises is situated on Regent Street, next to the University Arms Hotel. The entrance/exit door is directly adjacent to a heavily used traffic light controlled pedestrian crossing, and cycleway/footpath.



The other side of the building backs onto Regents Terrace and onto a corner of Parker's Piece. This cycleway/footpath is a busy thoroughfare for pedestrians and cyclists going to and leaving the city centre area at all times of the day and early hours of the morning.

Both Regent Street and Parkers Piece, are areas sensitive to alcohol related issues, especially during night-time hours. Even with mitigating measures being put in place I do not believe a late-night licenced premises in this location would be conducive to Cambridge City Council's Cumulative Impact policy as the problems associated with the area particularly in relation to alcohol related anti-social behaviour and crime, alcohol misuse and public nuisance are well documented.

(Appendix 1 – Cambridgeshire Constabulary Cumulative Impact Zone Report 2020). The report stated that between April 2017-May 2020 there were a total of 198 reported alcohol related crimes/incidents on Regent Street. Which contributed to it being the road with the 7th highest total in Cambridge, accounting for ~7% of all alcohol related crime and incidents in Market Ward.

Application Concerns

The concerns that I have regarding this application are as follows:

- The applicant has not made any reference to the fact the premises is situated within a Cumulative Impact Zone, and has therefore, not made any references how they would mitigate their business negatively impacting this area further.

- There is insufficient detail provided in Section 5 (Provide a general description of the premises). The information provided does not give a description of the intended business operation, only what used to be there, along with a brief description of the general layout.
- Numerous conditions have been listed in Section 18 (Licensing Objectives), but many are inadequately worded, and are not sufficient to address concerns regarding the CIZ.
- Concerns over the lateness of the licencing hours applied for (Sunday-Thursday 01:00hrs and Friday-Saturday 03:00hrs) in an area identified as being sensitive to alcohol related issues.
- Significant concerns associated with the location of the premises, and its proximity to the neighbouring hotel, which may result in a noise nuisance being caused to its residents.
- The premises entrance/exit door leads straight out onto the cycleway/footpath, and waiting area for the traffic light-controlled crossing. Additional congestion in this area would inevitably cause increased conflict between different user, that may pose a public safety issue.
- No reference was made in the application as to how customers will be managed whilst:
 - queuing,
 - Smoking,
 - or upon dispersal,

Firstly, to ensure that neighbouring residents will not be subjected to noise disturbance, and secondly so that customers will not impede the use of the pavement, cycleway/footpath, or highway for other users.

- Following additional information being provided to Environmental Health by the applicant, stating that they *"will cordon off an area for smokers using barrier ropes to the rear of the building on Regents Terrace, with a maximum of 6 smokers permitted in the area"*. In my opinion this is not a workable solution as the door proposed to be used is a fire exit that leads straight out onto Regent's Terrace. Which is a narrow road, having no pavement. Therefore, any proposed smoking area would be located on the highway, being not only a danger to smokers but also a hinderance to passing traffic.
- The applicant also replied to Environmental Health's concerns about public nuisance caused by patrons standing outside the premises and spilling out onto the street, by stating, *"we will have two SIA door supervisors manning the front doors at weekends and one during the week. We will not permit people to stand outside on the street and we will move people on. From 11pm we will have a policy of allowing people to leave in small groups and asking them to disperse. We will have a no readmittance policy after 11pm"*. No matter how well-meaning the applicant is by stating the above, I believe a build-up of customers needing to queue to enter the venue is inevitable. Delayed entry is unavoidable on high demand evenings when customers are waiting for tables to become available. Also, when security staff need to conduct searches of people prior to entry, and when conducting age verification checks to ensure 'children' are not permitted entry again in line with the applicant's proposed policy to 'limit or exclude people by virtual of age when certain activities are taking place'.

Part of my role as a Police Licensing Officer is to provide pre-application advice to applicants seeking a premises licence, especially for those premises within a CIZ. However, in this case that was not possible, due to the applicant not requesting it.

Failing pre-application advice being sought, if I believed the granting on a premises licence within a CIZ was 'workable' with the addition of appropriate, robust conditions and adjusted timings I would willingly engage with the applicant during the consultation period.

Summary

I am of the opinion even with the addition of robust conditions, the location of this premises, does not lend itself to being used to accommodate a licensed premises of this nature. I believe it would result in an additional negative impact on neighbouring hotel residents and other residential properties in the late evening and early hours of the morning. I have safety concerns for users of the pavement/cycleway which is located directly outside the main doors. As any congregation of customers, be it those queuing, smoking and groups of people outside the premises particularly at

dispersal time (which would be 03:00hrs at the weekends) will create a 'bottle neck' resulting in conflict with other users. This would potentially impact on public safety licensing objective.

I do not believe due consideration has been given to the limitations of this building, with the applicant wishing 'to make the building work' for his intended business venue. He has made no allowances or given any consideration to the fact the premises is located within a CIZ, and the impact his business proposal will have on the immediate surrounding area.

Cumulative Impact Assessment

Section 4.6 of the special policy relating to Cambridge City Licensing Authority's Cumulative Impact Assessment states *'it creates a presumption that applications for the grant of a premises licence or club premises certificate or variations to existing licenses or certificates, within the cumulative impact area, will be refused if relevant representations are received'*.

Section 4.9 states that *'applicants for a premises licence.... within the cumulative impact area should address issues of cumulative impact within their applications. Applicants will have to demonstrate that their application and proposed operation is not inconsistent with the Licensing Authority's Statement of Licensing Policy, the Cumulative Impact Assessment and the Licensing Authority's ability to be able to promote the licensing objectives'*.

I do not believe that the application submitted addresses the presumption sufficiently for the premises licence to be granted, therefore I respectfully request the sub-committee to refuse this application.

The Delegation of responsibilities by the Chief Officer of Police is shown in Appendix 2.

Signed  Date: 26/05/2022

APPENDICES

1. Cambridgeshire Constabulary Cumulative Impact Zone Report 2020
2. Delegation of Responsibilities.

Appendix 1 - CAMBRIDGE CITY CUMULATIVE IMPACT POLICY REVIEW 2020

Three years data has been analysed, though it should be noted that we are dependent upon crimes and incidents having an 'alcohol' marker which is not reliably the case. Additionally, in May 2018 Cambridgeshire Constabulary converted to a new Crime recording system, which again required an 'alcohol' qualifier to be recorded against a crime for it to be included in these statistics. These figures relate to all alcohol related crimes and incidents recorded within the Cambridge Ward areas that have been identified using the recording systems – 'Crime File', 'Command & Control 3' and 'Athena'.

From the information that is recorded below, it can be seen that in Cambridge there is a general correlation between the ward areas with the highest number of licenced premises and the number of alcohol related crime and incidents.

WARD	Licenced Premises	Alcohol Related Crime and Incidents			
		Apr2017-Mar2018	Apr2018-Mar2019	Apr2019-Mar2020	TOTAL
Market	245	1151	714	813	2678
Petersfield	62	254	188	228	670
Trumpington	51	195	182	228	605
Abbey	33	198	133	199	530
Coleridge	32	159	160	198	517
Castle	32				
Newnham	32	150	157	185	492
Romsey	26	158	100	160	418
King's Hedges	24	163	121	111	395
Arbury	24	144	108	141	393
Cherry Hinton	22	104	92	108	304
East Chesterton	16	126	68	85	279
West Chesterton	14	79	59	77	215
Queen Edith's	11	74	53	58	185
TOTAL	624	3000	2168	2628	7796

There has been an overall ~12% decrease in the number of alcohol related crimes and incidents recorded in Cambridge between April 2017-March 2018, and April 2019-March 2020.

The table below shows the highest 15 streets in Cambridge for reports of alcohol related crimes and incidents between April 2017 – May 2020. Ten of these streets being located within the existing City Centre Cumulative Impact Zone (CIZ). Hills Road and Mill Road also located in existing CIZs.

ROAD NAME	Crimes & Incidents April 2017 - May 2020	WARD
St Andrews Street	382	Market
Mill Road	232	Petersfield/Romsey
Hills Road	215*	Petersfield/Trumpington/Coleridge
Chesterton Road	211	West Chesterton/Arbury
Sidney Street	201	Market
Downing Street	200	Market
Regent Street	198	Market
Newmarket Road	165	Abbey
Milton Road	158	West Chesterton/Kings Hedges
East Road	143	Market
Parkside	136	Market
Lion Yard	117	Market
Guildhall Place	116	Market
Rose Crescent	116	Market
Market Hill	107	Market

* excluding alcohol related crimes and incidents recorded at Addenbrookes hospital, Hills Road.

MARKET WARD

The main hot spot areas for alcohol related crime and incidents in Market Ward, are focused on St. Andrews Street, Sidney Street, Downing Street and Regent Street. With St. Andrews Street accounting for 14% of all the alcohol related crime and incidents in Market Ward. Sidney Street, Downing Street and Regent Street all account for approximately ~7% respectively. This shows a continued requirement for the presence of the current city centre CIZ.

COLERIDGE

Coleridge Ward has seen a small reduction of ~7% in the overall alcohol related crime and incidents from the period March 2014- February 2017 to March 2017- February 2020. However, over the same period the percentage of these crimes and incidents occurring on the Cambridge Leisure Park has seen a significant reduced from 30% to only ~9%, indicating that the presence of the current CIZ has been effective.

PETERSFIELD/ROMSEY

Despite the combined figures for these two wards showing a ~5% reduction in the overall alcohol related crime and incidents from the period March 2014- February 2017 to March 2017- February 2020. There are still two 'hotspot' areas, namely; Mill Road and Hills Road.

Mill Road:

- A total of 232 (~22%) of all recorded alcohol related incidents and crimes in Petersfield and Romsey Wards occurs on Mill Road.
- There is a total of 44 Licensed Premises on Mill Road, made up of premises with on-licences, off-licences and both.
- Between 1st March 2019 – 29th February 2020 the police recorded 26 'street based' alcohol related incidents (not crimes) along the Petersfield section of Mill Road. The vast majority of these incidents refer to: street drinkers being abusive to

members of the public, concerns for the safety of people 'passed out' on the path, or persons walking in the road, presenting a danger to themselves and other road users. Additionally, a number of calls to assist ambulance staff who are trying to assess/treat uncooperative, vulnerable persons who are under the influence of alcohol/drugs.

PETERSFIELD AND TRUMPINGTON

Hills Road:

- Over the 3-year period a total of 215 (~12%) of all alcohol related crimes and incidents within the Wards of Petersfield, Coleridge and Trumpington were recorded along Hills Road, not including those recorded as occurring at Addenbrookes hospital, Hills Road.
- The vast majority of these records indicate that the offending party was intoxicated, resulting in violent behaviour, with some leading to an assault, or displaying aggressive behaviour in a public place.

It is evident from the general downward trend in alcohol related crime and incidents that current CIZs are effective and are having a positive impact. However, the previously identified hotspots for these types of crimes and incidents continue to be problematic areas in Cambridge City, and therefore it is recommended that the current Cumulative Impact Zones remain in place.

WEST CHESTERTON

It should be noted that over the last 3 years the statistics show that Chesterton Road is a hotspot area for alcohol related crimes and incidents.

There is a small section of Chesterton Road within Arbury Ward, but its majority is in West Chesterton Ward. Chesterton Road features 4th in the table for the highest alcohol related crimes and incidents which is concerning as it isn't located within any of the existing CIZ. The city centre CIZ borders the southern bank of the River Cam, and Chesterton Road is located just north of the river.

As a comparison with Mill Road, between 1st March 2019 – 29th February 2020 the police recorded 21 'street based' alcohol related incidents (not crimes) along Chesterton Road.

The vast majority of this incidents refer to incidents involving street drinkers being abusive to members of the public and shop staff, begging, fighting amongst themselves. Additionally, as with Mill Road we have recorded a number of calls to assist ambulance staff who are trying to assess and treat unwilling, vulnerable people who are under the influence of alcohol or drugs.

The majority of these reports are centred around the 'Mitcham's Corner' area, and roads leading off it. The areas include; the parade of shops and businesses on Milton Road (as far as Springfield Terrace), the section of Chesterton Road from Croft Holme Lane, along to Ferry Path, and the section of Victoria Avenue, north of the River Cam.

There appears to be disproportionately high level of alcohol related crimes and incidents in this area of the West Chesterton ward, considering it only has 14 licensed premises.

However, a high percentage of these premises are located within this 'hot spot' area. ~23% of all recorded alcohol related crimes and incidents occur along Chesterton Road. Therefore, consideration should be given to extending the city centre CIZ to include this area, or to create a new CIZ for this relatively small geographical area.

Appendix 2 - Delegation of Responsibilities.



Creating a safer
Cambridgeshire

Licensing Act 2003

Delegation of responsibilities by the Chief Officer of Police

In accordance with the provisions of the Licensing Act 2003 I hereby delegate authority to Cambridgeshire Constabulary Licensing Officers to develop policies and procedures and to exercise all powers vested in the Chief Constable of Cambridgeshire Constabulary. Such delegation to include the power to delegate specific tasks to licensing Constables and support staff.

This delegation shall remain in force unless otherwise notified.

Signed



Nick Dean
Chief Constable
Cambridgeshire Constabulary
1 October 2018

**LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION FORM**

To: **Commercial & Licensing Manager**

From: **Environmental Health Manager**

Premises: **Cuba Libre, 19 - 31 Regent Street, Cambridge, Cambridgeshire, CB2 3AS**

Reference: **Application 1212592. Service request 364661**

Comment:

Representation made on behalf of Environment Health as per below.

Signed: [REDACTED]

Date: 25 May 2022

Daniel Image-Flower
Commercial & Licencing Technical Officer

Licensing Objective(s) in respect of which this representation is made:

Prevention of Public Nuisance:

The application is for a restaurant until 22:30 and a bar selling alcohol until 01:00 Sunday to Thursday and until 03:00 on Friday and Saturday. Live music would be played until 24:00 from Thursday to Saturday. Recorded music would be played until 01:00 Sunday to Thursday and 03:00 on Friday and Saturday. The application on Friday and Saturday is a considerable extension into the night.

19 - 31 Regent Street is within the Cumulative Impact Area (CIZ).

The location has residential properties directly above the premises and along Regents Terrace, approximately 40 meters away. Opposite the premises is Downing College, housing student accommodation, the closest of which is approximately 60 meters away. Additional residential properties are located along Park Terrace, approximately 160 meters away. The main entrance to the venue is on the corner of Regents Street and Regents Terrace with a secondary exit on Regents Terrace. Immediately adjacent to the entrance is a busy pedestrian and cycle crossing, which patrons may obstruct whilst awaiting entry, causing a nuisance and danger to passing pedestrians and cyclists.

I am concerned that the activities associated with late night refreshment until 03:00 will cause noise nuisance to neighbouring residents. To mitigate this, after 23:00 the applicant has stated they will have a policy of no readmittance but will allow people to leave in small groups and ask them to disperse. I have yet to see the policy or how this would be managed. Because this is a new premises application, there is a lack of Temporary Event Notice's (TEN's) to test if activities applied for can take place with no public nuisance caused.

The applicant has proposed a smoking area to the rear of the property, limiting the number of smokers to six patrons. Whilst this may reduce the levels of external noise, patrons who are intoxicated are likely to speak loudly. However, the proposal is located on Regents Terrace which is a one-way public highway

accessible by cars. Cars wishing to turn around may do so in areas of limited visibility and in close proximity which could be dangerous to patrons.

The application proposes to limit the internal noise to 80dB. I believe this may be difficult to achieve (as live music can often exceed this level). I also have concerns that sound may travel through the adjacent residential properties causing a nuisance. The applicant has suggested levels can be controlled by a two-stage alerting mechanism, however I have yet to receive any documentation providing evidence this could be achieved. I also have concerns about the frequencies of the music, as lower frequency bass will penetrate through walls more easily than higher frequencies.

Currently, the information provided as part of the application does not cover the rebuttable presumption that an application within the CIZ will be refused.

Environmental Health wishes to raise a representation against this application under the licensing objective of preventing public nuisance and would ask the application is refused.

If members are minded to grant the application, I would ask that the following conditions are added to the premises licence.

1. A sound management plan indicating how sound and frequency would be managed with limitations to 80dB with additional options to limit levels of bass sound and frequency shall be in place and available for inspection by responsible authorities upon request
2. Weekly records of sound testing shall be kept confirming levels are adhering to set requirements which shall be available for inspection by responsible authorities upon request.
3. A queue management plan setting out how potential issues caused by congestion from patrons obstructing the highway whilst awaiting entry would mitigate nuisance and danger to passing pedestrians and cyclists.

Signed  Date 25 May 2022

Principal Environmental Health Officer

From: Cllr Katie Porrer (Cambridge City - Market) <[REDACTED]>
Sent: 23 May 2022 16:31
To: licensing (CCity) <licensing@cambridge.gov.uk>
Cc: [REDACTED]
Subject: Cuba Libre (former Pizza Hut), off Regent's Terrace/Street - objection to licence application

Dear Colleagues in Licensing,

Cuba Libre licence application

As ward councillors, both Cllr Bick and I would like to object to the licence request from Cuba Libre for alcohol and music in their proposed venue.

We feel that this fails to meet the licensing objectives, including control of public nuisance, public safety and prevention of crime and disorder, for a variety of reasons as follows:

Whilst we appreciate that the applicants will have security on site covering the doors, the exits discharge onto and alongside Parker's Piece and in particular Regent's Terrace which has many flats and residents. It is likely that many customers will make their way to the south of the city and Hills Road via this route or spill out onto the Piece itself, also in proximity to the University Arms hotel and its residents too. With such late opening hours, this will increase noise and disruption to residents and hotel occupants, well outside normal hours for business.

Secondly, although we are grateful for the information provided about noise levels within the building, we are very concerned that this will, in effect, become a music venue and bar from 10.30 pm each evening, when food ceases to be sold. This is confirmed by the applicant and there would be live music until 11 pm or midnight and recorded music until 1 am or 3 am throughout the week and weekends. Whilst the applicant claims that the decibels can be controlled, this is not a building constructed as a music venue, and there is a big difference between a continuous noise level such as a fan unit, and the changing repetitive beats of music. We are not satisfied that this could be suitably controlled, particularly after 11 pm when other noises would have reduced and when people expect to be able to sleep. The noise attenuation company confirm that there are residential properties immediately adjacent to the 1st and 2nd floors of this building, and we feel that this is not acceptable.

Finally, it is proposed that there is a smoking area outside on Regent's Terrace, which appears to be at the taller end of the building and therefore nearer to residential properties. This would damage residential amenity, particularly after 11 pm, when customers come out to smoke and chat, and is likely to lead to customers spilling further along the road or walking around chatting very late at night, particularly if they can take their drinks with them. The music noise would also spill out every time the door is opened or closed to allow people to move outside and back inside. This is also a public highway, albeit a dead end, but one which has a variety of e-bikes, mopeds, cars and taxis using it and needing to turn in this area which is not wide, so we also have concerns about the safety of customers on the road.

If you need any further information, please let us know.

Thank you very much,

Katie and Tim

Cllr Katie Porrer and Cllr Tim Bick
Market Ward
Cambridge City Council