

Att.: Commercial and Licencing Team, Environmental Services,
Cambridge City Council



Objection

Application Number: 290075
Licence Type: Premises Licence
Licensee: Mr Aliosman Ibryam
Trading Name: Cofein

Licence Address:
38 Chesterton Road
Cambridge
Cambridgeshire
CB4 1EN

Concerning Licensing Objective no. 3: **The prevention of Public Nuisance**

Dear Sir/Madam,

My objection in regards to Application Number: 279321 (Licensee: Mr Aliosman Ibryam) is with the real and demonstrable risk of impact of another licensed premise (Trading Name: Cofein) in Cumulative Impact Area – Mitcham's Corner on the promotion of the licensing objectives under the Licensing Act 2003, in particular no. 3: **The prevention of Public Nuisance.**

With an already significant number of licensed premises concentrated in the immediate vicinity of the proposed premises on Chesterton Road, this increase in negative, cumulative, impact on the promotion of the four licensing objectives (prevention of Crime and Disorder; Public Safety; the prevention of Public Nuisance; and the Protection of Children from harm), as evidenced in the available statistics provided by Cambridgeshire Constabulary, by granting another premises licence within Cumulative Impact Area – Mitcham's Corner, will prove detrimental to our neighbourhood.

The above was already true last year, when the licensing authority for Cambridge City Council decided to grant a premises licence to Application Number 290075 a few doors down from the present application on 38 Chesterton Road, thereby ignoring their own rules as well as UK law by contradicting the restrictions imposed on cumulative impact areas, such as Cumulative Impact Area – Mitcham's Corner.

On top of this, current local residents in the area immediately adjacent to the proposed premises of the application (including the undersigned), agree on the obvious and unmitigable consequences of another licensed venue on the doorstep of our residential neighbourhood.

Concerns are further focused on the area behind the proposed premises, i.e., public alley between Chesterton Road and Trafalgar Street with access from Trafalgar Road (outlined in red as "Shared Access" on plan drawing "3" submitted together with the application, see below). I – and other neighbours submitting representations against this application – am further worried by the inclusion of, and language used in relation to, the area behind the premises: this is intermittently called "**Car Park**" (see map from application, below), or "**Garden**" (in application under "Conditions offered - Prevention of Public Nuisance". Both terms concerns me: I will object to any use of the "shared access" leading to the "Car Park/Garden" by patrons of the premises in question, either by foot or vehicle. If the area in question is to be used as a car park, it must be strictly for the owner and/or employees of the premises -NOT for the public/patrons. The use of the word "garden" in reference to the space in stead of "Car Park" (see application) is extremely worrying as it seems to imply a "leisure area". I am extremely worried by the potential for "license creep" i.e., an intent – or at least theoretical possibility – for future application for extension of any license to include the "Car Park"/"Garden" for public/patron use (e.g., beer garden).

These concerns are amplified further by the language used in passages of the application text. Below are examples with my comments below:

Application Specifics, Premises Licence, Description:

"There is no outdoor seating."

"We are applying to include a limited selection of alcoholic beverages (such as beer, wine, and pre-mixed drinks) to complement our food offering. Alcohol will be available for consumption on the premises only, served alongside meals and refreshments."

It is unclear to me, why the sale of alcohol is necessary for a cafe that "serves all-day brunch, pastries, cakes, and specialty coffee".

"Our goal is to be a positive part of the community and uphold high standards of service and safety at all times."

If this is the case, my neighbours and I certainly hope the applicant will heed our concerns regarding the proposed sale of alcohol, and withdraw their application.

Conditions agreed with Police

"High-Definition digital CCTV with appropriate recording equipment shall be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras agreed with Cambridgeshire Police."

"4 The premises shall devise and implement a dispersal policy to ensure patrons do not congregate outside the premises, and they disperse from the premises in an orderly and quiet manner so not as to disturb residents within the vicinity."

"9 It is considered that for the nature of the operation door supervisors will not be required **at all times**, however, there may be certain occasions in a year where it is considered necessary a SIA registered door supervisor will be employed by the licence holder based on a risk assessment and having regard to advice from the police." (emphasis mine).

Is it further concerning that even the idea that SIA registered door supervisor (i.e., bouncers) should be needed for a coffee place.

Conditions offered - Prevention of Crime and Disorder:

"Alcohol will only be served to seated customers consuming food or light refreshments. We will refuse service to anyone who appears intoxicated and will keep a refusals log."

Who will police these promised restrictions if a premises licence is granted?!

Conditions offered - Prevention of Public Nuisance:

"Alcohol will only be consumed indoors. There is no outdoor seating and no off-sales. Music will be limited to background levels only."

"* No alcohol to be served or consumed in the rear garden."

"* Doors and windows will remain closed during evening hours to minimise noise."

"* We will take all reasonable steps to ensure noise is kept to a minimum at all times."

Who will police these promised restrictions if a premises licence is granted?!

If the application to supply alcohol and recorded music is – for all intents and purposes – for 'all day, every day', the applicant is promising to keep all doors and windows shut throughout the premises opening hours.

Who will police these promised restrictions if a premises licence is granted?!

I therefore here submit my objection. Please see below for specification of reasoning underpinning my **objection to application 290075.**



Specification of reasoning underpinning my objection to application 290075

The Licensing Authority is required by duty to have regard to the Cumulative Impact Assessment (CIA), and thereby to actively promote the four licensing objectives. As stated on Cambridge City Council's website under 'Licences and permits > Alcohol and entertainment licensing > Licensing overview', ***"Each [licensing] objective is of equal importance. These four objectives must be addressed in every case as they apply to the consideration of all licensing matters"*** (emphasis mine).

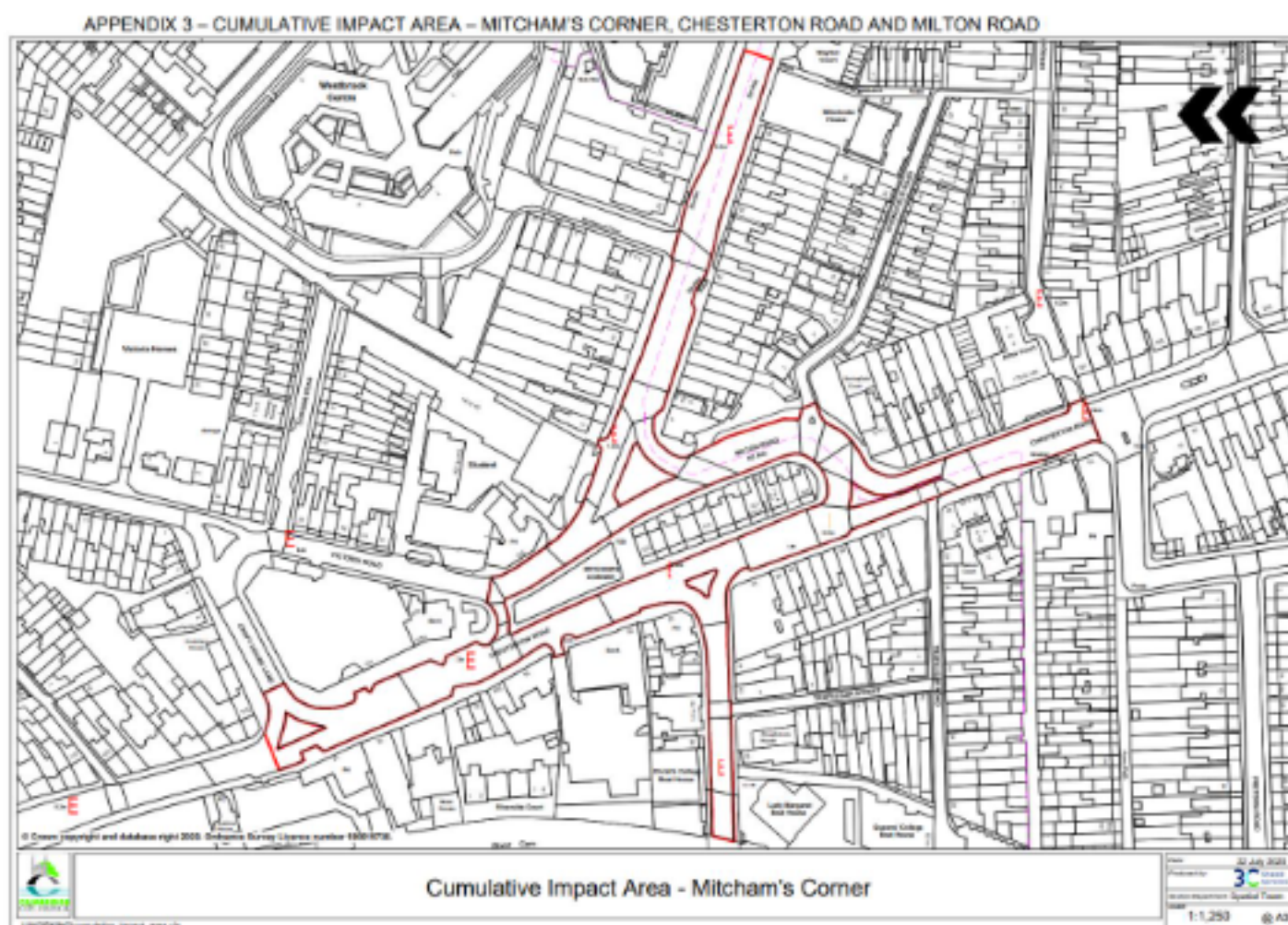
In light of this, it would be inconsistent with the Licensing Authority's duty under section 4(1) of the Licensing Act 2003 to grant any further relevant authorisations in respect of premises licences (i.e., with Supply Of Alcohol) in this part of West Chesterton Ward, i.e., Chesterton Road within Cumulative Impact Area – Mitcham's Corner, as it would demonstratively add to the rise of 'Alcohol Related Crimes' (cf. 'Cambridge City Cumulative Impact Policy Review 2023'). The rise of 'Alcohol Related Crimes' would add to the cumulative (negative) impact on the licensing objectives, which again goes against the City Council's duty of promotion of the licensing objectives as stated in 'Cumulative Impact Assessment March 2024 - Cambridge City Council, paragraph 4.5'.

This is specified in 'Cumulative Impact Assessment March 2024 - Cambridge City Council', 'Appendix 4', 'Cambridge City Cumulative Impact Policy Review 2023', p. 5:

"Whilst the figure for reported alcohol related incidents saw a reduction of -36% over the two time periods, the respective crime rate increased by 11%. Despite this both maps still show the clusters of alcohol related crime and incidents within the West Chesterton CIA [...], indicating there is still a correlation between these figures and the concentration of licensed premises, which may be justification for the existing CIA to be retained" (emphasis mine).

According to Cambridge City Council's 'Statement of Licensing Policy', paragraph 2.2, the Council ***"must fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Cambridge"*** (emphasis mine). Specifically, it is the duty of the Licensing Authority to ***"exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area."*** (Crime and Disorder Act 1998, c. 37, Part I, Chapter I, Miscellaneous and supplemental, Section 17(1)) (emphasis mine).

Consequently, based on the Licensing Authority's "obligation" and "duty" to ***"do all that it reasonably can to prevent [...], anti-social and other behaviour adversely affecting the local environment"***, it is certainly within reason, i.e., 'reasonable', for the Licensing Authority to refuse the application in question (290075).



Quoting now from the 'Section from Statement of Licensing Policy in regards to Cumulative Impact, Appendix 5, 5.10' (Licensing Sub Committee meeting - Monday, 15th June, 2020, 10.30 am).

*"This special policy [Cumulative Impact Areas] creates a **rebuttable presumption** that applications within the areas set out in paragraph 5.8 [as of May 2024 including Cumulative Impact Area – Mitcham's Corner] for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact **will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives**, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced"* (emphasis mine).

The facts supporting this designation of Cumulative Impact Area – Mitcham's Corner are grounded in years of monitoring anti-social behaviour in the area in question, i.e., Cumulative Impact Area – Mitcham's Corner, combined with rigorous data analysis produced by Cambridgeshire Constabulary.

Consequently, it is clear that the applicant **will not** be able to demonstrate that the operation of the proposed premises **will not** add to the cumulative impact already being experienced, as 'Crime and Disorder' is directly linked to increase in licensed premises.

By publishing a Cumulative Impact Assessment, the Cambridge City Council claims in its 'Cumulative Impact Assessment March 2024 - Cambridge City Council', paragraph 4.5, that

“this assessment is being published because the Licensing Authority considers that the number of licensed premises and club premises certificates within the areas specified in 4.1 is such that it is likely that granting further licences or variations to licences would be inconsistent with the authority’s duty to promote the licensing objectives.” The Cambridge City Council is, we are told in paragraph 4.6, *“setting down a **strong statement of intent** about its approach to considering applications for grant and variations of premises licences or club premises certificates in the area’s set out”* (emphasis mine).

If this “strong statement of intent” is to be taken seriously, the Council must refuse the application (279321).

The Cambridge City Council continues in its paragraph 4.7 *“the contents of the Cumulative Impact Assessment does not change the fundamental ways that decisions are made under the Licensing Act 2003”,* and further that *“the Licensing Authority will make all decisions on applications within the cumulative impact area on a case by case basis **with a view on how best to promote the licensing objectives.** Each application will be considered on its own merits* (emphasis mine).“

While due consideration of every application should of course be the rule, government legislation and local police recommendations on issues of crime and public nuisance ***must take precedence and be enforced*** through this clear-cut preventive tool (i.e., Cumulative Impact Assessment) prescribed by those authorities, so as to promote the licensing objectives as faithful as possible.

Therefore, as per the definition in paragraph 4.8 of the same document, the application in question cannot in good faith be considered *“appropriate”* for approval in Cumulative Impact Area – Mitcham’s Corner, as *“the onus is on the applicant to demonstrate to the responsible authorities the suitability of how their proposal will **not add** to the cumulative impact”* (paragraph 4.10, emphasis mine). This will, however, prove impossible to demonstrate for the applicant when considering the available crime statistics, as these – as mentioned above – repeatedly show a correspondence between number of licensed premises and amount of anti-social behaviour.

As stipulated in paragraph 4.12, when *“it cannot be demonstrated that an application **will not** undermine the licensing objectives or demonstrate it **will not** increase the cumulative impact with the areas specified in paragraph 4.1, **then it shall be the policy of this Licensing Authority to refuse to grant the application**”* (emphasis mine).

In conclusion, I hope my above objection will be taken seriously into consideration in order to refuse/reject **Application** Number: 290075