



Please ask for Brian Offiler

Email: [committee.services@chesterfield.gov.uk](mailto:committee.services@chesterfield.gov.uk)

Please see attached the documents for the agenda item(s) listed below for the decision of the ASSISTANT DIRECTOR - HEALTH AND WELLBEING to be made on WEDNESDAY, 8 APRIL 2020, the agenda for which has already been published.

1. Application for a New Premises Licence by The Birdcage Chesterfield Ltd, in respect of The Birdcage, 35 Derby Road, Chesterfield, S40 2EF (Pages 3 - 18)

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brian Offiler".

Local Government and Regulatory Law Manager and Monitoring Officer

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## For publication

### Application for a New Premises Licence by The Birdcage Chesterfield Ltd, in respect of The Birdcage, 35 Derby Road, Chesterfield, S40 2EF

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Meeting:	Assistant Director – Health and Wellbeing <i>(Licensing Committee decision delegated to the Assistant Director – Health and Wellbeing under the emergency arrangements approved by Standards and Audit Committee on 19 March, 2020 and enacted by the Chief Executive on 20 March, 2020)</i>
Date:	Wednesday 8 <sup>th</sup> April 2020
Cabinet portfolio:	Health and Wellbeing
Report by:	Steve Ashby, Licensing Officer

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## **For publication**

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### 1.0 **Purpose of report**

- 1.1 To present further information that has been received in respect of this application for a new premises licence in respect of

The Birdcage,  
35 Derby Road,  
Chesterfield,  
S40 2EF.

1.2 In response to the circulation of the hearing papers on 1<sup>st</sup> April 2020, we have received a further submission from a representor and also from the applicant. The applicant forwards several photographs showing quiet streets around the venue. The representor points out the perceived detrimental impact upon existing business and family life in the area.

1.3 Their comments are copied in below.

1.4 **Additional comment from a representor**

The report I see relays the concerns I expressed re traffic, parking, noise & anti social behaviour.

I'd like to add/mention another factor that I mentioned that this type of enterprise simply isn't needed with the venues so close by such as Derby Road Deli & the One Stop Costa machine. It's baseless economically and I'm sure these other businesses are not happy. Forgive me if that point was mentioned in your report & I missed it.

The business owner's assertion that his office will be next door is baseless. He will not be a resident & there that often.

I further don't accept it will be beneficial to the street scene. Litter, people congregating would have the exact opposite effect. There would be much better options.

To conclude, for the peace of mind & quality of life for residents the unit is CLEARLY best for a daytime enterprise only with a swift footfall/turnaround. Derby Road does not need it - it's at its limit for traffic and antisocial behaviour WOULD ensue. I would urge a total rejection of any music & alcohol licence. Coffee shops don't have alcohol do they for takeaway, or for having on premises.

1.5 Additional comment from the applicant

I might just add the following, I have been taking pictures at different time of the day and have noted that the streets in this area are almost empty. There are no council parking restrictions such as permits etc! or yellow lines, I do not feel that parking is a valid issue. I expect our busy times to be Saturday and Sunday, on these days the Derby Road Deli which operates on the opposite corner is closed and there is nearly a full one side of these street with empty car parking spaces. In addition if parking outside a property is privilege then we can get at least 3 outside the corner shop and 4 in the rear car park!! So 7 cars can park without even impacting on the street.

Not sure this helps but just thought I would mention it.





I have attached some pictures, these have been taken at various times of the day and are the immediate surrounding streets. As you can see the area is quiet, this can be easily witnessed by anyone driving wishes to take a drive down this area. Having worked in the area for some weeks I can also confirm never seeing anyone using the road as a rat run!!



The picture above shows a delivery we had on a Saturday morning!! you can see that we was not struggling for a parking space.

1.6 I forward these additional comments for your information.

Steve Ashby  
LICENSING OFFICER  
03.04.2020

For more information on this report please contact the author,  
Steve Ashby  
email [steve.ashby@chesterfield.gov.uk](mailto:steve.ashby@chesterfield.gov.uk)

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*(Licensing Committee decision delegated to the  
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**1.0 Purpose of report**

1.1 To present further information that has been received in respect of this application for a new premises licence in respect of

The Birdcage,  
35 Derby Road,  
Chesterfield,  
S40 2EF.

- 1.2 In response to the circulation on Friday 03.04.2020 of the additional comments received after 1<sup>st</sup> April's circulation of our hearing papers, we have received further submissions from representors and from the applicant.
- 1.3 Their comments are copied in below.
- 1.4 **Additional comment from representors**

**Further comment from a representor 03.04.2020**

I have a further comment to add in respect of the photos taken that supposedly show quiet traffic and parking issues.

Those were clearly taken recently which will obviously show no traffic!! The nearby Redvers Buller Road is usually completely full up at least halfway up to Dundonald road with cars and the main road even has parked cars usually too. They say they can park 3 cars in front of the shop itself - that would mean they would have to drive up onto the pavement which if that's happening throughout the day isn't safe for pedestrians and the road is also a cycle path.

Furthermore I would like to also request the hearing be deferred until a suitable time where we can make face to face representation.

Thank you.

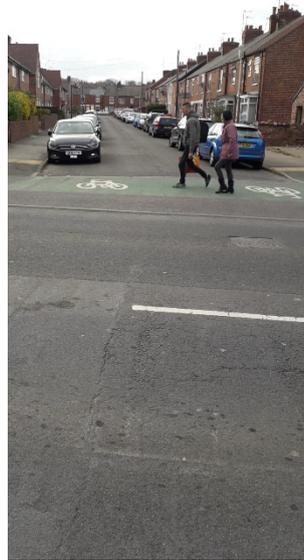
**Further comment from a representor 03.04.2020**

Dismayed to see this latest info - it is NOT the case that Derby Road is quiet and that there is ample space for parking on the busy main road. Derby Road quiet? Simply not so and I'm a resident. And people would be staying longer there. Plus the later hours business would continue.

Derby Rd Deli serves the area sufficiently and opens daytime only.

**Further comment from a representor 03.04.2020**

And here is illustration of what parking is like on Lord Roberts Rd - not much room is there??! And there is NOT sufficient parking space on the main Derby Road there.



**Further comment from a representor 03.04.2020**

The pictures he has taken are in most likely taken when most people are out at work, and as for the delivery on the Saturday morning the men that was working on the premises at the time had to come knocking on doors to move cars that was parked on the street as the proprietor will have knowledge of. As for

the road being used as a rat run it is at the busiest time off day when derby road is nose to tail in the rush hour. The residents are not liars we have this to put up with most days and feel a bar will only add to the pressure we are all under, also a few we'll Chosen pictures so how he's attempting to sugarcoating the issue

1.5 Additional comment from the applicant

I would appreciate that the meeting is not deferred, we are currently paying rent on the building and have already had to cancel many pre made bookings due to the Corona virus. Further delays may result in further cancellations or even the business being left in a dire financial state. The sooner this is concluded the better.

1.6 I forward these additional comments for your information.

Steve Ashby  
LICENSING OFFICER  
06.04.2020

For more information on this report please contact the author,  
Steve Ashby  
email [steve.ashby@chesterfield.gov.uk](mailto:steve.ashby@chesterfield.gov.uk)

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**1.0 Purpose of report**

1.1 To present further information that has been received in respect of this application for a new premises licence in respect of

The Birdcage,  
35 Derby Road,  
Chesterfield,  
S40 2EF.

- 1.2 In response to the circulation of newly received comments 06.04.2020, we have received further submissions from representors and from the applicant.
- 1.3 The latest comments have required redaction and are therefore included in the attached document at appendix 13.
- 1.4 The latest comments include a further statement from a representor, a statement from the applicant and two comments from local residents that the applicant received after he circulated a letter to nearby residences.
- 1.5 I forward these additional comments for your information.

Steve Ashby  
LICENSING OFFICER  
07.04.2020

For more information on this report please contact the author,  
Steve Ashby  
email [steve.ashby@chesterfield.gov.uk](mailto:steve.ashby@chesterfield.gov.uk)

### **Further comments circulated 07.04.2020**

#### **Further comment from a representor 06.04.2020**

I'm in agreement with the representation that the applicant's photos were simply taken at well chosen times. The photos I supplied of Lord Roberts Road were literally taken on seeing this response. I'll say yet again there is NO scope to park on the main Derby Road & we cannot and will not accommodate this on Lord Roberts Road. I note the representation that the parking situation is no better on Redvers Buller. As a resident I see that myself.

This licence does need to be considered fully and without haste. It's quite simply the case that residents quality of life & peace takes precedence over the applicant's loss of income. He seems confident he will be successful and urges a swift resolution. NO. The decision should not be hastened. We do not want this enterprise. And no, residents are not liars. If it needs to be deferred it should be, though clearly to me it should be refused outright. I'll also say again this unit is only suitable for swift daytime footfall.

#### **Further comment from applicant 07.04.2020**

Is it worth me taking more pictures? even during the very strict lockdown rule you can see a large empty space half way down the street, one of the residents owns several of these cars (car salesman). I can assure you that the bottom part of this street was almost empty today (3pm) as are the surrounding streets.

Regarding our own parking, I am not suggesting using the forecourt, I would not deem this a safe idea. I am simply referring to the parking spaces adjacent to the side of the building and at the rear, in addition some of the busiest places in Chesterfield (for example Koo & Junction) do not have off street parking and we will be smaller than both these places.

#### **Comments from residents**

The applicant circulated a letter to local residences when he submitted his application. The text of this letter can be seen at appendix 12 to the original report of 31.03.2020.

The applicant has forwarded two responses from residents who received his message. These suitably anonymised responses are copied in below.

**1. 05.03.2020**

Hiya, I just received a letter through my door, I'm more than happy with Alan's being turned into something useful.

**2. 06.03.2020**

First of all, thank you for being 'open' enough to put up your message about your proposed business in Alan's old shop.

I live [REDACTED], and being part of a family with [REDACTED] shall I say, 'non-European origins', I am concerned about the effects of your business and the behaviour of your clientele.

Therefore, may I simply ask you four questions please?

You say on your note that it will be more of a café than a bar. Yet, you are in the process of securing an alcohol licence for the premises, are you not? And doesn't your whole proposal refer to a bar or micro-pub? (Not that I am entirely against any of this.) Or is it that you intent to offer the public a café-style service but with the option of alcohol as a secondary provision? (Again, which would be fair enough.)

What are your hours of business intending to be?

Also, 'live entertainment' is described. This is where my main concern mainly lies. You are to call your bar or pub or café 'THE BIRDCAGE' and you will be providing 'live entertainment' for your clientele. Can you please tell me precisely what sort of 'live entertainment' you will be providing in an establishment called 'THE BIRDCAGE'? I hope you can understand that, again, I have [REDACTED] to consider who, since we rely on public transport, have to walk along Derby Road at various times of the day and night every day. I am sure you can imagine the sort of sleazy male clients that this name puts into one's mind.

Finally, although people will be drinking in at your premises what provisions are you making for the parking pressures that will arise?

Thank you again for providing the opportunity to get in touch with you, and I hope you can provide answers to my questions and concerns.

Best wishes,

**Applicants reply 06.03.2020**

Thank you for your email, we welcome all feedback and will try our best to answer your questions.

The Birdcage will be a licenced Café, we will serve alcohol with food.

We plan to have a few live music nights, maybe a solo guitarist or similar. The music will be back ground music only and will not be played outside. We have taken precautions to sound proof the venue and will be upgrading the shop front using triple glazing to again reduce noise transfer.

We have requested to be open until 11pm, but this does not mean that we will stay open until this time. We look to copy other places in Chesterfield such as Koo on Chatsworth Road and Society in the town centre. These places are normally closed between 5-7pm and even on Weekends by 10pm, we have taken a view that if we ask for 11pm it gives us flexibility for occasions such as Bank Holidays or Festive periods where we may have demand to stay open later.

Regarding car parking, we hope to encourage local people to use the venue, the venue is only small so will only accommodate around 30 people so we do not expect a large increase in parked cars. If we look at Koo on Chatsworth Road this place has no parking and street parking is very restricted, yet it can get very busy.

We will not tolerate bad behaviour, we have strict guidelines set out in our application and will ensure that these are adhered to at all times, we will also be installing around 10 HD security cameras.

I also think that at present the redundant shops pose more of an issue as the area is very quiet, with the lack of activity it allows people to feel that they can get away with more. I recently had to step in on a Friday night when I found a young lady screaming, she was being followed by a man, I challenged him and this gave the young lady time to run away. I feel that the area was so quiet, with no activity that it gave this man the confidence to almost do as he pleased.

I would just like to add the following..... I plan to move my office into the old cooker shop, this makes me the closest neighbour to the proposed coffee shop. I can assure you that the last thing I would want is loud noise, bad behaviour or even lots of cars coming and going, my plan is to create a nice space for local people to use.

When I took on the property we had a lot of interest in renting to a fish and chip shop, a pub company, kebab, pizza and chicken shops, the interested parties was all from out of Chesterfield and therefore would not have lived locally. These type of establishments would have caused noise, additional traffic, litter, food waste, smells and potentially anti social behaviour.

This is not what I want for the area or as a neighbour to my new office. I wanted something that would be pleasant, that was beneficial for local people and that offered a community hub, my intention was never to take on Alans store myself but having seen what the alternatives was it left me with no choice. I assure you that upsetting local people is the absolute opposite of what I want to achieve, I very much want to work with the local people to make the place a success and hope that it will improve the area not spoil it.

The building was always going to be a commercial property, there are no plans to turn it back into a house and therefore it is maybe worth considering what the options for the building may be? it is hard to see that anyone would open it as anything better than what we propose? I had one offer for a carpet shop, but he wanted to drop a 20ft storage container on the side!! again something I felt would not be an improvement on what was there before. I hope that you can understand what I am trying to achieve and please feel free to reply, I will always do my best to respond to you and address your concerns.

I hope that this answers your questions, please feel free to reply.

#### **Response 11.03.2020**

Thank you very much for your reply. It was very much appreciated, especially as it was detailed and well considered. (Apologies for only responding today - I don't maintain access to the internet all the time; I really should move in to 21st Century, I know!)

If you are planning to move your office to the unit next door, does that mean that if there is some sort of issue we could just knock on your door and say , 'Tim . . .' ? (Actually, I mean that as both a joke and quite seriously at the same time - it would be nice to be able to do that.)

From what you say, it may even be somewhere my [REDACTED] would want to go.

I must just ask though, why on earth 'the Birdcage'?!

Well, all I can add is welcome to Derby Road and all the best with the new business.

. . . unless, I was to ask if there might be any jobs going!

Thank you again.

Best wishes,

**Applicants reply 11.03.2020**

Thanks for your reply.

Any issue at all and I will be available, I work long hours so unfortunately I will more than likely be next door during most of the hours we plan to open!!!

100% for families. I have two young children 11 & 13, I hope that they will be using the café as at present they cant find anywhere suitable to go. I have to taxi my oldest daughter to and from Sheffield and really hope that she will use the new Café instead, I would feel happier knowing that she is local and in a safe environment.

It was so hard choosing a name, Birdcage was partly down to the location (Birdholme area).

Thank you for the welcome, hopefully we will be open soon and can talk more face to face.

We may be looking for some part time/ full time staff, I will keep you updated.

Just to add that I have decided to keep on my existing business premises on Sheffield Road, this is to ensure we do not add further traffic to the surrounding streets.

I did not think it would be fair to have a number of vans parking up at different times throughout the day so I have taken the decision to use Derby Road as office premises only, this represents an increase in costs to my business but hopefully displays my commitment to ensuring residents are not adversely affected in any way.

Regards - Tim