



Please ask for Brian Offiler
Email: democratic.services@chesterfield.gov.uk

**NOTICE OF OFFICER DECISION TO BE MADE
8 APRIL, 2020**

The following Officer Decision is due to be made by the
ASSISTANT DIRECTOR - HEALTH AND WELLBEING
on WEDNESDAY, 8 APRIL 2020.

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 - 46)

(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)

Reports relating to the decision to be taken are attached to this notice, unless they contain confidential or exempt information. A meeting will not necessarily take place when the decision is made. Please contact Democratic Services for more information.

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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

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 th April 2020
Cabinet portfolio:	Health and Wellbeing
Report by:	Steve Ashby, Licensing Officer

For publication

1.0 **Purpose of report**

- 1.1 To enable determination of the application made by Tim Vice on behalf of The Birdcage Chesterfield Ltd for a new premises licence in respect of

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

1.2 Relevant representations have been made in respect of the application and not withdrawn. Consequently, the application cannot be granted or refused under standard officer delegated authority.

2.0 **Recommendation**

That the Committee hear details of this licence application and determine whether it is

- Granted
- granted with conditions
- or refused.

2.1 Copies of the Application Form and premises plan are attached to this report at Appendix 1 and 2.

3.0 **Report Details**

3.1 The premise is a two-storey building, with a ground floor retail area and accommodation on the first floor. As can be seen from the photograph below, the premises previously operated as a corner shop and takeaway.



3.2 It is situated at the junction of A61, Derby Road and Lord Roberts Road.

Derby Road is a main arterial route through Chesterfield with high volumes of vehicle use, carrying commuters, public transport and commercial traffic.

Lord Roberts Road is an access only residential street. This means vehicular traffic on the street should be limited to residents and bona fide visitors to the premises thereon.

- 3.3 The photograph below shows the relevant location of the premise which whilst located on a busy road, is also surrounded by residential properties.



4.0 **Application**

- 4.1 The application received in Licensing on 21st February 2020 is for a Premises Licence to establish a licensed café at 35 Derby Road. The applicant describes it as a "Licensed coffee shop, serving hot and cold drinks as well as food."
- 4.2 The application seeks the following licensable activities
- Sale and supply of alcohol (both on and off the premises) daily between 11.00 am and 11.00 pm.

- indoor sporting events, live and recorded music (indoors) daily between 07.00 am and 11.00 pm
 - Non-standard timings are sought for all licensable activities and opening hours which states “Extend until 1am on days preceding bank holidays, on bank holidays and on boxing day and New Year’s Day”.
 - Opening hours of the premises are identified as daily between 07.00 am and 11.00 pm.
- 4.3 Late night refreshment is also referred to in the initial part of the application form, but no licensable hours nor non-standard timings are sought in relation to the activity.
- 4.4 It is worth noting the current hours sought would not require a late-night refreshment permission in any case. The terminal hour for all activities at the premises ends at 11.00 pm and no licence is required for late night refreshment until after 11.00 pm.
- 4.5 It is also worth noting that indoor provision of live and recorded music is already permitted on licensed premises between 08.00 am and 11.00 pm by virtue of the Live Music Act of 2012.
Although permission for live and recorded music is sought between 07.00 am and 11.00 pm, only the period of 07.00 am to 08.00 am falls outside the scope of this legislation in this application.
- 4.6 Applications for a new Premises Licence are required to be advertised by way of an advert in the local press, a site notice displayed at the premises and copies of the application submitted to all Responsible Authorities.
- 4.7 The appropriate local press advert appeared in the Derbyshire Times on Thursday 5th March 2020.

- 4.8 The site notices displayed on the premises, advertising the application were viewed by licensing enforcement staff on 25th February 2020 and found to be displayed correctly and completed appropriately.
- 4.9 The application was submitted online through the internet and as such, the Chesterfield Borough Council Licensing Authority circulated a copy of the application to the responsible Authorities.
- 4.10 The statutory deadline for representation was 20th March 2020. Responsible Authorities and Interested Parties are entitled to make representations to the Licensing Authority provided they are relevant.

A number of representations have been received and accepted from local residents and from Derbyshire Police in relation to one or more of the licensing objectives which are: -

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- protection of children from harm

Redacted copies of the messages of representation are shown at Appendices numbered 3 to 11.

- 4.11 The representations received from local residents regarding this application express concerns over:
- The possibility of antisocial behaviour due to drink. The past history of bars in this area has shown this in the past.
 - The possibility of antisocial behaviour due to drugs
 - Concerns about litter (bottles, cans etc)
 - Those making representations report that parking is already an issue for the local residents and this premises would make things worse. Residents already struggle to park outside their own houses.

- Concerns about noise and loud music being played late at night and early in the morning. Particularly problematic for shift workers and those with young families.
- Increased traffic problems. Those making representations report that road is already a “rat run” with drivers trying to avoid congestion on Derby Road. It is also subject to parking by residents and visitors of other streets. Traffic would worsen with this application and with the number of parked cars on the street, there is always the possibility of a child running between cars and being injured.

4.12 The Police representation (Appendix 11) refers to the proposed operating schedule for the premises.

4.13 As part of the application process the applicant is required to describe in the operating schedule the additional steps that are intended to be taken in order to promote the licensing objectives for the new premises licence that has been requested.

4.14 Under the Licensing Act 2003 these volunteered proposed steps will be attached to the premises licence as conditions which must be complied with. These are set out in Part M of the application form.

4.15 PC Hussain of Derbyshire Police submitted his representation stating, “It’s the opinion on Derbyshire police licensing that the operation schedule submitted does not adequately address the licensing objections in particular Crime and disorder and Prevent of Public Nuisance.”

4.16 PC Holden of Derbyshire police went on to identify three additional conditions that if added to the licence operating schedule would satisfy the police concerns. These were

- Under prevention of crime and disorder - SIA qualified door supervisors will be deployed on a risk assessed basis. Such risk assessments will be retained for a period of 3 years and will be produced to an officer of a responsible authority upon request.
- Under prevention of public nuisance - Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose. Any such external consumption area will be supervised by premises staff.
- Under prevention of crime and disorder - CCTV is installed at the premises to cover the public areas of the premises. CCTV recording and images shall be retained for a period of 30 days and produced upon request to an officer of a Responsible Authority.

4.17 The applicant has agreed to these conditions being added to the licence. Should the committee agree to their addition to the operating schedule, this will satisfy any concerns the police have about the venue.

4.18 The applicant states he has recently written to a local resident to assure them of his intentions. He has supplied a copy of this letter which is included at appendix 12. He states that had he had the opportunity; this is what he would have told local residents.

4.19 In summary he describes a community hub type venue being operated sympathetically towards local residents with strict controls around behaviour and noise nuisance.

He goes on to say that he will be operating his own business from the adjacent premises and thus has a personal interest in making sure that this one does not cause nuisance or offence.

He concludes by saying that the property was always going to be a commercial enterprise and that his application is

probably far less intrusive than other uses for the property might have been.

5.0 **Conclusion**

- 5.1 When carrying out its licensing functions, the Licensing Authority must do so with a view to promoting the 4 licensing objectives and also with regard to its Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
- 5.2 Where either the applicant or a person who made relevant representations is aggrieved by the decision of the Licensing Authority, appeal is to the Magistrates' Court.
- 5.3 As relevant representations have been made in respect of the application and not withdrawn, the application cannot be granted or refused under officer delegated authority.
- 5.4 The Licensing Committee is therefore asked to consider the application and determine it by
 - granting it as requested
 - granting it subject to conditions
 - or refusing the application.

Steve Ashby
LICENSING OFFICER
31.03.2020

For more information on this report please contact the author,
Steve Ashby
email steve.ashby@chesterfield.gov.uk

Appendix	Representor / document
1	Application form
2	Premises plan
3	Representations from local residents
4	
5	
6	
7	
8	
9	
10	
11	Representation from Derbyshire Police
12	Submission from the applicant Tim Vice The Birdcage Chesterfield Ltd

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**Application for a premises licence to be granted
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/We The Birdcage Chesterfield Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
The Birdcage Chesterfield Ltd 35 Derby Road			
Post town	Chesterfield	Postcode	S40 2EF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£3200.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- h) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- i) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please note 15 for information)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name The Birdcage Chesterfield Ltd
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Licensed coffee shop, serving hot and cold drinks as well as food.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)
-

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	0700	2300	
Tue	0700	2300	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed	0700	2300	
Thur	0700	2300	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri	0700	2300	Extend until 1am on days preceding bank holidays, on bank holidays and on boxing day and new years day
Sat	0700	2300	
Sun	0700	2300	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	0700	2300			
Tue	0700	2300			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed	0700	2300			
Thur	0700	2300			
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	0700	2300			
			Extend until 1am on days preceding bank holidays, on bank holidays and on boxing day and new year's day		
Sat	0700	2300			
Sun	0700	2300			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	0700	2300			
Tue	0700	2300			
Wed	0700	2300			
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	0700	2300			
Fri	0700	2300			
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	0700	2300			
			Extend until 1am on days preceding bank holidays, on bank holidays and on boxing day and new year's day		
Sun	0700	2300			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	1100	2300			
Tue	1100	2300			
Wed	1100	2300			
Thur	1100	2300			
Fri	1100	2300			
Sat	1100	2300			
Sun	1100	2300			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
			Extend until 1am on days preceding bank holidays, on bank holidays and on boxing day and new year's day		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name - Mr Duncan Edward Mathews	
Date of birth	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	0700	2300	
Tue	0700	2300	
Wed	0700	2300	
Thur	0700	2300	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>Extend until 1am on days preceding bank holidays, on bank holidays and on boxing day and new year's day</p>
Fri	0700	2300	
Sat	0700	2300	
Sun	0700	2300	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

All staff will be authorised by the personal licence holder and fully trained and a notice will be displayed listing names of authorised persons.

Strict supervision/training will be given where necessary.

b) The prevention of crime and disorder

No persons will be supplied alcohol if appearing intoxicated.

I will take part in the Pub Watch Scheme.

There will be notices to inform people.

The premises our fully secured (refer to operating schedule).

c) Public safety

Public Liability Insurance, secure shelving, hard wearing floors.

First aid kit available, hand washing facilities.

Flat access no trip hazards.

Premises fully maintained (regularly)

Fire prevention legislation.

No external hazards.

Fire and Health & Safety legislation will be complied with.

d) The prevention of public nuisance

Quiet notices.

Part of drink wisely campaign.

We will report any incidents to the Police, loitering will not be tolerated.

e) The protection of children from harm

1. All training is provided on commencement of employment on the law relating to all age restricted products sold and any system or procedures in place which employees are expected to follow. Refresher training should be provided at regular intervals (at least six monthly).

Records detailing the training provided will be kept for a minimum of two years (either on the premises or at Head Office) and made available on request to an Officer of a Responsible Authority.

2. A Challenge 25 Scheme will be operated at the premises. Acceptable forms of identification will be PASS accredited proof of age card, photo driving licence or passport. Failure to produce satisfactory proof of age will result in a refused sale.

Clear prominent signage informing customers of the scheme will be displayed in store.

3. A refusal log will be maintained in store which the Designated Premises Supervisor (or Deputy authorised in writing) will, at least weekly, examine the record and action as necessary. The records will be retained for a minimum of two years (either on the premises or at Head Office) and made available to an Officer of a Responsible Authority on request.

No children will be allowed on the premises unless accompanied by a responsible adult over the age of 18.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also, and on occasions will be required to, share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information see the privacy notice on the council website, www.chesterfield.gov.uk/privacy or contact the council's data protection officer on 01246 345345.

Chesterfield Borough Council collects personal information when you contact us for any services we provide. We will use this information to provide these services. We may need to share your information with service providers and other departments within CBC to ensure that you receive the best possible service, your personal data can be used for the national fraud initiative. If so, this will be made clear in our privacy notice. We will not share your information with third parties for marketing purposes or any other reason unless required to do so by law.

For more information explaining how we protect and use your information please see our privacy policy at www.chesterfield.gov.uk/privacy

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	29/01/20
Capacity	DPS

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	29/01/20
Capacity	2 nd Applicant

Post town	Page 30
	ostcode

Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

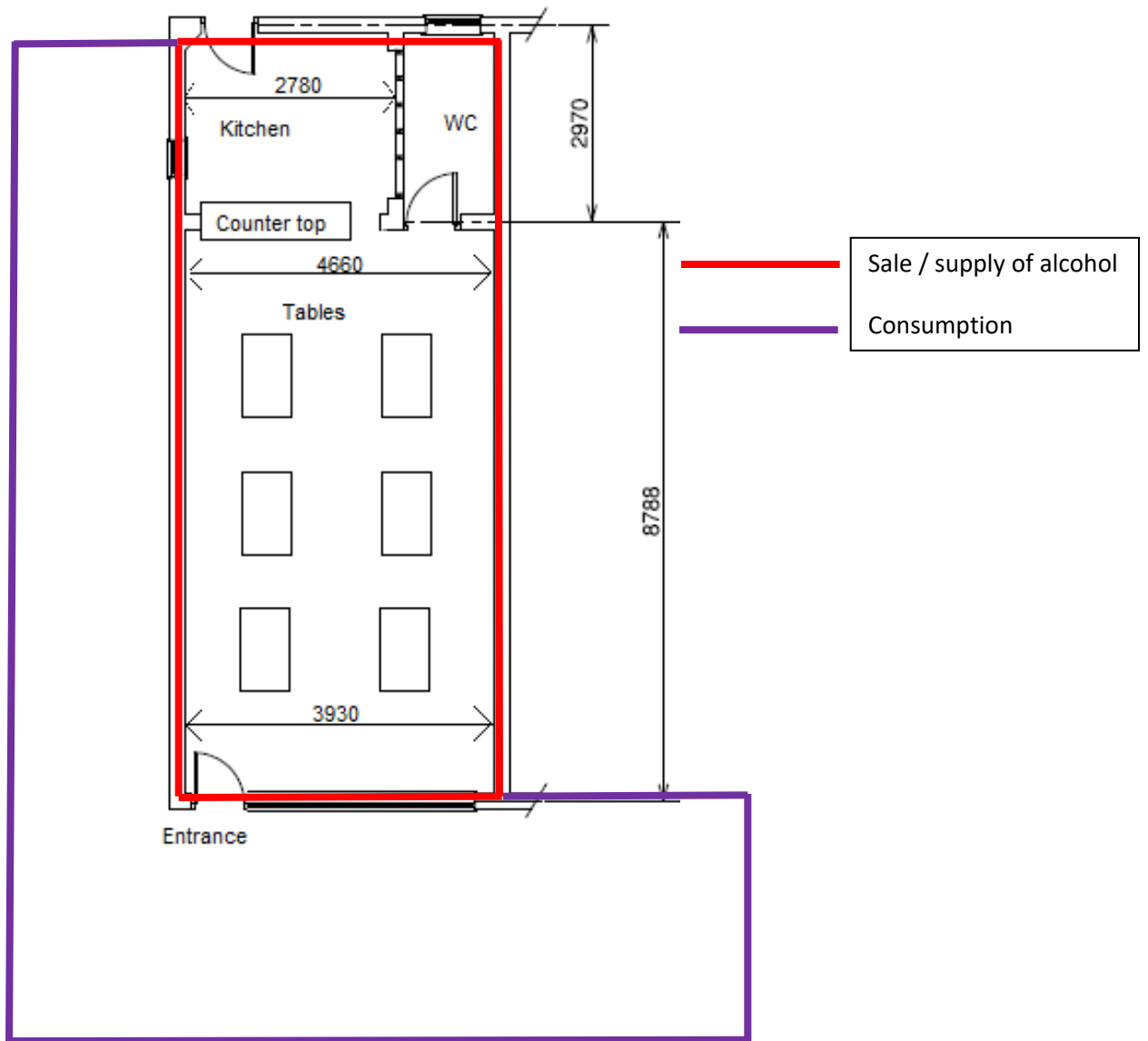
Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK or



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APPENDIX 3

From:

Sent: 03 March 2020 17:51

To: General Planning Enquiries <Planning@Chesterfield.gov.uk>

Subject: Application Objection.

With regards to the application for a licence /bar @ 35 Derby Road. (The Birdcage.)

I am resident on Lord Roberts Road and wish to strongly oppose the granting of this licence, I am 86 years of age and am very concerned about the possibility should this go ahead of antisocial behaviour due to drink, even drugs. Also the issue of litter out on the streets around, IE bottles cans etc. Not to mention parking issues which are already an issue for local residents, this will only make things worse should the application go ahead. Then we come to the issue of loud music being played into the early hours. I strongly urge that the concerns of the local residents be taken into consideration and that this application be rejected. Thank you.

Kind Regards.

A very concerned resident.

APPENDIX 4

From:

Date: 08/03/2020 12:42 (GMT+00:00)

To: Planning@Chesterfield.gov.uk

Subject: Planning

To whom it may concern

I would like to put in an objection to the proposed application for The Birdcage on Derby Road

Firstly it will cause an issue with the parking for resident's who live on Lord Robert's Road. There is already a problem with residents from Derby Road parking on here so this would only get worse.

Secondly there would be a lot of noise coming from here as both at night and early morning which would cause problems to working people and the elderly who live on the street.

The road it's self is rapidly becoming a rat run from traffic trying to escape the congestion on Derby Road and surly this is an issue for people with young children it's an accident waiting to happen. With cars already parked noise to tail it only takes a child to run between the cars and wouldn't be seen till to late.

This is not an objection from the residents being kill joy's it's a genuine concern for all who live on the street.

Regards

APPENDIX 5

From:

Sent: 27 February 2020 11:22

To: General Planning Enquiries <Planning@Chesterfield.gov.uk>

Subject: Proposals for former corner shop 35 Derby Road

FAO Planning Department - objections

I have just this morning noticed a copy of an application for a premises licence at 35 Derby Road (formerly Alan's Corner Shop).

As a resident on Lord Roberts Road I wish to **object in the strongest possible terms**. I'm absolutely appalled and beyond worried that these premises look to be proposed as a bar ("The Birdcage"?) with live music and serving alcohol. I'm distressed about the noise and possible anti social behaviour this could bring and **I for one do not want this**.

I feel so upset I **guarantee** that after 21 years living on Lord Roberts Road I will 100% have to sell my house/leave my home I object to this so much.

Would you kindly please acknowledge receipt of my objection and confirm it is fully logged/considered. I also ask that I be kept informed of progress of this proposal (I do hope it does not have full approval at this juncture).

Could you please ensure I'm informed of progress with this because I will honestly have to make plans as I've just outlined to move as I don't want to live close by this (nor do many of my neighbours I'm sure).

Thank you

From:

Sent: 23 March 2020 15:21

To: Steve Ashby <Steve.Ashby@Chesterfield.gov.uk>

Subject: Re: Proposals for former corner shop 35 Derby Road

Good afternoon

Many thanks for your email.

I'm happy for my written representations to be used for considering this proposal.

As long as it's perfectly clear I'm very opposed to the proposal and do not wish to see a coffee shop in those premises or a licence granted for alcohol or music I'll accept if you decide a phone conference is not needed.

On the issues of parking (ie there is none), the noise and risk of antisocial behaviour plus another coffee shop not being needed I implore a decision to stop this proposal altogether. I don't accept it will improve the street scene and for the peace of residents the unit is clearly best for a daytime hours enterprise.

If you can assure me my assertions and concerns will be fully put forward/considered I accept if a phone hearing isn't deemed necessary. Especially in the current situation I would understand that.

Thank you.

Kind regards

APPENDIX 6

From:

Sent: 11 March 2020 18:33

To: General Planning Enquiries <Planning@Chesterfield.gov.uk>

Subject: The Birdcage planning

To whom it may concern

Please see attached objections to the proposed bar.

Regards

Planning Department
Chesterfield Borough Council
Town Hall
Rose Hill
Chesterfield
S40 1LP

To whom it may concern

I write to you with regards to the proposed bar being opened “The Birdcage” on the corner of Lord Roberts Road. The former corner shop premises Alan’s – 35 Derby Road

I would strongly oppose this application for a number of reasons:-

1. The noise pollution this will cause will be a concern for residence who work shifts or early starts with music and car doors slamming both early morning and nights.
2. The anti social behaviour this so called bar will create is and will be a major concern as the clientele is hardly going to be well behaved as past history with bars in this area has proved in the past.
3. There is an issue with parking on Lord Roberts Road which is as I believe an access only but doesn't stop people living/visiting residents on Derby Road parking here so add a bar and the parking problem would be a major concern for residents.
4. Finally I would like to ask a question of the planning department.
How can somebody just decided to turn a shop or shops into a bar with no regard to or for the residence that have lived here for many years, just to have this dropped on them without being consulted?

APPENDIX 7

From:

Sent: 29 February 2020 16:44

To: General Planning Enquiries <Planning@Chesterfield.gov.uk>

Subject: The Birdcage

I would like to lodge a complaint about the above premises planning application I am a resident on Lord Roberts Road and I am very worried about the implications of possible noise/antisocial behaviour and the fact that parking for residents would be near impossible. Is there any opportunity to set up a meeting of residents and the planning committee to enable an open discussion?

APPENDIX 8

From:

Date: 28 February 2020 at 11:26:58 GMT

To:

Subject: Proposals for former Corner Shop 35 Derby Road

FAO Planning Department - objections

We have noticed a copy of an application for a Premises Licence at 35 Derby Road (formerly Alan's Corner Shop).

As residents of Lord Roberts Road, we wish to object in the strongest possible terms. These premises look to be proposed as a bar ("The Birdcage"?) with live music and serving alcohol. Our concerns are not only the noise and potential anti-social behaviour but also where would all the visitors/patrons park? There is already an ongoing issue on Lord Roberts Road with parking where even residents cannot always park outside their homes. On such a busy main road there would be no places to park safely. It's a very upsetting and nonsensical proposal we definitely do not want to go ahead.

Would you kindly please acknowledge receipt of our objection and confirm it is fully logged/considered. We also ask that we be kept informed of progress of this proposal (we do hope it does not have full approval at this stage).

Thank you for your time

APPENDIX 9

From:

Sent: 06 March 2020 10:28

To: General Planning Enquiries <Planning@Chesterfield.gov.uk>

Subject: Planning application

Hello

I wish to lodge a formal objection to the planning application for 35 Derby Road, Chesterfield S402EF in respect to the alcohol license. I live at xxxxxx and this would have a massive impact in our area. Noise pollution and anti social behaviour are 2 of my strongest objections. I have 3 school age children who are my biggest priority and I do not want them to have the disruption this would cause to the local area. We are not the most affluent place in Chesterfield so the clientele would possibly not have the respect to adhere to a few notices in the building asking them to be kind to local residents upon leaving. If you add sports into the mix I'm sure you are well aware of the trouble that can be caused by mixing that with alcohol and with European Cup on the way I can only imagine the trouble this would cause. I have so many other residents who also wish to object and we are thinking of starting a petition to get this stopped.

I hope you will consider some of these objections as a starting point and if you wish I can email a full list of my objections.

Thank you

From:

Sent: 17 March 2020 20:12

To: Steve Ashby <Steve.Ashby@Chesterfield.gov.uk>

Subject: Re: FW: 35 Derby Road Alcohol premises licence application

Hi.

Yes I would like to send full objections to you which I hope to do as soon as I get chance to collate everything together. Unfortunately with the world the way it is I haven't been able to reply yet as I work full time and have been doing extra hours to cover sickness. I would not be able to attend the meeting in the 8th as I would be at work but I would like to find out the outcome please.

Thank you.

APPENDIX 10

From:

Sent: 04 March 2020 12:43

To: General Planning Enquiries <Planning@Chesterfield.gov.uk>

Subject: Birdcage Derby Rd

Our objection to the above is concerns about parking and noise in the late hours . Many thanks

APPENDIX 11

From:

Sent: 06 March 2020 14:39

To: Steve Ashby <Steve.Ashby@Chesterfield.gov.uk>

Subject: Objection

Dear Stephen,

Derbyshire Police wish to make formal representation in respect of the application for premises licence at the Birdcage 35 Derby Road. Chesterfield.

It's the opinion on Derbyshire police licensing that the operation schedule submitted doesn't not adequately address the licensing objections in particular Crime and disorder and Prevent of Public Nuisance.

Licensing Officer

North Division

Chesterfield Divisonal HQ

Beetwell Street

S40 1QP

APPENDIX 12

From:

Sent: 28 March 2020 09:41

To: Steve Ashby <Steve.Ashby@Chesterfield.gov.uk>

Subject: Re: Police

Hi Steve

I'm well thanks and I hope you are too.

I would be happy to speak to the director if you think that this will help? but I can add the following...

In response to the police, we will be happy to agree with all three of their conditions. We have already started to install CCTV and this will cover the front, side and rear of the property as well as the internal areas.

The following information is what I have recently sent to a concerned resident, I would have stressed the following at the proposed meeting.....

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 background 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 intend to re-locate my business 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.

Thanks again for your help,

Regards -