



CHELTENHAM
BOROUGH COUNCIL

**Notice of a meeting of
Licensing Sub-Committee**

**Wednesday, 27 October 2010
1.00 pm**

Municipal Offices, Promenade, Cheltenham, GL50 9SA

MEMBERS ATTENDING	OFFICERS ATTENDING
Councillor Helena McCloskey Councillor Diggory Seacome Councillor Paul Wheeldon	Sarah Farooqi, Regulatory Solicitor Manager Louis Krog, Senior Licensing Officer

Agenda

- 1. ELECTION OF CHAIRMAN**
- 2. APOLOGIES**
- 3. DECLARATIONS OF INTEREST** (Pages 1 - 2)
- 4. DETERMINATION OF APPLICATION FOR VARIATION OF PREMISES LICENCE (THE DAFFODIL, 18-20 SUFFOLK PARADE, CHELTENHAM)** (Pages 3 - 90)
The Daffodil, 18-20 Suffolk Parade, Cheltenham, Glos

Contact Officer: Rachael Sanderson, Democracy Assistant, 01242 774130
Email: democratic.services@cheltenham.gov.uk

Public Information

Emergency Evacuation Procedure at the Municipal Offices

- (i) In the event of a fire you will hear a continuous alarm.
In the event of a bomb alert the alarm will sound in repeated short bursts.
- (ii) Members, officers and the public should leave the building promptly and in a quiet and orderly fashion using the nearest available escape routes and assemble on the Promenade footway by the War Memorial.

Attendance at Meetings - Local Government (Access to Information) Act 1985

Meetings are open to the public and a limited amount of public seating is available. Copies of the agenda will also be available. You may be asked to leave the meeting if any "exempt" (confidential) business is considered. This will normally be shown on the agenda

Inspection of Papers - Local Government (Access to Information) Act 1985

We can also arrange for copies of individual decision records, reports or minutes to be supplied. If you wish to inspect minutes or reports (other than those which are exempt) relating to any item on this agenda, please contact Democratic Services. The background papers listed in a report may also be inspected. Please notify Democratic Services who will arrange with the report author for papers to be made available to you at a mutually convenient time.

All meeting information is published on the Council's Internet website at:
www.cheltenham.gov.uk.

**If you have difficulty reading this agenda please let us know
and we will do everything we can to meet your requirements.**

Licensing Sub Committee Procedure

Note: REPORTS FOR SUB COMMITTEE'S WILL NOT INCLUDE AN OFFICER RECOMMENDATION BUT SHALL INCLUDE LICENSING COMMENTS.

The Hearing

- 1) The sub committee will conduct the hearing in accordance with the statutory regulations on hearings and, where appropriate, the council's constitution.
- 2) Applicants / licensees will be invited to attend the sub committee and be represented if they so choose, they will be sent a full copy of the report about their application / case including all appendices and details of objections / representations. If they do not attend the committee can decide whether or not to deal with their item in their absence on the basis of the written report and the procedure as set out below.
- 3) The hearings will be held in public unless the licensing authority decides to exclude the public for all or part of the hearing because the public interest in doing so outweighs any other public interest consideration. A chair is elected who then introduces the members and officers and explains the procedure to be followed. The chair will introduce, in turn, each item on the agenda, briefly stating what it is about and inviting the parties to be seated. The chair will stress that the meeting will take the form of a discussion and that cross examination will not be permitted unless he considers it necessary for proper consideration of the matter before them.
- 4) Members who intend to vote must be present in the meeting room throughout the sub committee's consideration of an item so that they hear all of the evidence and hear / participate in the debate.
- 5) The report author or other appropriate officer presents the report, outlining the key issues and any licensing comments. This must be done in a maximum of 5-10 minutes unless the chair expressly approves otherwise. Members and the applicant / licensee/ responsible authorities / interested parties will have the opportunity of asking the officer questions.
- 6) The applicant / licensee (or their representative) will present their application and, if they choose to, call witnesses. This must be done in a maximum of 5-10 minutes unless the chair expressly approves otherwise. The applicant / licensee (or their representative) has the right to present their case without undue interruptions and when they have done so questions may be asked by members and by officers / responsible authorities / interested parties.
- 7) Responsible authorities / interested parties will be given the opportunity to make representations through their appointed spokesperson, this must be done in a maximum of 5 - 10 minutes unless the chair expressly approves otherwise. The applicant / licensee, members and officers will have the opportunity of asking the spokesperson questions.
- 8) The applicant / licensee (or their representative) will be given the final right of reply.
- 9) The sub committee will debate the application before making a decision.

10) The decision will be confirmed in writing giving reason(s) for the decision and details of any appeal rights. The decision notice / letter will be sent as soon as practicable after the meeting and any statutory time-scales will be followed.

Approved & Adopted Licensing Committee 02/02/07 (Min 9 refers)

CHELTENHAM BOROUGH COUNCIL

Licensing Sub Committee

DATE:

DECLARATION OF INTEREST

Councillor _____

You are asked to complete this form if you intend to declare an interest in connection with any item on this agenda.

Please hand any completed form to the committee administrator at the meeting.

You are reminded that you are still required to declare your interest orally at the commencement of the committee's consideration of the matter.

Agenda item	*Personal interest	*Prejudicial Personal interest	Nature of interest

The Council's Code of Members Conduct explains what is a 'Personal Interest' and a 'Prejudicial Interest'. The Code is set out in Part 5A of the Council's Constitution.

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Cheltenham Borough Council

Licensing Sub Committee – 27 October 2010

Licensing Act 2003: Determination of Application for a Variation of a Premises Licence

The Daffodil Restaurant 18 - 20 Suffolk Parade Cheltenham Gloucestershire

Report of the Senior Licensing Officer

1. Introduction

- 1.1 The Licensing Act 2003 (the Act) allows applicants to apply for a variation to a premises licence at any time. In this case, an application was received on the 8th of September 2010 from Mr Mark Edward Stephens in respect of the Daffodil Restaurant 18 - 20 Suffolk Parade Cheltenham Gloucestershire. A copy of the application is included at **Appendix A** (See pages 9-21)
- 1.2 A copy of the current premises licence for the Daffodil is attached at **Appendix B** (See pages 22-24).
- 1.2 The application to vary the premises licence is to:
 - a) remove condition 2a) currently endorsed on the licence in so far as it relates to the first floor only. Condition 2a) reads “Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.”
 - b) add an additional condition “The premises shall operate primarily as a restaurant.”
 - c) allow the premises to also sell alcohol off the premises.

1.3 The premises licence currently permits the following licensable activities:-

Sale/Supply of Alcohol	Sunday	12:00 - 23:30 On
Sale/Supply of Alcohol	Monday to Saturday	10:00 - 00:00 On
Performance of Live Music	Every Day	12:00 - 23:00 Indoors
Performance of Recorded Music	Every Day	12:00 - 23:00 Indoors
Prov'n of Facilities for Dancing	Every Day	12:00 - 23:00 Indoors
Prov'n of Facilities for Making Music -	Every Day	12:00 - 23:00 Indoors

1.4 Conditions attached to the existing licence are as follows:-

- 1. No retail sale of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - (c) Every retail sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
 - (d) The other conditions are any conditions specified in an order under section 19A and applicable to the premises licence.

2. In accordance with Schedule 8 paragraph 6(6) and (8) the following embedded conditions and restrictions which apply to the existing licence(s) are preserved in this licence:-

- a) Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
- b) Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals in the licensed premises
- c) Recorded music is permitted by virtue of s.182 of the Licensing Act 1964
- d) Late night refreshment beyond 23.00 hours is permitted by the virtue of the Late Night Refreshment Houses Act of 1969.
- e) The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day continue in force.

1.5 If this application is approved a premises licence would be issued.

1.4 Implications

1.4.1 Financial

Contact officer: Sarah Didcote
E-mail: sarah.dicote@cheltenham.gov.uk
Tel no: 01242 26 4125

1.4.2 Legal

A sub committee is required to discharge its duty and determine an application with a view to promoting the licensing objectives. These objectives, which are set out in section 4(2) of the Licensing Act 2003, are:
(a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

Sarah Farooqi
E-mail: Sarah.Farooqi@teWKesbury.gov.uk
Tel no: 01684 272693

2. Application (Ref. 10/01513/PRMV)

2.1 Applicant: Mr Mark Edward Stephens

2.2 Agent: Maitland Walker Solicitors

2.3 Premises: The Daffodil Restaurant 18 - 20 Suffolk Parade Cheltenham Gloucestershire

2.4 Steps to promote the four licensing objectives that are identified in this application:

a) The Prevention of Crime & Disorder

- 1. The premises trades as a fine dining restaurant with alcohol priced accordingly.
- 2. The concept of the premises will remain unchanged.
- 3. The application relates to the removal of condition 2a) in so far as it relates to the first floor of the premises.
- 4. All customers will be greeted at the ground floor foyer on entry to the premises.
- 5. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of permitted hours.
- 6. There are strong management procedures in place which encompass the four licensing objectives.
- 7. Right of admission is reserved.
- 8. Staff are trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health & safety, first aid, alcohol and drug awareness.

b) Public Safety

See a) above

c) The Prevention of Public Nuisance

See a) above

d) The Protection of Children from Harm

1. The premises trades as a fine dining restaurant with alcohol priced accordingly.
2. The concept of the premises will remain unchanged.
3. The application relates to the removal of condition 2a) in so far as it relates to the first floor of the premises.
4. All customers will be greeted at the ground floor foyer on entry to the premises.
5. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of permitted hours.
6. There are strong management procedures in place which encompass the four licensing objectives.
7. Right of admission is reserved.
8. Staff are trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health & safety, first aid, alcohol and drug awareness.
9. The designated premises supervisor/personal licence holder and staff will at all times observe their responsibilities under this objective.

3. Responsible Authorities

Gloucestershire Constabulary – There has been no representation from Gloucestershire Constabulary. The Constabulary has agreed with the applicant the inclusion of a Challenge 21 condition that reads “The 'Challenge 21' scheme (or equivalent) shall be adopted, so that any customer attempting to purchase alcohol who appears to be under the age of 21 years shall be asked for an accredited photographic proof-of-age (passport, photo driving licence, or a pass-approved card) and that a sale shall not be made unless this evidence is produced. However, it shall only be treated as a breach of this condition if the purchaser subsequently turns out to be below the age of 18 years.”

Other Responsible Authorities – There has been no representations from other responsible authorities.

4. Interested Parties

- 4.1 Representations have been received from 40 Interested Parties 26 of which were in support of the application and 14 objecting to the application (See **Appendix C** at pages 25-84).
- 4.2 Interested parties who wrote in support of the application have commented that the grant of the application will not have an adverse effect on the licensing objectives. Interested parties also commented that the grant of this application will enhance already well managed premises within the community and add an additional facility to residents.
- 4.3 Interested parties who have objected have done so on the grounds of crime and disorder, public safety and public nuisance. The concerns raised by those interested parties who objected are as follows:
 - a) fear that the grant of this licence will exacerbate the existing problems they already experience in the form of anti-social behaviour, nuisance and occasional criminal damage.
 - b) concern that the area has reached saturation point in terms of alcohol licensed premises and the grant of this application will open the way for the Daffodil to become another “watering hole” that spills out inebriated customers late at night.
 - c) concern that if the application is granted there may be more customers visiting the premises to drink which will lead to more problems with parking and congestion with the potential to block the view of other drivers.
 - d) concern that the a recent application by the Daffodil was to remove the condition for the whole building giving indication that that might be the long terms plan which would turn the Daffodil into a drinking establishment rather than a restaurant.

- e) concern that there is no condition stating the maximum number of customers catered for on the 1st floor area.
- f) concern that it has been stated that the Daffodil is allowed up to 21 functions a year regardless of what their licence indicates.
- g) concern that the grant of the application will change the clientele of the premises from people who go for a meal to people who will primarily go there to drink.
- h) concern that the applicant does not have a controlling interest in the premises and therefore has no ultimate authority over the future operation of the premises.
- i) the planning conditions attached to the premises would be incompatible with the new licence if it is granted.
- j) granting this application may prompt a similar situation to that of Zizzi's in 2004 where Gloucestershire Constabulary objected stating that the licence would allow persons to drink alcohol without being obliged to do so ancillary to the eating of a meal in this location which could lead to and increase in public disorder.
- k) questions has been raised over the validity and enforceability of the steps identified by the applicant to promote the licensing objectives.

5. Local Policy Considerations

5.1 The 2003 Act introduces a unified system of regulation which through two new types of licenses: the premises licence and the personal licence (club premises certificates for qualifying clubs). The Borough Council, as the licensing authority, is responsible for licensing all outlets in the borough that sell or supply alcohol or carry out any other 'licensable activities'; public entertainment, theatre, cinema, or late night refreshment.

5.2 The new system is underpinned by four objectives: i) the prevention of crime and disorder; ii) public safety; iii) the prevention of public nuisance; and, iv) the protection of children from harm. The licensing authority must promote these objectives in carrying out its functions.

5.3 The Councils adopted licensing policy statement (Council 10/12/07) includes the following:
 i) **Each objective is of equal importance** and the licensing authority has developed policies relating to each objective. The objectives are the only matters to be taken account in determining applications and applying conditions. **(Paragraph 1.2)**

ii) The licensing authority will only apply terms and conditions to licences which promote one or more of the licensing objectives and are relevant to the individual circumstances of the application. Conditions may be drawn from those set out in Appendix B and / or tailored to particular circumstances and they will be focused on matters within the control of the individual licensees and others granted relevant permissions. **(Paragraph 2.4)**

iii) The licensing authority will expect all individual applicants to address the licensing objectives in their operating schedule having regard to the premises, the licensable activities to be provided, the operational procedures, the nature of the location and the interests of the local community. The licensing authority expects that any conditions that are necessary will, in the first instance, be identifiable from prospective licensees or certificate holders' risk assessments.

iv) Applicants will have to translate their assessments into measures which promote one or more of the licensing objectives and record them in their operating schedule. **(Paragraph 2.5)**

v) The licensing authority will not impose any conditions unless, following the receipt of relevant representations, it has used its discretion at a hearing and been satisfied of the validity of those concerns. **(Paragraph 2.5)**

vi) The licensing authority will consider every application on its individual merits with regard to this policy statement and to the Licensing Committee's Probity Code (available at www.cheltenham.gov.uk under 'L' in the A-Z of services). The licensing authority will seek to balance the needs of the wider community, local community and commercial premises and activities, against those who may be concerned about adverse impacts from licensed premises. The views of vocal individuals or groups will not necessarily prevail over the general interests of the community. In every case the licensing authority will focus on disproportionate or unreasonable impacts of the licensable activities on people living, working and sleeping in the vicinity. **(Paragraph 2.7)**

vii) Cheltenham Borough Council, in its role as a licensing authority, wishes to do all in its power to protect the amenity of residents and businesses in the vicinity of licensed premises, and for these purposes 'vicinity' is taken to mean the immediate area around licensed premises. As the council is fully aware of the importance of the licensed trade in terms of the local economy and its culture and leisure aspiration, it will seek to work in partnership with all interested parties to ensure a mutual and productive co-existence. **(Paragraph 7.2)**

viii) When considering licence applications, the licensing authority will take into account the location of the premises and the type and construction of the building as well as the adequacy of measures proposed to deal with the potential for nuisance and / or antisocial behaviour having regard to all the circumstances of the application. **(Paragraph 7.4)**

ix) The licensing authority will consistently seek to ensure that its judgements about what constitutes public nuisance are balanced, as are decisions about any conditions that are considered necessary to prevent it. **(Paragraph 7.5)**

x) In reaching a judgement on the individual merits of applications, the licensing authority will have regard to the implications for nuisance generation and the impacts on residents that are posed by operating hours and types of regulated entertainment. The licensing authority will take into account requests for terminal hours in the light of the:-

- environmental quality,
- residential amenity,
- character or function of a particular area,
- nature of the proposed activities to be provided at the premises.

Consideration may, however, be given to imposing stricter controls on noise and disturbance from particular licensed premises, such as those in mainly residential areas. **(Paragraph 10.6)**

xi) Consideration may, however, be given to impose stricter controls on noise and disturbance from the particular premises, such as those in mainly residential area. **(Paragraph 10.6)**

6. National Guidance

6.1 Guidance has been issued under Section 182 of the Licensing Act 2003.

6.2 Para 2.32 of the Guidance states "The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable, The issues will mainly concern noise nuisance, light pollution, noxious smells and litter."

- 6.3 Para 2.33 of the Guidance states “Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.”
- 6.4 Para 2.35 of the Guidance states “As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of Licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.”
- 6.5 Para 2.36 of the Guidance states “Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping in certain circumstances, conditions maybe necessary.”
- 6.6 Para 2.38 of the Guidance states “In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.”
- 6.7 Para 9.8 of the Guidance states “A representation will only be relevant if it is likely to effect the grant of the licence on the promotion of at least one of the licensing objectives.”
- 6.8 Para 10.9 of the Guidance states “The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required by the Act itself.”
- 6.9 Para 10.11 of the Guidance states “The licensing authority may not impose conditions unless its discretion has been engaged following relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may only then impose conditions that are necessary to promote one or more of the licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.”
- 6.10 Para 10.13 of the Guidance on proportionality states “The Act requires that Licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues.”

- 6.11 Para 10.15 of the Guidance states with regard to duplication with other statutory provisions that "Licensing Authorities should only impose conditions which are necessary and proportionate for the promotion for the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties."
- 6.12 Paragraph 10.20 of the Guidance states there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.

7. Licensing Comments

- 7.1 The Committee must have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives which can include:
- Granting the application as requested;
 - Modifying the conditions attached to the licence; or
 - Rejecting all or part of the application.
- 7.2 This application must be determined in its individual merits as an application to vary the premises licence. A review of what is already contained on the application can not be taken into account as part of the determination of the application.
- 7.3 Members are to note that the comments relating to the 2004 application by Zizzi's are not relevant to this application by virtue of the fact that it must be determined on its individual merits.
- 7.4 Members are to note that the comments regarding the applicant's controlling interests in the premises and ultimately their control of the future operation of the premises is not relevant to this application. This is due to the fact that this application must be determined on its individual merits and in view of promoting the licensing objectives and any speculation over the future operation of the premises is not relevant to either the aforementioned.
- 7.5 Members are to note that the comments over the lack of a condition relating to the maximum number of people catered for on the 1st floor will only be relevant to this application where Members feel that such a condition would be proportionate and necessary in view of promoting the licensing objectives.
- 7.6 Each applicant for this type of application submits as part of the application an operating schedule through which they identify the necessary steps they will take to promote the licensing objectives. The steps identified by the applicant in this case are listed under 2.4. Members must be satisfied that the steps identified by the applicant are both sufficient to promote the licensing objectives & enforceable.
- 7.7 In reference to the comments made by Christopher Davidson Solicitors regarding the review process and the possibility to revoke a licence, Members are to note that an application to review the licence can be made at anytime by interested parties. The fact that the option to either review or revoke this licence has not been used in the past does not imply that it cannot be used in the future where Members feel it is necessary to do so in view of promoting the licensing objectives.

- 7.8 With regards to the letter by the Daffodil referring to an allowed 21 days where regulated entertainment can take place as per their licence conditions, Members are to note that there is no such condition on their licence.
- 7.9 The comments in relation to the planning conditions attached to the premises is not relevant to this application in light of the fact that there has been no objection from the Planning Authority and there is no evidence to suggest this will adversely effects the licensing objectives. Members are to note that there is existing planning legislation that can alleviate this concern.
- 7.10 The plan of the premises is submitted with the application is attached at **Appendix D** (See page 85-86).
- 7.11 A plan of the location of the premises is attached **Appendix E** (See page 87).

Background Papers**Service Records****Report Author**

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775004

10/01513/PRMV

Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 - Schedule 4, regulation 12

LIC4

Insert name and address of relevant licensing authority and its reference number (optional)

Cheltenham Borough Council
Promenade
Cheltenham
Gloucestershire
GL50 1PP

Application to vary a premises licence 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/XXX~~ Mark Stephens
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

09/01705/PRMVPS

Cheltenham Borough Council Public Protection	
PASSED TO	
REC'D	0,8 SEP 2010
Date of Response	Type of Response
Responder	Ref.

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey main reference, or description	
The Daffodil 18-20 Suffolk Parade Cheltenham Gloucestershire	
Post town Cheltenham	Post code GL50 2AE

Telephone number at premises (if any)	01242 700060
Non-domestic rateable value of premises	£ 21,000.00

Part 2 - Applicant Details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post Town	Postcode

Part 3 - Variation

Please tick **Yes**

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The premises operates as a fine dining restaurant with alcohol priced accordingly.
 The purpose of this application is to allow the licence holders some flexibility in relation to the supply of alcohol on the first floor of the premises only.
 This application is for the removal of Condition 2a) currently endorsed on the licence **in so far as it relates to the first floor**. This condition reads "intoxicating liquor shall not be sold on the premises otherwise than to persons taking table meals there and for consumption by such a person as ancillary to his meal".
 Should this application be successful, the condition will remain effective in relation to the ground floor of the premises.
 The application also seeks to add the condition "The premises shall operate primarily as a restaurant".
 This application does not seek to extend the current licensable hours of the premises.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick **Yes**

- 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 entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				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 5)		
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri				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 5)		
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed					
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Fri					
Sat					
Sun					
			<u>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</u> (please read guidance note 5)		

E.

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur						
Fri				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 (please read guidance note 5)		
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Mon				Please give further details here (please read guidance note 3)	Outdoors	
Tue			Both			
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

I.

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)		Indoors
					Outdoors
					Both
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)		Indoors
					Outdoors
					Both
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)		Indoors	
Day	Start	Finish			Outdoors	
Mon					Both	
Tue			Please give further details here (please read guidance note 3)			
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur						
Fri						
Sat			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 (please read guidance note 5)			
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption please tick ✓ (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	✓
Tue					
Wed					
Thur				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 5)	
Fri					
Sat					
Sun					

N

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 8)

Not Applicable

Q

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Condition 2a) in so far as it relates to the first floor of the premises only.

Please tick **Yes**

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

The original premises licence remains with the Licensing Authority following a Minor Variation Application submitted in June 2010. We would be grateful if the Licensing Authority could place the original premises licence with the enclosed papers relating to this application.

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

Please see continuation sheet

b) The prevention of crime and disorder

Please see continuation sheet

c) Public safety

Please see continuation sheet

d) The prevention of public nuisance

Please see continuation sheet

e) The protection of children from harm

Please see continuation sheet

CONTINUATION OF SECTION P:**a) General: All Four Licensing Objectives**

1. The premises trades as a fine dining restaurant with alcohol priced accordingly.
2. The concept of the premises will remain unchanged.
3. The application relates to the removal of condition 2a) **in so far as it relates to the first floor of the premises.**
4. All customers will be greeted at the ground floor foyer on entry to the premises.
5. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of permitted hours.
6. There are strong management procedures in place which encompass the four licensing objectives.
7. Right of admission is reserved
8. Staff ar trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health & safety, first aid, alcohol and drug awareness.

b) The Prevention of Crime & Disorder

1. The premises trades as a fine dining restaurant with alcohol priced accordingly.
2. The concept of the premises will remain unchanged.
3. The application relates to the removal of condition 2a) **in so far as it relates to the first floor of the premises.**
4. All customers will be greeted at the ground floor foyer on entry to the premises.
5. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of permitted hours.
6. There are strong management procedures in place which encompass the four licensing objectives.
7. Right of admission is reserved
8. Staff ar trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health & safety, first aid, alcohol and drug awareness.

c) Public Safety

1. The premises trades as a fine dining restaurant with alcohol priced accordingly.
2. The concept of the premises will remain unchanged.
3. The application relates to the removal of condition 2a) **in so far as it relates to the first floor of the premises.**
4. All customers will be greeted at the ground floor foyer on entry to the premises.
5. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of permitted hours.
6. There are strong management procedures in place which encompass the four licensing objectives.
7. Right of admission is reserved
8. Staff ar trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health & safety, first aid, alcohol and drug awareness.

d) The Prevention of Public Nuisance

1. The premises trades as a fine dining restaurant with alcohol priced accordingly.
2. The concept of the premises will remain unchanged.
3. The application relates to the removal of condition 2a) **in so far as it relates to the first floor of the premises.**
4. All customers will be greeted at the ground floor foyer on entry to the premises.
5. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of permitted hours.
6. There are strong management procedures in place which encompass the four licensing objectives.
7. Right of admission is reserved
8. Staff ar trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health & safety, first aid, alcohol and drug awareness.
9. Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.

e) The Protection of Children from Harm

1. The premises trades as a fine dining restaurant with alcohol priced accordingly.
2. The concept of the premises will remain unchanged.
3. The application relates to the removal of condition 2a) **in so far as it relates to the first floor of the premises.**
4. All customers will be greeted at the ground floor foyer on entry to the premises.
5. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of permitted hours.
6. There are strong management procedures in place which encompass the four licensing objectives.
7. Right of admission is reserved
8. Staff ar trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health & safety, first aid, alcohol and drug awareness.
9. The designated premises supervisor/personal licence holder and staff will at all times observe their responsibilities under this objective.

Please tick Yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature Maitland Walker

Date 7 September 2010

Capacity Solicitors and Authorised Agents for the Applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) Maitland Walker LLP (Lisa Croft) (Ref: STE29-2) 19 Imperial Square Cheltenham, Gloucestershire	
Post town Cheltenham	Post code GL50 1QZ
Telephone number (if any) 01242 225585	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) lisa.croft@maitlandwalker.com	



CHELtenham
BOROUGH COUNCIL
Licensing Act 2003
Cheltenham Borough Council

Premises Licence Number

09/01705/PRMVPS

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Daffodil
Daffodil Restaurant
18 - 20 Suffolk Parade
Cheltenham
Gloucestershire
GL50 2AE

Telephone number 01242 700060

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale/Supply of Alcohol	Monday to Saturday	10:00 - 00:00
Sale/Supply of Alcohol	Sunday	12:00 - 23:30
Performance of Live Music	Every Day	12:00 - 23:00
Performance of Recorded Music	Every Day	12:00 - 23:00
Prov'n of Facilities for Dancing	Every Day	12:00 - 23:00
Prov'n of Facilities for Making Music	Every Day	12:00 - 23:00

The opening hours of the premises

Opening Hours	Monday to Saturday	10:00 - 00:30
Opening Hours	Sunday	12:00 - 00:00

Non Standard Timings

Not Applicable

The Daffodil

Page 1 of 3

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Mark Edward Stephens
Daffodil Restaurant
18 - 20 Suffolk Parade
Cheltenham
Gloucestershire
GL50 2AE

Business Phone Number 01242 700060

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 5804288

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

Samantha Louise Richman
Railway Buildings
5 Norwood Road
Cheltenham
Gloucestershire
GL50 2BW

Business Phone Number 01242 700060

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

Party Reference: 09/01092/PERA

Licensing Authority: Cheltenham Borough Council

Signature of Issuing Officer




Assistant Director – Community Services

Date of issue

6 November 2009

The Daffodil

Page 2 of 3

Annex 1 – Mandatory conditions

- 1 No retail sale of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - (c) Every retail sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 2 In accordance with Schedule 8 paragraph 6(6) and (8) the following embedded conditions and restrictions which apply to the existing licence(s) are preserved in this licence:-
 - a) Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
 - b) Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals in the licensed premises
 - c) Recorded music is permitted by virtue of s.182 of the Licensing Act 1964
 - d) Late night refreshment beyond 23.00 hours is permitted by the virtue of the Late Night Refreshment Houses Act of 1969.
 - e) The extended permitted hours for the sale and consumption of alcohol and provision of regulated entertainment on New Years Eve/New Years Day continue in force.

Annex 2 – Conditions consistent with the Operating Schedule

- 1 Not Applicable

Annex 3 -

1 Ref No: 09/01705/PRMUV3

Annex Premises Name: Daffodil

Date Received: 6/11/09

Receipt screen completed

Email to Police

Revoked Previous Licence

Transfer/Amendment

Periodic details (Jane Mitchell)

D.
~~D.~~

Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL50 1PP.
e mail: licensing@cheltenham.gov.uk

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

Contact details (of person completing form)

Name:	MR & MRS S. END
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	3 ST JAMES TERRACE SUFFOLK PARADE CHELTENHAM
Post Code	GL50 2AA
Daytime contact telephone number	01242 576428
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

1

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	THE DAFFODIL
Name of Applicant for Licence (if known)	MARK STEPHENS
Postal Address:	18-20 SUFFOLK PARADE CHELTENHAM GLOS.
Post Code:	GL50 2AE

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
THE PREVENTION OF PUBLIC NUISANCE THE PREVENTION OF CRIME & DISORDER

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder	✓	Public safety	
The prevention of Public nuisance	✓	The protection of children from harm	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	85m.
----------------------------------------------------------------------------------------------------------------	------

Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

THE NOISE AND NUISANCE LEVELS IN SUFFOLK PARADE ESPECIALLY ON A FRIDAY AND SATURDAY EVENING ARE HIGH ENOUGH NOW WITHOUT WHAT COULD BECOME ANOTHER BAR OPENING. THIS IS CAUSED MAINLY BY THE RETREAT AND BEEHIVE.
OUR OTHER CONCERN IS THAT IF THE DAFFODIL WAS GRANTED A LICENSE TO SERVE ALCOHOL WITHOUT FOOD ON THE 1ST FLOOR, IT WOULD BE EASIER TO EXTEND IT TO THE WHOLE BUILDING AT A LATER DATE

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary)

WE DO NOT AGREE WITH THE REMOVAL OF CONDITION 2a, AND THERE ARE NO SUITABLE CONDITIONS THAT COULD BE AGREED TO ALLOW US TO WITHDRAW OUR REPRESENTATION.

Signature: Stephen J End
R. E. C. W.

Capacity: LOCAL RESIDENTS

Date: 30.9.10

D
D

Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

On completion this form and any additional sheets or other accompanying documentation should be returned to: The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL50 1PP.
e mail: licensing@cheltenham.gov.uk

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

Contact details (of person completing form)

Name:	Jeremy Jefferies
Name of the organisation/body/person you represent. (If appropriate)	Mr Jeremy & Mrs Pippa Jefferies
Your full Postal Address or that of the organisation or body you represent	1st James Tennant Suffolk Parade Cheltenham
Post Code	GL50 2AA
Daytime contact telephone number	01242 254310
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

1

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	The Daffodil Restaurant.
Name of Applicant for Licence (if known)	Mark Stephens
Postal Address:	The Daffodil 18-20 Suffolk Parade Cheltenham
Post Code:	GL50 2AE

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about
(eg crime, disorder, noise, disturbance etc)

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder	✓	Public safety	
The prevention of Public nuisance	✓	The protection of children from harm	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation: 95 m.

Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

Our main concern is that the licence applied for would exacerbate the existing problem associated with drunken and disorderly behaviour which already besets the residents of this area and results from an already excessive number of nearby licensed premises and the increased traffic to, from and between them.
See attached separate sheet for further information.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary)

[Empty box for suggesting conditions]

Signature: Leanne Jeffries
Tippa Jeffries

Capacity: Householders

Date: 3.10.10

What are your Concerns?

Continuation from page 3 of *Representation by Interested Parties*.

There is already an over-provision of drinking establishments in this area, notably the Retreat Winebar, the Beehive Inn and the Suffolk Arms (also the proposed License extension at the Willoughby House Hotel). These establishments disgorge their inebriated clients onto the streets in the evening, creating frequent and extensive disturbance and nuisance.

The noise and vandalism on Friday and Saturday evenings in particular, is a frequent cause of misery to local residents. Inebriated shouting is a persistent annoyance. We have to close our double-glazed windows on fine, summer evening, but we still can't escape the noise. There is also the problem of streets, doorways and basement areas being used as lavatories, of pathways and gutters littered with broken glasses and vandalism to street furniture, planting and decorations.

The nuisance is equally objectionable to those living in the area, but beyond 50m, since it is caused by the noise and behaviour of revellers walking to, from and between the licensed premises. The nuisance to residents is not usually behaviour actually within the licensed premises, although that is the source of the problem.

We note that the Council's Statement of Licensing Policy is to protect "the quality of life for residents" and to "focus on disproportionate or unreasonable impacts of licenseable activities on people living, working or sleeping in the vicinity". Also that the Council "wishes to do all in its power to protect the amenity of residents and businesses in the vicinity of licensed premises". We therefore submit that, since the adverse effects of licenseable activities in this area are already flagrant and unacceptable, the Council, as licensing authority, should reject this current application. Approval could not fail to exacerbate matters.

Our objection is not to the presence of any one, licensed establishment, but to the apparently unstoppable increase in them and growing establishment of a drinking and drunken culture in this residential area to the distress of the many residents of Suffolk Parade itself – where, at the last count, every building bar one has residents living and trying to sleep there. This latest application is one too many.

We note the applicant's section P statement of management policies and proposals. These do not satisfy or remove our objections but we trust that if the Licensing Authority will, if minded to approve the application, incorporate them as conditions and substitute some more meaningful term than 'fine dining', capable of being assessed and enforced, since the applicant apparently sets store by the concept.

At a public meeting the applicant stated his intention to provide a second, upper floor, at the other end of the building. He also stated that this current application would, however, only apply to the existing, ex-cinema balcony area and would be delineated as such by a red line in a plan to be submitted with the application. There has apparently been no such plan submitted. If the licence revision were granted, it would, presumably, apply to all future first floor accommodation in addition to the balcony, despite the applicant's public protestation.

Signed

 3.10.10
Pippa Legg 3.10.10

House\Licensing\DaffodilObjectionSeparateSheet 03 October 2010

D-

Krog, Louis

From: Internet - Licensing
Sent: 05 October 2010 14:54
To: Krog, Louis
Subject: FW: FAO Mr Louis Krog

-----Original Message-----

From: Jonathan Woolley [mailto:jjwoolley@btconnect.com]
 Sent: 05 October 2010 14:42
 To: Internet - Licensing
 Subject: FAO Mr Louis Krog

Dear Mr Krog

I am writing with reference to the recent application from the Daffodil Restaurant to remove the condition that 'intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal' in respect of the first floor of the premises. I am writing to oppose the application for the following reasons:

The Daffodil is amongst many residential properties already struggling with parking and crime issues. Consumers from the existing drinking establishments (and further afield) already pose a nuisance in the evenings on their way home, making noise, damaging property and breaking wing mirrors, flower pots etc..... There are already many drinking establishments in the immediate area - Retreat, Bar 50, Morans, Beehive, the Suffolk - to name but a few, as well as many eating houses. I'm not saying that all the visitors to these establishments are irresponsible, but a few drinks changes even responsible people's behaviour.

Parking is also a major issue in the surrounding streets already, (I have written to Jim Daniels several times about this in itself) and increasing visitors to the area will only exacerbate this, with cars being left overnight meaning residents cannot park. We don't need to encourage more visitors!

The long term plan for the building is clear as their recent application was to remove the condition for the entire building, this seems like a partial plan to achieve their longer-term aim. I believe the building housing Zizzis was refused a similar application throughout the building on the basis no-one wanted a 'super pub' in the area adding to noise and drink related issues and so I strongly object on the same basis to this latest application for the Daffodil.

Kind regards

Jane Woolley
 21 Great Norwood Street
 Cheltenham
 GL50 2AW

D-

Krog, Louis

From: paula.v.ware [paula.v.ware@btinternet.com]
Sent: 04 October 2010 20:44
To: Krog, Louis; licencing@cheltenham.gov.uk
Subject: Objection to application from the Daffodil

18 Great Norwood Street
 Cheltenham
 GL50 2AP
 01242 519444

Mr Louis Krog
 Licencing Department
 Cheltenham Borough Council

Dear Mr Krog

We would like to object to the Daffodil's application to remove the condition that 'intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillar to this meal' (or presumably her meal) in respect of the first floor of their premises.

The Daffodil is a great place to eat and we enjoy going there. However, we have concerns that it is a large establishment in the midst of a residential area. The area now has several drinking establishments, which are also good, but much smaller. Nevertheless their customers create considerable noise and public nuisance late at night when leaving, and on occasions leading to criminal damage to property. For example we have had expensive plants uprooted and destroyed, garden ornaments stolen and then smashed just down the road for no apparent reason. Also we have experienced someone urinating in our garden pots. Not pleasant.

We understand that the original application by the Daffodil was for the entire building, we assume this is the long term intent. This could mean in time, that the entire building could be usefully solely for drinking by large numbers of people and the public nuisance threat will be even greater.

More drinkers in the area would also mean more problems with parking for local residents. From experience we know that responsible drivers who do drink leave their cars parked in the area until the next day or two. They park on the double yellow line outside our house most of the weekend without much risk of a fine - but blocking our view.

We feel privileged to live in such a lovely area, with such a wide choice of good bars and restaurants. However, for the benefit of all - customers, businesses and residents - they need to be controlled. We urge the committee to take this matter very seriously on behalf of local residents and not encourage an increase of drunks in the area creating a public nuisance and an increase in crime and disorder.

Thank you

Malcolm and Paula Ware

Information from ESET NOD32 Antivirus, version of virus signature database 5500
 (20101003)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

06/10/2010

The Daffodil	Page 34 of 88	Last updated 27 October 2010
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The Licensing Team
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

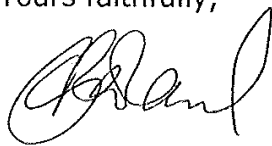
6th October 2010

Dear Sir/Madam,

RE: The Daffodil Restaurant, 18-20 Suffolk Parade, Cheltenham,
GL50 2AE

I am a concerned resident of Suffolk Square and am writing to support the application by The Daffodil for a variation to their premises licence. I do not believe there would be any adverse effect on the promotion of the licensing objectives if the variation application is granted as applied for. I have lived here for many years and have never had any problems with The Daffodil. I regularly enjoy visiting the restaurant and experiencing this historic building. Indeed, I believe the new license would offer a welcome additional facility to local residents from a well-run and responsible local business.

Yours faithfully,



Emily Rowland
Flat 2, 12 Suffolk Square
Cheltenham
GL50 2DR

The Licensing Team
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

1st October 2010

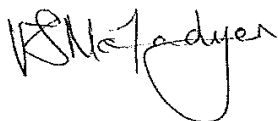
Dear Sirs,

The Daffodil Restaurant, 18-20 Suffolk Parade, Cheltenham, GL50 2AE

I write to support the application by The Daffodil for a variation to their premises licence as I do not believe there would be any adverse effect on the promotion of the licensing objectives if the variation application is granted as applied for.

Indeed, I believe it would offer a welcome additional facility to local residents from a well run and responsible local business.

Yours faithfully,



Victoria McFayden
31 Montpellier Villas
Flat 1
Cheltenham
Gloucestershire
GL50 2XF

The Licensing Team
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP


6 October 2010

Reference:
The Daffodil Restaurant, 18-20 Suffolk Parade, Cheltenham, GL50 2AE

Dear Sirs,

I write to support the application by The Daffodil for a variation to their premises licence as I do not believe there would be any adverse effect on the promotion of the licensing objectives if the variation application is granted as applied for. Indeed, I believe it would offer a welcome additional facility to local residents from a well run and responsible local business.

Yours faithfully,



Richard W Costelloe

79 Montpellier Terrace
Cheltenham
Gloucestershire
GL50 1XA

GL50 Serviced Apartments
The Old Laundrette
Suffolk Road
GL50 2AW

The Licensing Team
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

6th October 2010

Dear Sirs,

The Daffodil Restaurant, 18-20 Suffolk Parade, Cheltenham, GL50 2AE

As the owner of the newly appointed GL50 serviced apartments I write to support wholeheartedly the application made by The Daffodil Restaurant to vary their premises licence.

I do not believe there would be any adverse effect on the promotion of the licensing objectives if the variation application is granted as applied for.

The Daffodil is a huge asset to the 'Suffolks' and a great example of responsibly operated licensed premises.

The proposed ability to partake an alcoholic beverage in the first floor bar area without taking a table meal would offer a welcome addition and refreshing alternative to many local residents and businesses.

Yours faithfully,

P.P. 

M G E Mellor



HINE MARKETING LTD



REGENCY HOUSE • 19 SUFFOLK ROAD • CHELTENHAM • GLOS • GL50 2AF
 TEL: 01242 222055 • FAX: 01242 222077
 E Mail: sales@hinemarketing.co.uk

The Licensing Team
 Cheltenham Borough Council
 PO Box 12
 Municipal Offices
 Promenade
 Cheltenham
 Glos
 GL50 1PP

1st October 2010

Dear Sir / Madam

RE: The Daffodil, 16-20 Suffolk Parade, Cheltenham

I would like to formally register our support for The Daffodil's application for a variation to their licence.

I do not believe there would be any adverse effect on the promotion of the licensing objectives if the variation application is granted as applied for.

As a local business we regularly visit The Daffodil with both clients and staff. It is excellently run and I have every confidence that the services that the variation will facilitate will be a further benefit to local businesses, ours included.

Yours faithfully

Richenda Hine
Partner

PARTNERS: N. J. HINE • R. G-L. HINE ~ CO No: 4786723

The Daffodil	Page 39 of 88	Last updated 27 October 2010
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DX

Wednesday, 06 October 2010

Nicola Jarrett
Flat 5
Huntley Lodge
1 Montpellier Grove
Cheltenham
GL50 2XB

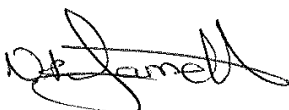
Dear Sirs

The Daffodil, Suffolk Parade, Cheltenham

I write in connection with The Daffodil's application for a variation to their current licence.

I am happy to voice my support to the application as I do not believe there would be any adverse effect on the promotion of the licensing objective, and believe that the granting of the variation application would benefit the area.

Yours faithfully



Nicola Jarrett

The
Polo
Magazine

The
Polo
Magazine

The
Polo
Magazine

The
Polo
Magazine

Regency House, 19 Suffolk Road, Cheltenham, Glos, GL50 2AF Tel: 01242 222055 Email: info@thepolomagazine.com or info@theracingmagazine.co.uk

www.thepolomagazine.com
www.theracingmagazine.co.uk

19 Suffolk Road
Cheltenham
Glos
GL50 2AF

The Licensing Team
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
Glos
GL50 1PP

1st October 2010

Dear Sir / Madam

RE: The Daffodil, 16-20 Suffolk Parade, Cheltenham

I write regarding the application by The Daffodil for a variation to their licence.

I recently attended a meeting at The Daffodil during which the plans were explained and discussed in some detail.

This affirmed my opinion that the proposed variation would not result in an adverse effect on the promotion of the licensing objectives, if the variation application is granted as applied for.

It is my opinion that the Daffodil is extremely well run and that the ideas that the Daffodil want to implement are excellent and will, indeed, further improve the facilities that are available to local businesses.

Yours faithfully

Nick Hine
Publisher, *The Polo Magazine*

www.thepolomagazine.com
www.theracingmagazine.co.uk

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DX

WHITE ROOM ^{*}IMAGES

21 October 2010

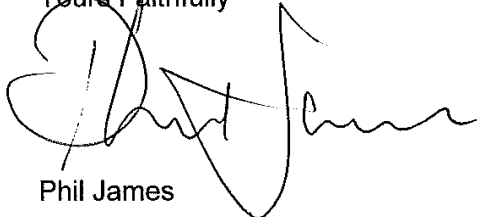
The Licensing Team
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Dear Sirs

The Daffodil, 16-20 Suffolk Parade, Cheltenham

Regarding The Daffodil's application for a variation to their licence, I write to support their application as I do not believe there would be any adverse effect on the promotion of the licensing objectives if the variation application is granted as applied for. Indeed, I believe it would offer a welcome additional facility to local residents from a well run and responsible local business.

Yours Faithfully



Phil James

White Room Images
01242 261420

The Daffodil	Page 42 of 88	Last updated 27 October 2010
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D-

Krog, Louis

From: margaret mccollum [margie_mccollum@hotmail.com]
Sent: 04 October 2010 15:55
To: Krog, Louis
Subject: The Daffodil Application

Dear Sir

I understand that The Daffodil is to press forward to remove the condition relating to its licensing application regarding intoxicating liquor.

I do wish to make known my objection to this application to the licensing committee.

As a local resident I may be in danger of being labelled a killjoy by the owners of the Daffodill. They are of course at liberty to try to maximise their business profit but I fear that this move would impact greatly on what is essentially a residential area, and not in a pleasant way.

We already have many establishments in the area that serve alcohol only, as well as a large number of businesses that serve alcohol with a meal and then finally there are those that do not have a license but where diners can take their own liquor. I believe that we are in general tolerant of these and those people that enjoy a night out and also the extended licensing hours that was given to them. I believe that any additional encouragement for people to use their establishments for more extended drinking is antisocial and irresponsible.

As residents we have to put up with all the public nuisance factors associated with drinking alcohol in the area and the inevitable crime and disorder that seems to go with it. While I appreciate that this is to an extent part of the deal for choosing to live in the town, we also expect our local authority to control its proliferation beyond what one should reasonably expect. This I believe is allowing too much. The Daffodil has a huge floor area and I would be very concerned, that over time it would become another watering hole on a Friday and Saturday night that spills out its customers through the early hours.

Yours sincerely

Mrs Margaret McCollum

2 Montpellier Grove
 GL50 2XB

06/10/2010

The Daffodil	Page 43 of 88	Last updated 27 October 2010
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2, St James Terrace Dr
Suffolk Parade
Cheltenham
GL50 2AA

To Cheltenham Council
licensing Dept (Mr L Krog).

Cheltenham Borough Council Public Protection			
PASSED TO			
REC'D	- 7 OCT 2010		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Dear Sirs

Ref application by the Daffodil
for full license to sell
Intoxicating liquor on the premises

I enclose a copy of the letter sent to you by Mrs M. Gamble.

I am entirely in agreement with the concerns expressed in the letter and therefore, strongly oppose the application.

Yours faithfully
Miss P. Keyland.

Cheltenham Borough Council Public Protection			
PASSED TO			
REC'D	- 7 OCT 2010		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

? D-

Krog, Louis

From: fairthorne david [mofairthorne@blueyonder.co.uk]
Sent: 06 October 2010 10:27
To: Krog, Louis
Subject: Daffodil Application

We are writing to object to The Daffodil's application to remove the condition that they can only supply alcohol to customers already dining in the restaurant.

We have suffered already from the problems of local pubs/bars with noise (public nuisance), and also the crazy parking in our area (namely on the pavement on the double yellow lines).

There is also the problem of customers gathering in the front area of bars/pubs as a consequence of the smoking ban (public nuisance and litter). A proportion of the bars in this area do have gardens to facilitate this. We presume that the Daffodil does not have this facility.

It is also turning an Art Deco landmark into just another town bar and changing this predominately residential area into an extension of the town centre with its many pubs.

Please do consider this application carefully on behalf of the local residents.

Mr and Mrs D Fairthorne
29 Great Norwood Street
Cheltenham
GL50 2AW

06/10/2010

The Daffodil	Page 45 of 88	Last updated 27 October 2010
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Dt

59 Century Court
Montpellier Grove
Cheltenham
GL50 2XR

21 October 2010

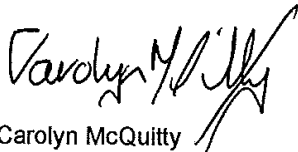
The Licensing Team
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Dear Sirs

The Daffodil 16-20 Suffolk Parade Cheltenham

Regarding The Daffodil's application for a variation to their licence, I write to support their application as I do not believe there would be any adverse effect on the promotion of the licensing objectives if the variation application is granted as applied for. Indeed, I believe it would offer a welcome additional facility to local residents from a well run and responsible local business.

Yours faithfully



Carolyn McQuitty

01242 581291

07967 638593

carolyn.mcquitty@btopenworld.com

15 Jubilee Court
Commercial Street
Cheltenham, Glos.
GL50 2AJ
Tel. 01242 241546

DT

13.09.10

To the Licensing Team

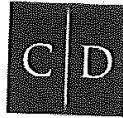
I am so pleased to learn of the Daffodil plans for Interlude food.

If the variation application is granted as applied for I do not believe there would be any adverse effect on the promotion of the licensing objectives.

My friends look forward to a place to meet

Yours faithfully

Joan Bate



CHRISTOPHER DAVIDSON
SOLICITORS

The Daffodil Restaurant

(Applicant Mr Mark Stephens)

Representation by Interested Party (Mr T M Dey)

Christopher Davidson Solicitors LLP make on behalf of Mr Dey the following representations: -

Background

The Applicant, Mark Edward Stephens, is not believed to have a controlling interest in The Daffodil Restaurant, and, as such, whatever his current intentions are, any assurances he gives must be seen in the light of the fact that he does not possess the ultimate authority over how the premises is operated, or whether (or to whom) it is sold.

He is certainly not in a position to give any assurance of how a subsequent purchaser would operate the premises.

The Concern

The Residents, and it is submitted, the Council, must take the long-term view.

The concern is that this application is a first step towards obtaining Licensing and Planning variations which would lead to the premises, sometime in the future, operating primarily as a wine bar if not a night club.

The existing licence does allow those persons having a meal, (which need not be "substantial" or more than one course) to be eaten sitting at a table to be served with aperitifs prior to the meal (before being seated and even on the first floor if they are dining downstairs) and to be served with drinks after they have completed their meals.

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Oriol Road
Cheltenham
Gloucestershire
GL50 1XP

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DX 7408 Cheltenham
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W: www.cdlaw.co.uk

Members
A S Raistrick LLB
J S Richardson MA MICM
K A Ellis BA
D R Mason LLB

Christopher Davidson Solicitors LLP is a limited liability partnership registered in England and Wales number OC351476 whose registered office is at 2-3 Oriel Terrace, Oriol Road, Cheltenham, Gloucester GL50 1XP Regulated by the Solicitors Regulation Authority no 57938

Planning

The planning permission for the premises stipulates that the use of the premises is that of restaurant. Condition 4 of the Planning Permission states as follows:

"The premises shall be used for the purposes of a restaurant providing food and accompanying drinks." It is of note that the applicant by this application seeks to remove the obligation that all those who have drinks have also to eat, when the planning condition would seem, by the words "food and accompanying drinks" to require that those drinking are also eating. If the application as sought is granted, it would require an application to vary the planning condition before drinks could be served to those not dining. Thus the planning position provides no comfort to local residents, and is an additional reason the application should be refused.

Previous Application

As evidence of the Applicant's intentions, on the 17th June 2010 he submitted an application to remove the condition "Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal" (the same condition that is now sought to be removed) and replace it with a new condition which only stated "the main purpose of the premises is a fine dining restaurant." The application was in respect of **the whole of the premises**, not just the first floor of the premises.

We were informed on the 2nd July by Richard Griffiths, the Senior Licensing Officer, that "after careful consideration this Authority has rejected the application on the grounds that it could have an effect on two of the licensing objectives, namely, crime and disorder and public nuisance.

Zizzis Application

There was an application in 2004 by Zizzis nearby, which was **refused** after the Police Licensing Officer gave formal notice of objection on the 7th July 2004, stating that a licence which allowed persons to drink alcohol without being obliged to do so ancillary to the eating of a meal in this location "could lead to

an increase in public disorder". Granting this application may prompt a new, similar application from Zizzis which would be difficult to refuse.

Salami Tactics

There is a well-established method used by those advising licensing applicants wishing to change their premises from restaurants to bars in the face of opposition.

The standard argument used in the Magistrates Courts for many years, when seeking to sever the link between provision of alcohol and the taking of a meal, was to put forward the scenario of a group of people attending the restaurant, one of which had already eaten/was not hungry/arrived late/had to leave early, and advancing the argument that it was unreasonable for the premises to be prohibited from serving such a person with alcohol whilst such a person was sitting with others dining.

The method is to approach the application using "salami tactics", slice by slice.

Initially an application is made in respect of a small part of the premises to obtain the appropriate variation (being careful to avoid the imposition of any numbers limit) ensuring a complete severance of the requirement for those in that part only of the premises to have anything to eat whilst drinking.

Care is then taken to trade the premises in such a way as to ensure there is no nuisance or disorder, and subsequently apply to vary the licence so that it applies to a greater area of the premises.

Then an application is made to vary the appropriate planning consents (to permit both a bar and a restaurant) until, in the final phase, the granting of a full unrestricted licence in respect of the whole premises is said to have such little practical difference to the manner that the premises is at that time operated that it would be unreasonable for the variation not to be granted (or there is a likelihood of reversing, on appeal, any refusal).

The result is a very great increase in the saleability and value of the premises, even if the process is not complete.

The Current Application

The applicant in the current application clearly wishes ultimately the entire premises to be free from the current condition, otherwise he would not have made an application in respect of the whole premises in June of this year.

It is of note that the applicant has not put forward any conditions that will prevent the first floor area from being used as a vertical drinking establishment with no tables, seating, or any food being served at all.

A condition of having food "available" allows operating a bar where in practice few, if any, actually eat.

The application also seeks (page 9 box M) to licence the premises to sell "off sales" (currently prohibited) until 23.30, after the local off licences have shut, (at 22.00) which could attract intoxicated people to the vicinity between 22.00 and 23.30 who have had too much to drink but believe (because of their condition) that that haven't.

Proposed Conditions

We shall now comment on the nine proposed conditions that are meant to address the licensing objectives in place of the condition it is proposed be removed.

1. **"THE PREMISES TRADES AS A FINE DINING RESTAURANT WITH ALCOHOL PRICED ACCORDINGLY."**

This is a statement of the current factual position. "Fine dining" is a subjective opinion and unenforceable as a condition. "Alcohol priced accordingly" is meaningless. The proposed "condition" imposes no enforceable obligation.

2. **"THE CONCEPT OF THE PREMISES WILL REMAIN UNCHANGED".**

What "the concept" is, is not defined. This is a wholly unenforceable and meaningless condition. One can hardly envisage any enforcement authority being able to adduce evidence to support a complaint that a "concept" had changed. The proposed "condition" imposes no enforceable obligation.

3. "THE APPLICATION RELATES TO THE REMOVAL OF CONDITION 2 (A) INSOFAR AS IT RELATES TO THE FIRST FLOOR OF THE PREMISES".

The evidence is that the applicant wishes the removal of the condition for the whole premises, and it is therefore reasonable to conclude that this application is a first step towards that aim. In addition, in a consultation meeting with local residents (in respect of which the applicant refused permission for us to attend with our client) reference was made to extending the first floor area.

4. "ALL CUSTOMERS WILL BE GREETED AT THE GROUND FLOOR FOYER ON ENTRY TO THE PREMISES".

We cannot see that this will have any significant impact on the licensing objectives.

5. "SUBSTANTIAL FOOD AND SUITABLE BEVERAGES OTHER THAN INTOXICATING LIQUOR (INCLUDING DRINKING WATER) SHALL BE AVAILABLE DURING THE WHOLE OF PERMITTED HOURS".

Until the Licensing Act 2003 was implemented, it was a standard condition that all nightclubs would have food available. In practice, of course, nobody ate. This condition could attach to every nightclub in the Country and it would not in any way restrict the manner in which they were able to operate. These premises are licensed to be open until half past midnight, Monday to Saturday, and until midnight on Sunday, at the moment.

6. "THERE ARE STRONG MANAGEMENT PROCEDURES IN PLACE WHICH ENCOMPASS THE FULL LICENSING OBJECTIVES".

What precisely does this mean? In any event, having management procedures, for example written documents, in place which “encompass” the full licensing objectives would not be of assistance to local residents at half past midnight once an uncertain number of people, who have been drinking intoxicating liquor without food, leave the premises and go on to the neighbouring streets. The proposed “condition” imposes no enforceable obligation.

7. “THE RIGHT OF ADMISSION IS RESERVED”.

This is a statement of the law as it stands, that is that you are not obliged to let people on to your premises. The proposed “condition” imposes no enforceable obligation.

8. “STAFF ARE TRAINED AS APPROPRIATE IN RESPECT OF RELEVANT LICENSING LAW, THE IMPLEMENTATION OF LICENSING CONDITIONS, HEALTH AND SAFETY, FIRST AID, ALCOHOL AND DRUG AWARENESS.”

Leaving aside that the words “as appropriate” begs the question as to who decides on appropriateness (if the management then anything they do could be said to be “appropriate”), whatever level of training takes place it can only have an effect on the persons whilst they are on the premises, not after they have left. The proposed “condition” imposes no enforceable obligation.

9. “REASONABLE STEPS ARE TAKEN TO RECOGNISE THE RIGHTS OF LOCAL RESIDENTS AND TO ENCOURAGE CUSTOMERS TO LEAVE THE PREMISES QUIETLY”.

We do not know what in practice “reasonable steps are taken to recognise the rights of local residents” means. It is not the recognition of their rights that is important, it is ensuring that any “right” (such as it is) to go to bed at 11 O’clock and have an undisturbed night’s sleep is actually enjoyed by them, not just “recognised”. The proposed “condition” imposes no enforceable obligation.

The proposed conditions are padded out platitudes. They are not drafted in such a way as to impose enforceable conditions. Insofar as they mean anything, it would be difficult to establish a breach. They do not address the very specific issue (of which the applicant is aware) of the conduct of intoxicated customers after they have left the premises.

Benefit of retaining the current condition

The protection that the residents currently enjoy is that those who sit down for table meals tend, either because of the fact that they have eaten or because of the fact that they have chosen to spend their evening sitting down eating (perhaps with a drink), rather than standing up drinking, to cause very significantly less disturbance to local residents than those who have not eaten when drinking.

Even if there is never any further variation in the licence after this application is granted, were it to be granted there would be an adverse impact on public nuisance and potentially crime and disorder.

Given the downturn in the economic climate, an operator of premises may find it very difficult to resist the prospect of packing part of their premises (by way of promotions or offers, etc.) with a lot of people spending a lot of money rapidly by consuming alcohol quickly. That is how people get drunk, and therefore loud and sometimes aggressive.

An operator of premises, however much they may wish not to, may be forced to use the facility of a bar where alcohol can be served without a tie to food, if that makes the difference between a profit and a loss. That temptation should not be available to the current or any future owners or operators of The Daffodil.

Conclusion


The local residents may be living there for decades to come, and the Council has a responsibility to purchasers of future property who will become local residents.

It is no answer to the matters set out above to say that residents can seek to revoke a premises licence that causes, for example, a nuisance.

The reality of the situation is that it is so difficult to seek to revoke a licence that it is believed only two in the whole of England were revoked last year, and there has never been a licence revoked in Cheltenham since the Licensing Act 2003 came into force.

Given its location, it is simply inappropriate for this to be a venue that serves alcohol other than as an ancillary to people attending the premises to eat meals at tables, i.e., a restaurant.

It is respectfully submitted that the application should not be granted.


Christopher Davidson Solicitors LLP

05.10.10

D-

Krog, Louis

From: Michele Beint [capability@zeria.com]
Sent: 05 October 2010 16:52
To: Krog, Louis; Internet - Licensing
Subject: The Daffodil

Dear Mr Krog

With reference to The Daffodil's full application to remove, in its entirety, the condition that "intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal in respect of the first floor" I attach my objection and would be grateful for acknowledgement of the receipt of this email.

Kind regards

Mrs M Gamble

26 Gt Norwood Street
Cheltenham
GL50 2AP

06/10/2010

The Daffodil	Page 56 of 88	Last updated 27 October 2010
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If you are concerned at The Daffodil's imminent licensing application I hope this explains my objections and why I believe we should act.

Mr Louis Krog
Licensing Department
Cheltenham Borough Council

licensing@cheltenham.gov.uk

Dear Mr Krog

This is to confirm my objection to The Daffodil's full application to remove the condition that "intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal", in respect of the first floor of their premises.

The Daffodil a large building is in the midst of an almost exclusively residential area with some owner-occupiers as small businesses.

The wider area has, at present, three drinking establishments, which are much smaller. These already create considerable noise and a public nuisance late at night which is only barely tolerable, leading to crime and disorder in the form of criminal damage to gates, railings and broken windows.

As the original application was for the entire building it is clear that this is the long-term intention. This could mean that, in time the entire building could be used solely for drinking by large numbers of people and the public nuisance threat will be even greater.

It will also mean even more problems with parking in a residential area that already has a lack of parking for its residents, forcing visitors to park on the pavement. From experience we know that responsible drinkers who are too drunk to drive home leave their cars until the next day or even two, thereby further exacerbating the problems for local residents.

I urge the committee to take this matter very seriously on behalf of the local residents as I am quite sure they would feel as strongly if they had to endure the behaviour of drunken people to the extent that we do.

Drunks are noisy and a public nuisance and sometimes criminal in their behaviour; no matter what their background, we would like fewer of them - not more.

Mrs M Gamble
26 Gt Norwood Street
Cheltenham
GL50 2AP

D+

55 CENTURY COURT
MONTPELLIER GROVE
CHELTENHAM GL50 2XR
01242 282025

The Licensing Team,
Cheltenham Borough Council.
P.O. Box 12.
Cheltenham.

21st Sept. 2010.

Dear Sirs,

Regarding the recent application made by the Daffodil Restaurant - if the variation application is granted as applied for, I do not believe there would be any adverse effect on the promotion of the licensing objectives.

Yours faithfully,

Pamela Sullerton.

Dt

20 CENTURY COURT,
MONTPELLIER GROVE,
CHELTENHAM, GLOS, GL50 2XR.

15 September 2010

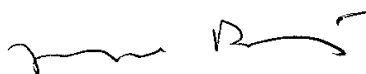
The Licensing Team,
Cheltenham Borough Council,
PO Box 12,
Municipal Offices,
Promenade,
Cheltenham, GL50 1PP.

Dear Sirs

DAFFODIL RESTAURANT Cheltenham

If the variation application is granted as applied for, I do not believe there would be any adverse effect on the promotion of the licensing objectives.

Yours faithfully



Krog, Louis

From: jenni powell [jenni_powell@yahoo.co.uk]
Sent: 06 October 2010 12:10
To: Internet - Licensing
Subject: Daffodil licensing appliation

I wish to object to The Daffodil having a full license, I live just up the road and am worried about the potential noise in the early hours of the morning and a increase in drunken disorder in the area.

I bought my premises because there were no "night clubs" around. I feel we have suffiient licensed premises and there is also the issue of parking which could be a bigger nightmare than it already is.

Thank you,

Jenni S Powell

7a Great Norwood Street



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL50 1PP.
e mail: licensing@cheltenham.gov.uk

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

Contact details (of person completing form)

Name:	ADRIAN UEDELHOVEN
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	16A SUFFOLK PARADE CHELTENHAM
Post Code	GL50 2AE
Daytime contact telephone number	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	au.au@virgin.net

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	THE DAFFODIL
Name of Applicant for Licence (if known)	
Postal Address:	18-20 SUFFOLK PARADE CHELTENHAM
Post Code:	GL50 2AE

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
SALE OF ALCOHOL NO LONGER RESTRICTED TO CLIENTS DINING AT THE ESTABLISHMENT

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder	✓	Public safety	
The prevention of Public nuisance	✓	The protection of children from harm	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	12
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

MY CONCERN IS THAT THE PROPOSED CHANGES TO THE LICENSE WOULD ALSO CHANGE THE CLIENTELE OF THE ESTABLISHMENT ~ FROM PEOPLE GOING OUT FOR A MEAL TO THOSE JUST GOING OUT TO DRINK. THE BEHAVIOUR OF THESE TWO GENERAL GROUPS TENDS TO BE VERY DIFFERENT. THIS CAN BE SEEN ON MOST FRIDAY AND SATURDAY NIGHTS FROM THE CLIENTS OF ANOTHER ESTABLISHMENT IN THE AREA. THOUGH THE APPLICATION ASSURES THAT THE BUSINESS WILL REMAIN 'PRIMARYLY' A RESTAURANT, THE POSSIBLE CHANGE IN THE NATURE OF THE CLIENTELE MAY HAVE AN ADVERSE EFFECT IN THE IMMEDIATE AREA. BROKEN BOTTLES, GLASSES AND DAMAGE TO VEHICLES IS A FEATURE OF THE WEEKEND THAT DOES NOT NEED AN INCREASE.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary)

Signature: 

Capacity:

Date: 5th OCTOBER 2010.

D-



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL50 1PP.
e mail: licensing@cheltenham.gov.uk

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

Contact details (of person completing form)

Name:	Will Robinson
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	25 Suffolk Parade Cheltenham GL50 2AE
Post Code	GL50 2AE
Daytime contact telephone number	07818012505
Email address - If you would prefer to correspond via email, please enter your email address. (optional). <i>will.robinson@montagu-evans.co.uk</i>	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

1

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	The Daffodil
Name of Applicant for Licence (if known)	
Postal Address:	18-20 Suffolk Parade Cheltenham
Post Code:	GL50 2AE

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
<p>Crime</p> <p>Disorder</p> <p>Noise</p> <p>Disturbance</p>

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder	✓	Public safety	✓
The prevention of Public nuisance	✓	The protection of children from harm	✓

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	22 metres
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Part 2 continued


What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

Increased level of noise & disturbance in the evening and night times caused by inebriated clients spilling onto street. We already receive litter, broken glass, cigarette butts and vomit in our front garden & another drinking establishment 22 metres away is likely to increase this nuisance. The area outside the restaurant will become a 'smoking zone' in all likelihood creating further noise / disturbance each evening. Vandalism is a problem as twice this year our car wing mirrors have been knocked off by drunken revellers.

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary)

[Empty box for suggestions]

Signature: 

Capacity: Resident

Date: 6/10/10

D-



Part 2

LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)

On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL50 1PP.
e mail: licensing@cheltenham.gov.uk

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

Contact details (of person completing form)

Name:	MR T. RICHARDS
Name of the organisation/body/person you represent. (If appropriate)	
Your full Postal Address or that of the organisation or body you represent	DAFFODIL MEWS 38 SUFFOLK PARADE CHELTENHAM
Post Code	GL 50 2AD
Daytime contact telephone number	01242 530324
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

Details of person/body making representation (if different from above)

Name of the person/organisation/body. (as appropriate)	
Full Postal Address of the person/organisation or body making representation	
Post Code	
Daytime contact telephone number	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

Part 2 Continued

Premises/Club Details

Name of premises/club you are making representation about:	THE DAFFODIL RESTAURANT
Name of Applicant for Licence (if known)	MARK STEPHENS
Postal Address:	18-20 SUFFOLK PARADE CHILTERNHAM
Post Code:	GL50 2AE

What are you making a representation about?

Please indicate which part of the licence/certificate application you are making a representation about (eg crime, disorder, noise, disturbance etc)
NOISE, DISTURBANCE, ANTI SOCIAL BEHAVIOUR THE PREVENTION OF PUBLIC NUISANCE THE PREVENTION OF CRIME AND DISORDER

Which of the Licensing Objectives does your representation refer to?

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder	✓	Public safety	
The prevention of Public nuisance	✓	The protection of children from harm	

Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at www.culture.gov.uk.

Please indicate the distance (in metres) between your address and the premises subject of your representation:	25
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Part 2 continued

What are your concerns?

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.
(Please continue on a separate sheet if necessary)

Please refer to continuation sheet attached.
Primarily a change of use will result from a restaurant with bar facilities to a restaurant plus a public bar. This will result in an inevitable increase in noise disruption and potential anti social behaviour

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.
(Please continue on a separate sheet if necessary)

Signature: 

Capacity: RESIDENT PROPERTY OWNER

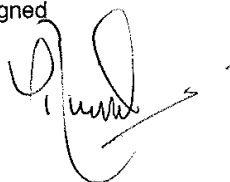
Date: 5TH OCTOBER 2010

DAFFODIL RESTAURANT – Notice of application to vary the premises licence

Continuation from page 3 of Representation from an interested party – T.Richards

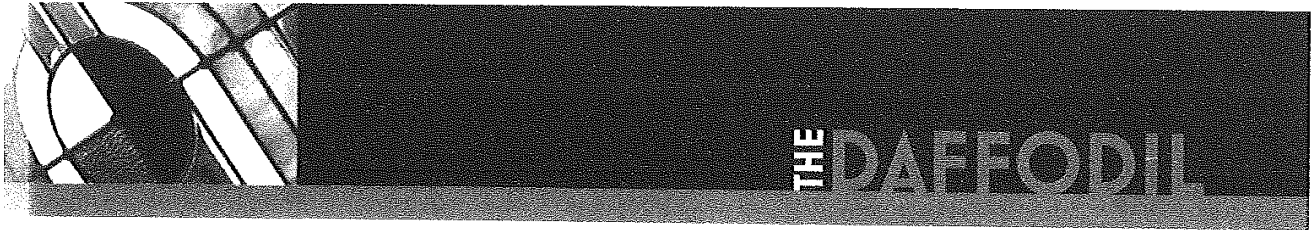
- As permanent resident homeowners of a property in Suffolk Parade within 50 metres of the Daffodil Restaurant we have to object this application.
- At a public meeting a plan was recently presented to some residents of Suffolk Parade by the Daffodil management and their solicitor. This plan delineated with a red line the area for which the application was intended being clearly defined as the present bar area which constitutes the existing first floor. The formal application does not now include this plan and is worded generally as being for the first floor. In future the first floor could in total become a considerably larger area.
- For example at the meeting it was stated that a plan was in place to add an additional area to the first floor at the opposite end of the building for private functions
- No conditions are included in the application defining serving of alcohol only to seated clients.
- There is no statement of the maximum number of clients to be catered for in the first floor area.
- As an extension of the current licence the Daffodil apparently holds a permission to extend the closing time to 1.00 am for a total of 21 functions in a year . There is no reference to this in the application and whether – if the application is granted – this extension is in any way applicable to public drinking in the first floor and bar area.
- We have good relationships with the present licence holder. However it is our understanding that any licence belongs to the property and not to the property owner and therefore if the Daffodil Restaurant is sold in future the licence granted would be transferred as part of the assets. .A consequence could be a complete change in the nature of the premises.
- Adding to this concern is a suggestion that has been made to us that the present licence holder is not the major share holder and therefore his expressed intentions of retaining the property could be over – ruled.
- We experience increasing public nuisance ,noise & antisocial behaviour in Suffolk Parade and the adjoining area especially during evenings and early mornings
- No proprietor has control over the actions of clients during departure and after leaving his premises. Whatever the anticipated character of clients the intention to operate the first floor of the Daffodil Restaurant as a bar open to the public will inevitably result in the noise and disruption in Suffolk Parade and the surrounding area increasing further.

Signed



T. RICHARDS

5. 10. 10.



CC FOR INFO
TO LOUIS KROGG,
SENIOR LICENSING
OFFICER

Friday 23 July 2010

Dear Neighbour,

I am writing to let you know that we are hosting a Wedding tonight which finishes at 1am. This is in accordance with our annual 21 days allowance under our existing licensing conditions.

As usual we have taken additional measures to request from our guests the consideration of our neighbours therefore this should cause minimal disturbance.

Thank you for your co-operation

Yours sincerely,

Nina de Winter

The Daffodil	Page 72 of 88	Last updated 27 October 2010
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24 Century Court
Montpellier Grove
Cheltenham GL50 2XR
Email: ammcc2@hotmail.com
Telephone 01242 510 683

15th September, 2010.

The Licensing Team,
Cheltenham Borough Council,
PO Box 12,
Municipal Offices,
Promenade,
Cheltenham GL50 1PP.

Dear Sirs,

It has been brought to our attention that The Daffodil restaurant has submitted a variation application in respect of their Trading Licence and we write to inform you that if the variation application is granted as applied for we do not believe there would be any adverse effect on the promotion of the licensing objectives.

Yours faithfully,

Alex McClements



Carol McClements



DT

24 Montpellier Grove
Cheltenham.
GL50 2XB,
17th September 2010

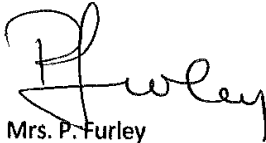
Dear Sir/Madam,

The Daffodil, 18-20 Suffolk Parade, GL50 2AE

Variation Application by Mark Stephens under Licensing Act 2003

I write to advise you that if the variation application is granted as applied for by the above I do not believe there would be any adverse effect on the promotion of the licensing objectives. I live in close proximity to the Daffodil and frequent the premises often and I have never experienced any anti-social behaviour by any of its clientele. Indeed I think the Retreat restaurant/public house which is close by experiences many more public disturbances.

Yours faithfully,



Mrs. P. Furley

174

Licensing Section
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 1PP

69 Century Court
Montpellier Grove
Cheltenham
GL50 2XR

15th September 2010

Sirs,

The Daffodil
18-20 Suffolk Parade
Cheltenham
Gloucestershire
GL50 2AE

Variation Application by Mark Stephens Under The Licensing Act 2003

If the above variation application is granted as applied for we do not believe there would be any adverse effect on the promotion of the licensing objectives.

Yours faithfully



Thomas Russell



Shirley Russell (Mrs.)

Dx

Licensing Section
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

83 Century Court
Montpellier Grove
Cheltenham
GL50 2XR

17.09.2010

Dear Sirs

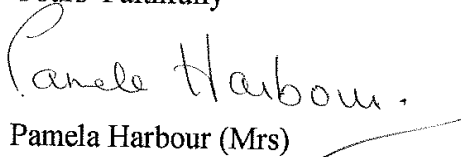
Reference: The Daffodil, 18.20 Suffolk Parade, Cheltenham GL50 2AE

I consider the Daffodil to be an icon in a very attractive, secluded area of Cheltenham which attracts both residents and tourists of an older and difference clientele to those frequenting the other local "watering holes".

As a resident of Century Court, it has come to my notice that you received recently a letter from the Chairman of the Century Court Board stating that **ALL** residents were not in favour of the changes that the Daffodil are requesting. I would like to point out to you that the Board did not consult with any persons living in Century Court about this matter so their letter should **NOT** be included in any correspondence regarding this matter.

If the variation application is granted as applied for I do not believe there would be any adverse effects on the promotion of the licensing objectives.

Yours Faithfully


Pamela Harbour (Mrs)

D+

86 CENTURY COURT,
MONTPELLIER GROVE,
CHELTENHAM, GLOS, GL50 2XR.

Telephone : 01242 574543

14 September 2010

The Licensing Team,
Cheltenham Borough Council,
PO Box 12,
Municipal Offices,
Promenade,
Cheltenham, GL50 1PP.

DAFFODIL RESTAURANT Cheltenham

If the variation application is granted as applied for, we do not believe there would be any adverse effect on the promotion of the licensing objectives.



K L STEPHENS



Mrs M STEPHENS

JA

79 Century Court,
Montpellier Grove,
CHELTENHAM,
GL50 2XR

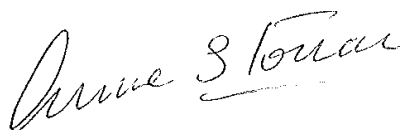
20TH September, 2010.

Dear Sirs,

DAFFODIL RESTAURANT

If the variation application is granted as applied for, I do not believe there would be any adverse effect on the promotion of the licensing objective.

Yours faithfully,



(Mrs.A. Storrar)

Cheltenham Borough Council,
Municipal Offices,
Promenade,
CHELTENHAM, GL50 1TP

Dt

JJ and Jackie Kabler
21 Montpellier Grove
Cheltenham
GL50 2XB

The Licensing Team
Cheltenham Borough Council
Municipal Offices
The Promenade
Cheltenham
GL50 1TP

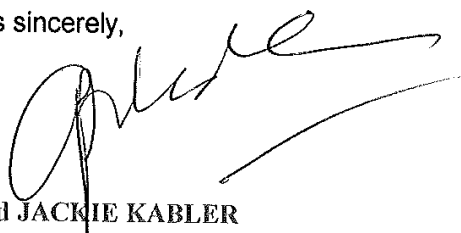
22/9/10

Dear Sir/Madam

Re: The Daffodil Restaurant

We would like to express our view that if the variation application is granted as applied for, we do not believe there would be any adverse effect on the promotion of the licensing objective.

Yours sincerely,



JJ and JACKIE KABLER

D+

13 Montpellier Villas
 Cheltenham
 Glos
 GL50 2XE

The Licensing Team
 Cheltenham Borough Council
 PO Box 12
 Municipal Offices
 Promenade
 Cheltenham
 GL50 1PP

Cheltenham Borough Council Public Protection			
PASSED TO			
REC'D	- 5 OCT 2010		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

30th September 2010

To whom it may concern

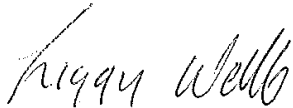
I am writing this letter with regards to the application that has been submitted by *The Daffodil Restaurant* with regards to the request for a bar license.

If the variation application is granted as applied for I do not believe there would be any adverse effect on the promotion of the licensing objectives.

As a resident of the Suffolk's and a business owner I believe that this facility would add a great deal of value to the local area .The Daffodil Restaurant is a wonderful and unique restaurant and offers something that no other establishment in the area has to offer .

I am very excited at the prospect of being able to go to The Daffodil for social occasions and as an excellent venue to take business clients and people visiting the local area. The variation of this license can only add value to our community.

Your sincerely



Liggy Webb

Dy.

edward COX (goldsmith)®

28 suffolk parade, montpellier, Cheltenham gl50 2ae
tel; 01242 577573 Vat 922532249

1st October 2010

The Licensing Section
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham GL50 1PP

Dear Sirs,

The Daffodil Restaurant Co. Ltd.,
18-20 Suffolk Parade
Cheltenham GL50 2AE

Cheltenham Borough Council Public Protection			
FORWARDED TO			
REC'D	- 4 OCT 2010		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Ref: VARIATION TO THEIR LICENSE

We would like to write to support the application of The Daffodil Restaurant to vary their license.

We cannot see that it would adversely affect the area and in our view it would greatly enhance the facilities which already exist in Suffolk Parade and the surrounding area.

Yours faithfully,

Valerie A. Russell *Peter Russell*

Valerie and Peter Russell

Dt

MR & MRS J R RIDER
73 Century Court
Montpellier Grove
Cheltenham
GL50 2XR

16/09/2010

The Licensing Team
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

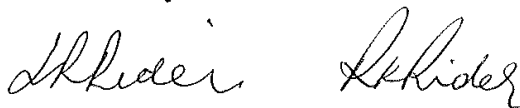
Dear Sirs

We would like to express our complete support for the application by the Daffodil for extending their licensing hours.

Montpellier is a prestigious area in our beautiful town of Cheltenham and we have many visitors and tourists (and local residents) who would benefit from the extended licensing hours. The Daffodil is unique in its architecture and has a definite ambience about it. It also appeals to a generation of people who do not wish to frequent surrounding bars in this area.

Therefore if the variation application is granted as applied for we do not believe there would be any adverse effect on the promotion of the licensing objectives.

Yours sincerely



J R & R K Rider

19 Montpellier House
Suffolk Square
Cheltenham
GL50 2DY

D+

Date: 5 October 2010

The Licensing Team
Cheltenham Borough Council
P O Box 12
Municipal Offices
CHELTENHAM
GL50 1PP

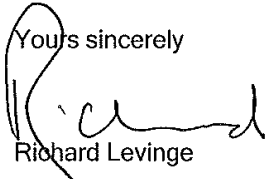
Dear Sirs

THE DAFFODIL 16-20 SUFFOLK PARADE CHELTENHAM

I understand that the Daffodil have applied for a variation to their licence. I would very much like to support their application as I believe it will be a good enhancement to the "Suffolk" area. The Daffodil already enjoys an excellent reputation as a restaurant and as a regular patron of them I would be very happy to support a broadening of their activities.

At the age of 54, the other establishments in the area do not offer the facilities that the Daffodil will be able to. I cannot see any reason why their current application should cause neighbouring establishments and the neighbourhood any problem.

Yours sincerely



Richard Levinge

Mobile: 07809 478 248

THE LICENCEING TEAM
 Cheltenham Borough Council
 The Promenade
 Cheltenham
 GLOS. GL50 12P

Dr
 37, Century Court
 Montpellier Grove
 Cheltenham
 Glos. GL50 2XR.
 22-09-10

REF: THE DAFFODIL RESTAURANT.

Dear Sir,

If a variation application is granted as applied for - I do not believe there would be any adverse effect on the promotion of the licencing objective.

Yours faithfully
 (Mrs.) Bryant

Dr

1 Century Court
Montpellier Grove
Cheltenham
GL50 2XR
20 September 2010

The Licensing Team
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Dear Sirs

**Application for Premises Licence
Daffodil Restaurant, 18-20 Suffolk Parade, Cheltenham**

If the variation application is granted as applied for, I do not believe there would be any adverse effect on the promotion of the licensing objectives.

Yours faithfully

J M Brown

J M Brown (Mrs)

Dr

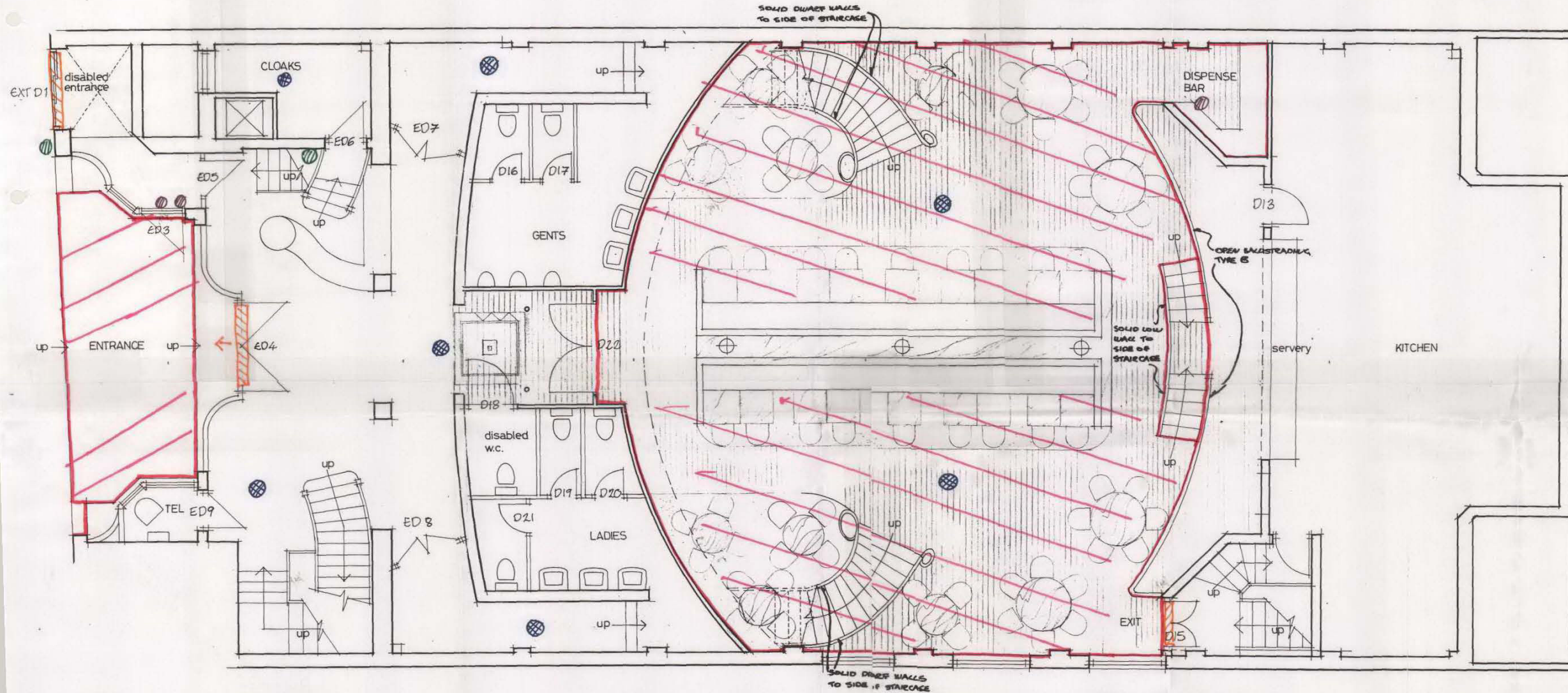
MRS C.-J. BREWIS
85 CENTURY COURT
MONTPELLIER GROVE
CHELTENHAM
GL50 2XR

20th September 2010

Dear Mr Stephens,
with regard to your proposed licensing application. If the variation application is granted as applied for I do not believe there would be any adverse effect on the promotion of the licensing objectives.

On the contrary it would surely enhance an already professional and much appreciated local business within our community. My family and I wish you continued success at The Daffodil.

Yours sincerely,
Candlyn Brewis



NOTES:
All dimensions must be checked on site and not scaled from this drawing.

- FIRE EXIT
- FIRE EXTINGUISHER
- SPRINKLERS
- CCTV

Cheltenham Borough Council Public Protection	
PASSED TO	
REC'D	5 JUL 2005
Date of Response	Type of Response
Initials of Respondent	File Ref.

Cheltenham Borough Council Public Protection	
PASSED TO	
REC'D	29 JUL 2005
Date of Response	Type of Response
Initials of Respondent	File Ref.

- F 23/10/97 DOOR NUMBERS REVISED
 - E 22/11/97
 - D 20/10/97 STAIRCASE LIGHTS REVISED TO OPEN UP DOOR
 - C 18/5/97 STAIRCASE LIGHTS REVISED TO OPEN UP DOOR
 - B 11/9/97
 - A 1/7/97 ADDITIONAL OF DOOR NUMBERS
- | No. | Date | Revisions |
|-----|------|-----------|
| | | |

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109 THE PROMENADE,
CHELTENHAM, GLOUCESTERSHIRE
GL50 1NW
TEL: (01242) 255922
FAX: (01242) 255277

Client
DAFFODIL RESTAURANTS, LTD

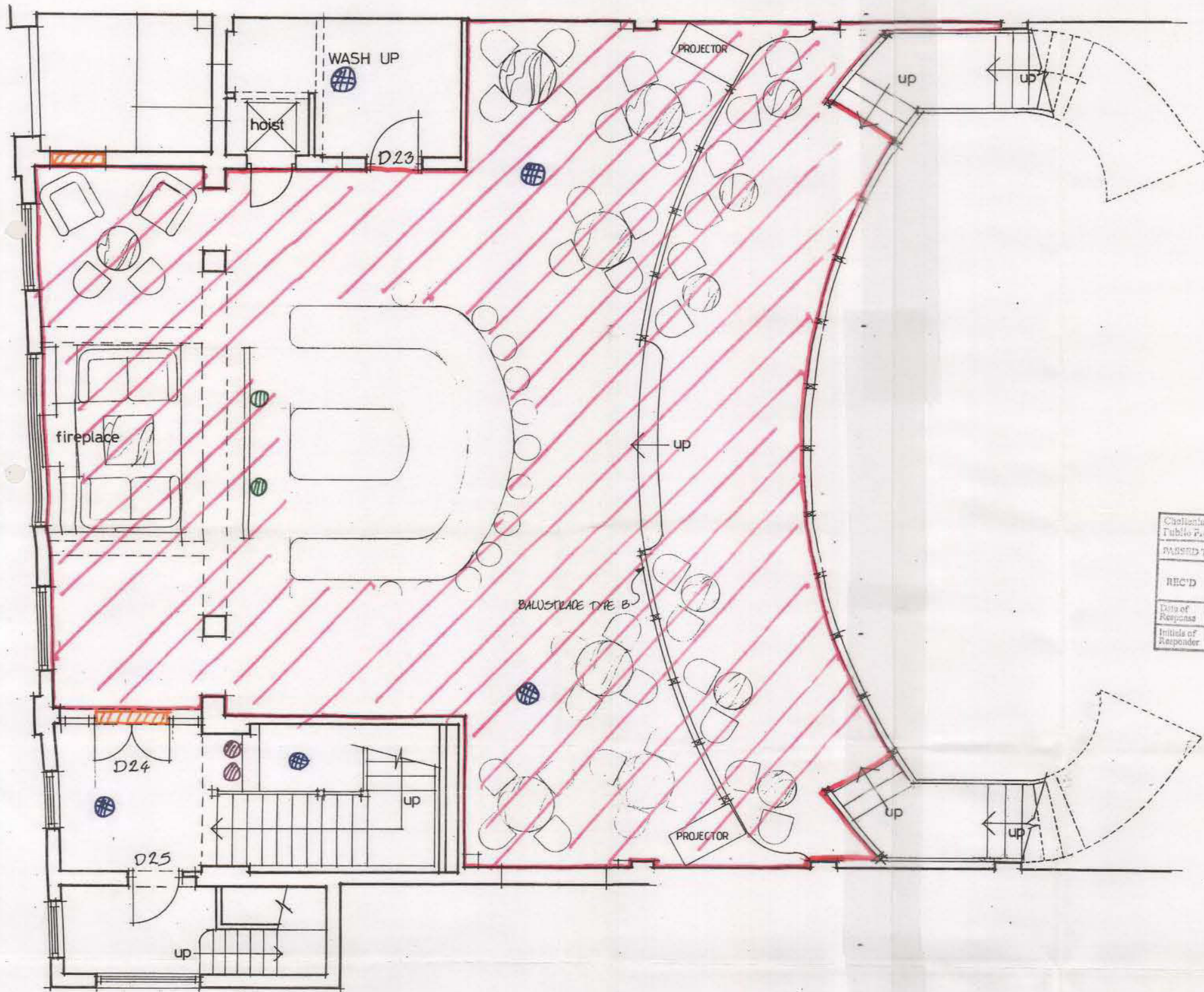
Job Title
DAFFODIL PICTURE HOUSE
SUFFOLK PARADE
CHELTENHAM

Drawing Title
PROPOSED GROUND
FLOOR LAYOUT





Scale 1:50

Date 5 / 97 Drawn by JR

Orig. No.	97-09-01	Rev.	F
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Notes:
All dimensions must be checked on site and not scaled from this drawing.

-  FIRE EXIT
-  FIRE EXTINGUISHER
-  SPRINKLER
-  CCTV

G	27/10/97	DOOR NUMBERS REVISED.
F	22/10/97	ACCESS DOOR TO HOIST REVISED TO CLIENTS REQUIREMENTS
E	20/10/97	SKETCHES REVISED TO CLIENTS REQ.
D	13/8/97	FURNITURE + FLOORING WORKS REVISED TO CLIENTS REQUIREMENTS
C	29/7/97	ELECTRICAL, LIGHTING REVISED TO CLIENTS REQUIREMENTS
B	14/7/97	DOOR NUMBERS REVISED.
A	1/7/97	ADDITION OF DOOR NUMBERS
No.	Date	Revisions

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Cheltenham Borough Council Public Protection	
PASSED TO	
REC'D	29 JUL 2005
Date of Response	Type of Response
Initials of Responder	File Ref.

Client
DAFFODIL RESTAURANTS LTD

Job Title
DAFFODIL PICTURE HOUSE
SUFFOLK PARADE
CHELTENHAM

Drawing Title
PROPOSED FIRST FLOOR PLAN

Scale 1:50

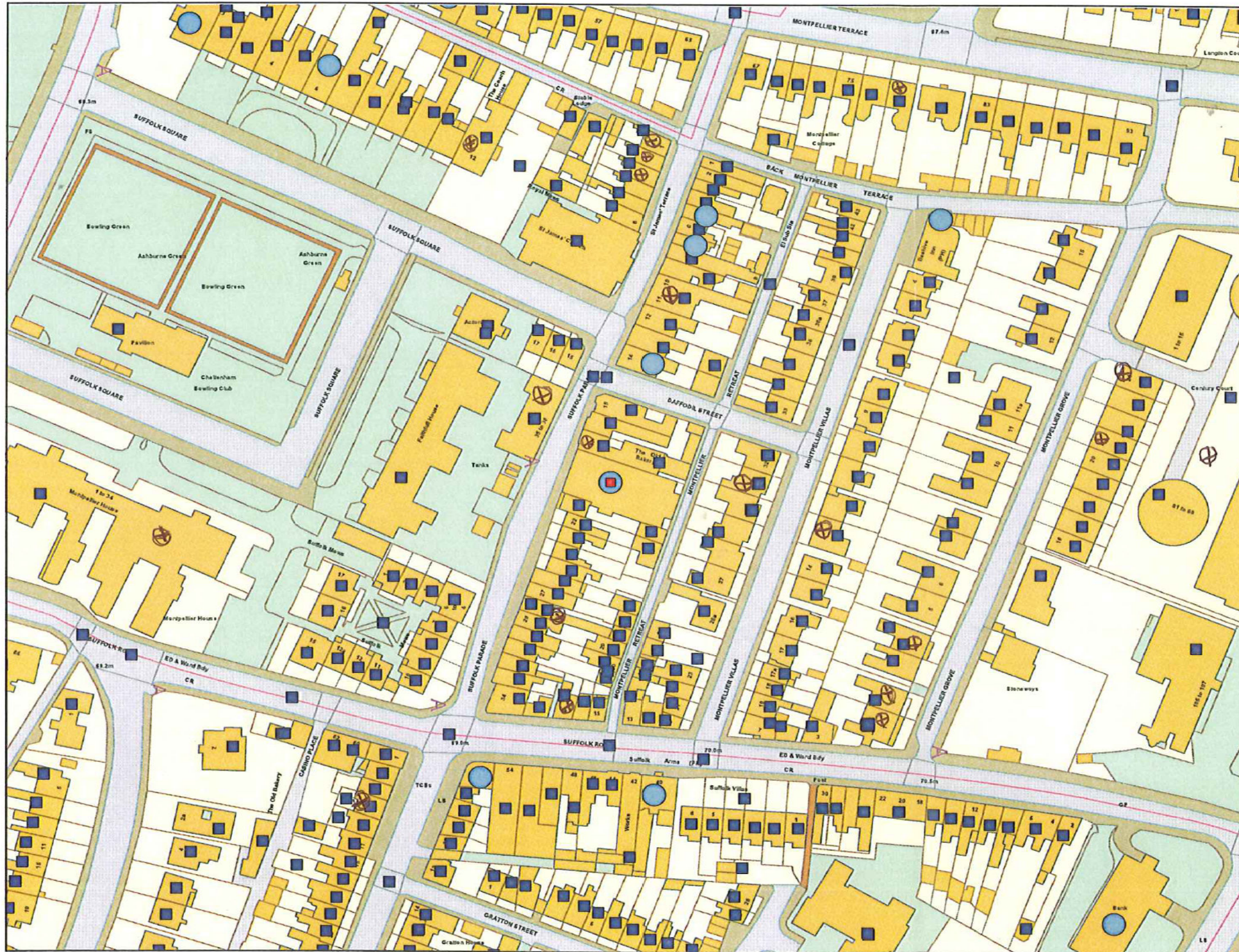
Date 5 / 97 Drawn by JR

Drw. No. 97-09-02	Rev. G
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U.D.O. 5372/88 (24/97)

The Daffodil

Suffolk Parade



Legend

⊗ - Interested Parties

Scale : 1:1875

Organisation	Cheltenham Borough Council
Department	Licensing
Comments	Licensing Sub-Committee
Date	07 October 2010
SLA Number	100024384 2009

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