

Reference: 2012/01763/01SPRV

Hearing:

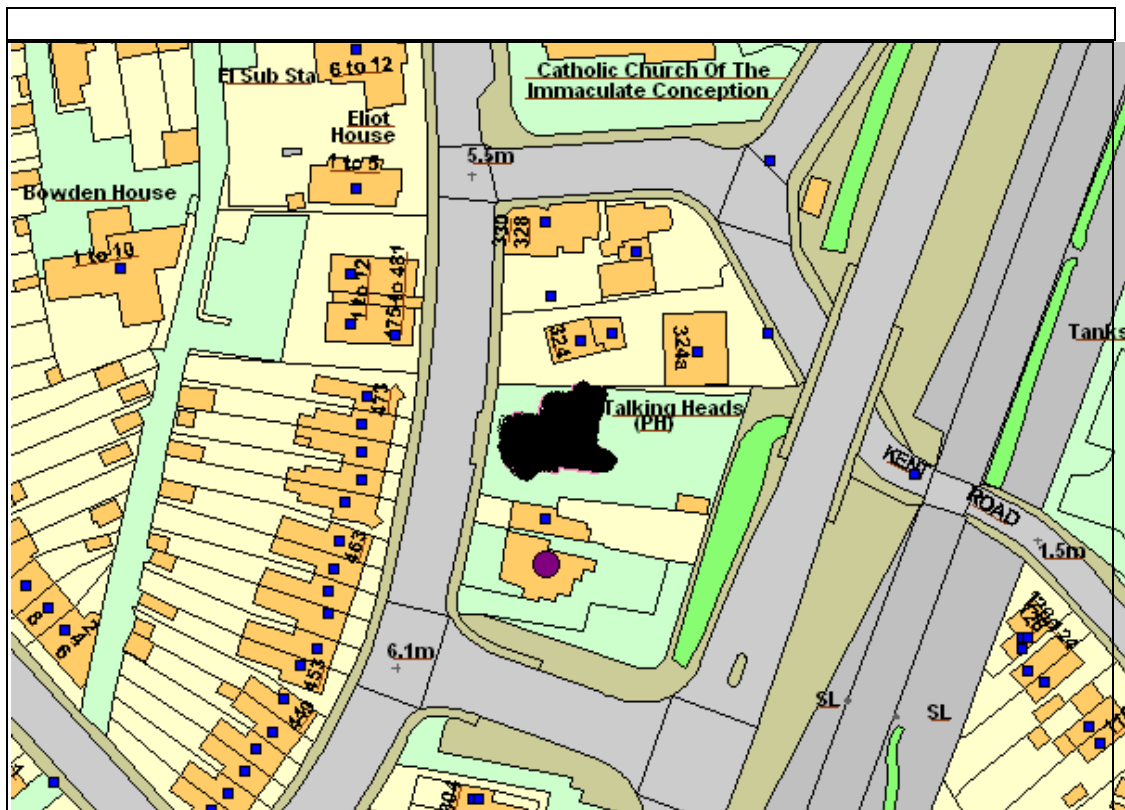
29th November 2012

APPLICATION TO VARY A PREMISES LICENCE

Premises Name: Talking Heads
Premises Address: 320 Portswood Road
Southampton
SO17 2TD

Application Date: 15th August 2012
Application Received Date: 22nd August 2012

Application Valid Date: 29th August 2012



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Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	Yes	

Hampshire Fire And Rescue - Licensing	No Response Received	
Environmental Health - Licensing	Yes	
Primary Care Trust - Public Health Manager	Yes	
Planning & Sustainability - Development Control - Licensing	No Response Received	
Police - Licensing	Yes	
Trading Standards - Licensing	Yes	

Other Representations

Name	Address	Contributor Type
Mr. and Mrs. Curtis	461 Portswood Road Southampton SO17 2TH	Resident

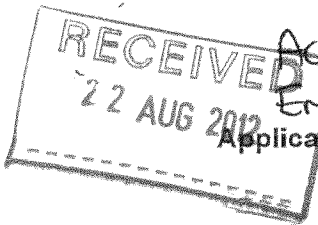
Legal Implications

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a major variation of a Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
3. An applicant for a variation, whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.

4. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The committee must also have regard to:-

5. *Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
6. *Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.



AGREED WITH CONDITIONS.

EMAIL AT REAR. SCC INFORMED 15/8. recd 13/08/12.
Exp 10/09/12.

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/We ~~XXXX~~ WILL WILKS, The Talking Heads
(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

2012/00848/01SPRD

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

320 Portswood Road
Portswood
SOUTHAMPTON

Post town

Southampton

Post code

SO17 2TD

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 23250

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

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

AT the moment we are open untill 11 on tuesdays and wednesdays, we request that we stay open untill 12 ~~(as it is on Mondays and Thursdays)~~ ¹²

We are also open untill 2 on Friday and Saturday and are requesting to stay open untill 3 on both nights.

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

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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)

☒
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☒

Provision of entertainment facilities:

- 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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) We only occasionally have plays, they are not usually on the list list of events.		
Mon	3pm	01-00			
Tue	3pm	01-00	State any seasonal variations for performing plays (please read guidance note 4)		
Wed	3pm	01-00			
Thur	3pm	01-00	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)		
Fri	3pm	0-300			
Sat	2pm	03-00			
Sun	2pm	01-00			

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	3pm	01.00			
Tue	3pm	01.00			
Wed	3pm	01.00			
Thur	3pm	01.00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Fri	3pm	03.00			
Sat	2pm	03.00			
Sun	2pm	01.00			
			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)		

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			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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 entertainments 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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

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 <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) We have music on most nights.	
Mon	5 PM	12		
		01-00		
Tue	7.30 PM	11		
		01-00	State any seasonal variations for the performance of live music (please read guidance note 4)	
Wed	7.30 PM	11		
		01-00		
Thur	7.30 PM	12		
		01-00	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)	
Fri	7.30 PM	3		
		7		
Sat	7.30 PM	3		
		7		
Sun	3 PM	10-30		
		01-00		

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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) As a music venue we often have recorded music playing.		
Mon	3 PM	1.20			
Tue	3 PM	01.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed	3 PM	01.00			
Thur	3 PM	01.20	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	3 PM	3			
Sat	2 PM	3			
Sun	2 PM	10.30 01.00			

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 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 world music festival		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	3pm	01.00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	3pm	01.00	Please give further details here (please read guidance note 3) An event we will be running will include dancing.		
Wed	3pm	01.00			
Thur	3pm	01.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	3pm	03.00			
Sat	2pm	03.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	2pm	01.00			

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 Guitar, Piano, Sound equipment (mixing desk)	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Mon	3pm	01.00	Please give further details here (please read guidance note 3)	
Tue	3pm	01.00		
Wed	3pm	01.00	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
Thur	3pm	01.00		
Fri	3pm	03.00	Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	2pm	03.00		
Sun	2pm	01.00		

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	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing ve have a dance floor			
Day	Start	Finish				
Mon	3pm	01:00	Please give further details here (please read guidance note 3)			
Tue	3pm	01:00				
Wed	3pm	01:00	State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur	3pm	01:00				
Fri	3pm	02:00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	2pm	03:00				
Sun	2pm	10:30				
		01:00				

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 <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)	
Wed				
Thur			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)	
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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed			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)		
Thur					
Fri					
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon	3pm	01-20				
Tue	3pm	01-20				
Wed	3pm	01-20	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)			
Thur	3pm	01-20				
Fri	3pm	03-00				
Sat	2pm	03-00				
Sun	2pm	04-00				

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 9)

O

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	3pm	01.00	
Tue	3pm	01.00	
Wed	3pm	01.00	
Thur	3pm	01.00	
Fri	3pm	02.00	
Sat	2pm	03.00	
Sun	2pm	01.00	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

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

we would like to stay open until 11 during the week.

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

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)

We make sure all our customers leave in a quiet manner and have respect for local residents, no glasses or bottles are to leave the premises and no children are allowed in after 9.

b) The prevention of crime and disorder

No glass or bottles leave the premises. We have security on the doors for busy nights. We also have an incident book so that everything is recorded.

c) Public safety

We have significant signage in place to prevent public from harm, fire exits, disabled entrance, security on busy nights. We also have a trained first aider on site for every event and strict evacuation procedures. Our incident book is also for public safety.

d) The prevention of public nuisance

We have security on busy nights, correct signage in place for the benefit of local residents, a strict drink up time, and we work closely with the ~~the~~ local police. We ^{will} have CCTV in place.

e) The protection of children from harm

We don't allow children on the premises after 9 o'clock at night, and we have a 'no children at the bar' rule in place. We also run by a challenge 25 rule.

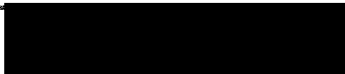
Please tick yes

- 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 ☒

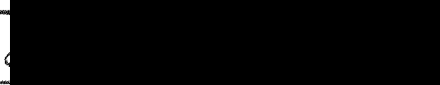
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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	
Date	
Capacity	

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)

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

461 Portswood Road
Southampton
SO17 2TH
7th October 2012

Dear Sir, Madam

Re: Change in Licensing Hours iro Talking Heads.

We would like to object to the increase in opening hours for the following reasons,

Noise from people drinking and smoking outside the front

Doors open until all hours with loud music coming from within

Loud music is bad enough until 2.00am let alone 3.00am

Every Monday we now have the bikers drinking on the front revving their machines and the noise can be deafening

People leaving at all hours shouting swearing car doors banging, cars parked on double yellow lines outside the front

The thumping beat of the music which keeps you up when you have to get up at 5.30am for work
Rowdy behaviour and arguments after people have consumed too much alcohol

This is a residential area, when the 2.00am licence was granted it had been agreed that the doors and windows would remain shut at all times when bands were playing to soften the level of noise and that there would be no drinking or tables on the front.

Since the new landlord has taken over he has shown no respect for the residents there is loud music most evenings tables and chairs on the front people smoking and drinking out there.

The only reason we found out about this application was after we spoke to the licensing department about another matter regarding the pub. He has not to date put a notice in the window or in the echo regarding the changes we check on a daily basis for any changes when we collect our newspaper. He has also put the changes in opening hours up already before his licence has been granted or is this just a forgone conclusion. We hope you consider our reasons before making a decision.

Yours Faithfully

Mr and Mrs Curtis

