

LICENSING HEARING

18 MARCH 2022

APPLICATION FOR VARIATION OF A PREMISES LICENCE

MCCARROLLS BARBERS, 32 KING STREET, SOUTHWELL, NOTTINGHAMSHIRE, NG25 0EN

1.0 Purpose of Report

1.1 For Members to consider an application for a variation of premise licence for McCarrolls' Barbers, 32 King Street, Southwell, NG25 0EN

2.0 Introduction

2.1 The application for a variation of premises licence has been submitted by: Paul McCarroll. In summary the application seeks to extend the licensing hours for the sale of alcohol and opening hours on Friday and Saturday.

2.2 Set out below are the proposals contained within the application:

Activity	Proposed	Current
Supply of Alcohol	Monday to Wednesday 12:00 to 21:00 Thursday to Saturday 12:00 to 22:30 Sunday 12:00 to 16:00	Monday to Sunday 12:00 to 21:00
Opening Hours	Monday to Wednesday 09:00 to 21:30 Thursday to Saturday 09:00 to 23:00 Sunday 12:00 to 16:00	Monday to Sunday 09:00 to 21:30

2.3 A copy of the full application can be found at **Appendix 1**.

2.4 A copy of the current licence can be found at **Appendix 2**.

3.0 The Application Premises

3.1 The premises subject to this application is McCarrolls' Barbers, 32 King Street, Southwell, NG25 0EN. This is a gent's barbers and ladies hair salon in Southwell Town Centre.

3.2 The application is to vary the licence at a barbers to extend the licensing hours and opening hours.

3.3 Photographs and a plan showing the site in context of its surroundings are shown as **Appendix 3** to this report.

4.0 Licensing History

4.1 The premise operates as a barbers and was initially licensed to sell alcohol from 1 September 2018.

4.2 The table below shows the applications that the licensing authority have received in relation to this premise.

Date	Type of Application	Outcome of Application
02.08.18	New Premise Application	Licence Granted (1.9.2018)
14.01.19	Premise Variation Application	Hearing to Determine Application (07.03.19) Licence Granted at Hearing
21.08.19	Premise variation Application	Hearing to Determine Application (10.10.19) Licence Refused at Hearing

4.3 The licensing authority has received two TEN's for this premise submitted by Mr Paul McCarroll in the last calendar year. The premises held a premise licence issued under the Licensing Act 2003, however, the TEN extended the licensable times for the sale of alcohol and covered the provision of regulated entertainment. The details of the TEN's are shown in this table:

TEN No.	Date	Time
4725	10.12.21	18:00 to 00:30 the following day
	11.12.21	18:00 to 00:30 the following day
	12.12.21	18:00 to 00:30 the following day
	13.12.21	18:00 to 00:30 the following day
4723	17.12.21	18:00 to 23:30
	18.12.21	18:00 to 23:30
	19.12.21	18:00 to 23:30

4.4 The licensing section received complaints in early December 2018 concerning excessive music noise, and rowdy behaviour of customers outside the premises. Complaints were also received alleging breach of the condition to only serve 2 drinks to each person.

4.5 The LEO spoke to a representative for the venue and gave advice regarding noise levels and compliance with the licence conditions. These were confirmed in writing.

4.6 Further complaints were made in January 2019, these were about noise and the premises staying open after 21:00.

4.7 An application to vary the licence to remove condition regarding customers and extend the opening hours was granted by committee on 7 March 2019.

4.8 An application to vary the licence to extend the licensing hours considered by the licensing panel on 10 October 2019. The variation was refused due the likely impact of noise on local residents.

4.9 Due to the operating hours of the premises, the playing of any recorded or live music is excluded from the licence in line with the deregulation of entertainment. Conditions relating to the control of entertainment can only be added to the licence following a review of the premises licence.

5.0 **Reason for Hearing**

5.1 Representations have been received from:

- Planning
- Southwell Town Council
- Ms R Thackray

A copy of their representations are attached as **Appendix 4**

5.2 The objectors do not believe that the proposed application supports the following licensing objectives:

- The prevention of public nuisance

5.3 The legal representative at the hearing will give legal advice to the panel and attendees regarding what can and what cannot be taken into consideration regarding the licensing objectives.

5.4 Further information was requested by the local authority and can be found in **Appendix 5**.

5.5 No agreement has been reached between the applicant and the objectors.

5.6 One of the Responsible Authorities have made a representation in respect of this application, namely Planning.

5.7 Environmental Health were consulted on this application and made the following comment: *'I have checked our records and we have no recent noise complaints and so have no objections to the proposals to change the hours. I can't see any other request to vary conditions and trust that these will still be applicable'*.

6.0 **Conditions**

6.1 There are no proposed changes to mandatory conditions in Annex 1

6.2 All other conditions at Annex 2 will remain.

7.0 **Applicable Policies and Guidance**

7.1 **Newark & Sherwood Statement of Licensing Policy 2019-2023**

Policy 1

The Authority expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.

REASON: To ensure the promotion of the licensing objectives

Policy 2

When preparing or considering applications, applicants, responsible authorities, interested parties and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the necessity for, and proportionality of, any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- (i) the nature of the area within which the premises are situated.
- (ii) the precise nature, type and frequency of the proposed activities.
- (iii) any measures proposed by the applicant in the Operating Schedule.
- (iv) the nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
- (v) means of access to and exit from the premises.
- (vi) the provision and availability of adequate seating and the restriction of standing areas.
- (vii) transport provision in the area and the likely means of public or private transport.
- (viii) parking provision in the area.
- (ix) the potential cumulative impact
- (x) other means and resources available to mitigate any impact.
- (xi) such other matters as may be relevant to the application.

REASON: To ensure that all relevant matters are taken into consideration during the application process.

7.2 When considering this application to vary an existing premises licence the panel may wish to consider Chapters 2, 8, 9 and 10 of the Revised Statutory Guidance issued under section 182 of the Licensing Act 2003 – April 2018. This is attached as **Appendix 6**.

8.0 RECOMMENDATION

That Members are asked to consider the variation application and the representations made for McCarrolls, 32 King Street, Southwell and take the steps as it considers appropriate for the promotion of the licensing objectives.

The steps available on determination of a variation application are:

- **To modify the conditions of the licence**
- **To reject the whole or part of the application**

List of Appendices

Appendix 1 – Application form

Appendix 2 – Current licence

Appendix 3 – Photographs and plan

Appendix 4 – Representations

Appendix 5 – Further information requested by local authority

Appendix 6 – Statutory Guidance