

OBJECTION to the Application from McCarroll's Barbers' Shop for a variation of a premises licence

Licence No: 00 23 49,
32 King Street, Southwell, NG25 0EN

FAO: Nicola Kellas, Licensing Team, NSDC

I would like to register my objection to the above application to extend the licensing hours and opening times at McCarroll's Barber's Shop from 21.30 to **23.00 on Thursday, Friday and Saturday evenings**. The current licensing arrangements (serving alcohol until 21.30) already cause significant distress to me and my family as we live nearby and this proposed variation will extend the **noise nuisance** until 23.00 (and beyond, as customers leave the premises).

The biggest impact the proposed changes will have are on the **loss of amenity to me and my family due to the noise nuisance** caused by loud music (which is clearly audible in my house and which prevents normal conversation and sleep) and the added **impact of people causing disturbance when they arrive and when they leave the premises – and when they spill out onto the pavement for drinking/smoking and when the bar doors are open, particularly in the summer, when the noise of people in the bar, as well as the music, are clearly audible in my house**. The proposed extended opening hours will mean that this noise disturbance continues for longer and later, ruining all weekend evenings, and preventing me from living my life as I want to in my own home (eg having a normal conversation without raising voices, being able to enjoy the TV or my own music at a reasonable volume, going to bed and being able to sleep at a time that we want to without having to wait for the bar to close (and the music to finish and the people to leave).

I appreciate that you can only consider the four licensing objectives when making your decision and so I have gone through these below to try to ensure that my comments are relevant.

I have gone through Paul McCarroll's application to vary the premises licence, particularly looking at the section **Licensing Objectives** and have made various comments which correlate with the points he makes in those sections:

a) General – all four licensing objectives (b, c, d, e)

Paul McCarroll says in his application that this is a "*modest increase*" of hours and that these opening hours will not be used all of the time. Whilst this could be considered to be correct – it is an extension of 1.5 hours per night – it means that the noise disturbance would continue later each night on Thursday, Friday and Saturday nights until at least 23.00 and so the result of the increased licensing hours would not be "*modest*."

Paul McCarroll put forward this argument 2-3 years ago when applying for a similar variation in licensing hours and NSDC rejected it. They stated that McCarroll's rationale that it was a "*modest*" increase could not be used as a way of mitigating the clear negative impact of public nuisance (eg noise disturbance) for residents - and that extending the licensing and opening times of the bar later into the evening would significantly adversely affect residents who would suffer an increased loss of amenity caused by the noise nuisance.

In this section Paul McCarroll also says that the style of operation will not change and that the current conditions on the licence are “*appropriate and proportionate*” to promote the licensing objectives. It is worth noting here that when **an Inspector visited on 20 August 2020** (see NSDC document under Planning: Appeal A App/B3030/C/20/3249587) in regard to a retrospective change of use from A1 to Mixed A1& A4 use, the **permission was granted on the explicit understanding that it is subject to the following conditions: “The use hereby permitted shall not be open to patrons or customers outside the following hours:**

- 09.00 - 21.30 Mondays-Fridays
- 08.30 – 21.30 Saturdays
- 12.00 – 16.00 Sundays.

The report is very clear that permission has only been granted in the hours listed above – and thus extending these hours should not be allowed.

The report also goes on to say that: “***the premises shall not be open to patrons or customers as a drinking establishment unless they are also open to customers as a hairdressers/barbers.***” Note also that Paul McCarroll submitted evidence to the Inspector which states that “*whilst the bar serves drinks to customers who are not having their hair cut, as well as those that are, the bar is only open when the hairdressers/barbers is also open for business. The premises are never used exclusively for bar activity.*” This seems at odds with McCarroll’s website which advertises the hours of business as follows: Monday 10-3pm, Tuesday 9-7pm, Weds 9-2pm, Thursday 9-5pm. Friday 9-5pm Bar Open 7-9.30pm, Saturday 8.30 - 2pm/7pm-9.30pm, Sunday: closed. (This website may, of course, be inaccurate).

It is clear from the above that the view of the Inspector is that the hours of operation should not be extended and that the licensing hours should not be changed.

b) Prevention of crime and disorder: Paul McCarroll says that he does “*not anticipate any anti-social behaviour at 9pm.*” I’m not sure why 9pm is relevant here as he is asking to open until 11pm.....He also defends the extended licensing hours based on the fact that the clientele is older and beyond “*causing problems when drinking.*” This may well be the case in terms of fighting etc but it does not stop the noise disturbance of a busy bar adversely impacting neighbouring residents – and this affects me as a resident who lives nearby.

d) Prevention of public nuisance: Paul McCarroll talks about their “*average client.. . only popping in for a few drinks during licencing hours and ...would be a social drink....*” This does not in any way mean that the disturbance from loud music and groups of people socialising inside the bar and on the pavement is any less than if they were having many drinks. I can say that, since McCarroll’s started operating as a bar, the impact on my life at home has been negative – mainly from noise disturbance from people in the bar or on the pavement or leaving and arriving, as well as from loud music from within the bar. Under the proposed extended hours of opening and serving alcohol, the noise disturbance will just go on for longer and cause a nuisance until later in the evening.

Environmental Health has been aware of this noise disturbance and has advised Paul McCarroll of their concerns. They were advised to reduce the music volume and reminded that the door should remain closed at all times to minimise noise escape. There was an improvement in terms of the volume of music played - I understand that Paul McCarroll changed the music system - but this has not been consistent and it varies depending on the

night, whether the doors are open, how many people are in the bar (as the music gets turned up if lots of people are talking) - and is very unpredictable which in itself is stressful.

The following extract from the Inspector's report is also very relevant to the Licensing Objectives, particularly the "**Prevention of Public Nuisance**" as the Inspector considered the **main issues to be "the effect of the use of the hairdressers/barbers and drinking establishment on the living conditions of neighbouring residential occupiers in terms of noise and disturbance...."** The Inspector's report also suggests that a "**condition could reasonably be required to further limit the extent of the bar use in the interests of neighbours' living conditions.**" It goes on to say that the "*a condition preventing the opening of the bar in isolation is needed. and that the fact that the premises have not been opening late into the evening may have been an important factor ...* "

For general context:

- A **previous application to extend the licencing hours was declined by NSDC** as it was considered inappropriate given the level of noise disturbance to local residents and reminding the applicant that the alcohol licence was granted on the express condition that it served customers at the barber's shop, rather than it being a bar;
- longer opening hours were also **opposed by the Town Council** on the basis of noise, the Civic Society objected to unlimited hours, and the Council's Environmental Health Officer suggested that conditions should be applied.
- Paul McCarroll has since applied for retrospective planning from A1 to mixed A1/A\$ use - see details above. The Inspector stated explicit conditions for this: that the opening hours remain the same, that the premises shall not be open to patrons or customers as a drinking establishment unless they are also open to customers as a hairdressers/barbers, that a condition could be required to further limit the extent of the bar use in the interests of neighbours' living conditions, and that a condition preventing the opening of the bar in isolation is needed.

I would like to make it clear that I am not opposed to businesses diversifying but I do need to preserve some level of quality of life at home. I am hopeful that the variation to extend the licensing hours will be opposed by NSDC given all of the above. Having said that I would very much hope that Paul McCarroll is able to continue running a successful barbers shop (which serves alcohol as per the NSDC conditions) and where I (and the other residents) are able to continue with our lives. Key to this is retaining the current opening hours and licensing arrangement – and also reducing the volume of music played during opening hours and trying to minimise the noise disturbance from customers as they arrive, leave and as they drink in and around the premises. (Paul McCarroll has been in my house and heard for himself how loud the music can be and so I would hope that we could achieve a compromise position where he continues to operate as he is with the same opening hours and with reduced music volume).

In summary, had I not been so adversely affected by the evening bar activities, I would not have raised any concerns at all. I accept that McCarrolls can do whatever it wants with its business – but it seems unjust that it can do so regardless of whether or not it impacts negatively on me and other neighbouring residents.

I would be grateful if you would take my concerns into account when considering your decision.

With thanks.

Rachel Thackray (King Street, Southwell).