
Consideration of an application for the variation of a premises licence

Lead Officer: Brad Fear, Licensing Officer
Author: Brad Fear, Licensing Officer
Contact Details: 01823 219447, brad.fear@somerset.gov.uk
Executive Lead Member: Cllr Federica Smith-Roberts
Division / Local Members: Cllr Mandy Chilcott and Cllr Andy Hadley

1. Summary

- 1.1 An application has been made by Mr William Wynn, in accordance with the Licensing Act 2003 (LA2003), to vary an existing premises licence in respect of Café Bar 21, The Avenue, Minehead, Somerset TA24 5AY. A copy of the existing licence is attached as **Appendix 1**.
- 1.2 The Licensing Authority has received relevant representations and must therefore hold a hearing for the Licensing Subcommittee to determine the application.

2. Issues for consideration/recommendations

- 2.1 The Subcommittee must take one of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - (a) Modify the conditions of the licence by altering, omitting or adding new ones.
 - (b) Reject the whole or part of the application.
 - (c) Grant the proposed variations of the licence under conditions already agreed by the applicant, with no further alterations, omissions or amendments.
- 2.2 In determining the application, the Subcommittee must have regard, and give appropriate weight, to the following:
 - Any relevant representation (including supporting documentation received).

- Revised guidance issued under section 182 of the LA2003 by the Home Office (December 2023).
- The Licensing Authority's Statement of Licensing Policy, published in September 2023.
- Human Rights considerations, in particular Article 6, Article 8, and Article 1 of Protocol 1.

3. Background

- 3.1 The premises is a currently licensed business located centrally in Minehead, on the Avenue. The business operates as a Café Bar.
- 3.2 On 21st January 2025, the local authority licensing team sent a letter to licence holder Mr William Wynn to advise that an extension area being used by the premises was not presently included on the existing premises licence and, as such, that an application to vary the premises licence would need to be submitted, along with an updated plan of the premises, to include the adjoining extension/function area as part of the licensed area.
- 3.3 The Licensing Authority received a valid and completed application to vary the existing premises licence for this premises on 29th January 2025. A copy of the application is attached at **Appendix 2**. This includes a plan of the new function room area that the applicant is seeking to add to their licensable area.
- 3.4 The applicant applied for a number of variations to the existing licence at the same time. These proposed variations are:
- (a) Extending the licensable area to encompass the adjoining extension/function room; to accommodate entertainment, food, private parties, veterans breakfast club and occasional overspill of Bar 21.
 - (b) The addition of a number of licensable activities to the licence to accommodate the various functions: including provision for plays, indoor sporting events, wrestling and boxing entertainments, live and recorded music, performances of dance and late-night refreshment. The licensable hours applied for are 09:00 – 03:00 Monday to Sunday for all activities excluding provision of plays, which has been applied for between 18:00 and 22:00 Fridays, Saturdays and Sundays.
 - (c) The extension of the existing hours that they are licensed to sell alcohol (both on-sales and off-sales) up to 03:00 Monday to Sunday. The new function room would also be licensed for sale of alcohol (both for consumption on the premises and off the premises – i.e. on-sales and off-sales) Monday to Sunday, with hours of 09:00 – 03:00. The part of the premises already licensed for alcohol sales would continue to sell alcohol from 7am, as per their existing licence.

- 3.5 This application was circulated to responsible authorities on 29th January 2025. Public notices were displayed at the premises in accordance with the relevant regulations, and the application information was posted to the Somerset Council 'list of current licence applications' on the Council's website.
- 3.6 The Licensing Authority received a large number of relevant representations from interested persons (predominantly members of the public, but also including local councillors) in response to this consultation notice, during the 28-day consultation period. The content of these representations – whether objections or representations in support of the application – have been attached as **Appendix 3**. *Please note: among the representations collated, a number of comments of a personal and sensitive nature have been made against the applicant that have been identified as vexatious or frivolous in nature. These personal comments have therefore been redacted from the respective representations.*
- 3.7 In the case of representations objecting to the proposed licence variations; the majority of concerns raised relate to apprehensions regarding public nuisance (predominantly noise nuisance), as well as prevention of crime and disorder (in particular, anti-social behaviour), and the predicted impact of an extension to licensable hours and activities on the local area and to local residents.
- 3.8 Several of the objections raised refer to issues of noise nuisance from the premises under the existing licence, and complaints lodged in relation to these. At the time of writing this report, a check of Somerset Council's Licensing records over the past two years indicates the following points:
- A complaint by a member of the public in relation to loud music from Bar 21, received on 7th February 2023. This was followed up by a Licensing Officer and raised with Bar 21, and the record suggests that Bar 21 a noise management plan was being adhered to following this.
 - A complaint from a member of the public in relation to loud music from both Bar 21 and the nearby Sugar Bar, received 15th May 2023. A licensing officer contacted Bar 21 about this one. The case was closed a few months later when no further issues had been flagged by the local authority following this initial correspondence.
 - Records don't seem to display any complaints in relation to noise nuisance from Bar 21 being submitted to Somerset Council's Licensing team during 2024.
 - A written complaint regarding noise was submitted by a member of the public on 6th February 2025, but the content of this complaint was vague and officers were not able to get further details from the complainant to verify if this noise was emanating from Bar 21 or one of the nearby licensed premises. With no detail forthcoming from the complainant on this, no further action was pursued by Licensing regarding this.
- 3.9 The above points reflect complaints made to Somerset Council only. As such, no information is available to the reporting officer regarding any noise

nuisance complaints that may have been submitted to other authorities such as Minehead Town Council.

- 3.10 Among the representations to this application received, an objection was also lodged by a Somerset Council Environmental Protection officer (see representation number 4, on pages 3 and 4 of Appendix 3). The representation makes reference to a site visit carried out by the officer and specific guidance of further works required at the premises in relation to sound-proofing and sound transmission, as part of any agreed noise management plan. Following additional discussions with the applicants, the Environmental Health officer also provided additional observations and recommendations on 10th March, following receipt of the formal notice of hearing, and supplementary to the initial objection submitted during the consultation period. While the objection itself has not been withdrawn, these recommendations suggest conditions for the sub-committee's consideration, should they determine to grant the proposed licence variations. These observations and recommendations can be found under **Appendix 4**.
- 3.11 Relevant representations from the public that were received in support of the application make reference to the measures that the applicant has already implemented to mitigate unsocial behaviour (such as the use of door staff and staff training), and summarise why they believe the premises has a positive impact on the community.
- 3.12 Following a meeting between the two parties, an agreed position was reached between Avon and Somerset Constabulary and the applicant during the consultation period, which included several conditions to be added to the licence, as well as an amendment to the proposed licensable hours. This proposed amendment involved reducing the terminal hour of all licensable activities from 3am to 1am on Sundays to Thursdays, with the 3am terminal time only remaining in effect for Fridays and Saturdays, and for days with non-standard timings on Christmas Eve, Christmas Day, New Years Eve, New Years Day, and any Sunday preceding a Bank Holiday, as well as an allowance for licensable activities until 0300hrs on 12 occasions per year with 14 days' notice given to the police and licensing authority in writing. These proposed amendments, as well as additional conditions agreed with the Police, were agreed by the applicant and no representation was made by the Police on this basis. The agreed conditions and amendments are listed in full under **Appendix 5**.
- 3.13 In response to objections lodged against the application, the applicant submitted their own responses to a number of these, addressing concerns raised and submitting further relevant information they wished to convey to the local authority regarding these. These responses are attached as **Appendix 6**.
- 3.14 On 27th February, Mr Wynn hosted a coffee morning at the premises for members of the community, seeking to present the main objectives behind the variation application and to answer questions and allay concerns. Representatives from Minehead Town Council, as well as nine members of

the public were in attendance for this, with questions addressed by Mr Wynn and Lorraine Pegler. The licensing authority understands from Mr Wynn that the discussions were productive, however at the time of writing this report the authority has not yet received written confirmation from objecting parties wishing to withdraw their representations. Anything received by the local authority to this effect from interested parties between the date of this report and the date of the hearing will be conveyed to the Sub-Committee, via the Democratic Services Team.

- 3.15 Formal notice of hearing was circulated to all interested parties on Monday 3rd March 2025 by e-mail. Included in this notice of hearing was a deadline date of Friday 14th March 2025, by which any parties seeking to attend and/or speak at the sub-committee hearing would need to notify the local authority licensing team in writing/ by e-mail. As of Wednesday 12th March 2025, we have had a couple of acknowledgements of receipt of the notice, but have only received two written responses to the formal notice of hearing that confirms attendance by an interested party, and this is attached as **Appendix 7**. Any further relevant responses received by Friday 14th March 2025, but after the publishing of this report, will be conveyed to the Sub-Committee via the Democratic Services Team.

3 Right of appeal

- 4.1 All relevant parties have the right to appeal to the Magistrates Court if aggrieved by the decision of the Licensing Authority. This must be done within 21 days of being notified in writing of the relevant decision.

4 Appendices

1. Current premises licence
2. Premises Licence Application.
3. Relevant representations from interested parties
4. Additional observations and recommendations from Environmental Health, following objection.
5. Agreed position between applicant and Police, including amendments to proposed varied times, and conditions to be added to the licence.
6. Applicant's written responses to objections.
7. Responses received to Notice of Hearing (as of Wednesday 12th March 2025)