

# Public Document Pack

**Contact:** Jessika Robinson  
**Direct Dial:** 01934 426480  
**E-mail:** Jessika.robinson@n-somerset.gov.uk  
**Date:** Thursday, 15 June 2023

Dear Sir or Madam

**The Licensing Sub-Committee – Friday, 23 June 2023, 10.30 am – Kenn Room**

A meeting of the Licensing Sub-Committee will take place as indicated above.

The agenda is set out overleaf.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

To: Members of the Licensing Sub-Committee

Councillors:

Nicola Holland, Marcia Pepperall and Mike Solomon.

**This document and associated papers can be made available in a different format on request.**

## Agenda

1. **Election of Chairperson for the meeting**
2. **Apologies for absence and notification of substitutes**
3. **Declaration of Disclosable Pecuniary Interest (Standing Order 37)**

A Member must declare any disclosable pecuniary interest where it relates to any matter being considered at the meeting. A declaration of a disclosable pecuniary interest should indicate the interest and the agenda item to which it relates. A Member is not permitted to participate in this agenda item by law and should immediately leave the meeting before the start of any debate.

If the Member leaves the Chamber in respect of a declaration, he or she should ensure that the Chairperson is aware of this before he or she leaves to enable their exit from the meeting to be recorded in the minutes in accordance with Standing Order 37.

4. **Adoption of hearing procedure**
5. **Application to Review the Premises License from Sass, 16-18 South Parade, Weston super Mare, BS23 1JN**

Report of the Director of Public Health & Regulatory Services.

6. **Urgent business permitted by the Local Government Act 1972**

For a matter to be considered as an urgent item, the following question must be addressed: "What harm to the public interest would flow from leaving it until the next meeting". If harm can be demonstrated, then it is open to the Chairperson to rule that it be considered as urgent. Otherwise the matter cannot be considered urgent within the statutory provisions.

### **Exempt Items**

Should the Licensing Sub-Committee wish to consider a matter as an Exempt Item, the following resolution should be passed -

"(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972."

Also, if appropriate, the following resolution should be passed –

"(2) That members of the Council who are not members of the Licensing Sub-

Committee be invited to remain.”

### **Mobile phones and other mobile devices**

All persons attending the meeting are requested to ensure that these devices are switched to silent mode. The chairman may approve an exception to this request in special circumstances.

### **Filming and recording of meetings**

The proceedings of this meeting may be recorded for broadcasting purposes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting, focusing only on those actively participating in the meeting and having regard to the wishes of any members of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Assistant Director Legal & Governance and Monitoring Officer’s representative before the start of the meeting so that all those present may be made aware that it is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting.

### **Emergency Evacuation Procedure**

#### **On hearing the alarm – (a continuous two tone siren)**

Leave the room by the nearest exit door. Ensure that windows are closed.

Last person out to close the door.

**Do not** stop to collect personal belongings.

**Do not** use the lifts.

**Follow** the green and white exit signs and make your way to the assembly point.

**Do not** re-enter the building until authorised to do so by the Fire Authority.

**Go to Assembly Point C – Outside the offices formerly occupied by Stephen & Co**

This page is intentionally left blank

# Agenda Item 4

## North Somerset Council

### Licensing Sub-Committee

#### **Procedure to be followed for meetings of the Licensing Sub-Committee when considering applications for the review of a premises licence under the Licensing Act 2003**

The Chairman introduces members of the Sub-Committee and officers present, and explains the procedure to be followed

1 The Chairman invites the Licensing Officer to outline the application. All parties may then ask questions for clarification only

2 The Chairman invites the party having called for a review of the premises licence to clarify the reasons for the review. All parties may then ask questions or make comment at the discretion of the Chairman

3 The Chairman then invites any persons having made relevant representations to clarify the representations. All parties may then ask questions of or make comment at the discretion of the Chairman

4 The Chairman will then invite the premises licence/premises licence holder's representative holder to respond. All parties may then ask questions of or make comment at the discretion of the Chairman

5 The parties are then invited to sum up

6 The Sub-Committee then withdraws to consider the submissions and to make its deliberations

7 On returning to the meeting with all parties present, the Chairman/Legal Adviser to the Sub-Committee will announce the decision

#### **Please note:-**

The Chairman appointed for the meeting shall have absolute control of the Hearing and the ruling of the Chairman shall be final.

The Legal Advisor to the Sub-Committee can assist the Chairman during the Hearing and may interrupt proceedings when it is considered necessary to ensure that the Sub-Committee is able to determine the application fairly.

This page is intentionally left blank

## North Somerset Council

**REPORT TO: The Licensing sub-committee**

**DATE OF MEETING: Friday 23 June 2023**

**SUBJECT OF REPORT: Application to review the Premises Licence for Sass, 16-18 South Parade, Weston super Mare**

**TOWN OR PARISH: Weston-super-Mare**

**OFFICER/MEMBER PRESENTING: Director of Public Health and Regulatory Services**

**KEY DECISION: No**

### RECOMMENDATIONS

That the Committee considers the evidence presented within the application made by Avon & Somerset Police to review the Premises Licence and takes any remedial action deemed appropriate in relation to the Premises Licence.

#### 1. SUMMARY OF REPORT

- 1.1 An application was received from Avon & Somerset Police; a Responsible Authority under the Licensing Act 2003, requesting the review of the Premises Licence at Sass, 16-18 South Parade, Weston-super-Mare.

Concerns have been raised, and evidence obtained, that the premises is being poorly managed with regard to drugs and breaches of conditions attached to the premises licence.

In view of concerns raised Avon & Somerset Police have recommended that the Premises Licence is reviewed.

#### 2. POLICY

- 2.1 The North Somerset Licensing Authority's Statement of Licensing Policy (2021-2025) applies to the application made. In particular, paragraphs 40-48 of the Licensing Policy relate to the review application.
- 2.2 Regard must be given to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Licensing Act itself.

#### 3. DETAILS

- 3.1 The review application was received from Avon & Somerset Police on 20 March 2023 requesting a review of the Premises Licence at Sass. A copy of the application made is shown at **Appendix A**

- 3.2 The licence review application relates to the premises situated at 16-18 South Parade. The premises is a three-story building with the licenced premises being located solely on the ground floor.
- 3.3 The licence covers licensable activities including live and recorded music, late night refreshment and the sale of alcohol. A copy of the current Premises Licence is shown at **Appendix B**.
- 3.4 The review application relates to the following licensing objectives:
  - a) Crime & Disorder
  - b) Public Safety
  - c) Prevention of public nuisance
  - d) Protection of children from harm
- 3.5 The grounds for review are based on breaches of the conditions attached to the licence, and evidence of drug use at the premises. Avon & Somerset Police have concerns that the Premises Licence holder has not adequately promoted the licensing objectives.
- 3.6 There are residential and commercial properties in the proximity of the licensed premises.
- 3.7 A location plan of the licensed premises is shown at **Appendix C**.
- 3.8 The Premises Licence has been in force since August 2005 and held by Mr Brandon Ming Ying Mu since 10 January 2017.
- 3.9 The Designated Premises Supervisor for the premises is also Mr Brandon Ming Ying Mu, personal licence number NSC/049918, originally issued by North Somerset Council.
- 3.10 A summary timeline of the Premises Licence is shown at **Appendix D**.

#### **4. CONSULTATION**

- 4.1 In accordance with the requirements of the Act, Avon and Somerset Police have served copies of the application to review the premises licence upon the responsible authorities, the licensing authority and the Premises licence holder.
- 4.2 A notice of application for the review of a Premises Licence was first displayed on 20 March 2023 at 16-18 South Parade, Weston-super-Mare and at the offices of the Licensing Authority, Weston-super-Mare Town Hall, in a central and conspicuous place for a period of not less than 28 consecutive days.
- 4.3 An electronic version of the notice was also placed on the North Somerset Council website.
- 4.4 Representations regarding the review application made were invited from interested parties and responsible authorities.
- 4.5 As a result of the consultations carried out no further representations were received.



## **5. FINANCIAL IMPLICATIONS**

**Costs** - None

**Funding** - None

## **6. LEGAL POWERS AND IMPLICATIONS**

- 6.1 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the service. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police and Crime & Disorder Partnerships towards the promotion of any licensing objectives.
- 6.2 In undertaking this licensing function, the Licensing Authority has regard to the following legislation:
- Environmental Protection Act 1990
  - Health Act 2006
  - The Smoke-free (Premises and Enforcement) Regulations
  - The Equality Act 2010
  - The European Convention on Human Rights, which is applied by the Human Rights Act 1998
  - The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
  - Licensing Act 2003
  - Gambling Act 2005
- 6.3 The Licensing Authority also has regard to any other relevant legislation, strategies, policies and guidance in its decision-making

## **7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

There are no climatic or environmental implications within this report.

## **8. RISK MANAGEMENT**

- 8.1 Regularly reviewing licensing policies and practices and using a risk-rated approach to both proactive and reactive enforcement reduces the risk to the Authority. Ensuring MoU agreements are in place with external partner agencies will also help strengthen roles and responsibilities surrounding Licensing work.

## **9. EQUALITY IMPLICATIONS**

No equality impact assessment has been required as part of this report.

## **10. CORPORATE IMPLICATIONS**

- 10.1 An appeal against the decision of the Licensing Authority may be made to the Magistrates' Court by the applicant for the review, the holder of the Premises

Licence, or any other person who made relevant representation to the application, within 21 days of receipt in writing of any decision made.

## **11. OPTIONS CONSIDERED**

- 11.1 The authority must, having regard to the application, and any relevant representations, take such of the steps mentioned below as it considers appropriate for the promotion of the licensing objectives.
- 11.2 The steps outlined in section 52 (4) of the Licensing Act 2003 which can be considered are:
- (a) to modify the conditions of the licence;
  - (b) to exclude a licensable activity from the scope of the licence;
  - (c) to remove the designated premises supervisor;
  - (d) to suspend the licence for a period not exceeding three months;
  - (e) to revoke the licence;
- 11.3 In deciding whether to use the powers outlined above, the licensing authority is required, as far as possible, to seek to establish the cause or causes of the concerns which the representations identify. Any remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.4 Any detrimental financial impact that may result from the licensing authority's decision should be appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for the review.

## **AUTHOR**

Kellie Trego, Principal Licensing Officer

## **APPENDICES**

- Appendix A – Copy of Review application
- Appendix B – Copy of current Premises Licence
- Appendix C – Plan of the premises
- Appendix D – Summary timeline regarding Premises Licence

## **BACKGROUND PAPERS**

Licensing Act 2003 and associated Regulations.  
Guidance to the Licensing Act issued under section 182 of the Licensing Act 2003.  
North Somerset Council Statement of Licensing Policy (2015-2020)



## **Application for the review of a premises licence or club premises certificate 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 or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Andrew Jones 6730 / Andy Manhire 8552 (Police Licensing Officers)

---

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (Delete as applicable)**

### **Part 1 – Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description  SASS Bar 18, South Parade,	
Post town Weston-Super-Mare	Post code (if known) BS23 1JN
Name of premises licence holder or club holding club premises certificate (if known)  Brandon Ming Ying Mu	
Number of premises licence or club premises certificate (if known)  NSC/019165	

**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	
b) a body representing persons living in the vicinity of the premises	
c) a person involved in business in the vicinity of the premises	
d) a body representing persons involved in business in the vicinity of the premises	
2) a responsible authority (please complete (C) below)	x
3) a member of the club to which this application relates (please complete (A) below)	

**(A) Details of individual applicant (fill in as applicable)**

<b>Please tick</b>									
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title	<input type="checkbox"/>
(for example, Rev)									
Surname									
First names									
I am 18 years old or over <b>please tick yes</b>									
Current postal address if different from premises address									
Post town							Post Code		
Daytime contact telephone number									
E-mail address (optional)									

**(B) Details of other applicant**

<b>Name and address</b>	
<b>Telephone number (if any)</b>	
<b>E-mail address (optional)</b>	

**(C) Details of responsible authority applicant**

<b>Name and address</b> Avon & Somerset Constabulary North Somerset Police Centre Weston Gateway Business Park Filers Way Weston-Super-Mare North Somerset BS24 7JP
<b>Telephone number (if any)</b> 101
<b>E-mail address (optional)</b>

**This application to review relates to the following licensing objective(s)**

	<b>Please tick one or more boxes</b>
1) the prevention of crime and disorder	<input checked="" type="checkbox"/>
2) public safety	<input checked="" type="checkbox"/>
3) the prevention of public nuisance	<input checked="" type="checkbox"/>
4) the protection of children from harm	<input checked="" type="checkbox"/>

<p><b>Please state the ground(s) for review (please read guidance note 1)</b></p> <p>Avon &amp; Somerset Constabulary consider that the premises licence holder at Sass, 18 South Parade, Weston-super-Mare is undermining the licensing objectives.</p> <p>The Police believe there can be no further conditions that can be offered to resolve the situation or any further stepped approach in these circumstances, as the Police have no confidence in the current business operation, due to the breaches of the current conditions of the Premises Licence.</p> <p>As a result of the recent developments the Police therefore feel that they have no option but to ask the committee to revoke the Premises Licence for the reasons and evidence highlighted.</p>
--

**Please provide as much information as possible to support the application (please read guidance note 2)**

Avon and Somerset Constabulary as a responsible authority wish to apply for a formal review of the Premises Licence issued to Sass Bar, 18 South Parade, Weston-Super-Mare BS23 1JN. The licence is currently held by Brandon Ming Ying Mu.

The premises licence was originally granted in **August 2005**.

In **August 2014**, a variation to the premises Licence was submitted requesting a 4 a.m. closing where the Police objected. This was granted by the Licensing committee but with moderations (times and conditions as per Licence currently).

In **November 2016** a Premises Licence Transfer and change of Designated Premises Supervisor (DPS) variation application was granted in the name of Que Quan Mu. (Aka Sharon Mu).

A brief overview of the Premises Licence and relevant conditions are as follows:

The Premises Licence allows:

- supply of alcohol on the premises, and opening hours of the premises from 10:00 a.m. to 01:30hrs seven days a week.
- Recorded music is permitted indoors from 10:00 to midnight from Sunday to Wednesday and is extended to 01:30hrs on Thursday, Friday, and Saturday.

The licence currently has conditions including:

- All external doors and windows within the premises shall be kept closed for the duration of events subject to the licence, except for access and egress from the premises.
- There will be no entry or re-entry to the premises by patrons after midnight - the only exception to the rule will be persons leaving the premises for the sole purpose of smoking. These persons will be hand stamped and monitored by door staff.
- Two SIA (Security Industry Authority) door supervisors to be on duty from 21:00 to 01:30 on Thursday, Friday, and Saturday's.

In **Jan 2017**, a further Premises Licence Transfer and DPS variation application was submitted, changing both to Brandon Ming Ying Mu.

In **Sept 2018**, a minor variation was granted to permit alcohol in the street café area outside the premises.

A check of Companies House records - Brandon Ming Ying Mu is the Director of Sass Bars Limited (11859138) and was appointed as Director in March 2019.

In **July 2020** – Brandon Mu advised the capacity at the premises being 109 during COVID restrictions. Following reopening allegations were noted of overcrowding – concerns re social distancing – complaints of fights, noise, and drug use.

On the **13/08/2020** an Action Plan was prepared and agreed with Brandon Mu, following Police concerns with regards to a complete lack of due diligence and clear evidence of poor management of the premises and in not supporting the Licensing objectives. This was evidenced with the amount of Police calls to the premises and the large amounts of assaults, disorder and violence related crimes being reported at the venue.

The Action Plan; which was initially in place for a month, was extended by a further month, so the management could again focus on the agreed actions highlighted and to ensure compliance in the areas of concern.

(Please see attached signed Action Plan).

Although there was improvement at the premises in the short-term following the Action Plan, further incidents of crime and disorder, together with poor management, were highlighted to Brandon Mu and a letter reinforcing the previous agreed actions was formally sent in August 2021.

*(Please see attached letter 1)*

In June 2021, the Street café permission (opposite Royal Hotel) was revoked following concerns of non-compliance with COVID regulations.

In July 2022, a Police visit was conducted to advise the outcome of recent drug swabs where high readings of cocaine were noted in the men's toilets.

At 01:57 a.m. on **Saturday 6<sup>th</sup> of August 2022** the Police checked inside Sass Bar and found that staff were still serving alcohol to customers, which was further evidenced by the premises CCTV which confirmed sales of alcohol after the 01.30 a.m. termination of licensable hours.

A meeting was held with between the Police, Council Licensing Officers, and Brandon Mu, who acknowledged the after-hours sales and gave assurances that this was an isolated incident, and it would not happen again.

It was also highlighted that the SIA door supervisors were failing to undertake age related checks and were continually complacent in their duties. A formal letter detailing these points was sent by the Council Licensing Officer, covering these points and concerns.

*(Please see attached letter 2)*

At 11.45 p.m. on **Saturday the 4<sup>th</sup> of February 2023** – Police Constable 2940 Hannah Barczynska was dealing with a group of teenagers causing a disturbance in the High Street, WSM. During this period, the Officer was approached by 3 to 4 adults aged 40-50 years who complained that whilst in Sass bar they had been approached several times by two males trying to sell them cocaine. They felt so intimidated by the males that they left Sass bar and stated that the premises needed police attention.

At 01:04 a.m. on **Sunday the 5<sup>th</sup> of February 2023** – Police Constable 2940 Hannah Barczynska attended the premises with her body worn camera switched on, recording both visual and sound evidence of the 8 minute 27 second visit.

*(Please see 2940 statement and body worn Clip 01 refers – please note the Body worn footage is 1 hour fast due to a technical issue and commences at 02.04 which is explained in the officers S9.)*

It can be seen from the period of the video footage; the main doors are continually open to the premises. (The doors should be closed, except for access and egress to the premises to contain noise inside the premises).

A steady stream of people can be seen entering and exiting the premises, walking past the SIA door supervisors completely unopposed, with no attempt to enforce the no-entry or re-entry condition, nor to monitor or check hand-stamping for smokers returning from outside, which should have been in place from midnight.

The door supervisors appear complacent in their duties with no visible arm SIA badge displayed by the head doorman, and when questioned by police stated they had been busy dealing with fights, as it had been "kicking off" and they could not manage the doors with the numbers of staff. No records of any incidents were recorded in the incident book which was later checked by Police.

The officer approached the door staff to highlight that two young persons without any form of age identification inside the premises had been asked to leave. In the background whilst this conversation takes place, Brandon Mu can be seen listening to the conversation but does not take any control or responsibility for the situation or attempt to speak with the officer.

As a result of this Police check, the premises CCTV was examined by PC 4656 Mark Smith and the footage requested and produced for the period 01.25 to 02.25 on Sunday the 5<sup>th</sup> of February 2023. It was clarified by Brandon Mu that CCTV system time was 7 minutes slow.

The CCTV footage from the premises clearly shows that Alcohol sales continued past 01:30. Brandon Mu, the DPS (Designated Premises Supervisor) was present during these sales.

*(Please refer to premises CCTV – Statement 4656 and Clip 02 refers)*

With regards to the Recorded music and noise limiter condition the Environmental Health Officer can provide some background history with regards to noise complaints from nearby residents and businesses.

*(Please see Statement from Carl Smallwood)*

At 3.19 p.m. on **Tuesday the 7<sup>th</sup> of February 2023** – PCSO 9476 Holly Gibson attended 'Somewhere to go' on the Boulevard, WSM to deal with members of the street community. A well-known female member was noted as being heavily intoxicated and the PCSO stayed with her due to her condition to monitor her welfare.

At 5.46 p.m. that day the same female from the street community was again seen in Sass Bar in company with an unknown male. It was clear that the female was still intoxicated, and a pint was purchased by the male for the female, and they sat down opposite the bar.

*(Premises CCTV – Clip 03 refers)*

The male produced a small packet and spread a line of powder onto the back of his left hand. A member of the bar staff approaches the couple and talks to the female and the male is seen to blatantly snort the powder in the presence of the bar staff. The behaviour of this male strongly suggests a Cocaine Class A drug use on the premises.

*(Premises CCTV – Clip 04 refers)*

At 8.30 p.m. that evening the same female locked herself in the toilets at the premises where an ambulance was called to deal with her. The Police were then called to public order issues as the paramedics required assistance in dealing with the drunk abusive and aggressive female - further engaging the time and resources of the emergency services. (Log AS-20230207-0857)

At 11.35 p.m. on **Saturday 11<sup>th</sup> of February 2023** – Police Constable 434 Neil Hutchinson attended Sass Bar and checked the outside of the premises and found the rear Fire exit double doors to be locked. The officer then went inside the premises and made his way through a busy bar area to the rear of the premises and pushed the quick release emergency bar on the emergency exit door (Fire exit) and found that the doors would not release/open and appeared to be locked. The officer highlighted this to the SIA door supervisor on duty who stated he would have to speak with the management. The Officer then spoke with Brandon Mu and this check was recorded on the officer's body worn camera.

*(Statement 434 and Clip 05 refers)*

On the **4<sup>th</sup> of March 2023** – Police Constable 2589 Tom Bury was parked in a marked Police vehicle near to the main entrance of Sass Bar. Between 01.20 and 01.23 the officer operated his body worn camera to monitor new customers entering the premises and to monitor compliance with the "no entry/re-entry" condition after midnight, was clearly not being enforced by door staff.

*(Statement 2589 and Clip 06 refers)*

It has been made clear and detailed in the timeline of this review submission that the Responsible Authorities have made every attempt over the last 2.5 years to engage in a patient and stepped approach with the premises licence holder (and DPS) to deal with the concerns highlighted and in obtaining compliance in supporting the Licensing objectives. This has, at times, proved a frustrating process.

During this period, the Police and Council Licensing officers have held meetings with Brandon Mu, given words of advice and warnings, supported with formal letters and an extended Action Plan.

It is evident from the recent CCTV; and Police Officers' body worn footage and statements, that there are real concerns regarding blatant drug usage on the premises.

There is clear and repetitive evidence that the SIA door staff are complacent and unprofessional in their duties, by not enforcing the "no entry/re-entry" condition after midnight, not enforcing age related I.D. checks to any acceptable standard, and entering limited or no recordings in the incident book, all of which have been previously highlighted.



The CCTV footage from the premises highlights further and continual breaches of the Premises licence, where alcohol sales have continued after 01.30, despite warnings having previously been given.

The Police believe there can be no further conditions that can be offered to resolve the situation or any further stepped approach in these circumstances, as the Police have no confidence in the current business operation, due to the breaches of the current conditions of the Premises Licence.

As a result of the recent developments the Police therefore feel that they have no option but to ask the committee to revoke the Premises Licence for the reasons and evidence highlighted.

Have you made an application for review relating to this premises before  **Please tick yes**

If yes please state the date of that application      Day Month Year  
| | | | | | | | |

**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate  Yes
- I understand that if I do not comply with the above requirements my application will be rejected  Yes

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 3 – Signatures (please read guidance note 3)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant, please state in what capacity.**

Signature *Andy Jones*

Date 20/03/2023

Capacity Police Licensing Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)**

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

# COVID Capacity

**Kellie Trego**

---

**From:** Brandon Mu <brandonmu88@gmail.com >  
**Sent:** 04 July 2020 01:24  
**To:** Kellie Trego  
**Subject:** Re: URGENT



Hi Kellie,

The capacity is 109 People.

Kind regards,

Brandon

On Fri, 3 Jul 2020 at 9:41 am, Kellie Trego <[Kellie.Trego@n-somerset.gov.uk](mailto:Kellie.Trego@n-somerset.gov.uk)> wrote:

Thank you Brandon, please can you advise what your new capacity will be?

I have forwarded your renewal application to our business support and asked for it to be processed. The tables will not be able to be used until you have received confirmation that the Street Café has been granted.

Kind Regards

Kellie Trego  
Senior Licensing Officer  
Public Health & Regulatory Services  
North Somerset Council

**Tel:** 01934 426800    **Internal:** 6174  
**Post:** Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ  
**Web:** [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk)

**From:** Brandon Mu <[brandonmu88@gmail.com](mailto:brandonmu88@gmail.com)>  
**Sent:** Thursday, July 2, 2020 6:02 PM



**Traffic Lights - Licensed Premises Action Plan**  
**North Somerset Licensing Team**  
**Avon & Somerset Police**

Name of Premises: SASS

Address of Premises: 18 South Parade, Weston super Mare, BS23 1JN

Name of DPS: Mr Brandon Mu

Name(s) of Premises licence holder(s): Mr Brandon Mu

Details of incidents/enforcement activity necessitating remedial action:

Since the lifting of COVID lockdown restrictions at the licensed premises of SASS - the following issues have been highlighted and it is apparent that the premises are being poorly managed in respect of the following concerns:

Large amount of calls to the Police and incidents of assaults and disorder/ASB either at or connected to the premises.

Non-compliance of the COVID risk assessment in relation to capacity limits and social distancing not being enforced.

Intelligence relating to drugs being used on the premises.

Underage checks not been conducted or enforced.

Intoxicated customers being served and allowed to stack drinks.

Outside furniture – tables and chairs not being removed within the time restriction.

Noise complaints with regards to volume of music.

**Agreed Actions:**

- 1) - All staff to be trained in underage and proxy sales and refusal of intoxicated customers. Staff training records to be kept and to be made available for inspection by the Police and Local Authority on request.
- 2) - Details of door Staff Company and any changes to be notified to the Police or Local Authority.
- 3) - Door staff to be increased from two to three on Friday and Saturday nights to enforce COVID risk assessment capacity limits and social distancing concerns both inside the venue and the ramp on entry.
- 4) - Door staff to be properly briefed with regards enforcement of COVID regulations and to enforce age related checks on entry and random drug searches to be implemented.
- 5) - A zero tolerance operation to be conducted by door staff in relation to drugs and at least x5 random checks made per night with any positive checks to be recorded in a bound book and the Police notified of any seizures.
- 6) - Proactive changes to be implemented to limit seating capacity and social distancing in the venue and table service to be encouraged with no drinking or queuing at the bar to be enforced by door staff. (Other than bar orders, one person per table)
- 7) - All staff to be trained in the Street Café requirements and time restrictions and importance of the furniture being removed by 23:00 hrs.
- 8) - Recorded music to be background only.
- 9) - A record to be kept of all refusals of entry and service of alcohol.
- 10) - No under 18's allowed on the premises after 23:00

(To be collected at collection point at end of bar)

Date of implementation: 13/08/20

Review Date (s): 10/09/20

**The North Somerset Licensing Authority and Avon and Somerset Police have completed the above action list with the licence holder. The aim of this document is to prevent the necessity of more formal enforcement action, to seek co-operation between the licensees and the venue with the relevant authorities, to rectify the outlined problems through mediation and cooperation.**

Signed: Kellie Trego  
Licensing Officer

.....Krego.....

Signed: Andy Jones  
Police Licensing Officer

.....Jones.....

Signed: Brandon Mu  
Premises Licence Holder (s)

.....Mu.....

Date: 13/8/2020

16<sup>th</sup> August 2021**Mr Mu**

Due to continuing problems with SASS resulting in a large volume of calls in relation to the venue we, the Police, are calling on you to take immediate steps to rectify the situation. I am concerned that the four licensing objectives are not being promoted; prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The premise has previously been subject of an action plan and whilst matters did initially improve it has not been maintained.

Therefore we must warn you that without a marked improvement your Premise License is at risk and our next step is likely to be more formal action.

In order for you to demonstrate the promotion of the licensing objectives and to make it easier for you and your staff to effectively manage your premise the Police suggest the following:

1. Adopt a challenge 25 policy. Ensure that posters reflecting this are clearly displayed at all entrance points and at the bar and social media accounts.
2. Adopt a no under 18 years of age permitted on the premise after 2300 hours policy and clearly display this on all entrances and social media accounts.
3. Replace your current SIA Company with an ACR accredited company.
4. Immediately remove the outside speakers on your premise thereby removing the risk of music being played on them in breach of your license conditions.
5. Fit a timed alarm to your rear door which sounds an audible noise which can be clearly heard within your premise and a flashing red light within to alert staff when the door is opened after the 2300 hours cut off time.
6. Refusal of sales register to be maintained and produced to Police and Council officials when requested.
7. A clear briefing sheet to be prepared and provided to your SIA staff. This will detail your expectations of what you require from the staff so everyone knows the expected standard. It should include the relevant conditions, on the Premise License and Street Café Legislation that they need to be aware of. Each new SIA door person should be provided with this briefing sheet and you should maintain a copy signed by each door person showing receipt of such. You should be able to show Police or Council officials a list of who has had the document when requested.
8. All staff to be appropriately trained particularly in relation to age related checks, serving of persons under the influence and recording of incidents. Records to be maintained to show when this took place, by whom and the actual content of any training given. These records to be produced to Police or Council officials on request.



9. Ensure that when you are not present there is a clearly identified and competent Manager/Supervisor left in charge. You should have sufficient staff with a Personal License who can manage the times you are not present.

The above considerations are in addition to the conditions already attached to your Premise and Street Café License.

Please feel free to discuss any of the above with myself or any of the Licensing officers.

*C. Harper.*

PS 2119 HARPER

Weston town centre Neighbourhood Policing Team Sergeant



Date: 19 August 2022  
My ref: E&CS/LYC06/381472  
Contact: Kellie Trego/Andy Jones  
Email: andrew.jones@avonandsomerset.police.uk  
Email: kellie.trego@n-somerset.gov.uk

Mr Brandon Mu  
Sass  
16-18 South Parade  
Weston super Mare  
BS23 1JN

Dear Brandon

**Sass – 16-18 South Parade**

Thank you for your time regarding the premises serving alcohol after 1:30am which was noted by Police at being 1.57a.m on Saturday the 6<sup>th</sup> of August 2022.

We are grateful that you acknowledged the matter and that you stated that you will ensure that it will not happen again. As advised, we would be happy to discuss a variation to the premises licence should you wish to extend licensable activities a little later and I am aware that you have been provided with the forms previously.

I also wish to officially highlight that the Police have become further concerned and received complaints that the SIA door staff are failing to undertake age related checks which must be undertaken for all customers entering the venue, and if there is any element of doubt, they must refuse entry to the premises.

They must do this when they start duty at 9pm plus all staff are required to request identification from any customer purchasing or drinking alcohol who appear young or underage, whatever time of day.

It is clear that door staff have become complacent in this area of work and request that this important issue be taken seriously by the current SIA Door Company and this work evidenced. If this area of concern is not dealt with or improved this could not only affect any future applications to vary the Premises Licence but could even provide the necessary evidence to call an official review on the Premises licence.

Thanks again for speaking with us and if you or the SIA Door Company wish to discuss the matter further then please do not hesitate to contact us on the details above.

Yours sincerely



**Kelle Trego**  
**Senior Licensing Officer**

**Andy Jones**  
**Avon & Somerset Police**

This letter can be made available in large print, audio, easy read and other formats. Documents on our website can also be emailed to you as plain text files. Help is also available for people who require council information in languages other than English. For more information contact the sender of this letter.

OFFICIAL-SENSITIVE (when completed)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9

URN | | | |

Statement of PC 2940 BARCYN SCA

Age if under 18 Over 18 (if over insert over 18) Occupation Police Constable

This statement (consisting of 2 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true

Signature [Handwritten Signature]

Date 13/03/2023

Tick if witness evidence is visually recorded [ ] (supply witness details on rear)

I am PC 2940 Hannah BARCZYNSKA of Avon and Somerset Constabulary, currently based at WESTON-SUPER-MARE.

On Saturday 4th February 2023 I was on uniformed duty, working a 2200-0700 hour shift. I was tasked to assist in policing night-time economy during my shift and therefore spent most of my shift patrolling WESTON-SUPER-MARE town centre.

At approximately 2345 I was alerted to a large disturbance on HIGH STREET where a group of 20-30 teenagers were fighting. I spent approximately 20-30 minutes on HIGH STREET, engaging with teenagers that had remained in the area and issued notices to leave the area to some of those still remaining. Whilst there, I engaged with a male that I suspected to be under the age of 18. He was wearing a distinctive hooded jumper that had a lion's face or similar on the hood. He was sat on a bench with other young people that appeared to be under the age of 18. He did not appear to be causing a disturbance and therefore was not given a notice to leave the area.

Whilst engaging with the male, a group of 3-4 adults, aged around 40-50 years old approached me. They explained that that had been at SASS BAR however felt they had to leave as they were approached several times by two males trying to sell them cocaine. They felt so intimidated by the males that they left the establishment. They made it clear to multiple officers, myself included, that it required officer attention. Once I had resumed from HIGH STREET I went to SASS BAR and engaged with staff on the door, I explained that it was disclosed to me that two males were dealing cocaine within the establishment. They informed me that they were not aware of anyone dealing drugs. I requested to walk around and to check the toilets which I completed in company with PC 4112 BOND. I did not see any suspicious activity at the time and therefore left the establishment.

At approximately 0100 hours on Sunday 5th February 2023 I was parked in a marked police vehicle on BOULEVARD facing SASS BAR. I observed the male in the distinctive lion face hooded jumper, that I had seen earlier in the night, approach the front doors of SASS BAR. I lost sight of him and suspected that he had entered. I was concerned that he was underage and therefore got out of the vehicle, activated my body worn camera and approached SASS BAR.

On arrival I spoke with door staff and asked if the male had been ID'd. I was informed that everyone entering had been checked. At the time of my arrival the establishment appeared calm and there were no signs of any disruption or disturbance inside that would require attention. I went into the establishment to look for the male and located him at the bar. There was a full pint glass that had just been poured, directly behind him with staff lingering

Signature: [Handwritten Signature]

Signature witnessed by

2010/11

OFFICIAL-SENSITIVE (when completed)

Continuation of Statement of PC 2940 BARCYNSKA

near it. One member of staff pushed it forwards slightly in the direction of the male. I suspected that the drink had just been poured for the male as there were other people around and the drink was not given to anyone. I asked the male to leave which he did. I continued round the bar area and checked the ID of another couple of customers. They produced their ID and therefore I continued. I then sighted another male at the bar who was with a female. Both appeared in their late teens and therefore I requested their ID. The female produced her driving licence however the male told me he didn't have any ID on him. I asked for his date of birth which he provided me. He stated that he was born 2005. When I asked him how old he was he initially said 18 however immediately changed it to 17 which due to the date of birth he had provided. I therefore asked the male to leave which he did. Following this I had a conversation with the members of door staff located on the front door. I expressed my concern with their lack of checks to which I was told by one member of door staff, a white male, aged approximately 60 years old, that it had been a bad night with multiple fights. They explained that with the numbers of staff they had on they couldn't manage the front door and inside. I explained that if this was the case then they needed to restrict the number of people entering so that the people could be managed effectively and safely. During my conversation with door staff no management approached to discuss the concerns I had raised or to make themselves known. My full attendance was captured on my body worn camera which I exhibit as 2940HRB1. The footage captured is from 0104 hours until 0112 hours. There is a technical issue at present on my body worn camera and my body worn footage is showing an hour out of time. The footage therefore appears to be between 0204 hours until 0212 hours however this is not the case.



Signature:



Signature witnessed by:

2010/11

RESTRICTED (when complete)

**WITNESS STATEMENT**

Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9

Occurrence No: 5223002404

URN:

Statement of: MARK DAVID SMITH

Age if under 18  Over 18

Occupation: Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

E-Signature:  #4656 SMITH, M.

Date: 23/02/2023 15:54

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Police constable 4656 Mark SMITH of the Avon and Somerset Police Constabulary, currently part of the Town Centre Beat Team based in Weston-super-Mare Town Hall Walliscote Grove Road Weston-super-Mare.

At approximately 21:42 hours on Saturday the 18<sup>th</sup> of February 2023 I was asked to assist PCSO 9476 GIBSON by attending SASS BAR SOUTH PARADE WESTON-SUPER-MARE, the purpose of our visit was to request and collect some CCTV from the location. When we arrived at the location I spoke to Brandon MU the manager of the location, who took me and 9476 up to the office where the CCTV system is located.

MU allowed us to watch the footage which was on the 7<sup>th</sup> of February 2023 from approximately 17:30 hours, following which we explained that we needed the footage produced onto a USB stick from when the female in question entered the bar until she walked around the corner into the toilets. MU clarified the footage being requested, which we then reconfirmed what we wanted to be burnt to the USB. MU stated that he would burn the footage off, and it would be available for collection the following day.

On Wednesday the 22<sup>nd</sup> of February I was informed that the footage produced had been clipped and only showed the part where the female stood up from a seating area and walked around the corner to the toilets. I was therefore asked to reattend the location and request the footage again that evening and to take the footage when I left the location, I was also asked for footage to be produced on the 5<sup>th</sup> of February 2023 between the hours of 01:25 till 02:25.

I reattended SASS BAR at approximately 19:30 hours that day, in the Bar there were only two members of staff neither of whom were able to access or work the system. They tried to call MU with no reply, and then another male called Jordan who said that we would have to re-attend the following day. I left my mobile phone number in case MU attended the location that evening so that he would be able to contact me. Later that evening MU called me and arranged to be at the Bar for 22:00 hours to assist with the CCTV enquires.

AVON AND SOMERSET CONSTABULARY

OFFICIAL

At 22:00 hours I attended the location and was met by MU who took me up to the office, where he produced one bit of footage from the 7<sup>th</sup> of February 2023 showing an intoxicated female in the bar being served alcohol by the bar staff. This was seized by my self at 22:15 hours as exhibit 52/4656/MS/01 which has been uploaded to evidence works.

MU then produced footage from the 5<sup>th</sup> of February 2023 between the hours of 01:25 till 02:25 hours, which I seized at 22:30 hours as exhibit 52/4656/MS/01 which again was uploaded to evidence.

When MU was creating the CCTV footage for me he stated that the camera timing was out, he said that the time shown on the camera was 7 minutes behind the actual time.

E-Signature: #4656 SMITH, M.

*Data Protection Act 1998*

This document is confidential, unauthorised use or disclosure is unlawful.  
Destroy After Use

Page 2 of 2

Official  
Page 31

**Statement of witness**

(Criminal Procedure Rules, r 16 2; Criminal Justice Act 1967,s 9)

Statement of Carl James Smallwood

Age of Witness (if over 18 enter 'over 18') Over 18

This statement (consisting of .....2..... pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1 I, Carl Smallwood am employed by North Somerset Council as Senior Environmental  
 2 Health Officer within the Environmental Protection Team. I am a member of the  
 3 Chartered Institute of Environmental Health. On Thursday 23 March 2022 at  
 4 approximately 13:30 hours I attended Sass Bar with my colleague Daran Bevan to  
 5 check their noise limiter. This visit was arranged following a complaint I had  
 6 received from Avon and Somerset Constabulary concerning loud amplified music  
 7 emanating from Sass Bar during the evening on Saturday 4<sup>th</sup> February 2023.  
 8 At the premises we were met by Brandon Mu. Mr Mu informed us that that he  
 9 recently had a sound engineer at the premises to check the sound system as two  
 10 speakers at the rear are not working. During works to find the fault Mr Mu stated that  
 11 the noise limiter had been accidentally disconnected by the engineer which he did  
 12 not realise. I was informed that the engineer appointed was Leigh Board. The noise  
 13 limiter was checked and was working correctly as the music volume was reduced  
 14 when the volume was raised past the set level. This level was set by me on the 14  
 15 February 2020. Although the noise limiter was working correctly at the time of my  
 16 visit, I could not confirm if the noise limiter was working on Saturday 4<sup>th</sup> February as

P06 / 19

Signature .....



17 | Mr Mu could not remember the date when the sound engineer attended. At  
18 | approximately 13:55hrs we left the premises.  
19 | Signed: Carl Smallwood  
20 | Date: 17 April 2023

Signature  .....

## GIBSON Statement

I am Police Support Community Officer 9476 Holly GIBSON of the Avon and Somerset Constabulary currently stationed at Weston-Super-Mare Town Hall on the town centre team.

On Tuesday 7<sup>th</sup> of February 2023 at approximately 15:19 hours I attended Somewhere to Go on The Boulevard in Weston-super-Mare in company with PC 1027 COOKE to deal with members of the street community kicking a football around in the street and causing a disturbance, this was reported to us from North Somerset community response on the town centre store net. On arrival I observed a white male around 5"7 of a large build with dark brown short hair, around the age of 38. He was wearing a light blue short sleeved shirt, with black joggers and black Nike trainers. I know this male to be Kerry MILES 11/09/1984 due to several encounters and dealings with him within my time in the town centre. At the time of my first observation of MILES he was in company with a dual heritage female who was around 5"5, a small build, black hair which was tied up in a bun and she was around 32 years of age. She was wearing a grey, white, and pink coat, tight fitting jeans and grey trainers. I know this female to be Jade TOUSSAINT 15/10/1990, due to several previous dealings with her within my time on the town centre team.

At this time I was aware that MILES had a condition not to be in contact with TOUSSAINT in any way including social media. PC 1027 COOKE went on to deal with MILES for this breach of conditions and subsequently I spoke to several members of staff from different agencies that assist at Somewhere to Go and then spoke to TOUSSAINT as she was becoming emotional over the situation as MILES was subsequently arrested for breaching conditions. I advised TOUSSAINT to sit with me at a table so I was able to talk and calm her emotions. I have dealt with TOUSSAINT several times before when she is sober and the state that she presented to me on this occasion was different and I believed that TOUSSAINT was heavily intoxicated at the time due to her having glazed over eyes, slurring her speech and her behaviour and manner towards me was continually changing throughout our interaction. I encouraged TOUSSAINT to make sure she got back to wherever she was staying due to her being homeless at this time because I believe that due to the state she was in, it was not safe for her to be out in the town centre by herself. I eventually assisted TOUSSAINT to the nurse in the premises after she requested to see her and when travelling across the room her movement was slow and staggered and she did struggle to hold herself up at moments.

TOUSSAINT was in my sight for the entirety of the interaction and my view of her was clear due to the lighting being bright within the property. I was in company with TOUSSAINT for approximately an hour within the premises of Somewhere to Go, I then made sure she exited the premises safely. I exhibit this statement as 9476HG1.

## STATEMENT 434

I am PC 434 Bryn YOUNDS of the AVON AND SOMERSET CONSTABULARY. I am currently stationed at WESTON SUPER MARE POLICE STATION. On 11<sup>th</sup> FEBRUARY 2023 I was on foot patrol in full uniform in company with PC 4304 HUTCHISON.

We were patrolling SOUTH PARADE in WESTON SUPER MARE at approximately 23:30 hour when I saw that the fire escape door at the rear of SASS BAR leading onto WEST STREET was closed, on checking it I noticed it was very firmly shut. At 23:37 I entered the SASS bar and made my way through the crowds of customers to the rear. There was nobody in the rear passageway that leads to the fire door. I pushed down the fire escape bar which should release the door and pulled at it, I also pulled at a handle, the door did not move and it appeared to be locked. I spoke with one of the security staff nearby telling him that the door was locked he merely directed me to speak with one of the managers. I recognised a male known to me as a manager near the front entrance, who confirmed that the fire door should be unlocked, I informed him that it was locked and that it needed to be opened, he stated that he would see that it was unlocked. I left the bar and called COMMS for a record of the findings to be made on the Force ADJUDICATE log.

This statement is accurate to the best of my knowledge.

**WITNESS STATEMENT**

Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9

URN

Statement of PC 2589 BURY

Age if under 18 Over 18 (if over insert 'over 18 ) Occupation Police Constable

This statement (consisting of 1 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature T.B-Bury

Date 09/03/2023

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am PC 2589 BURY and I am currently a Police Constable employed by Avon and Somerset Constabulary stationed out of NORTH SOMERSET POLICE CENTRE, FILERS WAY, WESTON-SUPER-MARE.

I write this statement following my viewing of customers entering SASS CAFÉ & BAR, 16-18, SOUTH PARADE, WESTON-SUPER-MARE, BS23 1JN post 00:00hrs on the 04/03/2023.

On the 03/03/2023, my duty began at 22:00hrs and I was double crewed with PC 3310 GHENT. During our team adjudication briefing, we had been tasked to obtain evidence of new customers entering SASS bar after midnight as the bar is not meant to permitting any new customers access to the premises after the latter time.

Post briefing and whilst on adjudication, PC 3310 GHENT has parked the marked Police crew bus outside of THE ROYAL, 1 SOUTH PARADE, WESTON-SUPER-MARE, BS23 1JP. This meant that SASS CAFÉ & BAR was directly ahead of us with the bar named THE VAULTS on our left.

During my time waiting in the marked Police crew bus, I have turned my body worn video camera on and placed it on the dashboard of the vehicle. The time on my camera was 01:20:40hrs. The camera was facing away from myself and in the direction of SASS CAFÉ & BAR. I have left my body worn video recording for 2 minutes and 35 seconds with the camera's time stating the end point of recording was 01:23:15hrs.

During this time observing SASS CAFÉ & BAR and whilst my body worn video was recording, I have seen a minimum of four individuals entering SASS CAFÉ & BAR who had initially come from an eastly direction of South Parade road. Due to a group of people congregating outside of the bar smoking and others walking in and out of the bar, I cannot confirm whether any other new customers entered.

I exhibit this body worn video as 2589TBB1.

Signature: T.B-Bury

Signature witnessed by:

2010/11

**WITNESS STATEMENT**

Criminal Procedure Rules, r 16. 2; Criminal Justice Act 1967, s. 9

URN | | | | |

Statement of Jonathan PHIPPEN

Age if under 18 Over 18 (if over insert 'over 18') Occupation Police Constable

This statement (consisting of 1 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature J.Phippen

Date 06/04/2023

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Police Constable 3892 Jonathan PHIPPEN of the Avon and Somerset Constabulary and I currently stationed at Weston-Super-Mare in the role of Beat Manager on the Town Centre Team.

As part of my role, I conduct work around the night time economy some of which involves in conducting itemiser drug swipes around the bars. The itemiser is a machine that is able to test traps that have been wiped across surfaces to see what if any drugs are present.

In the summer of 2022 itemiser checks using the traps (swipes) were conducted in the male and female toilets at SASS bar Weston-super-Mare, the results came back positive for Cocaine a class A controlled drug but the readings were low.

On Saturday 18th March of 2023 officers returned to SASS bar and again conducted itemiser trap (swipes) in both the males and female toilets on this occasion both toilets came back positive for Cocaine a Class A drug and the readings on this occasion showed a high reading.

Signature: J.Phippen

Signature witnessed by:

## Premises Licence Part A

**Premises licence number**

<b>NSC/019165</b>	Issue date: 27 October 2014
-------------------	-----------------------------

<b>Postal address of premises, or if none, ordnance survey map reference or description:</b>	
Sass 18 South Parade Weston-Super-Mare	
Post town: Somerset	Post code: BS23 1JN
Telephone number: 01934 424365	

<b>Where the licence is time limited the dates</b>
None

Licensable activities authorised by the licence	
Live Music Recorded Music Performance of Dance	Anything of a similar description Late Night Refreshment Supply of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

Live music	This activity is permitted: Indoors		
Day	From	To	Seasonal Variation
Monday	1000 hrs	2400 hrs	None
Tuesday	1000 hrs	2400 hrs	
Wednesday	1000 hrs	2400 hrs	
Thursday	1000 hrs	2400 hrs	
Friday	1000 hrs	2400 hrs	
Saturday	1000 hrs	2400 hrs	
Sunday	1000 hrs	2400 hrs	
<i>* The following day</i>			

<b>Recorded music</b>			<b>This activity is permitted: Indoors</b>	
			<b>Seasonal Variation</b>	<b>Non standard timings</b>
<b>Day</b>	<b>From</b>	<b>To</b>	None	
Monday	1000 hrs	2400 hrs		
Tuesday	1000 hrs	2400 hrs		
Wednesday	1000 hrs	2400 hrs		
Thursday	1000 hrs	0130 hrs*		
Friday	1000 hrs	0130 hrs*		
Saturday	1000 hrs	0130 hrs*		
Sunday	1000 hrs	2400 hrs		
<i>* The following day</i>				

<b>Performance of dance</b>			<b>This activity is permitted: Indoors</b>	
			<b>Seasonal Variation</b>	<b>Non standard timings</b>
<b>Day</b>	<b>From</b>	<b>To</b>	None	
Monday	1000 hrs	2400 hrs		
Tuesday	1000 hrs	2400 hrs		
Wednesday	1000 hrs	2400 hrs		
Thursday	1000 hrs	0130 hrs*		
Friday	1000 hrs	0130 hrs*		
Saturday	1000 hrs	0130 hrs*		
Sunday	1000 hrs	2400 hrs		
<i>* The following day</i>				

<b>Anything similar to live music, recorded music or performance of dance</b>			<b>This activity is permitted: Indoors</b>	
			<b>Seasonal Variation</b>	<b>Non standard timings</b>
<b>Day</b>	<b>From</b>	<b>To</b>	None	
Monday	1000 hrs	0130 hrs *		
Tuesday	1000 hrs	0130 hrs*		
Wednesday	1000 hrs	0130 hrs*		
Thursday	1000 hrs	0130 hrs*		
Friday	1000 hrs	0130 hrs*		
Saturday	1000 hrs	0130 hrs*		
Sunday	1000 hrs	0130 hrs*		
<i>* The following day</i>				

<b>Late Night Refreshment</b>			<b>This activity is permitted: Indoors</b>	
			<b>Seasonal Variation</b>	<b>Non standard timings</b>
<b>Day</b>	<b>From</b>	<b>To</b>	None	
Monday	2300 hrs	0130 hrs *		
Tuesday	2300 hrs	0130 hrs*		
Wednesday	2300 hrs	0130 hrs*		
Thursday	2300 hrs	0130 hrs*		
Friday	2300 hrs	0130 hrs*		
Saturday	2300 hrs	0130 hrs*		
Sunday	2300 hrs	0130 hrs*		
<i>* The following day</i>				

<b>Supply of Alcohol</b>			<b>Seasonal Variation</b>	<b>Non standard timings</b>
<b>Day</b>	<b>From</b>	<b>To</b>	None	
Monday	1000 hrs	0130 hrs *		
Tuesday	1000 hrs	0130 hrs*		
Wednesday	1000 hrs	0130 hrs*		
Thursday	1000 hrs	0130 hrs*		
Friday	1000 hrs	0130 hrs*		
Saturday	1000 hrs	0130 hrs*		
Sunday	1000 hrs	0130 hrs*		
<i>* The following day</i>				
<b>The supply of alcohol is authorised for consumption: Only on the premises</b>				

<b>The opening hours of the premises</b>			<b>Seasonal Variation</b>	<b>Non standard timings</b>
<b>Day</b>	<b>From</b>	<b>To</b>	None	
Monday	1000 hrs	0130 hrs *		
Tuesday	1000 hrs	0130 hrs*		
Wednesday	1000 hrs	0130 hrs*		
Thursday	1000 hrs	0130 hrs*		
Friday	1000 hrs	0130 hrs*		
Saturday	1000 hrs	0130 hrs*		
Sunday	1000 hrs	0130 hrs*		
<i>* The following day</i>				



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

**Name:** Mr Brandon Ming Ying Mu  
**Address:** 16-18 South Parade  
Weston super Mare  
North Somerset  
BS23 1JN

**Telephone Number:**

**E-mail:**

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

**Not Applicable**

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

**Name:** Mr Brandon Ming Ying Mu

**Address:** 3 Brean Down Avenue, Weston super Mare, BS23 4JH

**Telephone Number:**

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

**Number:** NSC/049918

**Issuing Authority:** North Somerset Council

## **Annex 1 – Mandatory Conditions**

### **Annex 1 – Mandatory Conditions**

#### **1. Conditions as attached to the Justices' On Licence**

1. C.C.T.V. cameras and monitors to be installed in accordance with the requirements of the police and the recorded tapes retained for thirty days to be made available to the police at all reasonable times.
2. Other such conditions as the Licensing Justices may see fit to impose.
3. If the use of the pool room on the mezzanine floor changes the Fire Authority must be informed prior to any alterations.

#### **Maximum total occupancy of premises at any one time; Bar – 350**

1. Public Entertainment Licence as per attached conditions
2. **Additional Conditions as attached to the Public Entertainment Licence**
  1. The inner main entrance doors shall remain closed (apart from the ingress and egress of customers) at all times and should not be propped or otherwise secured open at any time. The main outer doors shall be fastened in the open position during the whole time that the premises are open to the public.
  2. The noise limiter shall be maintained in good working order and levels shall not be changed without permission of the licensing authority.
  3. The ventilation plant and any intake/extract fans should be fitted with acoustic attenuators to the satisfaction of the licensing authority.

#### **NORTH SOMERSET DISTRICT COUNCIL**

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

#### **LICENSING OF PUBLIC ENTERTAINMENTS**

#### **TERMS AND CONDITIONS OF PREMISES LICENCE**

#### **LICENSEE'S RESPONSIBILITIES**

1. All entertainments should immediately stop and the public should be instructed to leave the premises:-

- (a) if there is a suspected gas leak;
  - (b) if the normal lighting fails and remains inoperative for more than the rated duration of the emergency lighting system less one hour. The public should not be readmitted until the requirements of Condition No. 53(a) and (b) can be met;
  - (c) if the normal lighting fails, and the emergency lighting has a rated duration of less than one hour;
  - (d) if the capacity of the source of supply for the emergency lighting can no longer maintain that lighting for at least one hour;
  - (e) if the emergency lighting fails to comply with the level of illumination required by Condition No. 53(d);
  - (f) in the case of small premises, if the emergency lighting fails, unless a readily available alternative lighting system, meeting the requirements of Condition No. 30 and 53(d) is brought into action without delay and the normal lighting is still operating.
2. The licensee shall be responsible for making arrangements to ensure that information of any outbreak of fire, however slight, shall be at once communicated to the Fire Brigade and to the Police.

#### STEWARDS/ATTENDANTS

3. The person in charge shall throughout the whole time the premises are open to public, be assisted by sufficient staff of competent attendants, (none of whom shall be less than 16 years of age) who shall be specially instructed by the licensee or a person nominated by him as to their duties in the event of a fire or other emergency.
4. The primary duty of attendants is to ensure that safe conditions are maintained in the premises and to achieve this, they should:-
- (i) ensure that no overcrowding occurs in any part of the premises;
  - (ii) keep all gangways and exits clear at all times;
  - (iii) prevent standing on seats or furniture; and
  - (iv) be aware of any special requirements needed to ensure the safe evacuation of the audience/patrons.
5. In noisy situations, stewards should be provided with ear defenders and should be regularly rotated around locations on the premises/site to prevent noise fatigue.
6. At least 2 stewards shall be trained in First Aid and shall be in possession of a current first aid certificate.

#### PREMISES

7. The premises shall be maintained in good order and repair, internally and externally; walls and ceilings should be maintained in a sound condition and good decorative state. Floors should be regularly inspected for deterioration and/or damage, and the

necessary repairs carried out. Carpets and other floor coverings should be regularly cleaned and inspected for wear and/or damage, and the necessary repairs/replacements carried out. All external exit routes shall be maintained in a satisfactory and non-slippery condition free from vegetation and accumulations of rubbish/debris.

8. All electrical, gas and oil-fired equipment should be designed, constructed, installed, protected, commissioned, tested, used, operated and maintained so as to prevent danger.
9. A continuous handrail shall be securely fixed on each side of all staircases, steps and landings at a height of not less than 840mm nor more than 1m measured vertically from the pitch line, except that only one such handrail need be provided to such staircases, flights of steps or landings which are not more than 1.05m. Where a staircase is 2m or more in width a central handrail shall in addition be provided, properly supported and secured to the steps. No handrail shall project more than 100mm.
10. There shall be no recess in the wall of any staircase within 1.5m of the floor level, or projection therein within 1.8m of same, and any light fittings shall, where practicable, be at least 2.1m above any step or landing.
11. The floors of all gangways, lobbies, corridors, passages and other exit routes and the tread of all steps and stairways shall be non-slippery and flat. The nosings of the treads of steps and stairs shall be coloured white.
12. Mats shall not be used unless provided with splayed fillets or proper sinkings. All drugget matting and other floor coverings shall be secured and maintained so that they will not be likely to be in any way a source of danger to any person.
13. Adequate precautions shall be taken to prevent stored fuel coming into contact with heated surfaces. Oil storage arrangements shall satisfy British Standard 5410: Part 1 or Part 2, as appropriate. All boiler rooms shall be adequately ventilated. Gas installations shall comply with the Gas Safety (Installation and Use) Regulations 1984 and work on the installation, appliances or fittings should only be carried out by competent persons such as the gas supplier or an installer registered with the Confederation for the Registration of Gas Installers.
14. The licensed premises shall be maintained in a satisfactory condition as regards sanitation and public health. No accumulation of dirt, rubbish or inflammable material shall be permitted to remain in any part of the licensed premises or in any other places under control of the licensee and adjacent to the licensed premises.
15. Refuse shall not be permitted to accumulate on premises to which the licence relates except stored in proper dustbins or other suitable receptacles with close fitting lids in a manner approved by the Licensing Authority.

#### HEATING AND VENTILATION

16. The use of portable liquid petroleum (LPG) gas heaters for the purposes of heating is not permitted. The storage of these heaters and/or gas cylinders (whether empty or full) is not permitted within the licensed premises.
17. All stoves, open fires or high temperature heating appliances where permitted shall be protected to the satisfaction of the Licensing Authority.

18. Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in the premises the adequate ventilation of the premises during all times when the premises are in use. Air conditioning and mechanical ventilation equipment shall be regularly maintained.

### MEANS OF ESCAPE

19. A door or gate on an exit route shall not open immediately upon a step or steps; a level landing of the same width of the doorway or gateway, and of at least 900mm depth shall be provided between the door or gate and the step or steps. Where necessary, a handrail and doorstops may be required, where the total rise of steps/landing is greater than 360mm.
20. Temporary barriers shall not be used within the premises. Rope barriers of a type approved by the Licensing Authority, may be used but shall be fitted with automatic catches or slip connections, and shall be so fixed as not to trail on the floor when parted. The fittings shall be so arranged so as not to project into the gangway or exit route.
21. An adequate number of exits as approved by the Licensing Authority shall be provided.
22. All gangways, corridors, staircases and external passageways intended for exit shall be kept entirely free from obstruction. All exits shall be clearly indicated by the word 'EXIT' in plain block letters not less than 125mm high and/or appropriate pictogram to British Standard 5499 : Part 1, 1990
- 23.
- (a) Any door or opening, other than an exit which leads to part of the premises available for use of the public, shall carry a conspicuous notice indicating the use of such portions. Any door not usable by the public shall be appropriately indicated or shall be marked 'PRIVATE'. Signs bearing the words 'NO EXIT' or 'NO WAY OUT' shall not be used.
  - (b) If required by the Licensing Authority additional exit signs, directional signs and pictograms to British Standard 5499: Part 1, 1990 shall be provided and maintained in the premises in the manner specified by the Licensing Authority.
24. All the exit doors shall be immediately available for use and those not fitted with panic bolts shall be kept unlocked and unbolted and unless otherwise permitted by the Licensing Authority all exit doors and gates shall open in the direction of exit.
25. Barriers for checking or controlling admission shall not be used.
26. All doors in the premises fitted with panic bolts shall bear a notice 'PUSH BAR TO OPEN' in block white letters not less than 20mm and preferably 50mm in height on a dark coloured background immediately above or below the push bar.
27. All panic bolts shall comply with British Standard 5725: Part 1, and shall be without sharp projections and shall be of such a pattern that normal horizontal pressure on either crossbar will open the doors. The crossbar shall be placed at a height of not less than 900mm or not more than 1.1m from the floor. Panic bolts on external gates shall be of strong construction and the working parts shall be of metal not liable to

corrosion.

28. All doors and fastenings shall at all times be kept in good working order.
29. All internally illuminated exit signs shall (a) conform to British Standard 2560, or (b) shall meet the requirements of the Licensing Authority.
30. Each exit notice shall be adequately illuminated during the whole time the public are on the premises, and no part of the sign shall be covered or obscured, either temporarily or permanently without the prior approval of the Licensing Authority. Each notice shall be automatically illuminated when the general system fails.
31. The public shall be permitted to leave by all exit and entrance doors after each performance, entrances being considered and treated as exits for all purposes provided that they are not revolving doors or fitted with turnstiles. All exit doors must be open for the use of the public at the end of each performance.
32. No person other than a person authorised by the licensee, with the prior consent of the Licensing Authority, shall be allowed to sit or stand in a gangway, passage, corridor or exit route or on a staircase during any performance. Such exit routes shall be kept entirely free from chairs or any other obstructions at all times.
33. Curtains across doorways shall be adequately supported and shall not conceal any notice required to be exhibited under these conditions other than a 'PUSH BAR TO OPEN' notice. They shall be made and arranged so as to draw easily to each side from the centres and slide freely. All curtains shall be so hung that they are 75mm clear of the floor and can easily be pulled back clear of the doors.

#### FIRE SAFETY & STAFF TRAINING

34. Real flames shall not be employed on the stage except with the consent of the Licensing Authority. Explosives, flammable liquids or unnecessary highly flammable articles shall not be bought into or used in any portion of the premises, except with the consent of the Licensing Authority.
35. Smoking shall not be permitted on the stage. Notices (in a form approved by the Licensing Authority) prohibiting smoking shall be prominently displayed in the stage area to the satisfaction of the Licensing Authority.
36. Fire Log Book – A fire log book shall be kept in which there shall be recorded details of tests, examination and fire drill instructions. The log book must be readily available for inspection by a member of the Fire Brigade or the Licensing Authority as and when required.
37. Fire Instructions and Drill – In the event of a fire breaking out in a building it is essential that everyone is made aware of the danger and is able to reach a place of safety before being overcome by smoke, toxic gas or other products of combustion. All members of the staff shall receive instructions and training appropriate to their responsibilities in the event of any emergency. It shall be based upon written instructions. Exercises, for the staff only, shall be held regularly to ensure the smooth operation of the procedure for dealing with an emergency. The training of staff shall provide for the following:-
  - (a) Each member of staff shall receive a personal copy of prepared written instructions, and initially shall receive two periods of at least half an hour of verbal instruction given

by a competent person. Such instruction shall include details of how to call the Fire Brigade. These two periods shall be given within one month; in the case of newly engaged staff, this shall be as soon as possible after appointment.

- (b) A record of the training and instruction given and exercises held shall be entered in the fire log book and shall include the following matters:-
    - (i) Date of the instruction or exercise;
    - (ii) Duration;
    - (iii) Name of person giving the instruction;
    - (iv) Names of the persons receiving the instructions;
    - (v) Nature of instruction or exercise.
  - (c) After the initial instruction (a) all members of the staff shall receive at least half an hour of verbal instruction, given by a competent person, at least once in every period of three months.
  - (d) Exercises, which may be combined with the instruction given in (a) shall be carried out once in every period of three months. The exercise shall include a simulated evacuation drill with the assumption that one escape route is not available. Each exercise should be started by a predetermined signal and the whole premises checked as if an evacuation was in progress.
  - (e) Printed notices shall be displayed at suitable positions in the building stating in concise terms the essential of action to be taken upon discovering fire and/or hearing the alarm.
38. Fire Equipment Testing and Maintenance – All fire equipment shall be installed and maintained in efficient working order as outlined in British Standard 5306: Part 3.
- (a) Portable fire extinguishers to British Standard 5423 and/or BSEN 3 shall be examined at least once annually and tested by a competent person. The date should be recorded in the Fire Log Book and the Inspection Report retained with the Fire Log Book for inspection. Fire Extinguishers should be hung on suitable brackets (where necessary) and located in the positions indicated by the Fire Brigade Fire Safety Officer. Regular inspections should be carried out to ensure that the equipment is still in situ and the date of the inspection should be recorded in the Fire Log Book.
  - (b) Hose reels to British Standard 5306:part 1 and BS 5274 shall be tested at least once annually to ensure that they are in good working order and will procedure a satisfactory jet of water.
  - (c) Where fire blankets are installed, they shall conform to British Standard 6575.
  - (d)
    - (i) Where premises are required by the Fire Authority to install a fire warning system, such system will require the approval of the Licensing Authority before installation and should comply with British Standard 5839; Part 1. It should be tested on installation and thereafter inspected once weekly. Such inspections shall be recorded in the fire log book.
    - (ii) A Fire Alarm Test Certificate signed by a competent person from the fire alarm installation company, a contractor enrolled with either the ECA or NICEIC to the effect that the Fire Alarm System has been

examined and tested in accordance with BS5839 and is in a safe working condition, shall be submitted to the Licensing Authority annually.

39. In premises at which an exchange telephone is not installed a notice or notices clearly indicating the position of the nearest telephone by means of which the Fire Brigade may be summoned shall be provided in a position approved by the Licensing Authority.
40. All scenery, wings, sky-borders, draperies, gauze, cloths, floral decorations, properties and curtains used, whether on the stage or in the auditorium or hall, shall be rendered and maintained non-flammable, and highly flammable materials shall not be used for clothing of performers.
41. Cotton wool shall not be used for scenery or decorations or as part of the costumes of the performers, whether or not treated with flame retardant solution.
42. Paper decorations, not being decorations the whole surface of which is directly affixed to walls or ceilings, shall not be used. Expanded polystyrene tiles on walls or ceilings shall not be covered with an oil based paint.

## SEATING

43. All upholstered seating and furniture must be properly maintained in good condition. Any re-upholstery must conform to the current British Standard, as regards flammability of materials, etc. Any seating or furniture purchased or provided during the currency of the Licence must conform to the relevant British Standard.
44. Wheelchairs are permitted within the auditorium provided adequate arrangements have been by the Licensee to ensure safe access and egress and suitable arrangements in case of emergency.
45. (a) Theatre Style Seating Layout
  - (i) When more than 120 chairs are used they shall be battened together, clipped or otherwise secured to the satisfaction of the Licensing Authority. The seating assigned to each person shall not be less than 500mm wide where they have arms, and 450mm wide where they are without arms, and in lengths of not less than four not more than twelve in a section. If more than 250 persons are to be accommodated, chairs adjoining gangways and exits must be securely fixed to the floor.
  - (ii) There shall be an unobstructed seatway or space of at least 305mm measured between perpendiculars between the back of one seat and the front of the seat immediately behind. Where seats tip up automatically, the width between perpendiculars shall be measured between the back of one seat and the maximum projection of the seat behind when that seat is in the 'up' position.
  - (iii) A space of at least 1.05m deep shall be maintained in front of the row of seats nearest the stage.



## **(b) Events Using Tables and Chairs**

- (i) The use of tables and chairs over the whole of the floor area of the hall/room is permitted, however suitable space should be allowed between tables to allow for the movement of people around the room and gangways should be provided in accordance with No. 47. Tables and chairs should not be placed within 6 ft (2m) of the front of exit doors.
- (ii) The use of candles, etc. on the tables will require the consent of the Licensing Authority.

**Note** The type of seating arrangements will vary with the use to which the premises are put and for further information on seating layout, etc. reference should be made to the Home Office publication "Guide to Fire Precautions in Existing Places of Entertainment and Like Premises".

- 46. Where forms are used adjoining front, back or cross gangways, or adjoining exits, they shall be securely fastened to the floor.
- 47. Passages or gangways shall be provided to the satisfaction of the Licensing Authority. They shall be not less than 1.05m wide and shall lead directly to the exit doors. No portion of any gangway should normally be more than 18m from an exit from the auditorium or hall, measured along the line of the gangway.

## **LIGHTING, GAS & ELECTRICAL INSTALLATIONS**

- 48. The electrical installation shall at all times comply in every respect with the Regulations for the Electrical Equipment of Buildings prescribed from time to time by the Institution of Electrical Engineers.
- 49. Residual current devices sensitive to tripping currents of not more than 30 milliamps, must be fitted to cover all socket outlets that could be used by performers to plug in portable electric equipment and any permanently installed equipment that could be used in connection with a performance (excluding stage lighting). Residual current devices should comply with British Standard 4293.
- 50.
  - (a) All electrical installations including the emergency lighting system in the premises shall be kept in a thorough state of repair and condition. Any work carried out on the electrical installation shall be executed only by qualified electricians, working in accordance with Electricity at Work Regulations 1989.
  - (b) A Certificate/Report, signed by a contractor enrolled with either the Electrical Contractors Association or the National Inspection Council for Electrical Installation Contractors; a member of the Institute of Electrical Engineers or a suitably qualified representative of a supply authority, to the effect that the Electrical Installations have been examined and tested (in accordance with BS 7671 – 1992 [as amended]) and are in a safe working condition, shall be submitted to the Licensing Authority annually.
  - (c) A Certificate (signed by one of the contractors or individuals) to the effect that an RCD is in operation for socket outlets and permanently installed equipment, shall be submitted to the Licensing Authority annually.
  - (d) The Licensing Authority reserve the right to require further inspections of the

Electrical Installation and the submission of the appropriate Report/Certificate if circumstances so require. The Licensing Authority will not be liable for any costs incurred for those or any other inspections.

51. Electrical lighting switches and gas taps shall be so arranged as to be protected from unauthorised interference by members of the public. All electrical lampholders within reach of the public shall be kept fitted with lamps or otherwise protected.
52. The electrical intake enclosure shall not be accessible to the public and shall be used exclusively for the purpose for which it is provided.
53.
  - (a) All parts of the premises to which the public have access and all external exitways shall be provided with normal lighting capable of providing sufficient illumination of those parts of the premises for the public to leave the premises safely. This lighting shall be kept on, in the absence of adequate daylight, during the whole time the public are on the premises.
  - (b) In all parts of the premises other than the auditorium or hall such lighting shall be fully maintained so as to afford good general illumination. In the auditorium or hall such lighting shall be sufficient to enable the public, performers and employees, attendants and stewards to see their way out of the premises.
  - (c) The means of illumination shall not be derived from prepayment meters.
  - (d) A secondary system of lighting shall be provided in all parts of the premises to which the public have access and all external exitways, capable of providing sufficient illumination for the public to leave the premises safely. This system shall be tested monthly and the results recorded in the Fire Log Book.
  - (e) All gas burners and mains electrical switches shall be efficiently guarded.
  - (f) Subject to any consent given by the Licensing Authority electric light only shall be used on the stage.

#### SPECIAL LIGHTING EFFECTS

54. Lasers may not be installed or used with the licensed premises without the prior Approval of the Licensing Authority. If approval is given, the laser equipment must be installed in accordance with the Health and Safety Executive's guidance "The Radiation Safety of Lasers Used For Display Purposes" [HS(G)95] and British Standard 60825-1.
55. Strobes may be used within the licensed premises and the Licensee should ensure that they have been installed by experts and that they operate on a fixed rate of not more than 4 flashes per second. Where more than one strobe light is used, the flashes should be synchronised.

#### SANITARY ACCOMMODATION

56. Adequate and separate sanitary conveniences shall be provided for persons of both sexes and shall be separately approached and adequately screened. Sanitary accommodation appropriate for disabled persons shall be provided and suitably indicated. The conveniences for each sex shall be indicated by a suitable notice.

The several lavatories and urinals in the licensed premises shall at all times be kept in good order and repair and be properly effectively cleansed, ventilated and disinfected and supplied with water and proper and efficient flushing arrangements. During the time the licensed premises are open to the public the lavatories and urinals and the approaches thereto shall be properly and efficiently lighted.

## OCCUPANCIES

57. Overcrowding shall not be permitted in any part of the premises. The maximum number of persons on the premises at any time shall not exceed the occupancy number/s stated on the Licence. In respect of each occasion when the premises is open to the public and an admission charge is imposed for entry to the premises, the licensee shall ensure that a suitable record is kept of the number of persons admitted to the premises and the number of persons leaving the premises so as to monitor the number of persons present on the premises at any time. The record shall be made available for inspection by a Police Constable or any authorised Officer of the Fire Brigade or Licensing Authority.

**NOTE This Licence does not authorise Stage Plays in the within named place licensed. A Stage Play is defined to include Tragedy, Comedy, Farce, Opera, Burletts, Interlude, Melodrama, Pantomime or other entertainment of the stage. A dialogue in which two persons in different costumes and characters hold dialogues, is a Stage Play.**

**For further information on any matter connected with the Conditions or fire precautions, etc. in general, please consult the Home Office publication, "Guide to Fire Precautions in Existing Places of Entertainment and Like Premises" which can be obtained from HM Stationery Office Bookshops.**

## 1. ON LICENSED PREMISES

### **Permitted Hours**

(S.59, 60, 63, 67A, 68, 70, 74, 76, LA 1964)

Alcohol shall not be sold, supplied, or consumed in or taken from the premises, except during permitted hours.

In this condition, permitted hours means:

The above restrictions do not prohibit:

- (a) During the first twenty minutes after the above hours the consumption of the Alcohol on the premises;
- (b) During the first twenty minutes after the above hours, the taking of the Alcohol from the premises unless the Alcohol is supplied or taken in an open vessel;
- (c) During the first thirty minutes after the above hours the consumption of the Alcohol on the premises by persons taking meals there if the Alcohol was supplied for consumption as ancillary to the meals;
- (d) The sale or supply to, or consumption by, any persons of Alcohol, who is residing in the premises;
- (e) The ordering of Alcohol to be consumed off the premises, or the despatch by the vendor of the Alcohol so ordered;
- (f) The sale of Alcohol to a trader or club for the purposes of the trade or club;

- (g) The sale or supply of Alcohol to any canteen or mess, being a canteen in which the sale or supply of Alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) The taking of Alcohol from the premises by a person residing there; or
- (i) The supply of Alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of Intoxicating Liquor by persons so supplied; or
- (j) the supply of Alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of Alcohol so supplied, if the liquor is supplied at the expenses of their employer or the person carrying on or in charge of the business on the premises.

**Credit Sales**

(S. 166 LA 1964)

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except Alcohol sold or supplied:

- (a) With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

**Special Hours Certificate** (*Straight conversion with PEL if no hours on PEL*)

(S. 77)

Where a special hours certificate is in force on all or certain days, replace the permitted hours condition for those days with the following:

- (1) Subject to the following paragraphs, the permitted hours on weekdays shall extend until two o'clock in the morning following [or, if an earlier hour is specified in the special hours certificate, that hour] except that –
  - (a) The permitted hours shall end at midnight...on any day on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight; and
  - (b) On any day that music and dancing end (or, in the case of casino premises, gaming ends) between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end or, as the case may be, when the gaming ends.
- (2) In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect –
  - (a) With the substitution of references to three o'clock in the morning for reference to two o'clock in the morning [or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.]
- (3) Except on Sundays immediately before bank holidays, other than Easter Sunday, the permitted hours on Sundays shall extend until thirty minutes past midnight in the morning following [or, if an earlier hour is specified in the special hours certificate, that hour], except that –
  - (a) The permitted hours shall end at midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight;

- (b) Where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends.
- (4) On Sundays immediately before bank holidays, other than Easter Sunday, the permitted hours shall extend until 2 a.m. in the morning following, except that –
- (a) The permitted hours shall end at midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight;
  - (b) Where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and 2 a.m., the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends.

### **Door Supervision**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

**1. (1). No supply of alcohol may be made under this premises licence:-**

- (i) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

**2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries significant risk of undermining a licensing objective.

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- a) a holographic mark, or
- b) an ultra violet feature.

6. The responsible person must ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol, specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. Where films are shown, children shall only be admitted to film showings in accordance with the British Board of Film Classification (or equivalent regulatory body) requirements.

8. Where individuals are required by this licence to carry out a security activity at a specified time or more, they must be:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

10. For the purposes of the condition set out in paragraph 9:

a) "duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a)

b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where i) **P** is the permitted price

ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

i) the holder of the premises licence,

ii) the designated premises supervisor (if any) in respect of such a licence, or

iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence,

d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

## **Annex 2 – Conditions consistent with the operating Schedule**

### **2.1 General**

1. None

### **2.2 The Prevention of Crime and Disorder**

1. CCTV shall be installed to the satisfaction of the Police and Licensing Authority and maintained in good working order. All cameras shall record continuously during trading hours and for one hour afterwards. The time and date shall be displayed on the recordings. Recordings shall be maintained for a period of 31 days, and handed to the Police or the Licensing Authority for evidential purposes on request. If the CCTV equipment fails the Police and Licensing Authority must be informed as soon as possible and immediate steps shall be taken to put the equipment back into action. A notice shall be displayed at the entrance to the premise advising that CCTV is in operation.
2. All door supervisors provided in accordance with this licence shall carry a proof of SIA registration, display the correct SIA identification badge and wear clothing clearly identifiable by CCTV.
3. The Licensee shall maintain a register kept solely for this purpose showing the full name, full SIA badge number, time on duty and time off duty of each Door Personnel member. This register shall be retained for 12 months and made available for inspection by the Police or Licensing Authority.

### **2.3 Public Safety**

1. Adequate and appropriate first aid equipment and materials shall be available on the premises.
2. At least 1 suitably trained first aider shall be on duty when the public are present on the licensed premises.

### **2.4 The Prevention of Public Nuisance**

1. None

### **2.5 The Protection of children from harm**

1. None



## **Annex 3 – Conditions attached after a hearing by the licensing authority**

The Committee decided to impose the following modifications as to timings to the Licence:

1. Hours open to the public: 10:00 to 01:30 Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday & Sunday.
2. Sale of alcohol: 10:00 to 01:30 Monday, Tuesday, Wednesday, Thursday, Friday and Saturday & Sunday.
3. Live music: 10:00 to 24:00 Monday, Tuesday, Wednesday, Thursday, Friday and Saturday & Sunday
4. Anything of a similar description ... : 10:00 to 01:30 Monday, Tuesday, Wednesday, Thursday, Friday and Saturday & Sunday
6. Late night refreshment: 10:00 to 01:30 Monday, Tuesday, Wednesday, Thursday, Friday and Saturday & Sunday
5. Performance of dance: 10:00 to 01:30 Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday & Sunday.
6. Recorded music: 10:00 to 24:00 Sunday, Monday, Tuesday, Wednesday and 10:00 to 1:30am Thursday, Friday and Saturday.

(The Conditions attached on the Justices On Licence Permitted Hours a. – g. only, are hereby removed as no conditions were identified which could be removed as a consequence of the proposed variation).

The above modifications were imposed to promote The Prevention of Crime and Disorder, Public Safety, and The Prevention of Public Nuisance.

The Committee decided to impose the following conditions on the varied Licence:

1. There will be no entry or re-entry to the premises by patrons after 24:00 (midnight). The only exception to the rule will be persons leaving the premises for the sole purpose of smoking. The persons will be hand stamped and monitored by door staff at all times.
2. 2 (two) SIA doorman from 21:00 to 01:30 on Thursday, Friday and Saturday. When requested by the Police SIA registered door supervisors shall be employed at the premises on such days of the week and between such times as considered necessary in order to promote the licensing objective. Such measures shall be agreed in writing between the licence holder and the Police. The agreed arrangements shall be implemented as requested and notified to the Licensing Authority, without delay.
3. The Licensee shall provide and maintain within the premises a noise limitation system. The system shall be operated at all times when music is being played and set to cut out the power supplies to noise and amplification and

generation equipment at such levels which have been agreed with Council's Environmental Protection Team.

4. All external doors and windows within the premises shall be kept closed for the duration of events subject to the licence, except for access and egress from the premises.
5. The rear door will not be used after 23:00hrs except for use in emergencies and will remain unlocked until the premises close.
6. The emptying of bottle bins into receptacles outside the premises is only permitted to take place between the hours of 09:00hrs and 21:00hrs to minimise disturbance to nearby properties.
7. Prominent, clear and legible notices shall be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises quietly.

The above conditions were imposed to promote The Prevention of Crime and Disorder, Public Safety, and The Prevention of Public Nuisance.

## **Annex 4 – Plans**

Original plans with North Somerset Council, Licensing Team, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ.

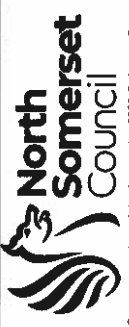


N

Scale: 1:1000

Date: 26 April 2023

**Sass 16-18 South Parade**



© Crown copyright and database rights 2023 Ordnance Survey 100023397. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties. For more information, please contact Ordnance Survey on 0300 505050 or visit [www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk). All rights reserved (2023). © Geomapping Plc. and Burocity Information Group Ltd. (All rights reserved (2023)).

**Aug 2005** — licence granted.

**Aug 2014** — Variation submitted to open until 4am but Police objected. This was granted at Committee but with moderations (times and conditions as per licence currently).

**12 Oct 2016** — Licence transferred and DPS varied to Mrs Que Quan Mu.

**10 Jan 2017**— Licence transferred and DPS varied to Mr Brandon Mu.

**2 Oct 2018** — Minor variation granted to permit alcohol in outdoor Street Café area.

**5 Oct 2018** — Police swabs showing traces of cocaine in toilets.

**Jan 2019** — Reports to police of lots of Under 18's in premises. Visited by PC Phippen and PC Bayley to confirm a large group of underage persons in the premises. Mr Cam Mu was spoken to at the time but was very obstructive and argumentative. A meeting with Mr Brandon Mu, Kellie Trego and Andy Jones held on 15 Jan 2019 in the Town Hall, Weston super Mare to discuss.

**22 March 2019** — Visit to premises with Police, Licensing and Trading Standards following allegation of customers becoming ill from cocktails. Alcohol dipped and no issues found. Mr Cam Mu on site and advised.

**29 April 2019** — Letter sent by Avon & Somerset Police as CCTV was poor quality and not able to be used following assaults reported on premises.

**3 May 2019** — Joint visit with Police and Licensing. No issues reported.

**13 Jan 2020** — Visit to premises by Kellie Trego and Andy Jones following issue with back door being used after hours and excessive noise (reported by Police Officers).

The licence conditions were talked through and it was explained that an Action Plan may have to be issued to assist with compliance.

**5 Feb 2020** — Visit to premises by Kellie Trego and Andy Manhire to view CCTV following allegation of someone snorting cocaine off a table. No one able to assist as no access to system. Message left for Brandon Mu to contact to rearrange follow up.

**12 Feb 2020** — Mr Brandon Mu did not attend pre-arranged meeting with Environmental Protection to set noise limiter following noise concerns reported in January. Letter sent and further visit arrange which was attended by Mr Mu.

**4 July 2020** — Email from Mr Brandon Mu advising capacity reduced to 109 during COVID restrictions.

**4 July 2020** — Visit to the premises on reopening day post COVID-19 closures. No

issues reported.

**21 July 2020** — Allegations sent to Police of overcrowding and noise complaints during COVID restrictions.

**10 Aug 2020** — Police report issues with social distancing.

**10 Aug 2020** — Complaint received from Police regarding fights, drugs and lack of social distancing.

**12 Aug 2020** — Andy Manhire sent timeline of issues to licensing following reopening.

**13 Aug 2020** — An Action Plan issued and agreed with Mr Brandon Mu following issues since reopening.

**10 September 2020** — Kellie Trego spoke to Brandon Mu to advise the Action Plan will be extended to give time to comply.

**5 Nov 2020** — No issues were noted during this time and the Action Plan removed.

**12 April 2021** — Licensing visit post COVID-19 closure. Issues noted with spacing of tables. Mr Brandon Mu advised over phone as not on site.

**15 April 2021** — Follow up visit arranged following previous visit. Mr Mu sent email with details on areas to address.

**22 April 2021** — Concerns raised to Police and Licensing regarding outside area with non-compliance of social distancing rules in place at the time. Email sent to Brandon Mu.

**Jun 2021** — The street café area (opposite Royal Hotel) revoked following concerns with non-compliance of COVID regulations.

**3 July 2021** — Visit to the premises with Police and Licensing during night time economy patrols. No issues noted at the time.

**5 July 2021** — Visit to the premises at the request of Mr Brandon Mu with Mr Cam Mu, Kellie Trego, Sioux Isherwood and Andy Manhire in attendance. Both Mr Mu's wanted to voice concerns over consistency of approach to enforcement. Reassurances were

made that a stepped approach is always followed.

**18 Aug 2021** — Letter sent by Avon & Somerset Police highlighting concerns and areas for the premises to improve on.

**1 October 2021** — Joint visit to premises with Police, Licensing and SIA officer. No issues noted.

**29 October 2021** — Joint visit with Police and Licensing during night-time economy

patrols. Advice given over high rise of reported allegations of drink spiking. Drug swabs taken in toilets and all showing no signs. Mr Brandon Mu noted to be very helpful with officers and follow up letter of thanks sent.

**6 Dec 2021** — Email sent to Brandon Mu by Andy Manhire following a reported assault at premises and it not being recorded in incident book.

**25 April 2022** — Email received alleging underage drinking at the premises.

**14 May 2022**— Joint visit with Police and Licensing. No issues noted.

**20 July 2022** — A visit to the premises made to advise outcome of recent drug swabs which showed very high readings of cocaine in men's toilets.

**17 Aug 2022** — Visit to the premises and a follow up letter sent by North Somerset Council Licensing and Avon & Somerset Police following allegation of after-hours sales and incidents not being recorded correctly. Brandon Mu advised the sale was for a staff member but that it would not happen again. Advice was given on submitting a variation to increase hours to 2am.

**5 Sept 2022** — An allegation of drink spiking received by Avon & Somerset Police but no evidence to proceed with enquiries.

**Oct 2022** – Mr Mu provided further advice on varying premises licence and how to advertise the application at the premises and in a newspaper.

**18 Nov 2022** — Drug swabs taken during joint visit with Avon & Somerset Police and North Somerset Council Licensing. High readings found in both toilets.

**7 Dec 2022** — Visit to premises with Kellie Trego and Andy Manhire to provide results of recent drug swabs.

**Dec 2022** — TENs applied to cover for the Christmas/New Year period until 2am

**20 Mar 2023** – Review application submitted by Avon & Somerset Police

**24 Mar 2023** – Update from Carl Smallwood (Environmental Protection) about status of noise limiter.

**15 Apr 2023** – Email from PC Phippen who advised that premises are hand stamping people's hands in case they wish to enter premises after midnight despite not entering before this time.

**4 May 2023** – Update from Carl Smallwood (Environmental Protection). He advised that Brandon Mu stated that an engineer appears to have switched it off during a visit on 17 January 2023.

**18 May 2023** – TENs application received for extension of hours over Bank Holiday weekend (28-29 May 2023) but application rejected as no payment received and unable to contact Mr Mu on the phone. Letter of rejection sent on 22 May 2023.