



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

FRIDAY, 25 AUGUST 2017 AT 10.00 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Joanne Wildsmith, Democratic Services Tel: 9283 4057
Email: Joanne.Wildsmith@Portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Committee Members Councillors Lee Mason (Chair), Hannah Hockaday (Vice Chair), Dave Ashmore, David Fuller, Colin Galloway, Paul Godier, Scott Harris, Steve Hastings, Ian Lyon, Leo Madden, Stephen Morgan, Gemma New, Steve Pitt, David Tompkins and Gerald Vernon-Jackson.

The panel today consists of :
Councillors Lee Mason, Steve Pitt and Gerald Vernon-Jackson CBE

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 Election of Chair**
- 2 Declaration of Members' Interests**
- 3 Licensing Act 2003 - Review Application - Melody, 229-231 Commercial Road, Portsmouth, PO1 4BJ**

The purpose of the report by the Licensing Manager is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

Melody, 229-231 Commercial Road, Portsmouth, PO1 4BJ

The application, with grounds for the review, are set out in Appendix A of the

report and the application has been submitted by the Chief Officer of Police.

The committee is requested to determine the review application.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 25 AUGUST 2017

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: MR ROSS LEE

Licensing Act 2003 - Review Application - Melody, 229-231 Commercial Road, Portsmouth, PO1 4BJ

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

Melody, 229-231 Commercial Road, Portsmouth, PO1 4BJ.

The holder of the authorisation is recorded as Mrs Wei Wei Jin.

2. THE REVIEW APPLICANT

The application and grounds for the review are attached as **Appendix A** and has been submitted by the Chief Officer of Police and relates to the following licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety

In summary, the police contend that the premises have been used "after hours" for licensable activities with evidence of persons drinking and smoking after 2300 and that the licence holder has ignored repeated advice from both police and licensing officers.

3. BACKGROUND INFORMATION

Melody is a ground floor Chinese café/restaurant situated at the northern end of Commercial Road just south of the Market Way roundabout.

Melody is flanked by Sun Hung Chang Oriental Food and Martha's. McDonald's is nearby with opening hours of 0600 - 2100. Opposite is a 24 hour taxi stand.

The licence holder Wei Wei Jin is also the designated premises supervisor and acquired an interest in the premises, by way of transfer, in December 2015.

The licence authorises the sale of alcohol and the provision of recorded music daily between the hours of 1000 and 2300.

A copy of the current authorisation is attached as **Appendix B**.

In accordance with the act and prescribed regulations, public notice of the review application was given both at the premises and also at the Civic Offices. In addition, a notice of the review application was also posted on the council website.

The review application was also served on the responsible authorities.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

A further representation has been received from the Licensing Authority via the Licensing Manager, Nickii Humphreys which is attached as **Appendix C**.

The licensing authority, as a responsible authority, concurs with the representations made by the police and also highlights the serious consequences, at law*, of providing licensable activities otherwise than in accordance with an authorisation together with the provision of irresponsible drink promotions at the premises.

***Officer Advice**

The licensing authority is also considering separately the alleged breaches to the premises licence authorisation (together with breaches to the Licensing Act 2003) by way of possible prosecution which is not co-dependent on these proceedings and will be dealt with on individual merit by an officer not party to this review application.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the review application, the committee must have regard to:

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

The Statutory Guidance provides advice in relation to the consideration of review applications. In particular, members should have regard to the following advice:

Paragraph 11.1 - *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."*

Paragraph 11.2 - *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the*

licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."

Paragraph 11.10 - "Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."

Paragraph 11.16 - "The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives."

In reaching a decision upon a review application, the guidance offers assistance to the licensing authority as follows:

Paragraph 11.17 - "The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder."

Paragraph 11.18 - "However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."

Paragraph 11.19 - "Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence."

Paragraph 11.20 - *"In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."*

Paragraph 11.21 - *"For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual."*

Paragraph 11.22 - *"Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives."*

Paragraph 11.23 - *"Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again."*

However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

An appeal against any punitive sanctions may be made within 21 days of the authorisation holder being notified of the licensing authority's decision to a Magistrates' court. An appeal may be made by:

- The applicant for the review;
- the holder of the premises licence or club premises authorisation; or
- any other person who made relevant representations in relation to the application.

The decision of the committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until any submitted appeal is disposed of.

7. APPENDICES

- A.** Copy of the redacted review application together with any supporting documents
- B.** Copy of the current authorisation to include location plan
- C.** Copies of any other relevant representations received

THE COMMITTEE IS REQUESTED TO DETERMINE THE REVIEW APPLICATION



For Licensing Manager
And on behalf of Head of Service



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 **PC 21945 Rackham**

.....
(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

Melody, 229-231 Commercial Road

Post town

Portsmouth

Post code

PO1 4BJ

Name of premises licence holder or club holding club premises certificate (if known)

Wei Wei JIN

Number of premises licence or club premises certificate (if known)

Part 2 – Applicant details	
I am	Please tick <input checked="" type="checkbox"/> yes
1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)	
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) INDIVIDUAL APPLICANTS (fill in as applicable)									
Please tick <input checked="" type="checkbox"/> yes									
Mr		Mrs		Miss		Ms		Other title (for example, Rev)	
Surname				First names					
I am 18 years old or over							(Please tick <input checked="" type="checkbox"/> yes)		
Current postal address if different from premises address									
Post town						Post code			
Daytime contact telephone number									
Email address (optional)									
Post Town					Post Code				

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
Email address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT
Name and address PC 21945 Rackham – Hampshire Constabulary Alcohol Harm Reduction and Licensing Team Licensing Office Guildhall Square Portsmouth Hampshire PO1 2AL
Telephone number (if any) 02392 6
E-mail address (optional) peter.rackham@hampshire.pnn.police.uk

This application to review relates to the following licensing objective(s)	
	Please tick one or more boxes <input checked="" type="checkbox"/>
1) the prevention of crime and disorder	x
2) public safety	x
3) the prevention of public nuisance	x
4) the protection of children from harm	

Please state the ground(s) for review (please read guidance note 2)
The Chief Officer Of Police has applied for a review of the Premises Licence currently held by Melody, 229-231 Commercial Road, Portsmouth on the following grounds:
<ul style="list-style-type: none"> • Prevention of Crime and Disorder • Prevention of a Public Nuisance • Public Safety
This is following a number of incidents at the premises recently where the premises has been operated beyond its licensable hours as authorised under the Licensing Act 2003. Despite

engagement and intervention by both the Police Licensing Team and officers from Portsmouth City Councils Licensing Service this has continued.

As such the Premises Licence Holder and the Designated Premises Supervisor have committed offences under Section 136 of the Licensing Act 2003 and this has seriously undermined the ability of the premises management to uphold the four licensing objectives.

Please provide as much information as possible to support the application (please read guidance note 3)

Melody Chinese Restaurant is situated at the Northern end of Commercial Road, Portsmouth. It is situated in a commercial area with numerous shops and businesses nearby. The entrance to the premises is via a set of doors which lead directly into a seating area full of tables and chairs. Directly to the left of the entrance is the counter behind which alcohol is kept and also is a small kitchen/food preparation area. At the back of the seating area is a small wooden door with the word toilet written onto it. Through this leads a hallway at the end of which are the toilets. Off of the hall way are three bespoke Karaoke rooms containing seating, a table, microphones, a TV screen and a small computer unit which allows you to select the song you wish to sing. At the time of the attendance there were also air filter units. Behind the Karaoke Rooms is a number of differing storage areas containing food, refrigeration units and dry stock and alcohol.

Melody Chinese Restaurant has a premises licence issued under the Licensing Act 2003. The licence allows the sale of alcohol until 23:00 hours and recorded music until 23:00 hours. The premises licence covers the majority of the downstairs area.

The Premises Licence Holder and Designated Premises Supervisor is a person named Wei Wei Jin. She has held the licence since December 2015 and as such holds a personal licence. It her responsibility to operate the premises in a way which is compliant with the Licensing Act 2003 but also in a way which fully supports all four of the licensing objectives.

On Friday 28th April 2017 PC Rackham was on duty in uniform when he received information that there were unlicensed activities taking place at the premises. PC Rackham attended the at 22:45 hours and could see two males sat in the seated area in the restaurant. The sign on the front door stated the premises was closed. However from within recorded music and the sounds of persons singing could be heard.

PC 21945 Rackham called officers from Portsmouth City Councils Licensing Service and at around 23:00 hours they attended. The sounds of music and persons singing could still be heard. At 23:05 still with the music playing entry was made under Section 180 of the Licensing Act 2003. Music and singing could be heard coming from the rear of the premises where the 3 Karaoke rooms are situated.

PC Rackham entered each Karaoke Room and noted that each room had around 10 persons inside. All rooms had recorded music playing via a TV screen and computer attached to a set of loudspeakers and all persons were singing along to the song being played via this method. In all of the rooms were bottles of Chivas Regal alcohol spirit was present as well as Iced Tea. Persons in these rooms were drinking from cups containing alcohol and persons were also smoking inside the karaoke rooms. One person panicked as I entered the room and introduced myself and threw a lit cigarette into their drink in order to extinguish it. Large air filters were also in position within the room which indicated that the management of the premises were attempting to mask the smoking going on inside the premises.

On speaking with the persons using the karaoke rooms I was advised that they had all paid £20 each for the use of the rooms and that this price included for them the ability to consume as much alcohol as they pleased over the course of the night, as much food as they wished and also use of the karaoke rooms to play music and also sing karaoke. On asking when the cut off time was I was advised by the persons present that they could stay until they decided to leave.

PC Rackham then spoke with Wei Wei JIN. He used a friend of hers to translate as she stated that she could not speak English well. Through the translator he advised JIN that she needed to comply with her premises licence conditions and the authorised permitted hours and that if she breached these conditions or operated beyond the permitted hours she would leave herself open to prosecution for offences under the licence or the review process.

Officers from Portsmouth City Council took photos of the rooms as they were on attendance in particular of an advertisement poster at the premises. The Police have had this translated into English and this is provided as Annex A in the Police bundle. The advertising relates to pricing for drinks, hot food and karaoke packages and relates to this being available until 06:00 hours.

On Sunday 30th April 2017 at 00:30 hours PC Rackham drives past the premises and notes that a member of staff is sat in the premises with the lights on. At the front of the premises singing and music could be heard coming from the rear of the premises. The front door is locked. The member of staff opens the door and PC Rackham enters the premises. Again in all three of the Karaoke rooms music is being played through speakers and persons are either listening to music in the rooms or singing along to the karaoke. Chivas Regal whiskey is on the tables and being drunk by customers. On speaking with the persons using the rooms they state that they have paid £80 for the use of the room allowing them to eat and drink as much as they like and use the karaoke rooms until such a time they want to go home. The rooms are noted as having a strong smell of cigarette smoke. Customers advise that they are allowed to smoke in the rooms.

At around 00:45 hours JIN attends the premises having been phoned by the staff member. The premises licence is requested and cannot be found by JIN. The following is noted:

- No CCTV is in operation
- No staff training documents available
- No age verification policy in place
- No refusals log book
- No signage requesting customers leave quietly at the exit of the premises.

These items are all conditions of the premises licence. Failure to adhere to them an offence under Section 136 of the Licensing Act 2003. The fact that JIN could not produce a copy of the full licence is also an offence under Section 57 of the Licensing Act 2003.

Again I spoke with JIN through an interpreter on the phone. JIN was advised that again she needed to stop licensable activity at 23:00 hours in line with her authorisation to sell alcohol. She also had to comply with the conditions of her premises licence and needed to have a copy of the licence on the premises to provide to Police or council on request.

At the end of May 2017 PC Jackie Cherry and PCC Licensing Officer Kevin Weeks attended the premises in order to speak with JIN and provide her with the documents to assist her in

operating the premises in a way which ensured she was compliant with the Licensing Act 2003 and the premises licence conditions.

At this meeting a licensing folder complete with the following documents was provided to JIN:

- Minimum Standards Training documents
- Documented Age Verification Policy
- Documented Authorisation to sell alcohol
- Refusals Log
- Challenge 25 Posters

Both officers also went through the conditions of the licence and explained them to JIN as well as the importance of adhering to these conditions.

Both officers also stressed the importance of adhering to the permitted hours set out under the licence. It was made clear to JIN that she could not sell alcohol after 23:00 hours, could not provide late night refreshment such as hot food and drink and could not provide recorded music after 23:00 hours. Both officers stressed the potential consequences of doing so.

It was agreed that officers would give JIN one month to resolve the issues. After this time officers would re attend and re check everything. If the items were not resolved or there were further incidents of operating past the permitted hours then consideration would be given to a review hearing and or prosecution for offences under the Licensing Act 2003.

Officers further advised JIN that if she wished to operate past her extended hours then she could do so via either submitting a Temporary Event Notice or applying for the grant of a variation to the licence in order to do so.

This meeting was again held with an interpreter and officers advised that JIN understood the message conveyed to her.

On Saturday 24th June 2017 PC Rackham attends the premises at around 00:00 hours. Music and singing is again heard coming from the rear karaoke rooms at the premises. On entering the open door JIN is present. All three Karaoke Rooms are entered and in all three rooms there are bottles of Chivas Regal Whiskey which are being consumed. Persons were singing karaoke or listening to music through loudspeakers. In each of the rooms persons were smoking. Cigarette smoke was seen and smelt in each of the rooms. One male attempted to stub a cigarette out and hide it under the sofa in the room. Another threw an ashtray in a bin.

A number of people were in the toilets of the premises. Two males were being sick in a sink. They were unsteady on their feet, speech was slurred and they all smelt strongly of alcohol. PC Rackham formed the opinion that they were drunk.

Again the occupants of the room stated that they had paid money to consume as much alcohol, food and listen to music/perform karaoke for as long as they wished.

JIN was spoken with. Again she was advised that she could not continue to sell alcohol or play recorded music after 23:00 hours. JIN produced a pack containing the items which had been provided and as such whilst compliant with her licence conditions was still operating past her permitted hours. As such offences under Section 136 of the Licensing Act 2003.

Checks have been made with Portsmouth City Councils Licensing department as well as Hampshire Constabularies own Record Management System. This has confirmed that the premises has not applied for any Temporary Event Notices to extend their hours. The only authorisation to provide licensable activity is the current premises licence. At no point during the times the Police have attended has any authorisation been in place past 23:00 hours to perform licensable activities under the Licensing Act 2003.

The Chief Officer of Police would like to state that whilst no crime as a result of disorder has been recorded against the premises the crime which is being recorded revolves around offences under the Licensing Act 2003. These are relevant offences under the Licensing Act 2003 and undermine the ability of the Premises to uphold the licensing objectives. The fact that the Premises Licence Holder and Designated Premises Supervisor has been present during the times of the operation outside of permitted hours also severely undermines the Chief Officer of Polices faith in the ability of Wei Wei JIN to support the licensing objectives and work with the Police and Licensing authority to resolve issues.

The Chief Officer of Police prides itself on working in partnership with premises to resolve issues as they arise. This approach has worked very successfully in reducing incidents and making premises safer across the city for members of the public. However it can only work in partnership when premises comply with the law and adhere to their premises licence hours and conditions.

It is the view of the Chief Officer of Police that Wei Wei JIN has failed to comply with her premises licence conditions and adhere to her permitted hours. As such she has broken the law and committed offences under the Licensing Act 2003. This is despite engagement with the Police and Portsmouth City Councils licensing service who have actively engaged with her in an effort to help her ensure she does not break the law. Despite this JIN has continued to operate past her permitted hours and committed offences in doing so. On the latest visit by Police evidence of drunkenness was also apparent which again severely calls into question the ability of JIN to operate the premises appropriately.

The Chief Officer of Police has considered what measures could be put in place to resolve this matter and reduce incidents. However given the level of non compliance and the offences being committed under the Licensing Act 2003, the Chief Officer of Police believes that what ever conditions are placed on the licence will just be breached. The Chief Officer of Police also has concerns about JIN operating the premises. Not only is she the Designated Premises Supervisor but also the Premises Licence Holder. As such removing her as DPS will have little influence on how the premises is run as she will still have overall control of the licence and the business.

As such it is the view of the Chief Officer of Police that the only realistic measure to prevent crime at the premises is to revoke the premises licence. This will prevent the premises being open past its permitted hours and will reduce the likelihood of offences under the Licensing Act 2003 being committed repeatedly.

The Chief Officer of Police respectfully requests that the licence be revoked.

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Please tick <input checked="" type="checkbox"/> yes							
Have you made an application for review relating to the premises before?							<input type="checkbox"/>
If yes, please state the date of that application							
	Day		Month		Year		

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

--

Please tick <input checked="" type="checkbox"/> yes	
<ul style="list-style-type: none"> 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. 	
<ul style="list-style-type: none"> I understand that if I do not comply with the above requirements my application will be rejected. 	
<p>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</p>	
<p>Part 3 – Signatures (please read guidance note 4)</p>	
<p>Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 5). If signing on behalf of the applicant please state in what capacity.</p>	
Signature	
Date	29 th June 2017
Capacity	Police Constable on behalf of the Chief Officer of Police for Hampshire Constabulary

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</p>			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by email, your email address (optional)			

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.

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



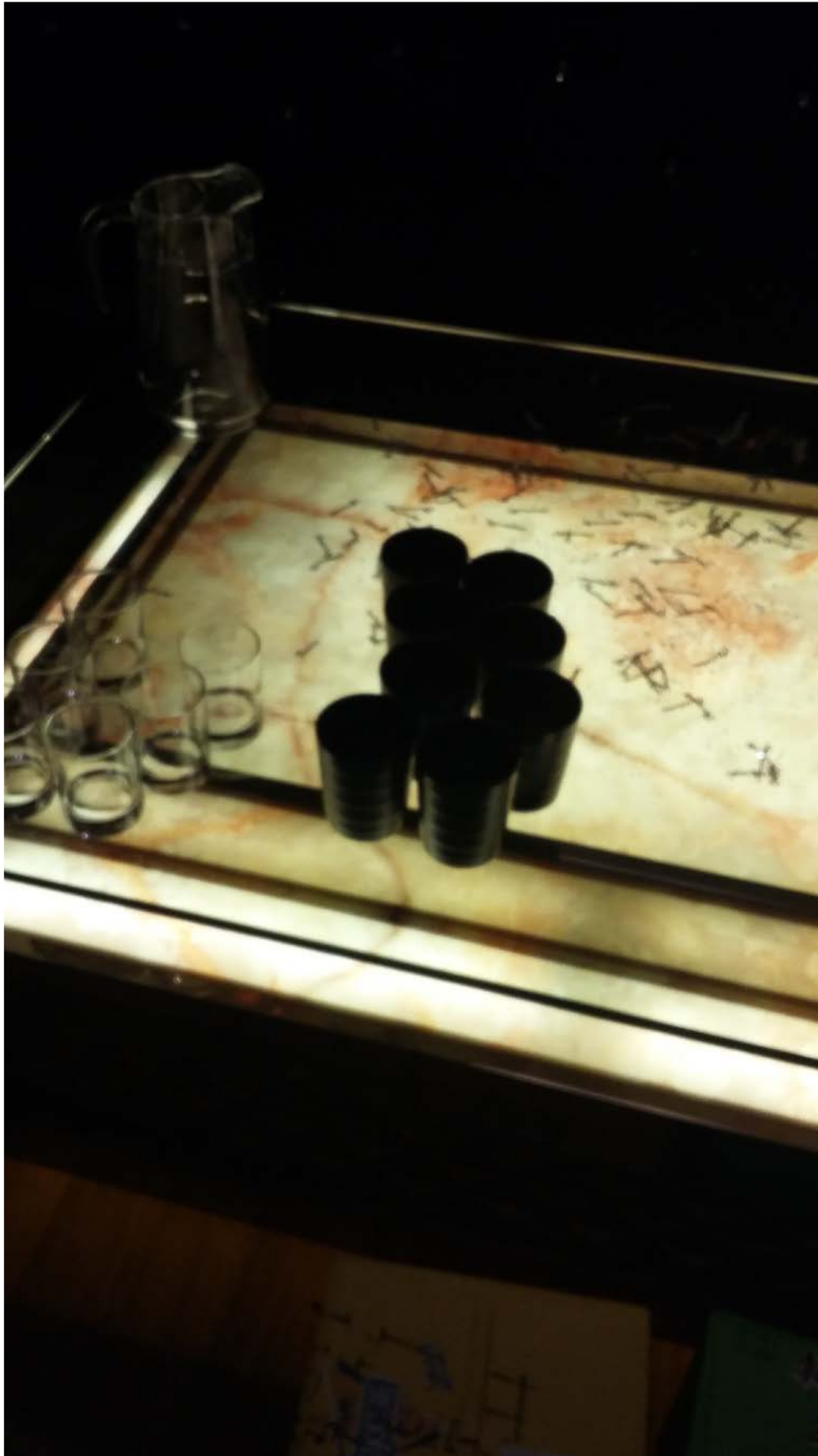
Found located in the staff only room - several pots containing dice

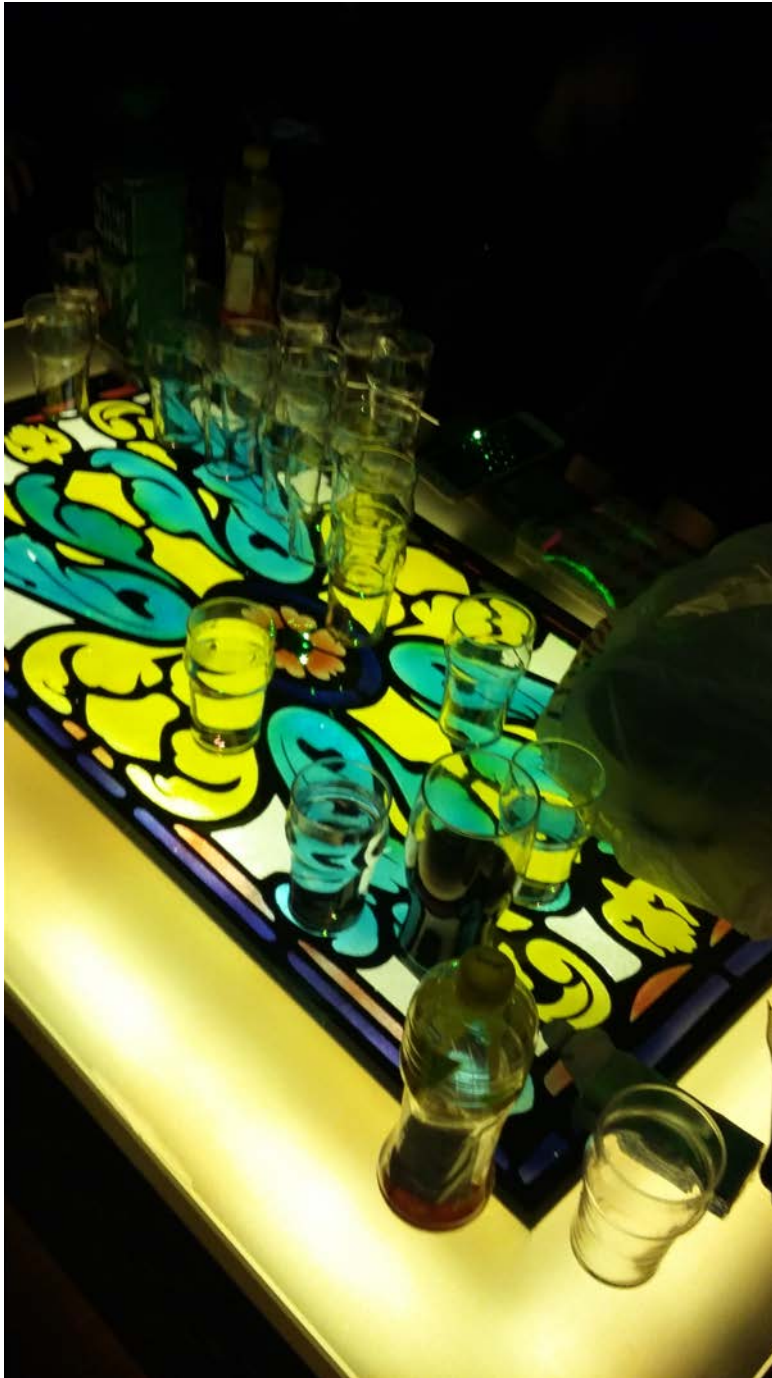


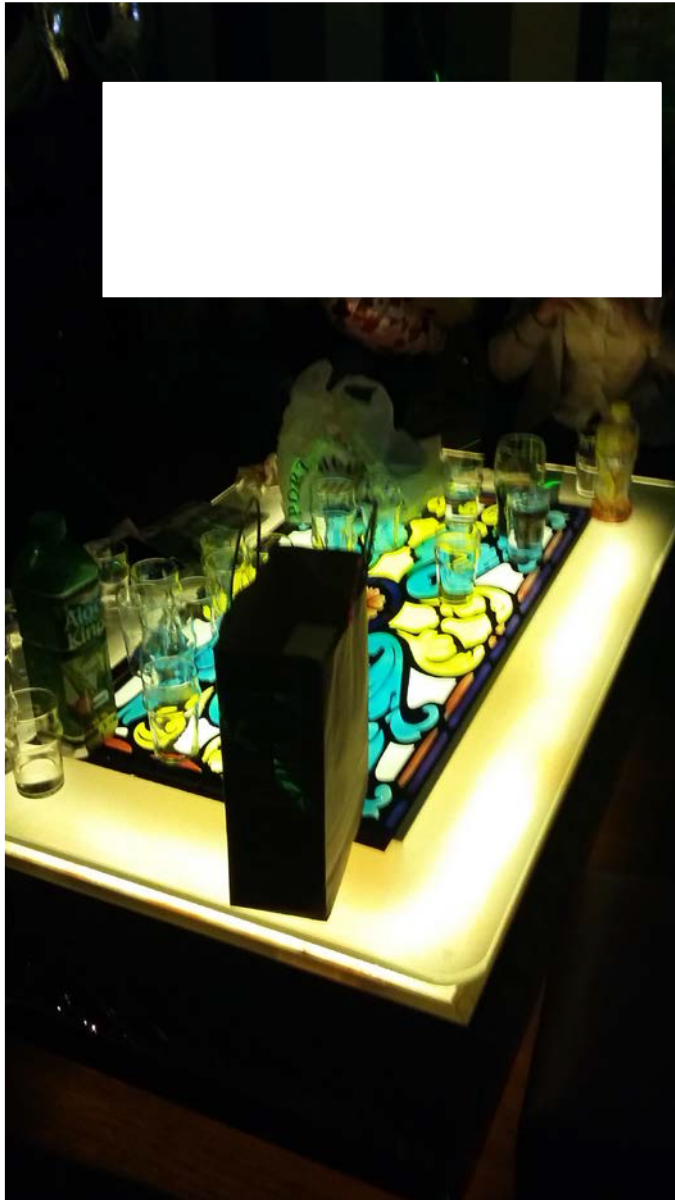
Located towards the back of the premises were 3 x private rooms signed K1,K2 & K3. Each room contained several Chinese persons male & female attending their own private function that included an 18th birthday party. Smoking was also taking place.

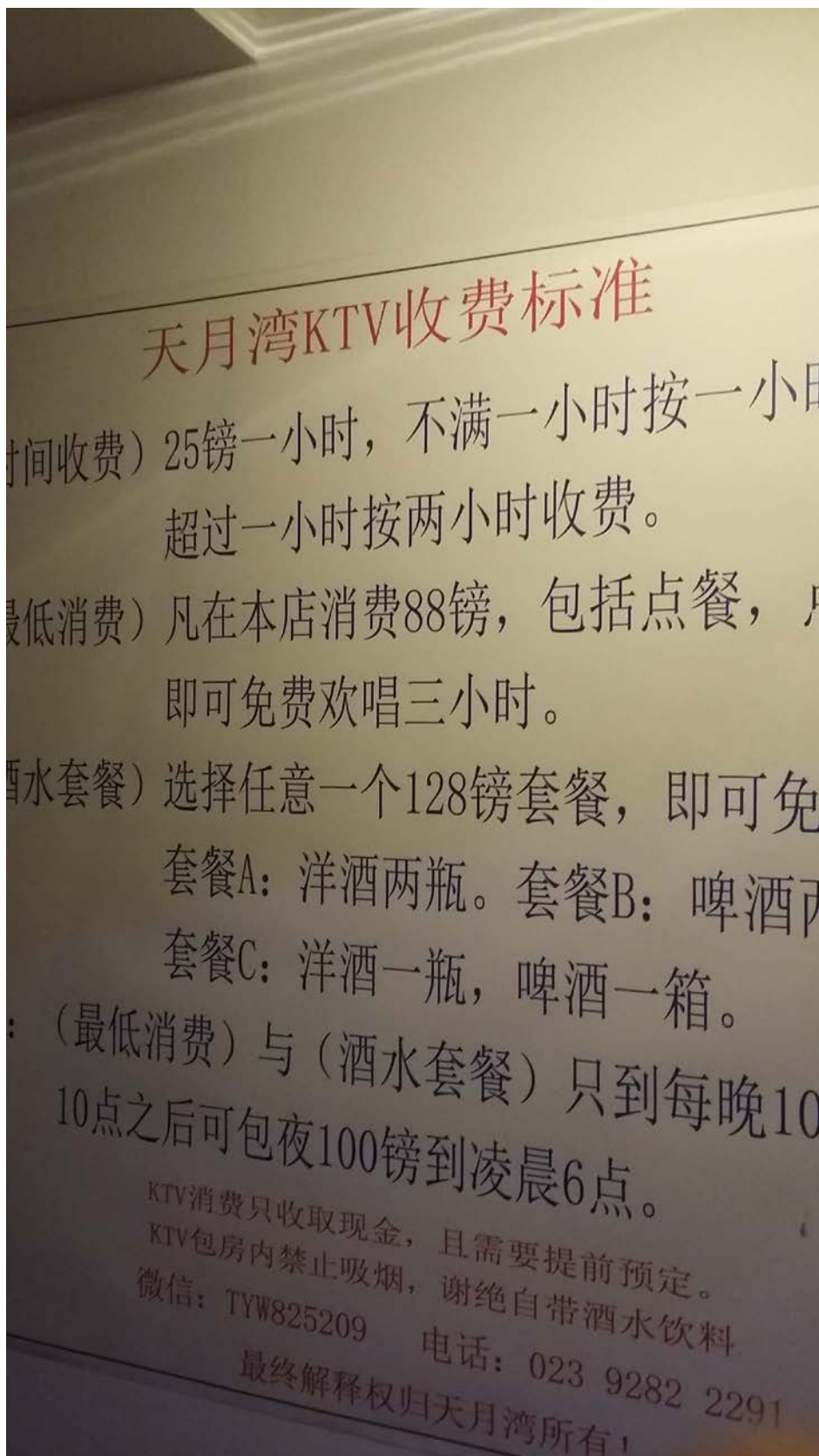


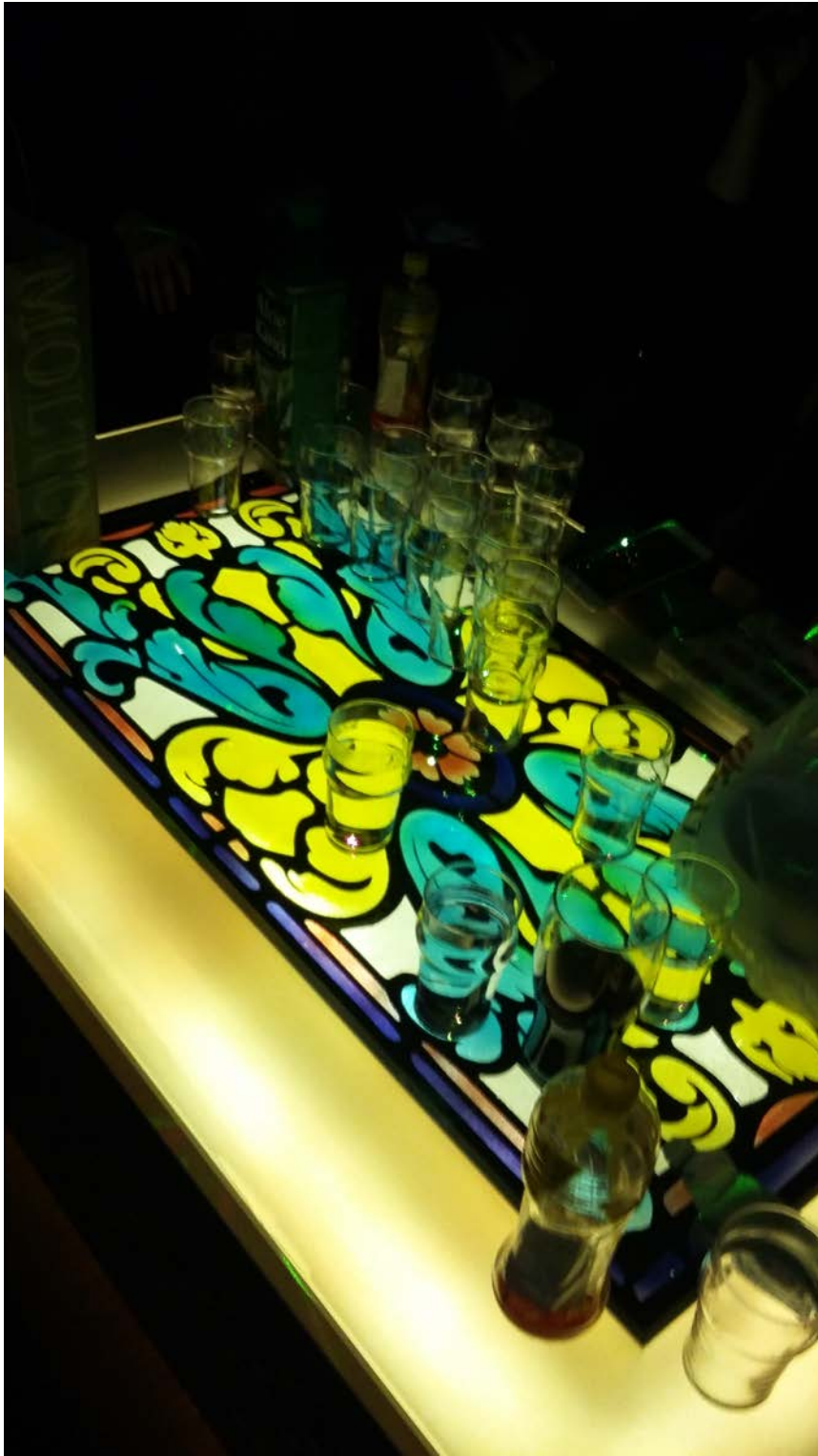
Each of the private rooms had a large flat screen television on the wall with karaoke taking place. As seen from the photo to the left there is a microphone on the table as well as Chivas Regal Whisky.

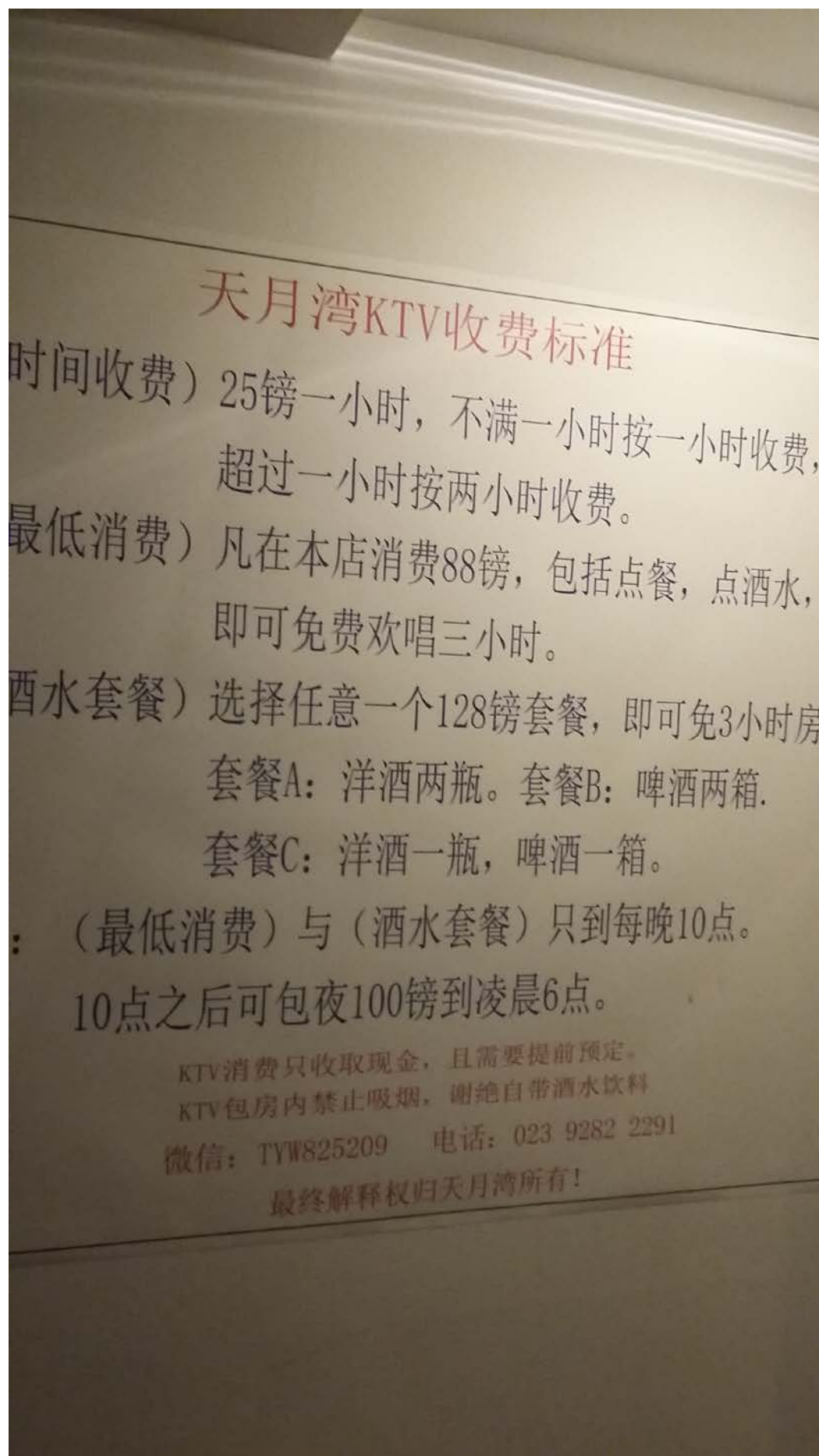
















As can be seen from the photo to the left there were several bottles of whisky on the top shelf within the small store room adjacent to room K1 that included Jack Daniels and Chiva Regal.

On the second shelf was Tiger Lager, Budweiser, Tsingtao (beer).





Kitchen

The photo to the left shows several bottles found on a stacking unit within the kitchen.

Budweiser, Tsingtao, Tiger etc.



All of the bottles were stored on a shelving unit within the kitchen area.

Heineken, Budweiser, Tiger, Sardana (Cava), Rose, Chardonnay, Cahors Malbec - red wine.







天月湾 VIP贵宾卡

VIP贵宾卡充值优惠：

10镑办卡

充值100镑送10镑，实际到账110镑。

充值300镑送40镑，实际到账340镑。

充值500镑送80镑，实际到账580镑。

充值1000镑送200镑，实际到账1200镑。

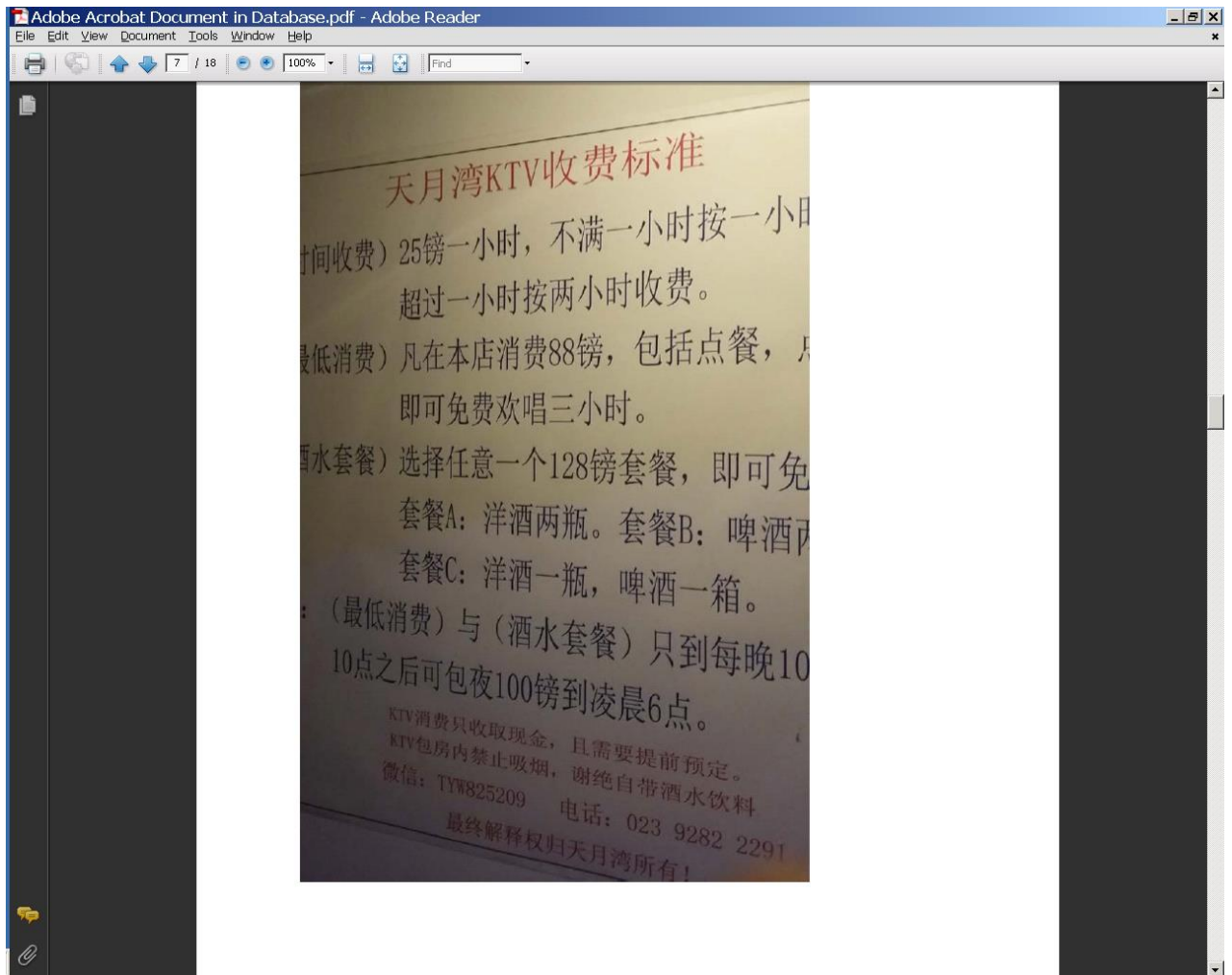
VIP贵宾卡使用说明：

- 1、此卡是您尊贵的象征，请妥善保管，丢失不补。
- 2、此卡只能本人使用，请在结账时出示此卡。
- 3、此卡在本店消费有九折优惠（KTV除外）。
- 4、此卡在本店KTV唱歌免费（每晚6点之前）。
- 5、此卡不可与店内其它优惠活动同时使用。
- 6、此卡最终解释权归天月湾所有。

微信：TYW825209

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10镑办卡



MELODY KTV PRICE LIST

(HOURLY CHARGE) £25/Hour; The full hour charge applies where the session is under an hour; in the case that the session exceeds one hour then a two-hour charge is applicable.

(MEAL + KARAOKE PACKAGE) If the bill of your meal (inclusive of food and drink) reaches £88, you can enjoy a complementary three-hour karaoke session.

(DRINK PACKAGES) Choose any of our £128 packages to enjoy a complementary three-hour karaoke session plus complementary drinks:

Package A: two bottles of wine

Package B: two crates of beer

Package C: one bottle of wine and one crate of beer

* The Meal + Karaoke Package and the Drink Packages are only available until 10pm every day. After 10pm, you have the option of carrying on your session until 6am the next day.

**OUR KTV SERVICES ARE BY APPOINTMENTS ONLY AND CASH ONLY.
SMOKING IS STRICTLY PROHIBITED, BRINGING YOUR OWN DRINKS IS NOT ALLOWED**

Find us on WeChat: TYW825209 OR call us on 023
Terms and Conditions may apply

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Premises Licence Number
15/04586/LAPREM



PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

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

Address:	Melody 229-231 Commercial Road Portsmouth PO1 4BJ	Map Ref (E) :	464350
		Map Ref (N):	100776
		UPRN:	001775016195
Telephone	9282 2291		

Where the licence is time limited the dates

This licence is **NOT** time limited

Licensable activities authorised by the licence

- ▶ Sale by retail of alcohol
- ▶ Playing of recorded music

The times the licence authorises the carrying out of licensable activities

- ▶ Sale by retail of alcohol
Monday to Sunday 10:00 until 23:00
- ▶ Playing of recorded music
Monday to Sunday 10:00 until 23:00

The opening hours of the premises

- ▶ Monday to Sunday 10:00 until 23:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Part 2

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

Name:	Mrs Wei Wei Jin	Telephone:	
Address:	Melody 229-231 Commercial Road Portsmouth PO1 4BJ	Email:	

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

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

Name: Mrs Wei Wei Jin

Address: Melody
229-231 Commercial Road
Portsmouth PO1 4BJ

Telephone:

Email:

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

Personal Licence No: 15/04378/PER

Issuing Authority: Oxford City Council

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder

Date Licence granted: 1 October 2013

Date last amended: 9 December 2015

Type: Transfer



Signed on behalf of the Head of Service
(Authorised Officer)

Portsmouth City Council is committed to complying with the Freedom of Information Act 2000 (FOIA) which applies to all recorded information that it holds or is held on its behalf. Information that is provided to or held by the City Council will be processed and disclosed strictly in accordance with the FOIA, the Data Protection Act 1998 or other appropriate legislation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information go to www.portsmouth.gov.uk and search for 'National Fraud Initiative'.

Annex 1 – Mandatory Conditions

01 No supply of alcohol may be made under the premises licence:

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

02 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

03 (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 a 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 a 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

05 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of 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 on 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 ultraviolet feature.

06 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: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(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.

07 (1) 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.

(2) For the purposes of the condition set out in paragraph 1

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

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

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --

Annex 2 – Conditions consistent with the operating schedule

01 A recording CCTV system will be installed and fully operational at all times. The recording equipment will be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system. A record will be kept of any access made to information held on the system. The system will be maintained and serviced within at least 12 monthly intervals. The system clock will be checked regularly for accuracy taking account of GMT and BST. The CCTV system will have sufficient storage capacity for 31 days evidential quality pictures. An additional recording CCTV camera shall be sited at the front of the venue to cover the area immediately outside the venue.

Access

Police and authorised Officers of Portsmouth City Council shall have access to data from the systems quickly and easily and therefore provision will be made for someone to have access to the secure area and also be able to operate the equipment and to supply footage in a format which can be easily viewed by police. and to produce images to the police within Twelve hours of a verbal request being made by Police Officers or PCSOS for the purpose of the prevention and detection of crime as long as the request is lawful and complies with the data protection Act. All operators will receive training from the installer when equipment is installed and this training will be cascaded down to new members of staff.

An operator's manual will be available to assist in replaying and exporting data (particularly important with digital systems).

The premises licence will not come into effect until the CCTV System has been approved by the Police Licensing Department responsible for the area.

The CCTV must remain satisfactory to the police licensing department responsible for the area and subject to police approval in order to remain operating under this premises licence.

02 The licence holder shall ensure that all members of staff are informed of the objectives of the Licensing Act 2003 and the statutory requirements in order to ensure compliance with all relevant provisions of the Act.

03 The licence holder must ensure that all staff selling alcohol have received adequate training, which must incorporate a process of assessment and refresher training to a recognised national standard on the law with regard to age restricted sales and that this has been properly documented and training records kept.

04 Any person appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be a Valid UK Passport; Valid UK Photo card Driving Licence or PASS approved ID.

05 Any incidences of, refusals of service, crime or antisocial behaviour will be recorded in a log book. The Police will have access to this logbook when requested.

06 Signage will be displayed at the exit of the premises requesting customers leaving the venue to do so quietly and with consideration so as not to disturb nearby residents.

07 The premises will operate a Challenge 25 Policy.

08 The maximum permitted occupancy for the premises shall not exceed 60 persons including staff.

-- END --



Portsmouth
CITY COUNCIL
Licensing

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

-- END --



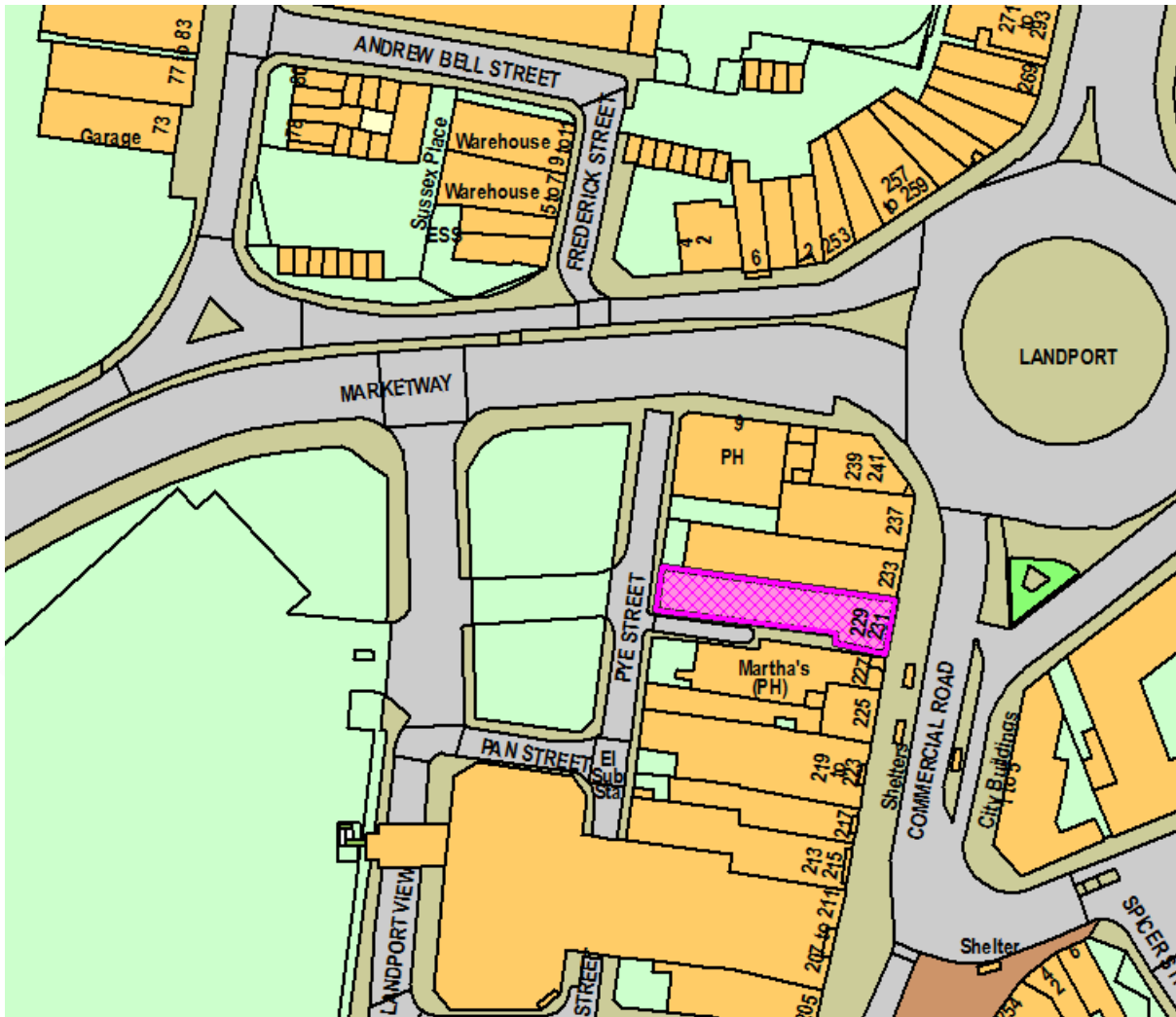
Annex 4 – Premises and location plan

Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



Location Plan: 229-231 Commercial Road Portsmouth



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. LICENCE AGREEMENT NUMBER LA100019671- PORTSMOUTH CITY COUNCIL

APPENDIX C

Licensing Sub-Committee
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

Licensing Service

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4604

Our Ref: 17/03355/LAREVI

Date: 27 July 2017

Dear Licensing Sub-Committee Members

**Licensing Act 2003 - Application for the review of a premises licence
Melody 229 - 231 Commercial Road Portsmouth PO1 4BJ**

I refer to the recent application by the Chief Officer of Police for the review of the premises licence in respect of Melody, 229-231 Commercial Road, Portsmouth, PO1 4BJ.

This premises is licensed for the following activities:

- Sale of alcohol by retail between 10:00 and 23:00 hours every day;
- Playing of recorded music between 10:00 and 23:00 hours every day;
- Opening hours between 10:00 and 23:00 hours every day.

Members should be aware that there are a number of circumstances where entertainment activities are not licensable. No licence permission is needed for the playing of recorded music between 08:00 and 23:00 hours on any day at premises that are authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500 persons.

However, if recorded music is provided after 23:00 hours then this becomes a licensable activity for which authorisation is needed.

On behalf of the Licensing Authority, I would wish to make formal representations in respect of this application on the grounds of the prevention of crime and disorder for the following reasons:

Continued/.....

1. Provision of licensable activities otherwise than in accordance with the premises licence

The Chief Officer of Police has evidenced in the application for the review of the premises licence that on 3 separate occasions (28th April, 30th April and 24th June 2017) the premises were found to be open beyond the authorised hours on the licence, providing licensable activities contrary to the terms of the licence as well as permitting smoking on the premises and sales of alcohol to persons who were drunk.

On each occasion that these breaches were witnessed, the Police spoke directly to the premises licence holder (who is also the Designated Premises Supervisor) and gave clear advice and guidance in relation to compliance with the conditions on the licence.

Additionally, a further visit was made to the premises by Police and Licensing Authority staff in May 2017 to provide guidance and documentation to enable the licence holder to operate the premises in compliance with the 2003 Act. The licence holder was again reminded of her legal obligations and that she was only able to provide licensable activities until 23:00 hours and then the premises would be required to close.

It is of concern that despite comprehensive advice and guidance being given to the licence holder she has deliberately ignored that advice and has knowingly breached the conditions of the premises licence.

Members of the Licensing Sub-Committee will be aware that it is a criminal offence under section 136 of the Licensing Act 2003 to carry on licensable activities other than in accordance with a licence or other authorisation under the 2003 Act. Currently the Licensing Service is giving consideration to the instigation of legal proceedings in relation to the above matters in addition to making representations. The fine for this offence is unlimited and can also carry a period of imprisonment for up to 6 months.

2. Provision of Irresponsible drink promotions

The review application submitted by the Police evidences that despite no authorisation being in place for the provision of licensable activities after 23:00 hours, customers were able to purchase large quantities of alcohol for a fixed price up until 22:00 hours.

It would appear from the statements of people attending the premises (and notices displayed) that despite the premises having to close at 23:00 hours, the licence holder deliberately facilitated the premises staying open to the public longer than authorisation permitted.

However, if the licence holder wishes to contend that the premises ordinarily close at 23:00 hours then I have concerns that persons can purchase large amounts of alcohol with very limited time to consume those purchases.

By virtue of the Policing and Crime Act 2009, the Government added further mandatory conditions to premises authorising the sale or supply of alcohol on the premises. From 6 April 2010, conditions relating to irresponsible drink promotions applied to licences granted under the Licensing Act 2003.

The purpose of this condition was to ensure that responsible persons took all reasonable steps to ensure that staff did not carry out, arrange or participate in any irresponsible promotion encouraging the sale or supply of alcohol for consumption on the premises where there is a significant risk that the licensing objectives will not be satisfactorily promoted.

Paragraph 10.39 of the statutory guidance states:

"Under this condition, the "responsible person" (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have ensured that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which undermines the licensing objectives".

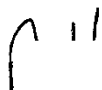
Paragraph 10.41 of the statutory guidance (large quantities of alcohol for free or a fixed price) states:

"Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This includes alcohol to be provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or "all you can drink for £10". Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption".

I have grave concerns that the licence holder has demonstrated on numerous occasions an unwillingness to comply with the conditions on the licence nor adhere to the hours of opening and closing. She has also chosen to ignore repeated advice by responsible authorities to ensure that offences are not committed.

These are very serious matters and I concur with the views of the Chief Officer of Police that the only appropriate course of action would be for the Licensing Sub-Committee to revoke the premises licence.

Yours sincerely



Nickii Humphreys
Licensing Manager

Email: licensing@portsmouthcc.gov.uk

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