



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

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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.

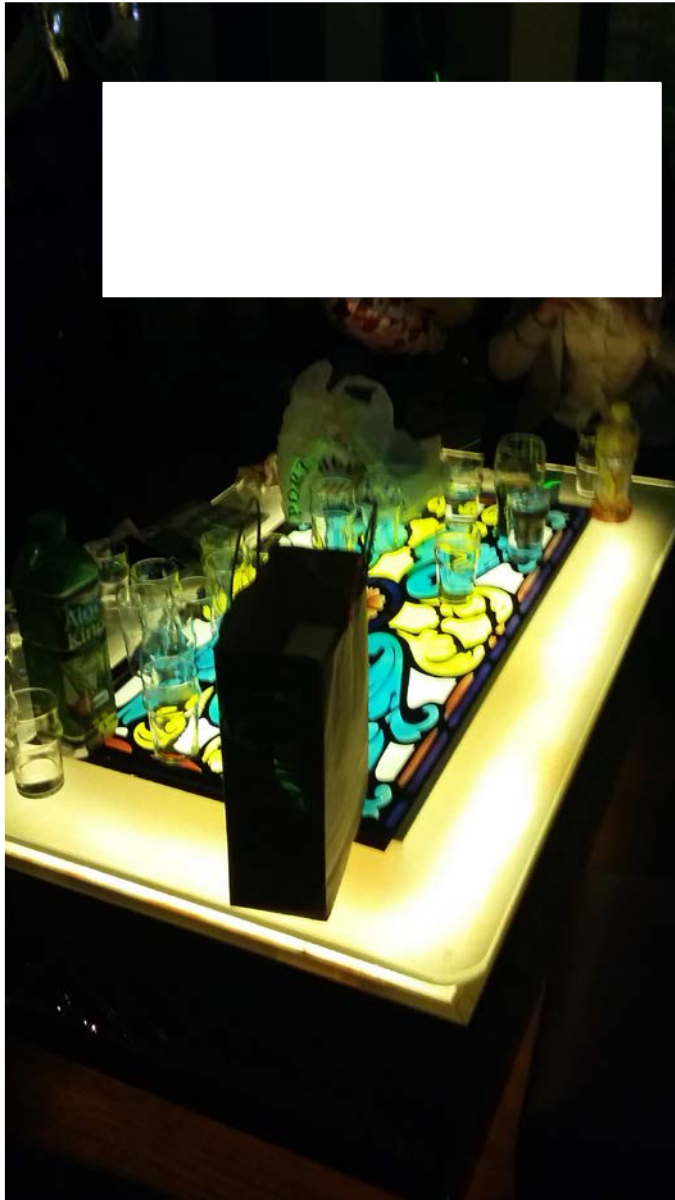
Melody, Commercial Road



Melody, Commercial Road



Melody, Commercial Road



天月湾KTV收费标准

时间收费) 25镑一小时, 不满一小时按一小时
超过一小时按两小时收费。

最低消费) 凡在本店消费88镑, 包括点餐, 只
即可免费欢唱三小时。

酒水套餐) 选择任意一个128镑套餐, 即可免
套餐A: 洋酒两瓶。套餐B: 啤酒两
套餐C: 洋酒一瓶, 啤酒一箱。

(最低消费) 与 (酒水套餐) 只到每晚10
10点之后可包夜100镑到凌晨6点。

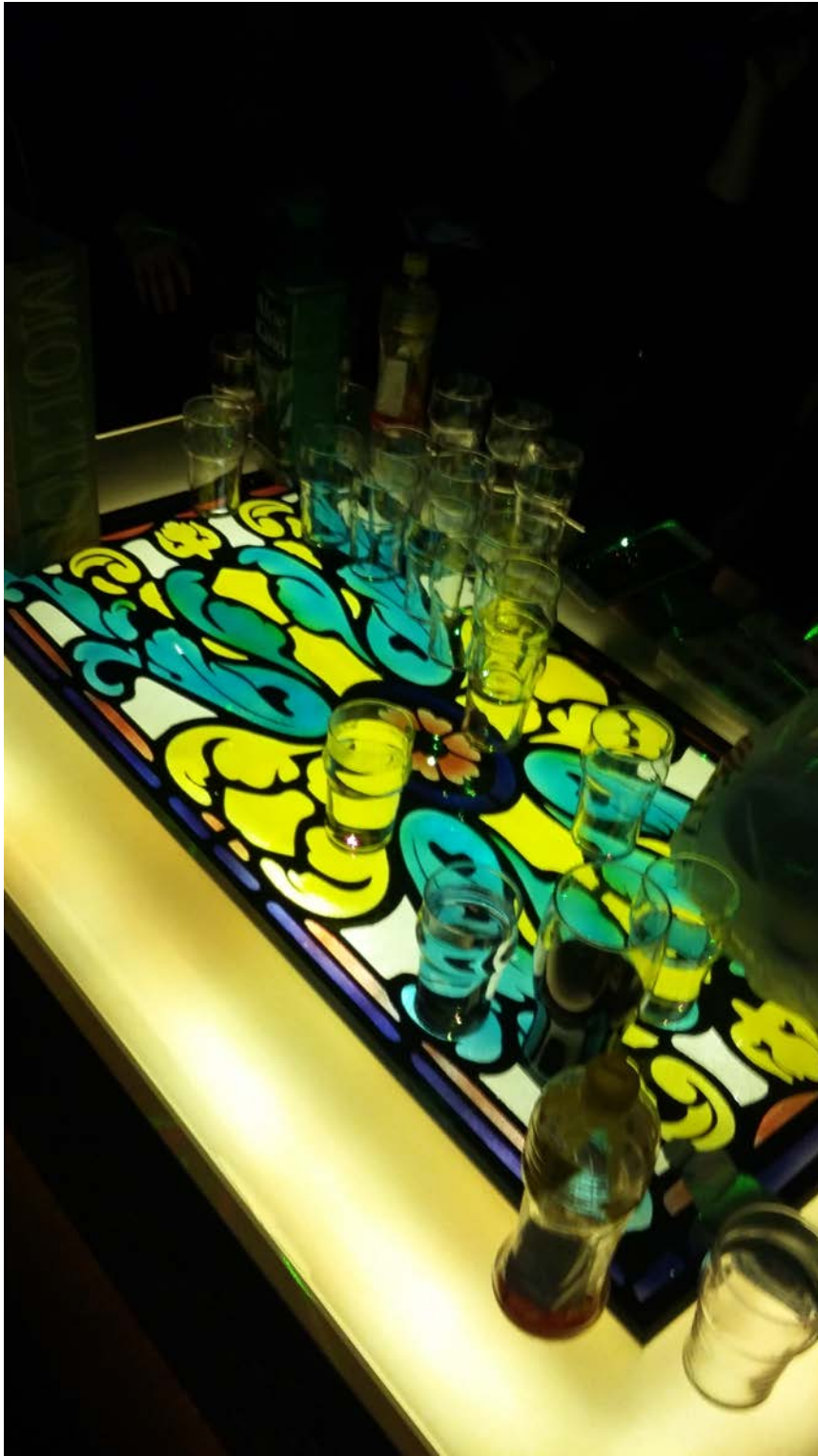
KTV消费只收取现金, 且需要提前预定。

KTV包房内禁止吸烟, 谢绝自带酒水饮料

微信: TYW825209 电话: 023 9282 2291

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Melody, Commercial Road



天月湾KTV收费标准

时间收费) 25镑一小时, 不满一小时按一小时收费, 超过一小时按两小时收费。

最低消费) 凡在本店消费88镑, 包括点餐, 点酒水, 即可免费欢唱三小时。

酒水套餐) 选择任意一个128镑套餐, 即可免3小时房

套餐A: 洋酒两瓶。套餐B: 啤酒两箱。

套餐C: 洋酒一瓶, 啤酒一箱。

: (最低消费) 与 (酒水套餐) 只到每晚10点。

10点之后可包夜100镑到凌晨6点。

KTV消费只收取现金, 且需要提前预定。

KTV包房内禁止吸烟, 谢绝自带酒水饮料

微信: TYW825209 电话: 023 9282 2291

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Melody, Commercial Road





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).

Melody, Commercial Road





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.

Melody, Commercial Road



Melody, Commercial Road



Melody, Commercial Road



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。

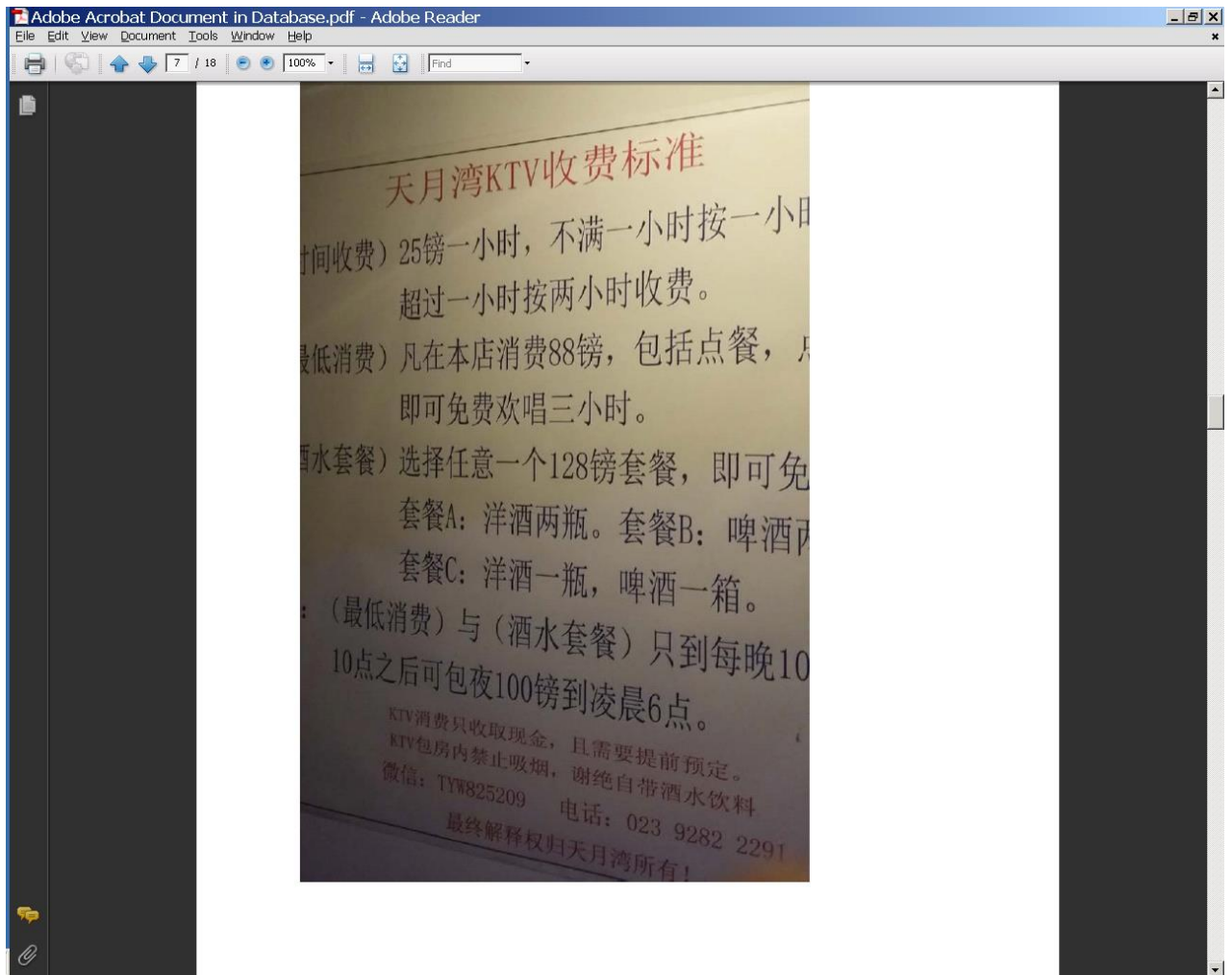
VIP贵宾卡使用说明:

- 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

电话: 023 9282 2291

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**