



# Hampshire Constabulary

Chief Constable Andy Marsh

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**Our ref:** 44080220878

**Your ref:**

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## **Police Representations: Premises License Application for Twins Chinese Restaurant**

Dear Sir / Madam

I am writing this letter on behalf of the Chief Officer of Police to formally lodge a representation with regards to the issuing of a premises license to Twins Chinese Restaurant 255 Albert Road Southsea.

Our representation is that we are concerned that the operator / management of the premises will not be upholding the licensing objectives particularly with regards to the prevention of crime and disorder. We have concerns both about the owners and the DPS for the following reasons:

1 - We are concerned that the venue has already and will continue to operate outside of the Licensing Act.

2 - We do not believe Yurong XU to be a suitable DPS

3 - We believe the company that has applied for this license is complicit in operating outside of the act.

The following is a summary of our recent dealings with TWINS which includes the pending prosecution of the potential DPS and outlines why we have the above concerns:



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This application has been made because the previous premises license has lapsed. The premises operated for approximately 14 months without a license until this was picked up following a police visit.

The police visit was made by two officers who were following up intelligence that the 1<sup>st</sup> floor was being used for alcohol sales and karaoke (regulated entertainment) and that this was completely unlicensed. 3 karaoke rooms were observed on the first floor although they were not being used at the time of the visit and a warning was issued to the licensee Yurong XU with regards to using this room for licensable activity. This was documented by PC 21945 Rackham and PS 1079 Charge.

Following this visit it was discovered that the previous premises license holder (a business) had been liquidated and therefore the premises license had lapsed. Mr XU was spoken to as DPS and as the person who is the manager of the premises as well as a representative of the ownership and was interviewed re carrying out unlicensed activity. He fully admitted this offence, claiming it was an administrative error and was issued was given a community resolution, or warning for this offence.

At the time of this interview in the presence of Mr XU's solicitor he was spoken to reference the upstairs rooms. There were still concerns that the rooms on the 1<sup>st</sup> floor were being used for unlicensed activity and both Mr XU's solicitor and PC 3554 Moss explained to him that under no circumstances should these rooms be used for any licensable activity. This can be documented by PC 3554 Moss.

At the time of the meeting a number of conditions were provisionally agreed with Mr XU should the premises license be granted. I have attached appendix A which contains the list of representations that we had agreed at that stage. A number of temporary event notices were submitted by Mr XU so that the restaurant could carry on trading whilst the application was going through.

Since this interview which was in the 1st week of March we were concerned that the unlicensed activity was still taking place due to information we were receiving. At 0045 hrs on Sunday 30<sup>th</sup> March I attended TWINS and found the premises locked with people inside. On checking the rear I could hear music and believed at this point that licensable activity was taking place. I was aware that the premises had a TEN in place however this was for late night refreshment only, and also only for the ground floor.

I went back to the front of the premises and could clearly see people moving about inside. The persons inside made no effort to come to the door to allow me access. I called for further help and since I was happy with the circumstances I took the decision to force entry. We struggled with the door and eventually we were forced to smash the main window of the door to gain entry.



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One inside we found 3 persons down stairs who appeared to be trying to delete things from a computer inside the premises. They were secured down stairs. Upstairs all 3 karaoke rooms were full of people and although there was an awful lot of iced tea around there was no sign of any alcohol. The persons on site all admitted being involved in Karaoke.

On checking the upstairs further a loft room was located and several bottles of Chivas Regal that had been collected in black bin liners were located. It appeared that these had been hidden in a hurry and it was clear that all of the bottles had recently had alcohol within. None of the persons we located would tell me where I could find Mr XU or any staff. All claimed to be customers only. All persons on site details were taken.

After further checking the Mr XU was eventually located hiding in the toilet. We would have been on site for approximately an hour at this point, during which time the Mr XU had made no attempt to come out whatsoever. Mr XU was arrested and street bailed and the following Wednesday was interviewed under caution at Portsmouth Central Police Station. Mr XU admitted breaching the licensing act by providing regulated entertainment, and denied supplying alcohol.

Our representations stem from the above summary. Mr XU has definitely provided regulated entertainment and will be sent to court for this offence. This decision has been made due to the flagrant disregard for the advice that I have given him and other officers have given him. He claimed in interview that he did this through a lack of understanding. This simply does not hold any weight as had been told twice by the police and at least once by his solicitor that he should not operate the rooms upstairs.

Mr XU must have known that the police were present on the night of our check on the premises as we were there for at least 90 minutes before we located him in a toilet. It is inconceivable that he could have spent that long on the toilet and not come out to see what was happening in his restaurant. I am concerned that his customers were complicit in what was going on as all of the alcohol was in my opinion hidden in the 20 or so minutes it took us to gain access.

I have grave concerns that both Mr XU and the company who have applied for the license will continue to operate the rooms. The technology I saw in those rooms all looked new and I have no doubt that the rooms are a lucrative enterprise.

Should the committee grant a license I have also submitted appendix B which I request the committee consider as conditions for the premises license to try and ensure that the licensing objectives are complied with.



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Yours faithfully,

PC 3554 Matt Moss  
Portsmouth Violent Crime Reduction and Licensing team.



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## **Appendix A - Original Agreed Premises License Conditions for TWINS 255 Albert Road**

1. 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.
2. 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 an recognised national standard on the law with regard to age restricted sales and that this has been properly documented and training records kept.
3. 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 Photocard Driving Licence or PASS approved ID.
4. Any incidences of, refusals of service, crime or anti-social behaviour will be recorded in a log book. The Police will have access to this logbook when requested.
5. Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
6. Any sales of alcohol will be made using table service. Sales of alcohol will not be made directly from the bar,



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## **Appendix B - Proposed Premises License Conditions for TWINS 255 Albert Road**

1. 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.
2. 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 an recognised national standard on the law with regard to age restricted sales and that this has been properly documented and training records kept.
3. 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 Photocard Driving Licence or PASS approved ID.
4. Any incidences of, refusals of service, crime or anti-social behaviour will be recorded in a log book. The Police will have access to this logbook when requested.
5. Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
6. Any sales of alcohol will be made using table service. Sales of alcohol will not be made directly from the bar.
7. Sales of alcohol will only be made to customers who are also partaking in a meal at the premises.
8. A record of all members of staff on duty at the premises who are involved in any aspect of the licensing act must be kept. A copy of this record which will extend to a minimum of 2 previous must be kept on the premises and be available for inspection at any point.
9. The DPS (or in his / her absence a representative) must have their full contact details available on site. This does not have to be on display to the public but must be readily accessible. This must include a residential address and a contact telephone number.
10. 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.



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The system will be maintained and serviced at least once every 12 months  
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.

There will be coverage of the main entrance to the premises.

## 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.

The venue shall provide Police with a copy of CCTV within six hours of a verbal request being made by Police Officers or PCSOS.

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 police and subject to police approval in order to remain operating under this premises licence.