

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 17 NOVEMBER 2021 AT 12:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 52

4 LICENSING ACT 2003 PREMISES LICENCE – REVIEW LUCKY FOOD AND WINE, 58 JEROME ROAD, SUTTON COLDFIELD, B72 1SR

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 12:00pm.

5 OTHER URGENT BUSINESS

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 17th November 2021
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR
Ward affected:	Sutton Trinity
Contact Officer:	Shaid Yasser, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 22nd September 2021 from West Midlands Police in respect of Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR.

4. Compliance Issues:**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

West Midlands Police applied on 22nd September 2021 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR.

Representations have been received from Trading Standards and Birmingham City Council Licensing Enforcement, as responsible authorities, which are attached at Appendices 1 & 2 respectively.

Representations have been received in support of the premises licence holder from other persons, which are attached at Appendices 3 – 7.

Review application is attached. See Appendix 8.

The Premises Licence is attached at Appendix 9.

Site location plans are attached at Appendix 10.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Copy of the representations as detailed in Appendices 1 – 7
Review Application Form, Appendix 8
Copy of Premises Licence, Appendix 9
Site location plans, Appendix 10

7. Options available

Modify the conditions of Licence
Exclude a Licensable activity from the scope of the Licence
Remove the Designated Premises Supervisor
Suspend the Licence for a period not exceeding 3 months
Revoke the Licence
No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

From: Paul Ellson

Sent: 28 September 2021 15:40

To: Licensing

Subject: Representation on behalf Trading Standards- Responsible Authority- Officer Submission

I wish to submit the following representation against Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield.

On 16/3/20 Trading Standards received a complaint from a consumer stating that her 15year old daughter had been served Echo Falls wine and had become drunk and the premises was well known for selling alcohol to minors in the local area. The trader/licence holder Mr Sanmuganathan Rusikumar was sent a warning letter by an officer and on the 6/5/20 he telephoned the officer and told her that he had a Refusal Log , till prompt and blamed adults for purchasing alcohol for minors then resupplying to the minors. Highly unlikely as the premises is a small local shop in a residential area.

On 2/11/20 Trading Standards received a complaint from West Midlands Police that allegations had been made that the premises was not checking ID before selling alcohol to minors all they were doing were asking there age and if they said they were over 18years old they would sell the alcohol requested .Just asking the age is not sufficient to ensure compliance with the Licencing Act. The premises was visited as on the 11/12/20 by an officer and a relative / employee of the licence holder a Mr Subisha was spoken to about the matter and advised . He again blamed adults for purchasing the alcohol and then resupplying it to minors outside the premises. The Refusal log was checked by the officer and it was noted that it had last been filled in September 2020, no challenges since that date.

On the 13/5/21 Trading Standards received a complaint from West Midlands Police that allegations had been received that 'THROWDOWNS' a Category 1 firework were been supplied to children aged 7 to 9 years old. These products are age restricted and can only be sold to persons over 16years old , as each paper cartridge holds a small amount of explosive mixture detonated by friction contact . The premises were visited by me on the 26/5/21 when the licence holder stated he was unaware of the age restriction on such products though it is actually printed on the packaging . He was given guidance notes on fireworks and on underage sales in general which cover alcohol sales and again told to use the Refusal log.

On 9/6/21 Trading Standards received a complaint from a consumer that his 15year old daughter had been sold vodka from the premises and ended up in hospital , she had purchased the vodka using a credit card . The correct Id checks could not have been done in this case. This complaint was then followed up by information from West Midlands Police a PC Emily Bird about the same matter .

On 30/7/20 Trading Standards received another complaint from a consumer that her 15 year old son had been sold alcohol and vaping products (sales age restricted to 18 years and over). A joint visit with Police Officers had been arranged following the previous complaint (9/6/21), this was arranged to be done on the 16/ 8/21 so it was decided that this matter should be discussed at that the same time.

On 16/8/21 Trading Standards(myself) and officers from West Midlands Police visited the premises . The licence holder was at the premises when the officers arrived. The situation was explained to him which he appeared to ignore and blamed adults resupplying the alcohol to the child, the usual excuse. When it was pointed out that it was a credit card sale he still refused to accept the fact . He stated that no other persons worked in the shop, and it later transpired that at least two other individuals both family members also serve in the premises. Therefore a lie. He stated that he regularly challenges many people but just does not have time to put it in the Refusals log . We were there at least 45 minutes and only 4 people attended the premises. This is a small local shop with limited stock, most appears to be alcohol. When the Refusal log was checked there had only been three challenges done since 9/6/21 , none of which was done by him the licence holder. It must be noted that even after this visit ,the Refusal log had not been updated at all by the 10th September 2021 when West Midlands Police Licencing attended the premises .

Though he was given a full guidance pack and all the relevant information yet again he treated the officers utter contempt and his reaction was lamentable at best and shocking at worst . He showed that he had little understanding of the law despite having several visits and letters or choose to ignore it and them, and appeared to exercise a complete lack of control over the licenced premises. This litany of complaints against one trader in a short time is very rare indeed in my 30 years of experience .It is my belief that Mr Sunmuganathan Rusikumar has breached and continues to breach all four licencing objectives 1)prevention of crime and disorder , 2) public safety 3) prevention of public nuisance and 4) protection of children from harm and presents a clear and present danger to public by selling alcohol to persons under 18years old and ignoring all the constraints and concerns of the Authorities .

Paul Ellson
Enforcement Officer
Birmingham Trading Standards
P O Box 16586
Birmingham
B33 3EH

Birmingham City Council Licensing Service
Representation as a responsible authority in respect of Premises Licence No. 4033
under the Licensing Act in respect of premises known as
Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR

Introduction

West Midlands Police have requested a review of the Premises Licence in respect of Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR. Grounds for review relate to the following licensing objectives:-

The Prevention of Crime and Disorder, Public Safety and Protection of Children from Harm.

Birmingham City Council Licensing Enforcement wish to support this review.

The current Premises Licence allows the following licensable activities:-

Sale of alcohol by retail (off the premises)			
to take place between			
Monday – Sunday	06:00	-	22:00
Opening hours of the premises			
Monday – Sunday	06:00	-	22:00

Background

On 7th June 2021 a complaint was received by the Licensing Service from a member of the public stating that on 29th May 2021, their daughter (age 15 years) had been able to purchase a bottle of vodka on 3 separate occasions from Lucky Food and Wine. This had come to light when the parent had checked their daughter's bank statement.

As a result of this complaint, on the 9th June 2021 a Licensing Act inspection was carried out at the premises of Lucky Food and Wine. The Licence holder and Designated Premises Supervisor, Mr Sanmuganathan Rusikumar was on site at the time of the inspection.

As part of the Premises Licence Conditions, Condition 2b) Conditions Consistent with and to promote the prevention of crime and disorder, it states that CCTV shall be retained for a period of 31 consecutive days.

This condition was not being complied with. A Trader Notice no. 26695 was issued to Mr Rusikumar informing him that he was in breach of this condition of licence and he was given 7 days to rectify the non-compliance.

A revisit to the premises was carried out on 2nd August 2021 in order to assess compliance with conditions of licence in respect of CCTV. Mr Rusikumar was on site during the inspection. CCTV was examined and still found not to be recording for 31 consecutive days (only 28 days). A further Trader Notice no. 26761 was issued to Mr Rusikumar, informing him that he would be invited to attend a formal interview in accordance with the Police and Criminal Evidence Act 1984 (PACE) as it was alleged that offences were being committed in respect of non-compliance with conditions of licence.

On Tuesday 7th September 2021 Mr Sanmuganathan Rusikumar was interviewed under caution in respect of alleged offences for breaching conditions of licence.

Licensing Enforcement Team Recommendations to the Licensing Committee

In light of the above, it was the intention of Licensing Enforcement to pursue legal proceedings against Mr Rusikumar for breaching conditions of his premises licence. There was nearly 2 months between the first inspection and the follow up inspection which was still non-compliant. Licensing Enforcement have no confidence in Mr Rusikumar upholding the licensing objectives. On 23rd September 2021 West Midlands Police requested for the Premises Licence for Lucky Food and Wine to be reviewed. As a Licensing Authority Birmingham City Council must carry out its licensing functions with a view to promoting the licensing objectives contained in the Act. The Act is clearly intended to prevent crime and disorder in relation to premises, as well as deter and prevent unscrupulous persons from operating illegally under the authorisation of a premises licence.

Birmingham City Council Licensing Enforcement support West Midlands Police in their representations to review the Premises Licence.

From:
Sent: 20 October 2021 10:00
To: Licensing <licensing@birmingham.gov.uk>
Subject: Character reference

To whom it may concern

I live locally to lucky food and wine shop in Sutton Coldfield and have seen the notice on the door
I like to give a good character reference towards him

I've seen on many of occasions him and his wife checking ID on people trying to buy alcohol and cigarettes
The shop is his home and I don't think he would jeopardise the fact on selling to under age people
He stayed open through lockdown and remind positive with percausions in place

Him and his wife are very upset about what's happened due to not knowing where its come from
I would like to see the shop remaind how it is because they are doing a great job

Kind regards

From:
Sent: 20 October 2021 18:45
To: Licensing
Subject: Lucky Food & Wine, 58, Jerome Road, B72 1SR.

Dear Sir/Madam,

I am a resident of the New Hall Valley and would like to give my full support to the family who run our local store - "Lucky", situated on Jerome Road.

This friendly store was a goldmine to local people during the lockdown. It's extremely well run. I continue to walk there almost daily to do my shopping.

The manager & his wife are extremely strict about the purchase of alcohol and not only refuse to serve those who are underage, but would also refuse customers who behave rudely.

I'd be extremely upset if this lovely little store was adversely affected in any way by complaints that are unjustified, inaccurate & unkind.

I'd vouch for the high standard of service, reasonable prices & friendliness of the "Lucky" team any day. They are a family of high principles & would most certainly not sell alcohol to anyone underage!

Yours sincerely,

Resident of New Hall Valley.

From:
Sent: 20 October 2021 19:47
To: Licensing
Subject: Lucky Food and Wine Licence Review.

To whom it may concern,

I am writing this email in regards to the investigation into the licence of Lucky Foods and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR.

I live a few doors up from this shop and I can only say pleasant things about the owner of the licence. He is an asset to the area, works hard to provide for his family and his professionalism is top notch.

I have never seen or heard of the shop keeper selling any alcohol to anyone under the age of 18, I mean I am 30 years old and my first visit to the shop for a bottle of wine 3 years ago I was asked for identification.

In this area, on our roads we don't suffer with anti social behaviour as much as other areas as our area is pretty quite.

The family that run the shop are very supporting of the community often allowing people whom are running low on pay day pay them back for little items such as bread and milk when they get paid.

I have seen the owners give food to the homeless men that scout the area and offer a listening ear. I have also witnessed the family deliver items to those who are shielding from covid.

In such hard time it would be a great shame for the family to suffer any consequences from the accusations made against them.

Kind Regards

Neighbour at Ebrook Road, B72

From:
Sent: 21 October 2021 00:11
To: Licensing
Subject: Lucky Food & Wine

To Whom it may concern,

I have been going to Lucky Food & Wine for around a year now and have just heard that there is an ongoing investigation into their licensing for selling to underage. The owner's of Lucky Food & Wine have ID'd me multiple times despite being a local and going several times a week (I'm 19 years old) I buy tobacco products and rolling papers etc which I always get ID'd for.

I have witnessed all of the owners IDing others. My family and all the locals are shocked at this, Lucky Food & Wine and all the staff are brilliant and as far as my experience goes they are very careful when selling 18+ products.

My boyfriend has also stated that school children and teenagers loiter outside of the shop asking adults to go in and buy something while they wait outside. This is a serious issue; adults need to be more informed and children should be monitored in some shape or form to prevent this from happening in future.

It would be extremely sad to see the shop close down after going for so long and seeing that everything is done correctly (even though it was annoying when I forgot my provisional at home)

Thank you for taking the time to read this

From:

Sent: 21 October 2021 19:24

To: Licensing

Subject: Ref: Lucky Food & Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR

Dear Sir/Madam,

Ref: Lucky Food & Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR

I'm just emailing you regarding the review of licencing with the above shop. We local residents are very concerned that they may have their license removed, which will almost certainly result in the shop closing. We live just by the shop and would like to tell you that the current owners have been and continue to be, very good for the local community. Both for the many local elderly people, who aren't mobile enough to get to larger shops and for the rest of the local community (especially during lockdowns) they were/are a lifeline. We actually shop in "Lucky Food & Wine" daily and have never seen them selling any alcohol to underage children, indeed I have personally witnessed them refuse to serve people who come in with no age verification.

I must also mention that since the current owners have taken over, there have been no gangs of teenagers or trouble outside the shop, which is certainly an improvement!

If you would like to discuss any of the above points, please feel free to contact me either by return mail, or by the contact number below.

I look forward to hearing from you in due course.

Kind Regards

Birmingham City Council, PO Box 17013, Birmingham, B6 9ES

**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 in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I The Chief Constable of West Midlands Police

(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

58 Jerome Road, Sutton Coldfield.

Post town – Birmingham

Post code (if known) B72 1SR

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

Mr Sanmuganathan Rusikumar

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

4033

Part 2 – Applicant details

I am

Please tick ✓ 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)

☒

3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Constable of West Midlands Police Birmingham Licensing Section West Midlands Police HQ Lloyd House Birmingham B4 6NQ
Telephone number (if any)
E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

- ☒ x
☒ x
☐
☒ x

Please state the ground(s) for review (please read guidance note 2)

Premises not promoting the licensing objectives of the prevention of crime & disorder, the protection of children from harm and public safety.

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

The premises is a convenience store that is situated within a very residential area and within 5 minutes' walk of Plantsbrook Secondary School.

The shop benefits from a premises licence which allows it serve alcohol from 06.00 to 22.00 7 days a week.

The premises licence holder (PLH) is Sanmuganathan Rusikumar who is also the Designated Premises Supervisor (DPS) at the shop.

On 20th August 2021 I was emailed by PC 24582 Emily Bird who is a neighbourhood officer for the area where this premises is located.

She informed me that she have received and email from a concerned parent stating that his 15 year old daughter had been sold alcohol (vodka) at Lucky Food and Wine Store 58 Jerome Road in Sutton Coldfield.

PC Bird stated that the child had ended up in hospital after drinking the alcohol, due to the amount of alcohol she had consumed.

Attached to this email was a screen shot of the child's bank account showing 3 purchases from the store – all of which she states were for vodka.

PC Bird explained that after she had received the original email from the parent she visited the premises on 16th August 21 together with Trading Standards Officer - Paul Ellson.

Prior to the visit PC Bird states that Paul Ellson had informed her that Trading Standards had received another complaint from another parent of a different child 2 weeks earlier about the premises selling their child alcohol.

At this visit PC Bird explained that there were breaches of the premises licence identified being the refusal register not up to date and issues with the CCTV.

On Friday 10th September as a result of PC Bird's email I attended the premises and spoke with Sanmuganathan Rusikumar.
I checked the licence conditions, the refusals log had been updated since PC Bird's visit and I viewed the CCTV which was compliant with the licence.

Have you made an application for review relating to the premises before

Please tick ✓ yes
☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

Please tick ✓ yes

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

22/09/2021

Capacity

Supr off

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

**Birmingham Licensing Section
West Midlands Police HQ
Lloyd House
B4 6NQ**

Post town

Birmingham

Post Code

B4 6NQ

Telephone number (if any)

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

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.

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

4033 / 3

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Lucky Food and Wine 58 Jerome Road	
Post town: Sutton Coldfield	Post Code: B72 1SR
Telephone Number: Not Specified	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence M2 Sale of alcohol by retail (off the premises)
--

The times the licence authorises the carrying out of licensable activities Monday - Sunday 06:00 - 22:00 M2

The opening hours of the premises Monday - Sunday 06:00 - 22:00
--

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Sanmuganathan Rusikumar	
Post town:	Post Code:
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Sanmuganathan Rusikumar	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number LN/000009476/1016/1	Issuing Authority HARROW LONDON BOROUGH COUNCIL

Dated 01/03/2017

David Kennedy
Principal Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

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 personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

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. 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. 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.

(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) In this condition:— (a) “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 amount 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; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price 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, 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.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

2b) Conditions consistent with, and to promote the prevention of crime and disorder

An internal and external digital CCTV system with recording equipment shall be installed and maintained at the premises and operated with cameras in positions agreed with the Police all recordings used in conjunction with CCTV shall:

be evidential quality in all lighting conditions

indicate the correct time and date

Be retained for a period of 31 consecutive days

A member of staff who has been trained to use the CCTV system must be on the premises at all times licensable activities are authorised, as the recorded images must be made available for inspection and downloading immediately upon request to officers of responsible authorities.

All downloaded images must be provided in a format that is viewable without the need for specialist equipment and/or software.

A bound and sequentially paginated refusals book shall be kept at the premises to record all instances where admission or service is refused. Such records shall show:

The basis for the refusal

The person making the decision to refuse

The date and time of refusal

Such records shall be retained at the premises for at least 12 months, and shall be made available for inspection and copying by the police, or other officer of a Responsible Authority, immediately upon request.

2c) Conditions consistent with, and to promote, public safety

No enforceable conditions identified from operating schedule.

2d) Conditions consistent with, and to promote the prevention of public nuisance

No enforceable conditions identified from operating schedule.

2e) Conditions consistent with, and to promote the protection of children from harm

The Premises Licence Holder shall ensure that prominent notices are displayed informing the customers of the challenge 25 policy.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Conditions as stated below under the appropriate licensing objective.

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

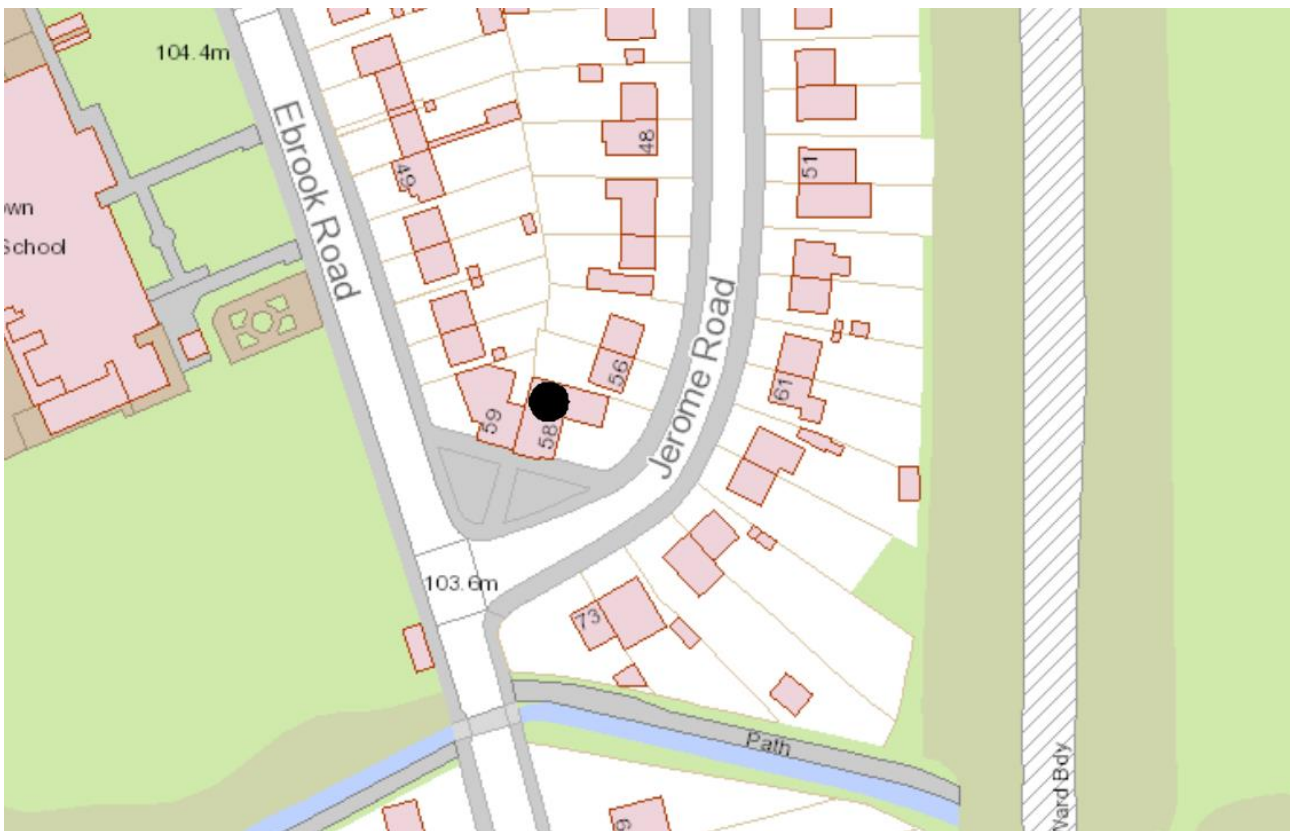
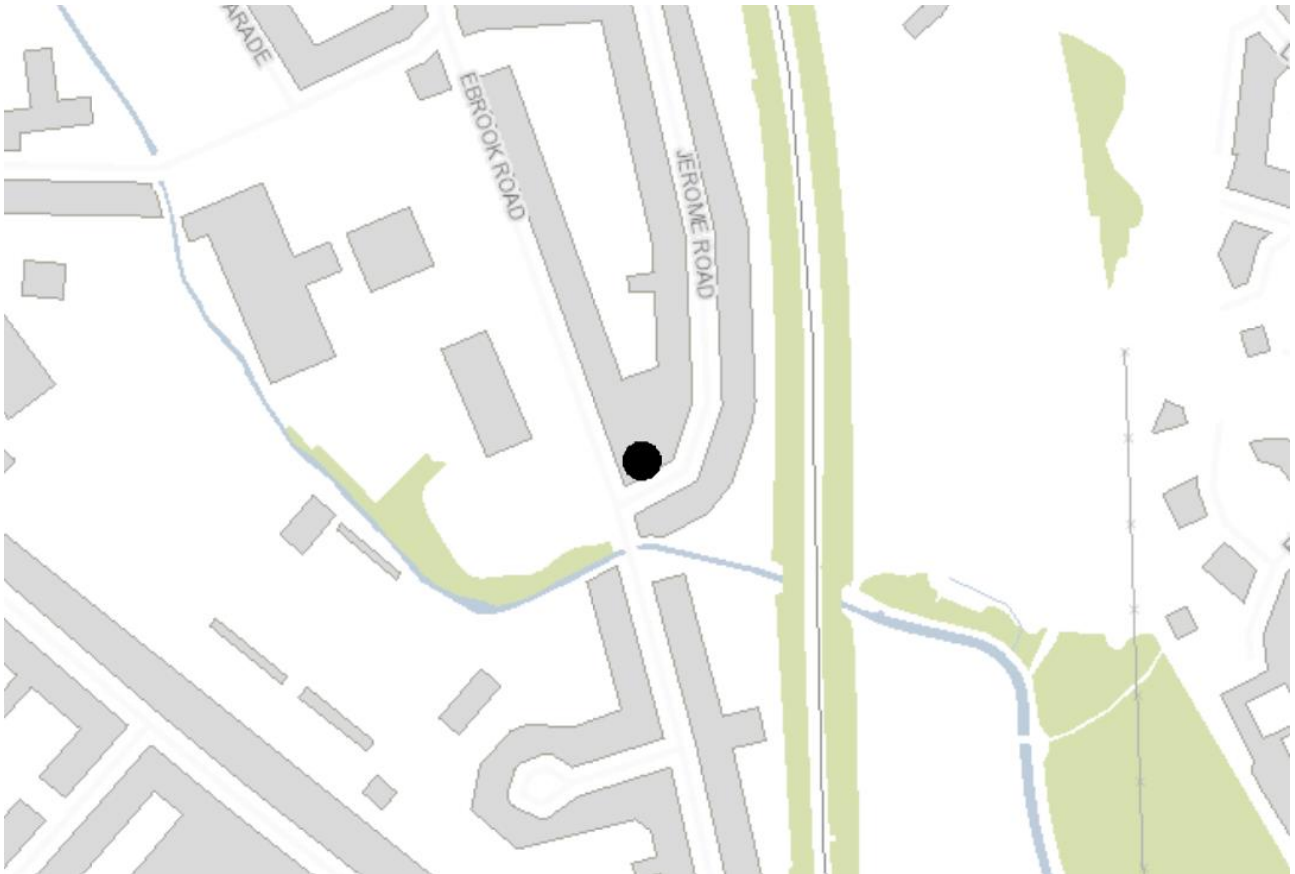
No deliveries to the side entrance before 1000 hours.

3e) Committee conditions to promote the protection of children from harm

The Premises shall adopt a Challenge 25 Policy.

Annex 4 – Plans

The plan of the premises with reference number **100347-4033/3** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



Please record all refusals on the register below

Refusals Register

No.	Date	Product	Time	Name of person or description	Observations	Staff member
09	06/01/21	Cheating	15:46	BLOND GILL	NO ID	S. DUNSI
	12/01/2021	LICHTER	08:36	ABOUT 16 YEARS	NO ID	S. DUNSI
10	05/02/21	20 B&W BEER	13:16	MALE BROWN	NO ID	S. DUNSI
11	12/01/21	AN BROWN BEER		Pink 4 U.	26/5/21	
12	27/05/21	20 GREEN BEER	12:46 PM	AAVE BROWN	NO ID	S. DUNSI
13	31/05/21	licensing Enforcement	9/6/21			
14	10/06/2021	20 B&W BEER	17:53	male white	NO ID	S. DUNSI
15	14/06/2021	Alcohol	13:33	about 17 years MALE ASIAN	NO ID	S. DUNSI
16	12/08/2021	CIGARETTES	14:53	About 19 years WHITE OMIG	NO ID	S. DUNSI

Date: 15/08/21

Manager's Signature: S. DUNSI



Additional pages can be downloaded from noidnosale.com

Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
17				Paul A. C...	16/8/21	
18	17/08/2021	B&B Bure	17:45	White Boy	no ID	S. Puri
	18-08-2021	Alcohol	3:26 pm	White boys	NO ID	S. Anandani
19	20-08-2021	Alcohol	19:28	white 3 girls	NO ID	S. Anandani
20	21/08/2021	B&B Bure	4:50 pm	male - blond	NO ID	S. Puri
21	23/08/21	Cannib	6:00 pm	male - white	NO ID	S. Puri
22	26/08/21	DAGG Fridge	3:44 pm	male - blond	NO ID	S. Puri
23	28/08/21	CIGARETTES	15:09	white girl	NO ID	S. Puri
24	29/08/21	BEEZ CANNIB	13:35	White Boy	NO ID	S. Puri
	29/08/21	STEW	17:35	White Boy	NO ID	S. Puri
Manager's Signature: S. Puri						Date: 01/09/21



Additional pages can be downloaded from noidnosale.com

Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
25	30/08/2021	Cigarettes	2.02	white boy	No ID	S. Dababon
26	02/09/21	Steel pint	16.30	White Boy	No ID	S. Dababon
	21/09/21	GILDED	20.08	BLACK BOY	No ID	S. Dababon
27	04/09/21	White Boy Smirkoff.	17.18	White Boy	No ID	S. Dababon
28			X	X 10/09/21	SS410 West madders fence	
29	10/09/21	BLK BUE	13.00	MALE WHITE	No ID	S. Dababon
	10/09/21	VORSEN TL	17.02	FEMALE WHITE	No ID	S. Dababon
30	11/09/21	JUEL POD	16.23	MALE WHITE	No ID	S. Dababon
	12/09/21	BLK BUE (15)	19.27	FEMALE WHITE	No ID	S. Dababon
31	14/09/21	CARINELY 4 PACK	19.32	MALE WHITE	No ID	S. Dababon
	17/09/21	Smirkoff	16.45	MALE WHITE	No ID	S. Dababon
32	21/09/21	BLK BUE	12.10 PM	MALE BLACK	No ID	S. Dababon
	21/09/21	VORSEN	13.22 PM	MALE WHITE	No ID	S. Dababon
Manager's Signature: S. Dababon				Date: 21/09/21		



Additional pages can be downloaded from noidnosale.com

Please record all refusals on the register below

Refusals Register

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
33	21-09-21	cigaretts	14:50	white girl	NO ID	S. Angullesari
34	24-09-21	vodka	15:10	white boy	Diffrend ID	S. Angullesari
35	26/09/2021	WATYPAIR	14:14	white girl	NO ID	S. Angullesari
36	02/10/21	VODKA	17:18	white girl	NO ID	S. Angullesari
	05/10/21	GREEN BAR	10:30am	white girl	NO ID	S. Angullesari
	06/10/21	OTEEK BAR	15:10	Black Boy	NO ID	S. Angullesari
37	08/10/21	MA-BROS - GARD	20:15	white boy	NO ID	S. Angullesari
	09/10/21	VODKA	20:38	white girl	NO ID	S. Angullesari
38	11/10/21	Black Beer	13:26	white boy	NO HAVE ID NOT (18 ENTE)	S. Angullesari
	11/10/21	STERLING JEWEL	16:51	white girl	NO ID	S. Angullesari
39	13/10/21	Apple Sorze	14:59	white boy	NO ID	S. Angullesari
	15/10/21	Apple Sorze	2:10	white girl	Diffrend ID	S. Angullesari
40	16/10/21	Lighter	19:28	white boy	NO ID	S. Angullesari
Manager's Signature: <i>S. Angullesari</i>				Date: 16/10/21		

Additional pages can be downloaded from noidnosale.com



Refusals Register

Please record all refusals on the register below

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
41	17/10/2021	MAGNET	13:22	White Boy	NO ID	S. Burrell
	20/10/2021	BAT BARS / GEEK BARS	17:49	White Boy	NO ID	S. Burrell
42	22/10/2021	CIGARETTE	19:40	White Boy	NO ID	S. Burrell
	24/10/2021	ELF BARS	18:23	White Girl	NO ID	S. Burrell
43	24/10/2021	GEEK BARS	19:23	White Girl	NO ID	S. Burrell
44	28/10/2021	Lighter	16:59	Black Boy	NO ID	S. Burrell
45	28/10/2021	SMITTOFF (FOOL)	20:24	White Boy about 19yrs	NO ID	S. Burrell
46	29/10/2021	RIZLA and Filter	10:24	White Boy about 15 years old	NO ID	S. Burrell
47	31/10/2021	Lighter	17:42	Black Boy about 14yrs	NO ID	S. Burrell
48	31/10/2021	Lighter	17:44	White Boy about 14yrs	NO ID	S. Burrell
Manager's Signature: S. Burrell					Date: 31/10/21	



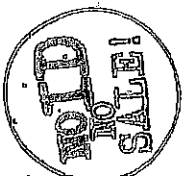
Additional pages can be downloaded from noidnosale.com

REFUSALS REGISTER

Date	Product	Time	Name of Person or Description	Observations	Staff Member
Example: 04/05/09	Cigarettes	7:10pm	Male 14 years? Blonde, 5ft 11"	Nervous and refusing to show ID	Alan Smith
31/10/2021	RIZZLA	17:54	MALE 15 years approx white	NO ID	S. Suba
01/10/2021	Caprice B509	18:29	MALE	NO ID	S. Suba
02/11/2021	Caroline	16:45	FEMALE	NO ID	S. Suba
05/11/2021	BAT BLUE	12:45PM	MALE	NO ID	S. Suba
05/11/2021	Carling	17:50	MALE	NO ID	S. Suba
07/11/2021	RIZZLA (silver)	11:44	MALE	NO ID	S. Suba
09/11/2021	BLOCK RAW	15:11	MALE	NO ID	S. Suba
11/11/2021	BAT BLUE	19:28	MALE white	NO ID	S. Suba
12/11/2021	RIZZLA	18:26	MALE white	NO ID	S. Suba
13/11/2021	BAT BLUE	13:42	2 girls white	NO ID	S. Suba

DATE:

MANAGER'S SIGNATURE



GLENS 35CL

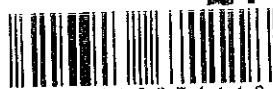
£7.49



5016840101147

SMIRNOFF RED

£14.99



5410316671118

ABSOLUT BLUE

40%

£20.99



7312040017683



**West Midlands Police Evidence Bundle For The Licence
Review of Lucky Wine and Food 58 Jerome Road, Sutton
Coldfield B72 1SR**

PAGE(S)	DOCUMENT(S)
1 to 3	Statement of Licensing Officer Chris Jones
4 & 5	Email from Neighbourhood Officer PC Bird
6	Child's bank statement
7 & 8	PC Bird's Statement
9 & 10	Statement from the child's father
11 & 12	Child's statement
13 & 14	Challenge 25 posters
15	Mandatory premises licence condition
16	Map showing the proximity of the premises to the local school

WITNESS STATEMENT

Crime Number:.....

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5BURN

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Statement of: 55410 Christopher Jones

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: Date 9th November 21Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am employed by West Midlands Police as a Licensing Officer based at Police Headquarters, Lloyd House Birmingham. I work within a specialised team that have responsibility for all the licensed premises across the Birmingham Council area.

This statement is made in relation to a premises licence review application submitted by West Midlands Police for Lucky Wine and Food, premises licence number 4033 with Sanmuganathan Rusikumar being both the premises licence holder and designated premises supervisor.

On Friday 20th August 2021 I was contacted via email by PC 24582 Bird a neighbourhood officer from Sutton Trinity Policing Team. (Pages 4 & 5)

The officer informed that she had conducted a joint visit on Monday 16th August 2021 with Trading Standards Officers to the premises on her neighbourhood called Lucky Wine and Food at 58 Jerome Road after being contacted by a member of the public stating that the premises had sold their 15 year old daughter alcohol and that child had been hospitalised due to her drinking the vodka she had purchased.

Attached to this email was a copy of the child's bank transactions showing 3 purchases at the store on 3 different dates. Although there was no detail of what was purchased only total amounts (Page 6)

The email from PC Bird gave some information about the visit on 16th August with trading standards and that they had also received a complaint from another parent approximately 2 weeks prior, also stating that the premises had sold their underage child alcohol.

PC Bird detailed a breach of the premises licence found at the joint visit the fact that the refusals book not be filled in.

I asked PC Bird for some more details and requested a statement from her and also ask for one from the child who had purchased the alcohol.

PC Bird wrote her statement (Pages 7 & 8) and obtained a statement from the child's father (Pages 9 & 10).

The child was in hospital and at this time was not in a position to provide a statement due her poor health.

PC Bird's statement went into greater detail about the visit to the premises and the fact she explained to the DPS the reason why the visit was taking place - the fact that a 15 year old girl had purchased bottles of vodka from the shop on 3 separate occasions. He dismissed this by saying someone else must have come in for her.

PC Bird's statement also details the fact that the PLH and DPS understood the challenge 25 policy and that anyone who looked under 25 should be ask for ID. Stating that the child would have been asked for ID.

That statement of the child's father was taken by PC Bird over the phone. (Pages 9 & 10)

This statement details the vulnerability of his daughter, not only by age but physical and mental health concerns.

The statement also explains his daughter's purchases of alcohol, gives details of the purchases shown on his daughter's bank statement at the premises and the effect alcohol has had on his daughters life.

In this statement he states that his daughter disclosed to him that she specifically went to this premises to buy alcohol as it was the place to go for kids at Plantsbrook School and that it is where the kids go to get their alcohol for parties.

Over a month after the other statements were written / taken, PC Bird was able to take a statement from the child.

This was again over the phone as the child still remained in Huntercombe Hospital. This is a specialist hospital for young people diagnosed with a mental health condition, specialising in supporting young people with severe or complex mental health conditions who need intensive inpatient treatment. A nurse acted as the child's appropriate adult. (Pages 11 & 12)

This child details in her statement her mental health diagnosis and the fact she feels she has a drink problem.

She states that she used to use to drink the alcohol from her parents' house but it was now locked away and that was the reason why she stated to buy her alcohol from 'The Lucky'

She details her purchases of vodka from the premises, the entries on her bank account and the effect drinking the alcohol has had on her.

She also states that on the purchase on 22nd May she was asked for ID. She stated that she showed a fake medical ID which she had got on line. The male behind the counter said to her *'you can have it this time but next time you will need proper ID like a driving licence.'*

She details a later purchase on 5th June again for a bottle of vodka and again the same male was behind the till as on 22nd May. Again she is asked for ID and again shows the fake medical ID. The male this time says *'I have never seen one of these before, you can have it this time but not next time.'*

2

The purchase she made on 29th June was again a bottle of vodka, again she was asked for ID and again she showed her fake medical ID. This time a different male was behind the counter but this time she was told 'that's fine'

She says in her statement 'I knew to buy alcohol from The Lucky because I knew of people also under 18 who had brought alcohol and cigarettes from there before. If you go to the shop they say no to start with, but if you keep trying and keep saying your 18 they will just give it to you anyway.'

One of the premises licence one of the operating conditions states - The premises licence holder shall ensure that prominent notices are displayed informing the customers of the challenge 25 policy.

There are 2 different types of challenge 25 poster in this bundle (pages 13 & 14)

On these posters is listed the forms of acceptable ID and nowhere does it state that a medical ID is acceptable.

In fact on two occasions the member of staff behind the till made it clear to the child that her ID should not be accepted for the purchase of alcohol, obviously ignoring the challenge 25 policy and the acceptable documents as he was still prepared to sell a bottle of vodka to a vulnerable 15 year old child.

There is also a mandatory licence condition which the premises must follow (Page 15).

This requires anyone who appears to be under 18 (or such older age as may be specified) – being under 25 in this case to produce on request identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature.

As the child's ID was fake from the internet it would be highly unlikely that it possessed a hologram or UV feature.

In fact the only medical ID I have seen has not even contained a photograph.

I have also submitted a map from the internet showing the proximity of the premises to Plantsbrook School as in the statements it states that the premises is the place to go to but alcohol for children from this school, (Page 16.)

West Midlands Police are concerned that the premises have repeatedly put profit over the promotion of the licensing objectives and have no confidence in the premises licence holder promoting the licensing objectives of protection of children from harm, prevention of crime and disorder and public safety.

Ches

3

Signature: *Ches* Signature witnessed by:

Christopher Jones

From: Christopher Jones
Sent: 27 October 2021 12:28
To: bw licensing
Subject: FW: [External]: FW: Underage alcohol sales
Attachments: Licence breach.jpg

From: Emily Bird
Sent: 20 August 2021 08:02
To: Christopher Jones
Subject: FW: [External]: FW: Underage alcohol sales

Good morning,

I am an officer on the Sutton Trinity Neighbourhood team and we were sent the below email from a parent reporting that his 15 year old daughter had been sold alcohol by a store in Sutton Coldfield, The Lucky Food and Wine Store 58 Jerome Road.

On Monday 16th I conducted a joint advisory visit with Paul Ellson from Trading standards, I was shocked to hear that they had received a complaint from another parent only 2 weeks ago and the store has been visited another 2 times in the past few months. I was appalled at the owners responses and attitude. Considering the young girl had ended up in hospital from drinking the alcohol he didn't seem to understand the seriousness of it. We asked to see his refusal book, he admitted to forgetting to fill this out which was clear as he told us he has a problem with youths coming in trying to buy alcohol but the book only showed about 4/5 entries in the past 3 months. The visit was recorded on BWV by collar number 31643 and has been saved under log number [REDACTED] 160821 if you want to have a look and see what was said.

On the back of all that Paul has explained to me we can look at getting an [REDACTED] review and told me you are the man to help with this! The parent who got in touch with us said the purchases from the store are on his daughters bank statement and I have attached the image he sent me for this.

What else do I need to do in order to get this review in place?

My work number if you need to get in touch is [REDACTED].

Kind regards,

Emily

From:
Sent: 07 June 2021 19:23
To:
Subject: Underage alcohol sales

Dear

My daughter is 15 years old and due to a recent incident she spent a night in good hope hospital as she was intoxicated. She admitted to buying a bottle of vodka from the lucky food and wine shop, Sutton Coldfield. On checking her bank statements she has purchase 3 bottles of vodka on the previous 3 saturday's as you can imagine I am absolutely horrified. [REDACTED] due to her recent diagnosis of ADHD is in the care of a couple of agencies, CAMHS and the adhd team

The really worrying thing about this is my daughter has told me quite a few students from plantsbrook school use this shop when they want alcohol for weekend parties. I have informed the school .
Is there anything you could do to help please as our kids should not be able to buy alcohol.

Kind regards

5

Transactions



June 2021

Mon 7

£15.47

LUCKY FOOD & WINE

-£16.78

Tue 1

£7.25

LUCKY FOOD & WINE

-£17.99



May 2021

Mon 24

£0.23

LUCKY FOOD & WINE

-£7.89

6

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of Emily BIRD

Age if under 18 Over 18 (If over 18 insert "over 18")

Occupation Police Officer

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

Signature:

e.bird 24582
(witness)

Date 08/09/2021

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

I am Police Constable 24582 BIRD of the West Midlands Police currently stationed at Sutton Coldfield Police Station on the Sutton Trinity Neighbourhood Team.

On Monday 16th August 2021 I conducted a visit with an enforcement officer from Trading Standards to a local licensed premises in Sutton Coldfield. This visit was conducted due to myself being made aware by a parent that the Lucky Food and Wine Shop, Jerome Road, B72 1SR had sold alcohol to his 15 year old daughter on a number of occasions back in June. Myself and Paul ELLSON from Trading Standards attended the shop around 17:00hrs and were met by the owner who was the only person working at the time.

PAUL explained to the owner that we had received complaints that the store had been selling alcohol to underage children, PAUL informed him the most recent report was received only a couple of weeks before. This complaint I was unaware of and I was appalled to hear there has been more reports since the complaint I had received in June. The owner told us that he and the shop had a lot of issues with children trying to buy alcohol from that store. We explained that we know he has been selling it to them, and he said he doesn't but gave a very short response and just stood there looking at us. I explained to the owner that a 15 year old had entered his store on multiple occasions and had been sold bottles of vodka, I also told him that this resulted in her ending up at hospital. The owner said someone else must have come in for her, I made it clear to him the female came in herself and was sold the alcohol. PAUL asked the owner if he knew what challenge 25 meant and the owner said it means if someone looks under 25 they need to be asked for ID. He was questioned why a 15 year old was not asked for ID if he knew what this meant. Again his response was minimal and he just kept saying to us she would have been asked for ID.

On the back of this we asked to see his refusal book and told him that under his licence he should be filling this out every time he refuses a person alcohol. On looking at the refusal book there was around 4 entries within the past 3 months. PAUL explained to the owner that other shops he's visited usually have around

Signature e.bird 24582

Signature witnessed by

03/2016

OFFICIAL – (when complete)

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN Statement of [REDACTED]

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation [REDACTED]

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

Signature: (witness)

Date 03/09/2021

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

I am the above named person. This statement has been taken over the telephone by PC 24582 BIRD. The declaration above has been read over and explained to me. I understand that this statement may be used in court as evidence.

This statement is about my daughter: [REDACTED] DOB [REDACTED]/11/2005 being sold alcohol by the Lucky Food and Wine Shop on Jerome Road in Sutton Coldfield. [REDACTED] is 15 years old and therefore is not of legal age to be sold alcohol to.

[REDACTED] has a self-harm history and has been diagnosed with ADHD. On Saturday 5th June I gave [REDACTED] £30 into her bank account and during the day she went out with some friends into Sutton Town Centre. Later on in the afternoon I picked her back up, unbeknown to me she had a bottle of vodka in her bag which she has bought from the Lucky Food and Wine shop that day. I brought [REDACTED] back home and we carried on with our evening.

On Sunday 6th June on the evening [REDACTED] came downstairs with blood down her arms after having self-harmed. Out of nowhere she turned round to me and my wife and said she has an alcohol addiction. We took [REDACTED] to hospital to sort her arms out and then spoke about the alcohol issue the next day on Monday 7th June. My wife and I spoke to [REDACTED] and she told us she has been drinking vodka before school to gain the courage to go and the prior two weekends she had also been drinking alcohol. [REDACTED] explained to us the weekend of the 22nd May and the weekend of the 29th May, as well as this weekend the 5th June she had gone to the Lucky Food and Wine Shop and walked in on her own and bought a bottle of vodka on each occasion.

[REDACTED] has told us that on Saturday 22nd May and Saturday 29th May she walked into the shop on her own and presented at the counter with a bottle of vodka. She was not asked for any ID and was sold the alcohol. On Saturday 5th June [REDACTED] entered the shop on her own again and presented to the counter with a bottle


Signature [REDACTED]






Signature witnessed by


ehird 24582


03/2016

OFFICIAL – (when complete)


Crime No. URN Statement of 

of vodka, on this occasion she was asked for ID.  told us that before she went out she found a fake medical certificate online which she changed the DOB on to make her appear 18 years old. She had this on her phone and this is what she presented to the person behind the till as ID. The male asked if  had a driving licence to which she told him she left it at home, the male said okay that's fine and she was again sold the alcohol. After she told me this I checked  bank statement. The following days after these weekends in question there are transactions showing purchases from the Lucky Food and Wine shop. On Monday 24th June there is a transaction for £7.89, on Tuesday 1st June there is a transaction for £17.99 and on Monday 7th June there is a transaction for 16.78.  has told me that all 3 of these transactions are purchases of alcohol. I personally believe that my daughter has no reason to lie about this and she is telling the truth. Following this whilst  was out on Monday 6th June myself and my wife looked through her bedroom and we located a bottle of vodka in her room with about a third of the vodka left in it. I asked her why she went to that shop to purchase the alcohol and she informed me that it is the place to go for kids at Plantsbrook School. That is where the kids go to get their alcohol for parties.

 said it was a young male who sold her alcohol on all 3 occasions at the shop.

I was so disgusted at what  had told me in regards to this shop that I went to the shop myself and asked to speak with the owner. The male behind the counter stated he was the owner and I confronted him about the fact he had sold my daughter alcohol when she is only 15 years old. A soon as I said this he denied being the owner.

This whole incident has made me feel really disgusted that a responsible adult and business would endanger children's lives and put them in a vulnerable position. I am also really worried about the fact that this shop is right next to a school and I already know that other children underage are being sold alcohol there.


Signature Signature witnessed by  24582

03/2016

OFFICIAL – (when complete)

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN Statement of 

Age if under 18 Age 15 (if over 18 insert "over 18")

Occupation Unemployed

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

Signature: (witness)

Date 07/10/2021

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

I am the above named person. This statement has been taken over the telephone by PC 24582 BIRD. The declaration above has been read over and explained to me, I understand that this statement may be used in court as evidence.

This statement is in regards to myself being sold alcohol by the Lucky Food and Wine Shop on Jerome Road in Sutton Coldfield. I was 15 years old at the time, meaning I was not of legal age to be sold this alcohol by the shop.

Last year I was diagnosed with ADHD and I have also been diagnosed with autism, emotional dysregulation, social and general anxiety and depression. I have been getting help with all of this for the past few months and am currently at Huntercombe Hospital in the Hartley ward.

I feel I have had a drinking problem for a while now and I used to get the alcohol to drink from my parent's house. However they found out and locked the cabinets where the alcohol is so I could no longer drink it. This is why I began getting the alcohol from the Lucky Food and Wine Shop which I refer to as "The Lucky".

On Saturday 5th June 2021 I went into Sutton Town centre to meet some friends. Whilst I was in town I went into the Lucky on my own and approached the counter. I asked for a bottle of vodka as they are stored on shelves behind the counter. The male who served me asked me for ID. I showed him a fake medical ID I had obtained from online which said I was 18. The male said to me "I HAVE NEVER SEEN ONE OF THOSE BEFORE, YOU CAN HAVE IT THIS TIME BUT NOT NEXT TIME" He then sold me the alcohol and I left the shop. The male who served me was an Asian male, older looking, tall with a medium to skinny build and he virtually no hair but not quite bald. I then continued my day and returned home later that evening and had a friend over.

On the next day Sunday 6th June I had drank a lot of vodka in my room, which was vodka I had bought from the Lucky. I caused damage to my arms and my mom could hear I was upset so came into my room

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Page 46 of 52

11

Crime No. URN Statement of [REDACTED]

and could see a lot of blood. She asked me what I had done and took me downstairs where my dad was. I told them I have a lot of issues with drinking. I was drunk at this point and they asked me where I got the alcohol from, I explained it was the Lucky. I was taken into hospital that day and since then I have been in 3 different hospitals to help me with my mental health.

Following this incident I told my parents that I had also bought alcohol from the Lucky the prior two weekends before as well. On Saturday 22nd May I went into Sutton Town Centre again to meet friends, whilst there I entered the Lucky on my own to purchase alcohol. I asked for a bottle of vodka from the male at the counter. He asked me for ID and I showed him the fake medical ID I had obtained online. He said to me "YOU CAN HAVE IT THIS TIME BUT NEXT TIME YOU NEED PROPER ID LIKE A DRIVING LICENCE." He sold me the vodka and I left the store. This male who served me the alcohol on this occasion is the same male who served me on Saturday 5th June.

On Saturday 29th June, this is the other weekend I told my parents I had bought alcohol. This weekend was the same whereby I had met friends in town and walked into the Lucky on my own to purchase alcohol. The male behind the counter asked for ID, I showed him the fake medical ID and he said "THAT'S FINE" and served me the vodka. The male who served me on this occasion was an Asian male, in his 30's, bigger build with short hair.

On my bank statement it shows these purchases from the Lucky. There is a transaction for £7.89 on Monday 24th May which refers to my purchase on Saturday 22nd May of a small bottle of vodka. There is a transaction for £17.99 on Tuesday 1st June which refers to my purchase on Saturday 29th May of a large bottle of Absolute vodka. Finally there is a transaction on Monday 7th June for £16.78 which refers to my purchase on Saturday 5th June of a large bottle of Smirnoff vodka.

I knew to buy alcohol from the Lucky because I knew of people also under 18, who had bought alcohol and cigarettes from there before. If you go to the shop they say no to start with but if you keep trying and keep saying your 18 they will just give it to you anyway.

Drinking alcohol has really affected my mental health massively and I don't know if I would be in hospital now if I hadn't of drank so much. It is due to the Lucky selling to me that I have been able to obtain alcohol which has subsequently ended up with me in hospital being treated for my mental health.

There is nothing more I wish to say on the matter.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

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UNDER 25?



**IF YOU ARE LUCKY
ENOUGH TO LOOK UNDER
25 YOU WILL BE ASKED
TO PROVE THAT YOU ARE
AGED 18 OR OVER WHEN
YOU BUY ALCOHOL**

**IF YOU ARE UNDER 18
YOU ARE COMMITTING
AN OFFENCE IF YOU
ATTEMPT TO BUY
ALCOHOL**



UNDER 25?

Please be
prepared to show
proof of age when
buying alcohol



drinkaware.co.uk



Premises Licence Mandatory Condition:

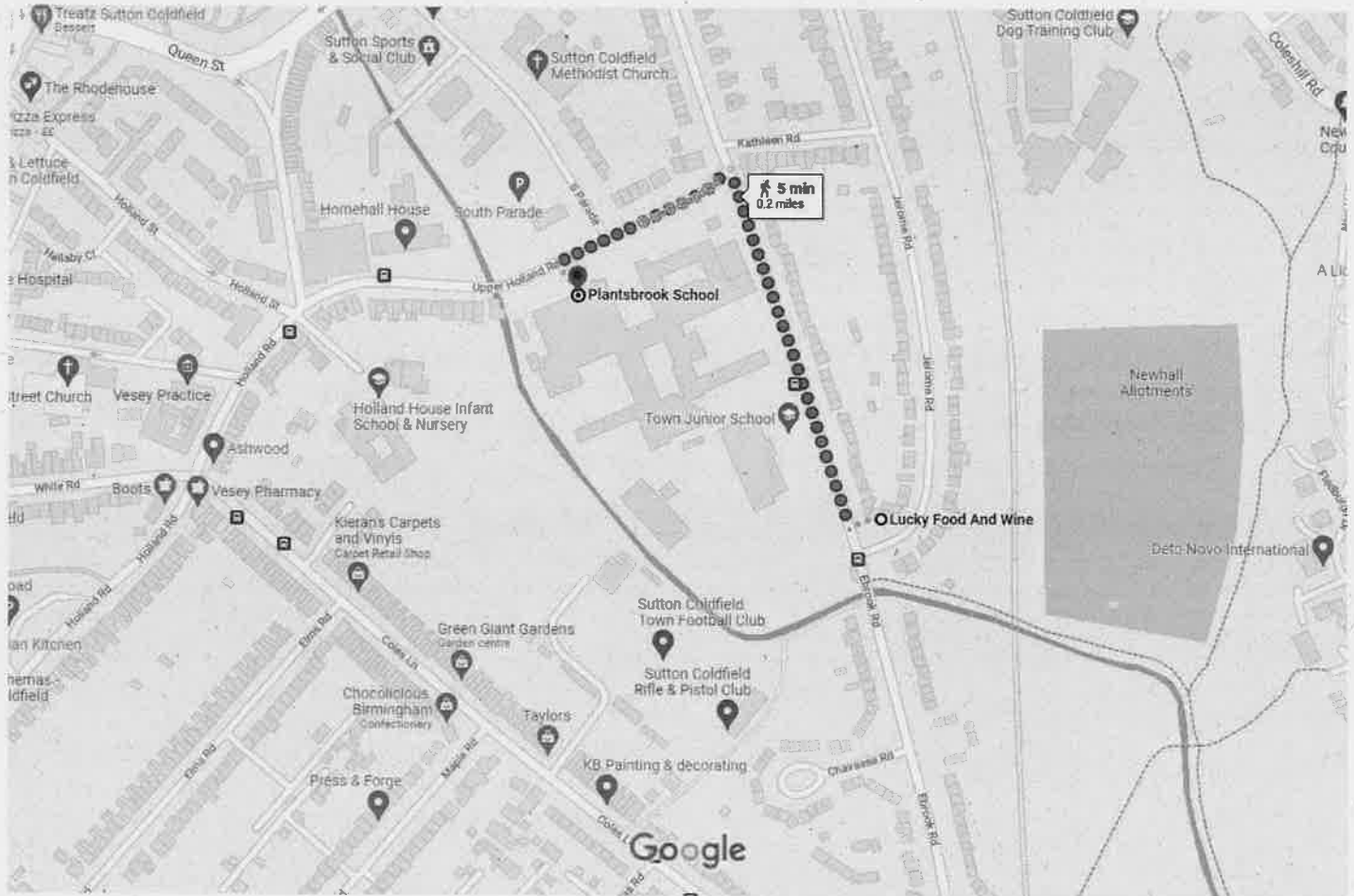
The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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.

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.

Lucky Food And Wine, 59 Ebrook Rd, Sutton Coldfield B72 1NX to
Plantsbrook School, Upper Holland Rd, Sutton Coldfield B72 1RB

Walk 0.2 mile, 5 min



Map data ©2021 50 m



via Ebrook Rd and Upper Holland Rd

5 min

0.2 mile

Mostly flat

