

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 13 JANUARY 2020 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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

Chairman to advise meeting to note 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 - 30

4 LICENSING ACT 2003 SELLY ACRE NEWS, 1049-1051 PERSHORE ROAD, STIRCHLEY, BIRMINGHAM, B30 2YH

Report of the Interim Assistant Director of Regulation & Enforcement
N.B. Application scheduled to be heard at 9.30am

31 - 102

5 LICENSING ACT 2003 D & B WINES, 201 DUDLEY ROAD, WINSON GREEN, BIRMINGHAM B18 7QY

Report of the Interim Assistant Director of Regulation & Enforcement
N.B. Application scheduled to be heard at 11.00am.

6 OTHER URGENT BUSINESS

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

103 - 126

6A **OTHER URGENT BUSINESS - LICENSING ACT 2003 - 16 LONSDALE ROAD, HARBORNE, BIRMINGHAM, B17 9RA**

Report of the Interim Assistant Director of Regulation & Enforcement.
N.B. Application scheduled to be heard at 1:00pm

PLEASE NOTE THE TENS APPLICATION HAS BEEN WITHDRAWN

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 13th January 2020
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Selly Acre News, 1049-1051 Pershore Road, Stirchley, Birmingham, B30 2YH
Ward affected:	Bournbrook & Selly Park
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, 0121 303 9896, 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 18 th November 2019 from the Chief Inspector of Weights & Measures in respect of Selly Acre News, 1049-1051 Pershore Road, Stirchley, Birmingham B30 2YH. Representations have been received from both West Midlands Police and Licensing Enforcement as responsible authorities.

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:

The Chief Inspector of Weights & Measures applied on 18th November 2019 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Selly Acre News, 1049-1051 Pershore Road, Stirchley, Birmingham B30 2YH.

Representations have been received from West Midlands Police and Licensing Enforcement, as responsible authorities. See Appendices 1 and 2.

Review application is attached. See Appendix 3.

The Premises Licence is attached at Appendix 4.

Site location plans are attached at Appendix 5.

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 and 2.

Review Application Form, Appendix 3.

Copy of Premises Licence, Appendix 4.

Site location plans, Appendix 5.

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: Abdool Rohomon <a.rohomon
Sent: 19 November 2019 13:24
To: Licensing
Cc: Paul Ellson
Subject: Reps - to support review application
Attachments: West Midlands Police have received the licence review application submitted on behalf of the chief inspector of weights and measures for.doc

Dear Licensing,

Following the review application submitted by the Chief Inspector of Weights and measures, West Midlands Police wish to add its own representations in support of this review application. This follows a separate inspection under taken at the premises by West Midlands Police

regards

Abs Rohomon

**PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ**

**Internal :
External :**

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Vision statement - Serving our communities, protecting them from harm

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West Midlands Police have received the licence review application submitted on behalf of the chief inspector of weights and measures for "Selly Acre News – 1049-1051 Pershore Road, Stirchley, Birmingham. B30 2YH.

West Midlands Police wish to support the application made, and also provide further evidence of breach of conditions, poor management, further drugs being found on the premises.

On the 25th September 2019, West Midlands Police licensing officer in conjunction with Neighbourhood team officers conducted a licensing inspection of Selly Acre News.

During the inspection officers found

A cigar tin, by the till containing 45 pills – labelled Sildamax, and in the same tin £72.60 cash

Breaches of the premise licence –

CCTV not recording for the required number of days

Staff working behind the till and serving alcohol who had not been trained in licensing

Weapons or instruments that could be used as weapons stored behind the till (baseball bat and golf club).

To put some context into what was found –

The cigar tin, which contained the blue pills and the cash was found by the area where staff were serving, they were easily accessible, the tin was open with no lid on it.

Having checked Sildamax, it is a drug that can only be dispensed to other persons via a pharmacy. Whilst an individual can buy their own they cannot be sold on. This has been checked through the MHRA (who control such issues).

It is noted that this was not the first time this had happened, and they were found during the inspection in August. There is a very short time line between both inspections.

The member of staff behind the till, who had a very cavalier approach to everything stated they were his, however this is not believed.

The PLH who was on the premises at the time, indicated the staff member just did what he wanted with the pills. He had to be reminded who was in control of these licensed premises.

The licence has very clear and precise conditions around CCTV and staff training. The CCTV was found not to be recording for the required 31 days. This is a very simple thing to check as when you go onto the playback it hi-lights the days where recordings have been kept. This is just another example of how poor the management is at the premises.

The person behind the till was seen serving alcohol, he was asked how long he had worked at the premises and he said to officers '3' months. Yet a check of the refusal register showed entries with his initials against dated in 2018.

When officers asked about his training as he had clearly been at the premises for some time it was found that he had not received any form of training. The staff tried to distance himself into how long he had been there even though evidence showed otherwise, and yet he had not received any training but was being allowed to sell alcohol.

Behind the till officers found a baseball bat and a golf club. The premise licence holder said they were for sale, the club had a price ticket on it, but the baseball bat did not. Neither products were in an area where the public would have had access, where with easy reach of the staff.

West Midlands Police support the review by trading standards, it is clear that the premise licence holder is both content for his staff to do what they like, does not comply with the conditions on his licence, which are conditions that are easy to check and comply with.

West Midlands Police would also support a suspension or revocation of the premise licence

From: Gary Callaghan
Sent: 13 December 2019 14:07
To: Licensing
Subject: Review Selly Acre News

RE: SELLY ACRE NEWS
 1049-51 PERSHORE ROAD
 STIRCHLEY
 BIRMINGHAM
 B30 2YH

PREMISES LICENCE NUMBER 3795/3

Further to the review of the above premises licence made by Paul Ellison (on behalf Donna Bensley Chief Inspector of Weights & Measures)

I hereby wish to make a representation in respect of the premises named above.

The Premises licence holder and designated premises supervisor CHANGEZ HUSSAIN has a duty and responsibility to promote the 4 Licensing Act 2003 objectives and adhere to the premises licence conditions attached to "Premises Licence 3795/3.

Condition 2a) General conditions consistent with the operating schedule.

States the following:

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.

The visit made by Trading Standards Officer Paul Ellison and Police officers on 29th August 2019 and findings would indicate that the shop is not complying with the above condition, there should have been no illicit products found at the premises during the inspection. The PLH/ DPS CHANGEZ HUSSAIN should be in control of the running of the business or in his absence his staff should have been aware of the conditions of licence and his staff informed of the risk of having illegal tobacco on the premises (No UK duty paid on the items found)

A further visit made on the 25th September 2019 by Police also found a quantity of Viagra type medication which was seized. I would have thought after the first visit on the 29th August 2019 the PLH/DPS CHANGEZ HUSSAIN would have been in greater control of the shop and his staff fully up to speed and fully aware of the matters highlighted previously, this would indicate that he is either complicit or has not taken his responsibilities seriously.

Furthermore on 10th December 2019 at 11:09 hours a visit was made to the shop by the Police and myself to undertake a Licensing Act 2003 compliance inspection, upon arrival the staff member on duty was identified by the Police Officer PCSO Tom Odell as the person they had encounter on previous visits. I could see behind the counter what appeared to be the Summary Licence displayed and asked him if he could produce the "Premises Licence" which under the Licensing Act 2003 legislation is required to be kept on the premises and produced on request to an authorised officer, advised me it is normally kept in a folder behind the counter and started searching behind the counter, after being unable to find the "Premises Licence" he telephoned CHANGEZ HUSSAIN who tried to assist him in finding the said paperwork, a further search again resulted in him being unable to produce the "Premises Licence" advised that CHANGEZ HUSSAIN was on his way into the shop, he will be about 15 minutes, while waiting I went through the conditions of licence attached to the "Premises Licence 3795" (I had taken a copy of the Premises Licence with me) advised the cleaner or other staff member must have moved the folder, it was behind the counter

From experience I asked him if the "Premises Licence" had been put behind the Summary Licence displayed , got the Licence down from display where I observed that the paper work being displayed was the first 2 pages of the Premises Licence and not the Summary Licence.

A number of breaches of conditions were identified, during the initial inspection undertaken with while we waited for CHANGEZ HUSSAIN to come to the shop.

Namely:

No staff training records produced to a responsibility authority immediately on request or 6 monthly refresher training

An incident register which should be maintained at the premises

At any time when there is no Personal License holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS. Any such person should have seen, read and be fully aware of the conditions of the premise licence and take all steps to ensure that such conditions are adhered to whilst they have responsibility for the premise.

A record should be kept detailing, the name and address relative to the person left in charge of the premise and the times and dates when the authority to cover exists, in writing.

These should be individual entries covering short periods of time only and should not exceed more than a three week period.

The authorised person should also sign on each occasion that he/she has physically seen inspected and is fully aware of all the conditions attached to the premise licence. The DPS should sign to acknowledge that they agree to the authorised person being in charge of the premise for any times specified. The records of these matters should be kept fully updated at all times.

All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

Challenge 25 posters will be displayed at the premises to reinforce this policy. Posters will be placed at each till, each area alcohol is stocked and at the point of entry to the shop . the posters will be displayed prominently and in sight of customers and staff – Only 1 poster was being displayed at point of entry to store.

Unable to produce a refusal register .

At 11:45 hours CHANGEZ HUSSAIN came into the shop and a started searching behind the counter searching for the " Premises Licence " and associated paperwork requested, the said paperwork was again not readily available or located easily, this resulting in us again waiting around in the shop, this was a surprize considering the previous visits made and CHANGEZ HUSSAIN aware that Trading Standards had called for a review of the "premises Licence "

CHANGEZ HUSSAIN did manage to find some paper work

Summary Licence found and displayed – However he was unable to find other pages of "Premises Licence "

Staff Training paper work for 3 staff members dated 26/09/19 only

Refusals Register which he said he also uses as an incident register (last entry recoded October 2019)

I issued a Traders Notice No 26311 detailing the breaches of conditions which was signed by CHANGEZ HUSSAIN , we eventually left the shop at 12:20 hours

I therefore support the review under the following Licensing Act 2003 objectives

The prevention of Crime and Disorder
Public Safety

Gary Callaghan

Gary Callaghan
Licensing Enforcement Officer
Birmingham City Council Licensing Enforcement

Address: Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES
Website: www.birmingham.gov.uk/licensing Twitter: @BCCLicensing

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to
<http://publicregister.birmingham.gov.uk>

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

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 Paul Ellison (on behalf of Donna Bensley Chief Inspector of Weights & Measures)

(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 Selly Acre News 1049-1051 Pershore Road Stirchley	
Post town Birmingham	Post code (if known) B30 2YH

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

Number of premises licence or club premises certificate (if known) 3795

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)

YES

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 Paul Ellison Birmingham Trading Standards Manor House 40 Moat Lane Birmingham B5 5BD Ref: 9540471
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 ✓

Yes

Yes

☐☐

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

On the 27 August 2019 a complaint was received from Police Community Support Officer O'Dell concerning a number of shops in the Selly Oak area that were allegedly selling illicit tobacco products. This was given reference 9476825.

A visit took place on 29th August 2019 at 1800hrs by me along with PSCO O'Dell, PC Thomson and PC Jones. There was an Asian male who gave his name as Zamar HUSSAIN and his date of birth as 21/12/81; he stated that he was an employee of the owner Mr Changez HUSSAIN.

Mr Changez HUSSAIN, is the Premises Licence Holder (PLH) (licence number 106358) and the Designated Premise Supervisor (DPS) (personal licence number 3795).

I informed Mr Zamar HUSSAIN that a complaint had been received and asked him directly if he had any illicit tobacco products on the premises. I explained what I meant by illicit tobacco, such as not having duty paid etc. Mr Zamar HUSSAIN stated that he did not do that.

I advised that an inspection would take place and issued him with the relevant paperwork. I then conducted an inspection.

I noticed a plastic Sainsbury's' bag hanging from a hook behind the counter. This bag contained a quantity of illicit tobacco:

- 1 Sleeve of Richmond Cigarettes containing 10 packs of 20 cigarettes
- 1 Sleeve of Pect Cigarettes (Russian) containing 10 packs of 20 cigarettes
- 1 Sleeve of Regal Cigarettes containing 10 packs of 20 cigarettes
- 3 x 25g Packs of Benson & Hedges (Russian) hand rolling tobacco

In total of 600 cigarettes and 75g of hand rolling tobacco.

The inspection progressed and blister packs of a Viagra type medication with a brand name of Sildamax was discovered on a shelf under the counter; there were approximately 300 tablets.

Mr Zamar HUSSAIN stated that the tobacco products were for his personal use and that the Sildamax was 'for a mate.' A Traders Notice number 13554 was issued and the items were sealed in evidence bags and we left the premises.

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

The tobacco found at the site during the inspection would indicate that the information the Police had received was indeed correct and that illicit tobacco was being sold from the shop.

All the tobacco products were illegal under the Standardised Packaging of Tobacco Products Regulations 2015 and the Tobacco and Related Products 2016 and cannot be sold or supplied in the UK. Irrespective of whether the tobacco found was counterfeit in nature.

None of the tobacco is in the correct packaging and none of it has the mandatory health warnings on, in fact two of the lots, the Pect and the Benson and Hedges have Russian Cyrillic script on the packaging and one has to consider provenance of the tobacco and its contents; these items were never intended for the UK market.

UK Excise duty paid would not have been paid on them.

Mr Zaman HUSSAIN'S claim that it was for personal use is a usual excuse that those found in possession of illicit cigarettes/tobacco give; in my opinion 30 packs of cigarettes that are different brands suggest that this is not the case. He had initially stated that there were no illicit cigarettes on the premises. If they were personal products they should not have been in the premises.

The PLH should have exercised greater control over his staff and informed them of the risk of having such tobacco on the premises; the only reason to have such tobacco on the premises is to make a quick, untraceable profit.

In the conditions of licence in section 4.2 of the premises licence it states quite clearly that:

'No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store'

This surely would indicate that no illicit products should be at the premises.

There have been no previous reported incidents concerning the PLH/DPS. However on 25 September 2019 West Midlands Police visited the premises and seized a further quantity of Viagra type medication. In both circumstances this type of medication should not be sold or supplied from what is basically a small off-licence; it shows a disregard for the safety and protection of the general public.

Selling and dealing such illegal items is part of an underground criminal network who sell and exchange all kinds of illegal products, fund more serious criminal enterprises and cheat revenue as well as undermining legitimate businesses. The provenance and safety of the products are also unknown.

Taking the above matters into consideration, Trading Standards would ask that the Committee consider this application for a review and take any action open to them which could be to temporarily suspend or permanently revoke the licence.

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

No

If yes please state the date of that application

Day Month Year

1	1	1	1	1	1	1	1	1
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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 **YES**
- I understand that if I do not comply with the above requirements my application will be rejected **YES**

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 15/11/19

.....

Capacity Trading Standards Enforcement Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. 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.

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

3795 / 3

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**

Selly Acre News
1049-1051 Pershore Road
Stirchley

Post town:

Birmingham

Post Code:

B30 2YH

Telephone Number:**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 00:00 - 23:59 M2

The opening hours of the premises

Monday - Sunday 00:00 - 23:59

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

Off Supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Changez Hussain	
Post town:	Post Code:
Telephone Number: Not Specified	
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 Changez Hussain	
Post town:	Post Code:
Telephone Number: N/A	

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 106358	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 12/06/2018

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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.

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.

Staff Training – All staff will be trained for signs of persons who are intoxicated and made aware of licensing legislation regarding the sale of alcohol to persons intoxicated. Also regarding under age sales, proxy sales and legislation regarding the consumption of alcohol purchased from the premises and consumed in the vicinity. All this training must be recorded on premises and be made available to responsible authority immediately on request.

Signage displaying to customers to "Respect Local residents, please leave quietly" to be on display around location and especially at the exit.

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

CCTV - It will be digital recorded for up to 31 days and will be made available on request to all licensing authorities. There will always be a member of staff on duty who is trained and able to show and download images from the system during opening hours. It will be in recording operation during opening hours and it will cover all licensable activity areas of the premises.

The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.

2. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.

3. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download in a recognised format any information requested by the Police.

The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).

A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any on-going Police investigation.

All CCTV images will be retained for a period of not less than 31 day

An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded.

All persons involved in the sale of alcohol will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.

At any time when there is no Personal License holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS. Any such person should have seen, read and be fully aware of the conditions of the premise licence and take all steps to ensure that such conditions are adhered to whilst they have responsibility for the premise.

A record should be kept detailing, the name and address relative to the person left in charge of the premise and the times and dates when the authority to cover exists, in writing.

These should be individual entries covering short periods of time only and should not exceed more than a three week period.

The authorised person should also sign on each occasion that he/she has physically seen inspected and is fully aware of all the conditions attached to the premise licence. The DPS should sign to acknowledge that they agree to the authorised person being in charge of the premise for any times specified. The records of these matters should be kept fully updated at all times.

All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

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When trading past 23:00hrs then at least one SIA security staff will be on duty after 23:00hrs onwards until 06:00hrs.

The SIA authorisation badge will have to be worn on an upper arm in clear view.

A signing in log would have to be kept up to date reference the working of the SIA security staff. Profiles of security staff will be kept on the premises and available to any responsible authorities upon request.

The profile will include a copy of their SIA licence and photographic identification if photographic ID is not available then a current utility bill no more than three months old will be acceptable.

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

The Licence Holder shall ensure that there is signage requesting patrons to leave the premises quietly.

Entrance door - will be fitted with an electronic locking device or similar that will be utilised between the hours of midnight until close at 05:00 daily. This will ensure staff have control of customers entering the premises.

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

A Challenge 25 policy will be adopted in order to reduce the potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove that they are eligible to purchase the age restricted item with a valid UK or Ireland Photocard Driving Licence, a valid Passport or PASS accredited proof of age scheme card, they will be refused service.

Challenge 25 posters will be displayed at the premises to reinforce this policy. Posters will be placed at, each till, each area alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.

A Refusals Register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The Refusal/Challenge Register is to be checked and signed off by the Designated Premises Supervisor every two weeks.

All staff working at the premises involved in the sale of age restricted products including alcohol will receive on-going training and will be refreshed at least every 6 months. This will be recorded in a staff training register and will also include a written test of knowledge. The Training records must be made available to authorised officers of responsible authorities on request. Records shall be retained at the premises.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

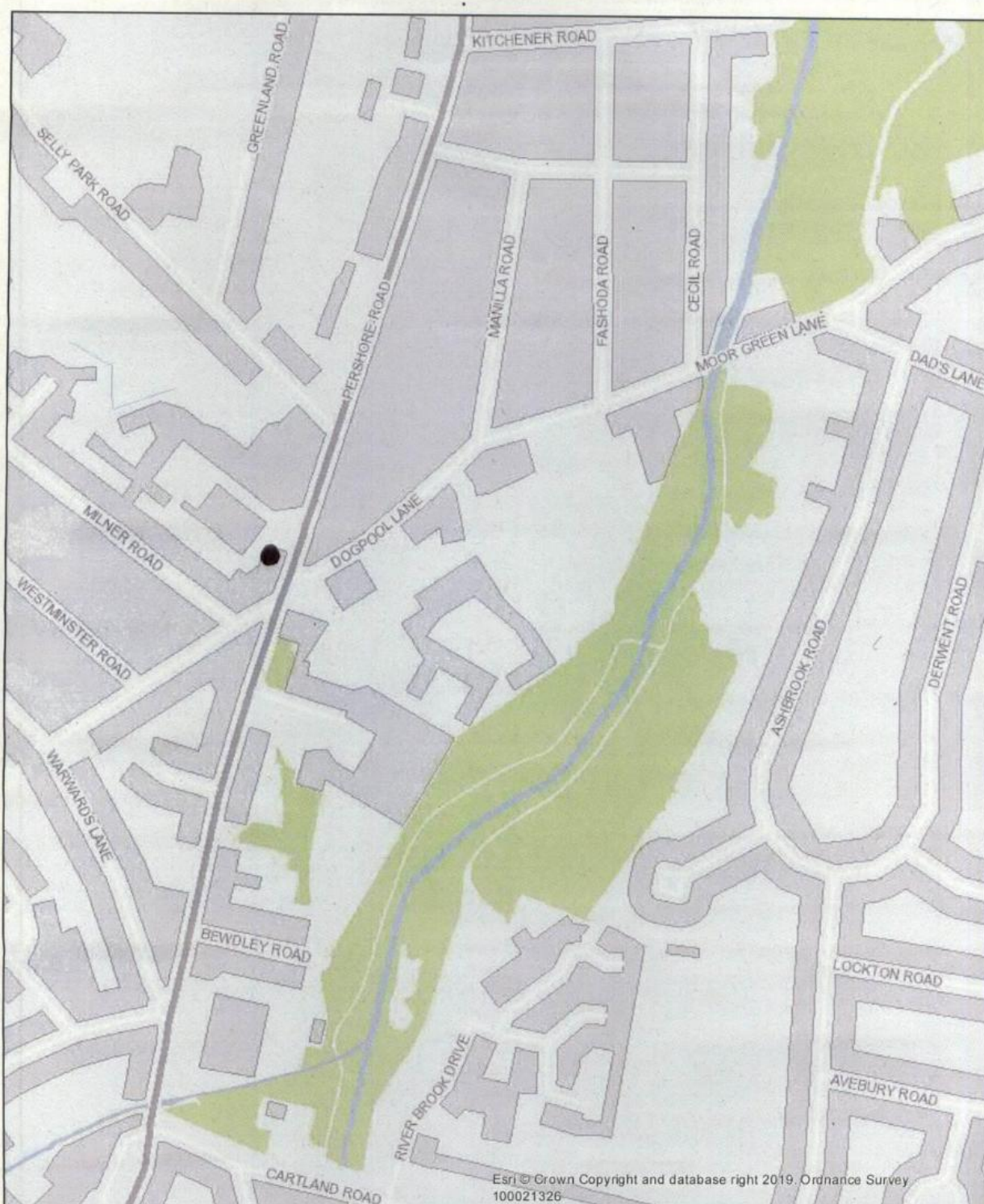
3e) Committee conditions to promote the protection of children from harm

N/A

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Annex 4 – Plans

The plan of the premises with reference number **106358-3795/3** 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.



Birmingham
City Council

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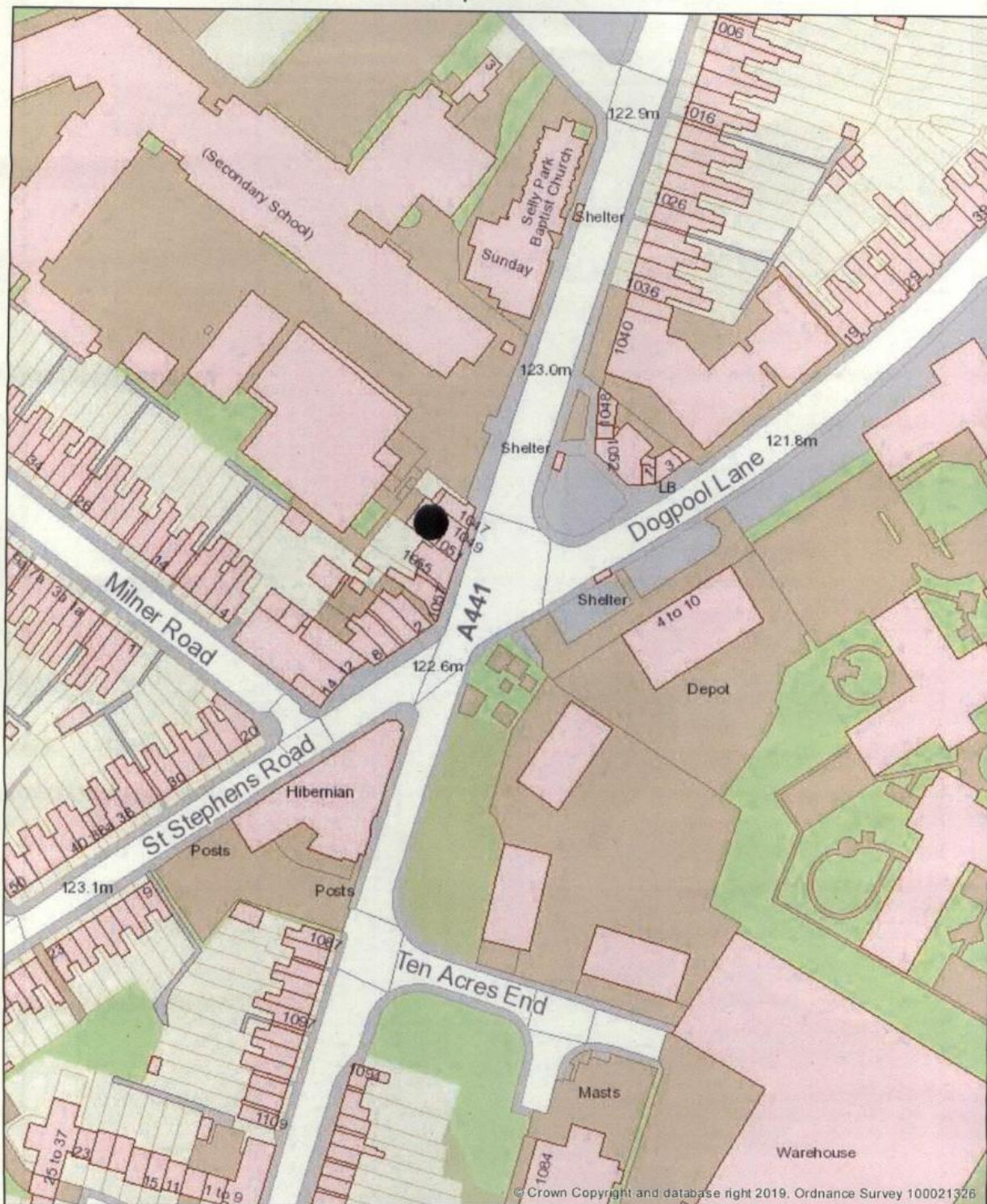
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Birmingham
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Date of Map Creation: 15/11/2019

Map Created By:

Scale: 1:1,250



From: Patrick Burke
Sent: 10 January 2020 09:25
To: Licensing
Subject: Selly Acre News Review

Good morning

With reference to the review hearing for Selly Acre News on Monday we wish to offer the following as conditions for the Sub committee to consider

The Current DPS Mr Changez Hussain completes the APLH Level 3 Award for Personal Licence Holders

A Personal license holder will be on the premises at all times the premises is open

All staff working at the premises holds the Award for Personal Licence Holders Level 2

Patrick Burke
PMB Licensing

From: Patrick Burke
Sent: 10 January 2020 09:57
To: Licensing
Subject: Selly Acre News

Good morning

Below is an outline of the Award for Personal Licence Holders Level 3 course as referred to in my previous email

Patrick

Sent from Yahoo Mail on Android

----- Forwarded message -----

From: ' ' <patrick.burke@cpltraining.co.uk>
To: "Patrick Burke"
Sent: Fri, 10 Jan 2020 at 9:33
Subject: L3 ADPS COURSE

Hi Patrick

Sorry but the BIIAB hasn't produced one of its normal Qual specs for this course, this is the only info on their website

Cost of exam is the same as APLH

BIIAB Level 3 Award for Designated Premises Supervisors

Summary

A Designated Premises Supervisor is the person who has day to day responsibility for a licensed premises and is responsible for authoring the alcohol sales. This qualification has been designed to allow learners to obtain and then demonstrate the knowledge related to the roles and responsibilities of a Designated Premises Supervisor working within the Licensed Retail sector. The qualification covers good practices and legal requirements relevant to the role at Level 3.

Following feedback from the Licensed Retail sector BIIAB conducted a review of the existing Level 2 BIIAB Award for Designated Premises Supervisor (500/3634/8). This qualification has been produced in conjunction with industry and current providers and has been moved to level 3 to better reflect the current skills and knowledge required by Designated Premises Supervisors. It has reduced content overlapping with other existing qualifications, will provide a progression route for learners who have achieved the APLH and is fit for purpose for the current role of the Designated Premises Supervisor.

Duration

One day

Details

The course covers the following topics:

- the function and significance of the Designated Premises Supervisor
- how to carry out operational risk assessments in respect of the licensing objectives
- the measures that promote the licensing objectives
- the responsibility to comply with conditions attached to the premises licence
- the measures that can be applied when dealing with problems
- the main implications of equality legislation
- the requirements of other legislation and the application of good practice to the operation of licensed premises

Assessment: 50 Multiple Choice Questions

Qualification Title: BIIAB Level 3 Award for Designated Premises Supervisors

Level: 3

QN: 603/3735/7

Credit: 1

Part of an apprenticeship: No

@cpltraining.co.uk



Bridge Court, 110 Canning Street, Birkenhead, Wirral CH41 1EW



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PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 13th January 2020
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	D & B Wines, 201 Dudley Road, Winson Green, Birmingham B18 7QY
Ward affected:	North Edgbaston
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, 0121 303 9896, 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 18 th November 2019 from the Chief Inspector of Weights & Measures in respect of D & B Wines, 201 Dudley Road, Winson Green, Birmingham B18 7QY. A representation has been received from West Midlands Police as a responsible authority.

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:

The Chief Inspector of Weights & Measures applied on 18th November 2019 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for D & B Wines, 201 Dudley Road, Winson Green, Birmingham B18 7QY.

A representation has been received from West Midlands Police, as a responsible authority.
See Appendix 1.

Review application is attached. See Appendix 2.

The Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

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 representation as detailed in Appendix 1
Review Application Form, Appendix 2
Copy of Premises Licence, Appendix 3
Site location plans, Appendix 4

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.

Entered BN
6/12/2019

From: bw licensing <bw_licensing>
Sent: 04 December 2019 16:48
To: TradingStandards; Licensing Online; bw licensing
Subject: RE: new licence review application - D&B Wines 201 Dudley Road, Winson Green, Birmingham B18 7QY

Dear Licensing,

West Midlands Police have received the review application, submitted on behalf of the chief officer of Weights and measures for BCC. West Midlands Police fully support this application, and are particularly disturbed to read the evidence surrounding this review application and the apparent lax attitude that the licensed premises pay towards the licensing objectives.

West Midlands Police are concerned that after officers from our response unit found a 15yr old intoxicated female in a park, with her friends stating to officers that she had bought the alcohol from D&B wines. This information was then passed to both trading standards and BCC licensing enforcement.

Whilst not wishing to repeat the information in the review application (which is fully supported by us), it is apparent that Trading Standards and BCC licensing enforcement has given ample and sufficient advice to the premises, whilst not receiving any credible engagement back. Months after the advice was given a test purchase operation was undertaken, and it is noted that the volunteer was in the same age and gender bracket of the person found in the park, and the premises sold alcohol to the child.

It has to be noted again that the type of alcohol sold is a type and brand of alcohol popular with younger drinkers.

West Midlands police are concerned that the person who sold the alcohol to the test purchaser was the same individual with whom officers had given advice to in a previous visit

It would appear that the DPS/PLH has a very distant operating style where staff are left in charge, with little or no command of the English language, staff with no understanding or comprehension of the licensing legislation.

The sale of alcohol to minors is a serious offence and issue. Alcohol is classed a drug and has wide ranging effects on the body, which are easily exacerbated in the young as they are not accustomed to the effects. This puts people in very vulnerable states as clearly seen with the incident where response officers found the 15yr old girl, to the point where they are more susceptible to things happening to them.

The Licensing Act has a list of serious offences contained within the 182 guidance. Sec 11.27 deems a serious offence to be

- For the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people

Sec 11.28 states that even on the first review application, revocation should be seriously considered. Even if this review was just from following a failed test purchase, West Midlands Police would be seeking revocation, however as there are aggravating features to this application West Midlands Police believe that the only option available is for the premise licence to be revoked.

West Midlands Police fully support the application made by Trading Standards and wish to join in the review application

regards

Abs Rohomon

**PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ**

Internal :

External :

Follow us on Twitter - @brumcopslicensing

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Email: a.rohomon

Website: www.west-midlands.police.uk

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YouTube: www.youtube.com/westmidlandspolice

Vision statement - Serving our communities, protecting them from harm

**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 Martin Williams (on behalf of Donna Bensley Chief Inspector of Weights & Measures)

Apply for the review of a premises licence under section 51 of The Licensing Act 2003 for the premises described in part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
D&B Wines 201 Dudley Road Winson Green	
Post town Birmingham	Post code (if known) B18 7QY
Name of premises licence holder or club holding club premises certificate (if known) Mr Marius MICLESCU	
Number of premises licence or club premises certificate (if known) 1159	

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)

YES

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

☐

Premises licence review D&B Wines 9541790

Page 1

(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; Martin Williams Birmingham Trading Standards Manor House 40 Moat Lane Birmingham B5 5BD Our Ref: 9541790
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 ✓

Yes

Yes

☐

Yes

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

On the evening of 1 September 2019 police officers from Newtown police station response team were called to an incident in Summerfield Park and found a 15 year old girl unconscious due to alcohol consumption.

Her friends stated that she had gone into D&B Wines, 201 Dudley Road, Winson Green, Birmingham, B18 7QY and had been sold vodka and Lambrini wine. The girl was apparently clearly underage, not much over 5ft tall and would in no way have passed a Challenge 25 test.

This information was passed to both Trading Standards and Birmingham City Council licensing by Police Officer 22046 MOORE. A complaint was raised and given reference number 9483904

Following on from this on 18 September 2019 a joint visit was made to the shop by officers from both agencies; officer being Trading Standards Enforcement Officers John BRADBURY and Floyd ROWE with Licensing Enforcement Officer Sharon WATTS

A trader's notice number 13037 was issued to the premises licence holder by Trading Standards advising that it was illegal to sell alcohol and tobacco to persons under eighteen, it also advised that trading standards undertake test purchases and if a sale was made then a review of the licence would be requested.

Officer WATTS was concerned that Mr Adi Romulus ILEANA, who was in charge at the shop at the time, did not appear to speak English and was unable to say if he had been authorised to sell alcohol or explain his responsibilities regarding the premises licence.

The DPS/ PLH, Mr Marius MICLESCU was not present at the time of the visit and officers were advised that he was abroad.

Trading Standards had a further meeting with the wife of Mr MICLESCU on 27th September 2019 as they were still concerned about the running of the premises. Further advice was given about preventing underage sales of alcohol or tobacco products.

On Saturday 2 November 2019 Trading Standards undertook a test purchasing exercise. They were assisted in the exercise by a 14 year old female volunteer.

At approximately 12.50 pm the volunteer was able to purchase a large bottle of 4% alcohol WKD blue from the shop. The sale was observed by Trading Standards Officer Martin WILLIAMS.

The person who sold it to her was Adi Romulus ILEANA. He did not ask her for any ID or what her age was.

On returning to the shop officers found that Mr ILEANA was unable or unwilling to give any explanation as to why he made the sale. (Eventually a family member had to be called to act as an interpreter). There was no statutory 'under 18 tobacco' notice on display in the shop or challenge 25 poster. Officers also found 3 packs of illicit hand rolling tobacco in a small fridge in the shop that appeared to be counterfeit. The Premises Licence Holder who is also the Designated Premises Licence Holder was not available. There was no other personal licence holder on the premises.

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

The sale of alcohol to persons under the age of 18 is a serious offence under The Licensing Act 2003.

It also has serious consequences when it gets into the hands of young people as illustrated in the sale made to the first young girl in this case.

This shop had at least two warnings from Trading Standards not to sell alcohol to underage people.

There is no excuse at all for making the sale to the volunteer; it appears to be a badly run premises with no control by the PLH/DPS.

The original incident in itself should have been a sufficient deterrent. Particularly as the incident had made the 15 year old girl unwell and could have ended up much worse.

It appears that the man left in charge at the shop, Mr Adi Romulus ILEANA cannot or does not wish to communicate to the authorities. He also appears unable to be aware of his responsibilities under the licensing Act.

The person who is the DPS and PLH, Marius MICLESCU was not present in the shop on any of the visits by Trading Standards which is also of concern as he does not appear to be taking any responsibility. On one occasion he resorted to using his wife to speak to Trading Standards and on two others a young man had to be called to interpret for him.

Previous history of this shop.

The current licence for this premises was granted on 7 September 2017.

On 1 October 2018 Trading Standards received a complaint from a member of the public that the shop was selling fake cigarettes and was also selling alcohol to underage people. This was given reference 9154759.

Following this information an officer went to D&B Wines on 19 October 2018 and gave advice on illicit cigarettes and alcohol. Whilst at the shop the officer witnessed three attempted sales of single cigarettes by the person serving.

A trader's notice number 12689 was issued to the licence holder Mr MICLESCU on this occasion and an information pack was given including tobacco and alcohol notices to display. A poster advising not to sell single cigarettes and challenge 25 posters were also sent to the shop a few days later. Neither Mr MICLESCU nor the then DPS Mr Sukhwant BAHIA were present. There was no other personal licence holder on the premises.

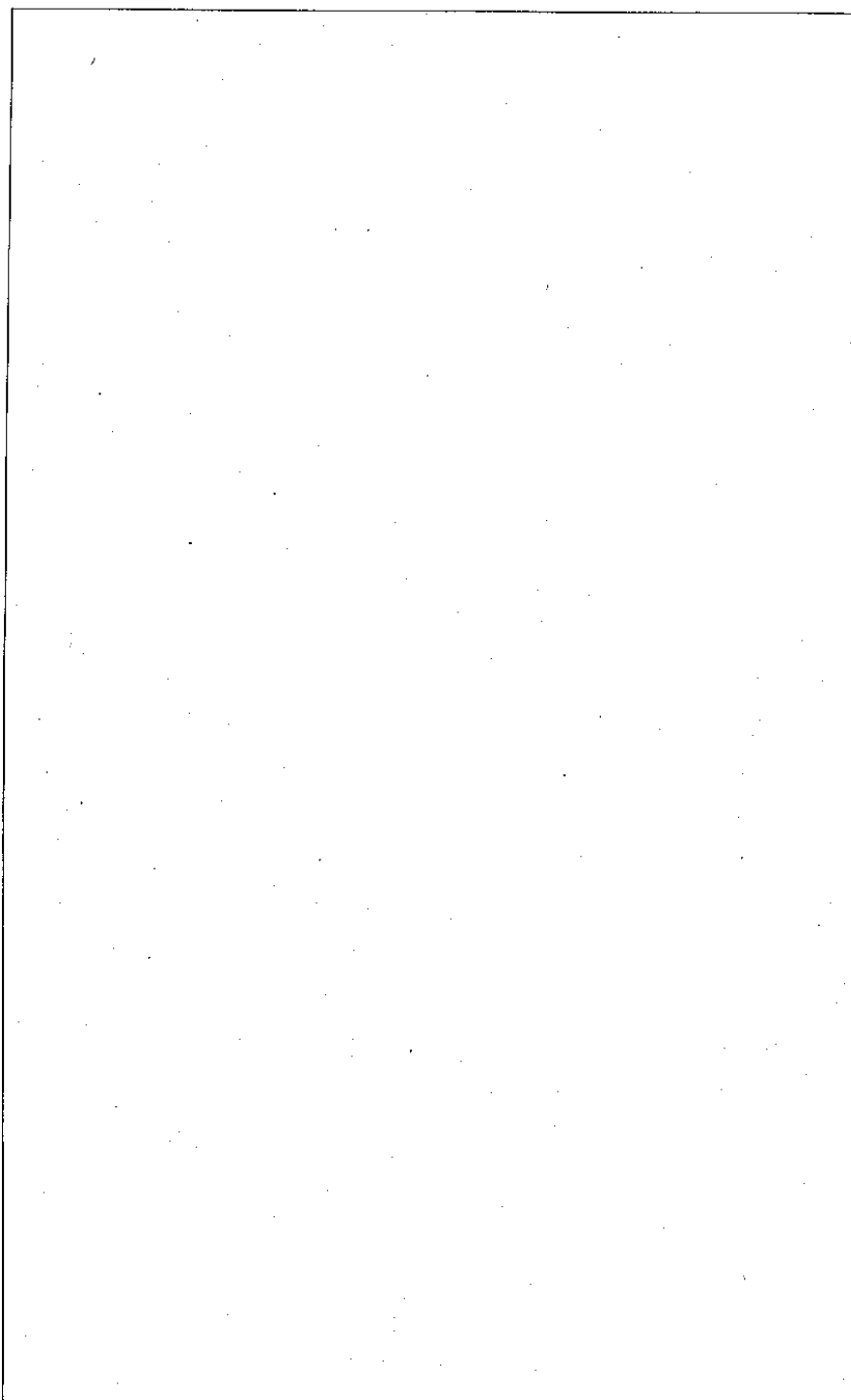
Recommendations.

Given the history and number of times this shop has been warned about underage sales and how to comply with Trading Standards and Licensing Laws I do not think under the current management things will change for the better.

The serious incident with the 15 year old girl is as a direct consequence of the shops refusal to act responsibly and comply with the law.

They have breached three of the licensing objectives and have little regard for the law.

I would ask that the Committee consider all outcomes at their disposal but due to the seriousness of the matters would recommend that the best course of action is for the licence to be revoked.



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

No

If yes please state the date of that application

Day	Month	Year
1	1	1

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 **YES**
- I understand that if I do not comply with the above requirements my application will be rejected **YES**

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 18/11/19

Capacity Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. 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.

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

1159 / 3

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**D & B Wines
201, Dudley Road
Winson Green**Post town:**

Birmingham

Post Code:

B18 7QY

Telephone Number:**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 - Saturday	11:00	-	23:00	M2
Sunday	12:00	-	22:30	M2
Christmas Day	12:00	-	15:00	M2
	19:00	-	22:30	M2
Good Friday	08:00	-	22:30	M2

The opening hours of the premises

Not Specified

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

Off Supplies

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Marius Miculescu	
Post town:	Post Code:
Telephone Number: Not Specified	
Email	

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 Marius Miculescu	
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 16/000269/LAPER	Issuing Authority SANDWELL METROPOLITAN BOROUGH COUNCIL

Dated 07/09/2017

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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.

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, 8 am. to 11 pm. b. On Sundays, other than Christmas Day, 10 am. to 10.30 pm. c. On Christmas Day, 12 noon to 3 pm. and 7 pm. to 10.30 pm. d. On Good Friday, 8 am. to 10.30 p.m. The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

BIRMINGHAM CITY COUNCIL

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

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

N/A

BIRMINGHAM CITY COUNCIL

Annex 4 – Plans

The plan of the premises with reference number **102498-1159/3** 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.



Birmingham
City Council

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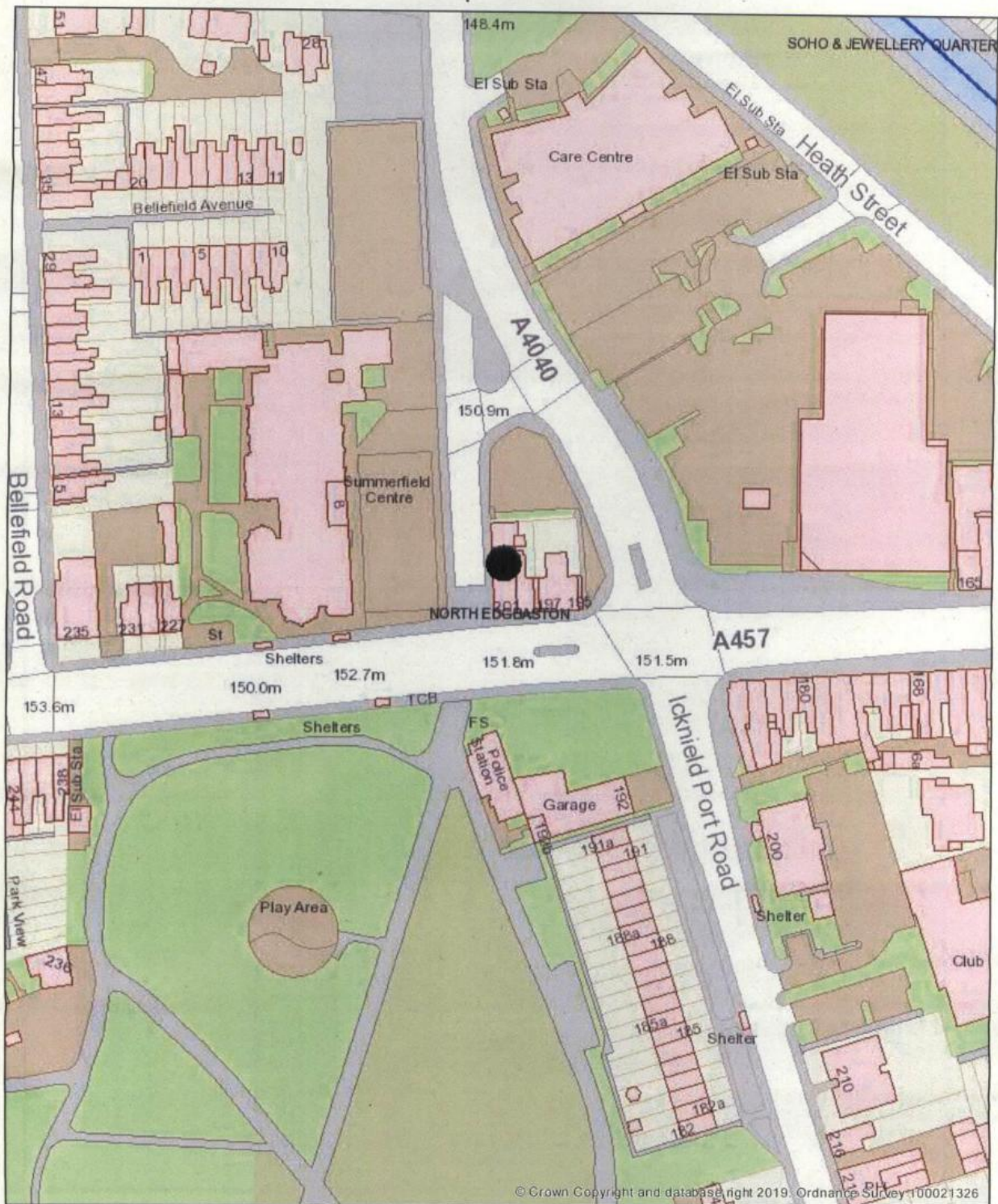
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Map Created By:

Scale: 1:4,000

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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: Abdool Rohomon BEM

Age if under 18: +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:

Date: 7/1/2020

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

I am the above named officer, currently a serving officer with West Midlands Police with 28.5 years' service all of which has been in Birmingham City Centre. For the last 17 years I have been a specialist licensing officer for Birmingham.

I hold qualifications in inspecting licensed premises, BiiAB level 2, risk assessment and management, science of people movement awareness. I was also honoured with a British Empire Medal for services to Policing and my role in licensing in the recent honours list.

This statement is in relation to a licensing review application made by Trading Standards against D&B wines, 201 Dudley Road, Birmingham. B18 7QY.

I have made representations supporting the application, with this statement I intend to elaborate further on my comments and also show the impact that selling alcohol to children has on them, their families and the emergency services.

I do find the circumstances surrounding the application disturbing, they can be quickly broken down to –

- Complaint being submitted from West Midlands Police to trading standards and BCC licensing enforcement, that they had found a 15 year old girl in a park heavily intoxicated
- D&B Wines was clearly mentioned in the police log
- Both Trading Standards and BCC licensing enforcement (both of whom are responsible authorities) visited and gave advice, which the act encourages authorities to do if practicable.
- Officers noted with concern that the staff appeared not to understand what they should be doing, under his responsibilities under the licensing act.
- The wife of the premise licence holder attended a meeting with Trading Standards where upon more advice was given – it is noted that the DPS/PLH (whom are one and the same) did not attend this meeting.
- 6 weeks after the complaints were made, and after advice had been given a test purchase operation was undertaken. The same person who had been in the shop during the first visit by Trading Standards and Licensing enforcement was in the shop and he sold alcohol to a 14 year old female.
- It is noted that when officers went back into the premises the person behind the till who had made the sale could not offer any explanation to the officers why he had done this, I see that this

has now change in the recent bundle submitted by the premises. I will draw the committees attention that at the time, when it was fresh in the mind, No explanation was given.

The impacts on the sale of alcohol to children are very serious, not only is it a serious offence under the licensing act as covered in the section 182 guidance, the effect on the child's health, development, propensity to being/committing crime is considerable.

In the police log, there are references to one of the girls being unconscious through the consumption of alcohol, and then covered in her own sick. This puts her in a far greater risk of being a victim of crime, she is very vulnerable, all through alcohol that they had reportedly bought from D&B wines.

It is not only the Police log that shows these impacts, a simple search through Google shows a wealth of organisations expressing the concerns of alcohol and children. I have selected a few from recognised organisations.

Barnado's – it says Young people who use alcohol and illegal drugs are at increased risk of

- Missing school
- Poor health
- Committing crime
- Being sexually exploited

NHS

Health risks

- Drinking alcohol can damage a child's health, even if they're 15 or older. It can affect the normal development of vital organs and functions, including the brain, liver, bones and hormones.
- Beginning to drink before age 14 is associated with increased health risks, including alcohol-related injuries, involvement in violence, and suicidal thought and attempts
- Drinking at an early age is also associated with risky behaviour, such as violence, having more sexual partners, pregnancy, using drugs, employment problems and drink driving

Drink Aware

Dr Sarah Jarvis – GP wrote an article for Drink aware explaining the consequences of alcohol consumption in children, which further support the reports from Barnado's and the NHS.

I have included all these reports for the committees attention as they are from respected organisations and only enforce the consequences of alcohol with children.

These premises were given advice, the premise licence holder who is the DPS has played a very hands off approach, and it is noticeable that now this review has been called he is trying to make out he has not.

I have seen the bundle from the premises and the wish that the licence shouldn't be revoked as this will bring untold hardship on their family, I am afraid the actions of the premises have brought untold hardship on others and put their lives at risk.

Premise licence holder are bestowed a great deal of trust to ensure they sell what is an actual drug in a legal and safe way, these premises even with advice have failed to uphold that trust.

Signature: _____ Signature witnessed by: _____

OFFICIAL (when complete)

Incident 2799 of the 01/09/2019

Log Details - CLOSED	
Urn	2799
Date	01/09/2019 22:56
Owner	BVSP1
Initial Classification	CONCERN 4SAFETY
Response	P1 IMMEDIATE
Last Updated	02/09/2019
Reported by	CALL 999 [REDACTED]
Brief Incident Details	CALLER REPORTING HER DAUGHTER'S FRIEND IS BEING SEXUALLY ASSAULTED BY A GANG OF MALES AT SUMMERFIELD PARK. THEY ARE AT THE FRONT OF THE PARK BY THE DESSERT SHOP. CALLER LISTENING TO IT OVER MOBILE PHONE
Location of Incident	
Feature	SUMMERFIELD PARK, SUMMERFIELD PARK
Street	DUDLEY ROAD
Area	WINSON GREEN, BIRMINGHAM, WEST MIDLANDS
Postcode	
Beat	BWJD
OSGR	404167 287382
Location Ref	2/2/472/62
Caller	
Name	[REDACTED]
Title	
House	[REDACTED]
Street	[REDACTED]
Area	[REDACTED]
Telephone Number	[REDACTED]
Ex-Directory	
Warning Markers	TREAT ALL CALLS AS URGENT
Crime Number	[REDACTED]
Status	CLOSED
Date Closed	02/09/2019
Result	REPORT - CRIME
Final Incident Type	RECORDED CRIME RECORDED CRIME
Closing Qualifiers	YOUTH RELATED / ALCOHOL
Free Text	COMMON ASSAULT
Number of Arrests	0

Log Updates				
Date	Time	User	Terminal	Text
01/09/2019	22:58	58804	LHCHE3	Sunday 01 Sep 2019
01/09/2019	22:58	58804	LHCHE3	Location was TREAT ALL CALLS AS URGENT on 20/02/19
01/09/2019	22:58	58804	LHCHE3	THE DESSERT SHOP. CALLER LISTENING TO IT OVER MOBILE
01/09/2019	22:58	58804	LHCHE3	PHONE

Date	Time	User	Terminal	Text
01/09/2019	22:58	58804	LHCHE3	Routed To Radio Operator(s)
01/09/2019	22:59	58804	LHCHE3	CLI data [REDACTED]
01/09/2019	22:59	58804	LHCHE3	412267, 298444, 545, 545, 80, 0, OSGB36
01/09/2019	22:59	54471	BWR1	Incident Transfer Accepted by terminal BWR1
01/09/2019	22:59	54471	BWR1	WHATS HER NAME?
01/09/2019	22:59	54471	BWR1	LOG 2759 MAY REFER
01/09/2019	22:59	58804	LHCHE3	CALLER REPORTING SHE HAS BEEN SPEAKING TO HER
01/09/2019	22:59	58804	LHCHE3	DAUGHTER ON HER MOBILE AT THE PARK. DAUGHTER,
01/09/2019	22:59	58804	LHCHE3	[REDACTED] IS DRUNK WITH HER FRIEND, [REDACTED]
01/09/2019	22:59	58804	LHCHE3	..
01/09/2019	23:00	58804	LHCHE3	[REDACTED] IS BEING SEXUALLY ASSAULTED BY A GROUP OF LADS
01/09/2019	23:00	58804	LHCHE3	THEY DON'T KNOW IN THE PARK.
01/09/2019	23:00	58804	LHCHE3	..
01/09/2019	23:00	58804	LHCHE3	[REDACTED]
01/09/2019	23:00	58804	LHCHE3	..
01/09/2019	23:00	58804	LHCHE3	ALL GIRLS ARE 15 YEARS OLD.
01/09/2019	23:00	58804	LHCHE3	..
01/09/2019	23:00	58804	LHCHE3	ANOTGHER GIRL HAS BEEN ASSAULTED AND RAN HOME TO HER
01/09/2019	23:01	58804	LHCHE3	GRANDMOTHER'S HOUSE NEARBY AND HAS RANG CALLER - THE
01/09/2019	23:01	58804	LHCHE3	MOTHER OF ONE OF THE GIRLS AT THE PARK.
01/09/2019	23:01	58804	LHCHE3	..
01/09/2019	23:01	58804	LHCHE3	FROM WHAT CALLER CAN UNDERSTAND - THEY ARE AT THE
01/09/2019	23:01	58804	LHCHE3	FRONT OF THE PARK BY THE DESSERT SHOP. TGHIS IS
01/09/2019	23:02	58804	LHCHE3	POSSIBLY HAPPENING IN A CAR, NO DESCRIPTION FOR THE
01/09/2019	23:02	58804	LHCHE3	CAR UNFORTUNATLEY.
01/09/2019	23:02	58804	LHCHE3	..
01/09/2019	23:02	54471	BWR1	RCO82 Automatic STM Notification generated
01/09/2019	23:02	54471	BWR1	RCO82 Despatched
01/09/2019	23:02	58804	LHCHE3	CALLER IS UNABLE TO GO TO THE PARK AS SHE IS AT HOME
01/09/2019	23:02	58804	LHCHE3	WITH [REDACTED]
01/09/2019	23:02	58804	LHCHE3	..
01/09/2019	23:02	54471	BWR1	Incident Switch to Terminal YMR1,YMR2,YMMSS
01/09/2019	23:02	54471	BWR1	ANY AD PLS?
01/09/2019	23:02	54471	BWR1	Incident Switch
01/09/2019	23:02	57030	YMR1	Incident Switch Accepted By YMR1

Date	Time	User	Terminal	Text
01/09/2019	23:03	54471	BWR1	RCV3 Automatic STM notification generated
01/09/2019	23:03	54471	BWR1	RCR27 Automatic STM notification generated
01/09/2019	23:03	54471	BWR1	RCV3 Allocated to Incident
01/09/2019	23:03	54471	BWR1	RCR27 Allocated to Incident
01/09/2019	23:03	57030	YMR1	[REDACTED]
01/09/2019	23:03	57030	YMR1	[REDACTED]
01/09/2019	23:03	57030	YMR1	[REDACTED]
01/09/2019	23:04	58804	LHCHE3	CALLER ADVISING THE OTHER GIRL WHO WAS ASSAULTED AND
01/09/2019	23:04	58804	LHCHE3	RAN TO HER GRANDMOTHER'S, DOESN'T WANT TO DISCLOSE
01/09/2019	23:04	58804	LHCHE3	HER NAME OR ADDRESS OR CONTACT DETAILS.
01/09/2019	23:04	58804	LHCHE3	..
01/09/2019	23:07	58804	LHCHE3	..
01/09/2019	23:07	58804	LHCHE3	CALLER CAN'T PROVIDE ANY MORE INFORMATION.
01/09/2019	23:07	58804	LHCHE3	
01/09/2019	23:07	58804	LHCHE3	CALLER OFFLINE.
01/09/2019	23:09	RCO82	Airwave	RCO82 Arrived at Incident
01/09/2019	23:11	55022	BWR4	SPOKEN TO CALLER. SHE CANNOT OFFER ANYTHING FURTHER.
01/09/2019	23:11	55022	BWR4	SAYS ONE GIRL IS DRUNK AND ON THE FLOOR. SHE HAS
01/09/2019	23:11	55022	BWR4	THEN TERMINATED THE CALL OR THE LINE HAS CUT OUT.
01/09/2019	23:16	55022	BWR4	RCV3....NO TRACE ON ARRIVAL OR ANY PERSONS MAKING
01/09/2019	23:16	55022	BWR4	THEMSELVES KNOWN. RCO82 DOING A WALKTHROUGH OF THE
01/09/2019	23:16	55022	BWR4	PARK ITSELF.
01/09/2019	23:21	55022	BWR4	RCR27 Not attached to this Incident
01/09/2019	23:21	55022	BWR4	Resources Dealing with this Incident Enquiry
01/09/2019	23:21	55022	BWR4	RCR27 Allocation Cancelled
01/09/2019	23:22	55022	BWR4	RCV3 Not attached to this Incident
01/09/2019	23:22	55022	BWR4	Resources Dealing with this Incident Enquiry
01/09/2019	23:22	55022	BWR4	RCV3 Was Not Allocated This Incident - Cannot Have
01/09/2019	23:22	55022	BWR4	Dealt With It
01/09/2019	23:22	55022	BWR4	Resources Dealing with this Incident Enquiry
01/09/2019	23:25	54471	BWR1	RCO82 WITH 2 FEMALES 1 DRUNK WITH AMBO
01/09/2019	23:26	54471	BWR1	WILL BE GOING TO HOSP
01/09/2019	23:51	21876	IncApp	UNCONSCIOUS FEMALE IS [REDACTED] MOTHER IS
01/09/2019	23:51	21876	IncApp	[REDACTED] WHO IS COMING FROM [REDACTED] TO MEET US AT
01/09/2019	23:51	21876	IncApp	CHILDREN'S HOSPITAL. TEL FOR [REDACTED]

Date	Time	User	Terminal	Text
01/09/2019	23:51	21876	IncApp	OBS ARE OK ATM. NO SUGGESTION OF DRUGS AT THIS TIME
01/09/2019	23:51	21876	IncApp	AND FRIEND [REDACTED] STATES THERE HAVE BEEN NO
01/09/2019	23:51	21876	IncApp	ASSAULTS. OFFICERS WILL LIKELY HAVE TO TRANSPORT
01/09/2019	23:51	21876	IncApp	[REDACTED] TO HER HOME ADDRESS ONCE [REDACTED] ARRIVES.
01/09/2019	23:51	21876	IncApp	[REDACTED] OF [REDACTED]
01/09/2019	23:51	20158	WebOASIS	FROM PC 20158 PEARSON NIGHTS STO :- I HAVE LIASE
01/09/2019	23:51	20158	WebOASIS	D WITH PC BLAKEY WHO IS WITH THE VICTIM. HE STATES
01/09/2019	23:51	20158	WebOASIS	THAT IT APPEARS TO BE A MATTER SOELY OF A HIGHLEY
01/09/2019	23:51	20158	WebOASIS	INTOXICATED YOUNG LADY AND NO SEXUAL ASSAULT OF ANY
01/09/2019	23:51	20158	WebOASIS	KIND APPEARS TO HAVE TAKEN PLACE OR BEEN ATTEMPTED.
01/09/2019	23:51	20158	WebOASIS	HE WILL CONTACT ME ANY DISCLOSURES ARE MADE
02/09/2019	00:05	57404	BVS1	Monday 02 Sep 2019
02/09/2019	00:05	57404	BVS1	[REDACTED]
02/09/2019	00:06	57404	BVS1	[REDACTED]
02/09/2019	00:06	57404	BVS1	[REDACTED]
02/09/2019	00:06	57404	BVS1	[REDACTED]
02/09/2019	00:07	57404	BVS1	[REDACTED]
02/09/2019	00:07	57404	BVS1	NT PNC
02/09/2019	00:07	57404	BVS1	Send Short Text Message
02/09/2019	00:11	21876	IncApp	WE ARE NOW AT CHILDREN'S HOSPITAL
02/09/2019	00:21	54471	BWR1	MATCHED WITH 2850 (01/09/19) - REASON AS BELOW :-
02/09/2019	00:21	54471	BWR1	SAME
02/09/2019	00:21	54471	BWR1	Incident Match
02/09/2019	00:52	54471	BWR1	Incident Transferred by terminal BWR1 to BVSP1
02/09/2019	00:52	54471	BWR1	
02/09/2019	00:52	54471	BWR1	Incident Transfer
02/09/2019	00:54	59603	BVSP1	Incident Transfer Accepted by terminal BVSP1
02/09/2019	01:38	21876	IncApp	[REDACTED] HAS ARRIVED AT HOSPITAL AND IS STAYING WITH HER
02/09/2019	01:38	21876	IncApp	DAUGHTER. WE HAVE NOW TAKEN [REDACTED] HOME TO HER
02/09/2019	01:38	21876	IncApp	MOTHER, OUR CALLER. AND WHILST WE WERE AT THE
02/09/2019	01:38	21876	IncApp	HOSPITAL, THE THIRD AND FINAL GIRL, [REDACTED]
02/09/2019	01:38	21876	IncApp	ARRIVED WITH HER GRANDMOTHER. SHE HAS REPORTED BEING
02/09/2019	01:38	21876	IncApp	SLAPPED IN THE FACE BY A BOY, WHO SHE REFUSES TO
02/09/2019	01:38	21876	IncApp	NAME, AND SO A COMMON ASSAULT WILL BE CRIMED SHORTLY
02/09/2019	01:38	21876	IncApp	WHEN WE ARRIVE BACK FROM BE LPU.

Date	Time	User	Terminal	Text
02/09/2019	01:54	59603	BVSP1	NOTED. AWAITING CRN
02/09/2019	03:35	21876	WebOASIS	REGARDING [REDACTED] SHE HAS BEEN LEFT AT CHILDREN'S
02/09/2019	03:35	21876	WebOASIS	HOSPITAL WITH HER MOTHER [REDACTED]. SHE WAS SLEEPING OFF
02/09/2019	03:35	21876	WebOASIS	THE ALCOHOL WHEN WE LEFT AND HAS NOT BEEN ABLE TO
02/09/2019	03:35	21876	WebOASIS	COMMUNICATE WITH US AT THIS TIME. SHE DOES NOT APPEAR
02/09/2019	03:35	21876	WebOASIS	INJURED IN ANY WAY AND WAS COVERED IN HER OWN SICK.
02/09/2019	03:35	21876	WebOASIS	SHE HAS POSSIBLY GONE OFF WITH ONE OF THE LADS PRIOR
02/09/2019	03:35	21876	WebOASIS	TO GETTING DRUNK FOR 10 MINUTES WHEN SHE MAY HAVE
02/09/2019	03:35	21876	WebOASIS	SMOKED SOME WEED OR TAKEN OTHER UNKNOWN SUBSTANCE.
02/09/2019	03:35	21876	WebOASIS	FROM SPEAKING WITH MOTHER, [REDACTED] HAS BEEN BEHAVING
02/09/2019	03:35	21876	WebOASIS	LIKE THIS FOR THE LAST 12 MONTHS AND IS CONSIDERED A
02/09/2019	03:35	21876	WebOASIS	CHILD AT RISK, HAS A SOCIAL WORKER, AND HAS INPUT
02/09/2019	03:35	21876	WebOASIS	FROM [REDACTED]
02/09/2019	03:35	21876	WebOASIS	[REDACTED] HAS BEEN GIVEN THE LOG
02/09/2019	03:35	21876	WebOASIS	NUMBER AND WILL SPEAK WITH [REDACTED] WHEN SHE COMES AROUND
02/09/2019	03:35	21876	WebOASIS	AND GET IN TOUCH IF SHE HAS ANYTHING TO REPORT. AT
02/09/2019	03:35	21876	WebOASIS	THIS STAGE IT JUST APPEARS THE 3 GIRLS HAVE LIED TO
02/09/2019	03:35	21876	WebOASIS	PARENTS OF THEIR WHEREABOUTS AND INTENTIONS FOR THE
02/09/2019	03:35	21876	WebOASIS	NIGHT, AND GONE OUT TO BUY ALCOHOL AND MET WITH
02/09/2019	03:35	21876	WebOASIS	[REDACTED] MALE FRIENDS IN THE PARK. ONE OF THESE HAS
02/09/2019	03:35	21876	WebOASIS	STRUCK [REDACTED], CAUSING HER TO RUN OFF TO HER
02/09/2019	03:35	21876	WebOASIS	GRANDPARENTS WHERE SHE HAS THEN CALLED THE CALLER.
02/09/2019	03:35	21876	WebOASIS	[REDACTED] AND [REDACTED] WERE LOCATED IN THE PARK ALONE,
02/09/2019	03:35	21876	WebOASIS	WITH [REDACTED] UNCONSCIOUS. [REDACTED] AND [REDACTED] HAVE
02/09/2019	03:35	21876	WebOASIS	GIVEN DIFFERING ACCOUNTS AND SO TRUE EVENTS CANNOT BE
02/09/2019	03:35	21876	WebOASIS	ASCERTAINED AT THIS TIME. IT DOES NOT APPEAR ANY
02/09/2019	03:35	21876	WebOASIS	DRINKS HAVEN BEEN SPIKED, AND [REDACTED] CONDITION IS
02/09/2019	03:35	21876	WebOASIS	DOWN TO HER CONSUMPTION OF ALCOHOL AND POSSIBLE
02/09/2019	03:35	21876	WebOASIS	WILLING CONSUMPTION OF DRUGS. AT THIS STAGE IT DOES
02/09/2019	03:35	21876	WebOASIS	NOT APPEAR THAT ANY SEXUAL OFFENCES HAVE TAKEN PLACE.
02/09/2019	03:35	21876	WebOASIS	ALCOHOL HAS BEEN PURCHASED FROM D&B ON DUDLEY ROAD,
02/09/2019	03:35	21876	WebOASIS	AN EMAIL HAS BEEN SENT TO LICENSING REGARDING THIS AS
02/09/2019	03:35	21876	WebOASIS	ALL ARE UNDERAGE. COMMON ASSAULT ON [REDACTED] IS
02/09/2019	03:35	21876	WebOASIS	[REDACTED]
02/09/2019	03:35	21876	WebOASIS	LOG CAN BE CLOSED.

Date	Time	User	Terminal	Text
02/09/2019	03:36	59602	BVSP2	Incident Close/Result Failed (Still At Scene)
02/09/2019	03:36	59602	BVSP2	Incident End (Result / Close)
02/09/2019	03:36	59602	BVSP2	All Resources Leave Scene/Dispatch Cancelled etc
02/09/2019	03:36	59602	BVSP2	Incident Closed By Terminal BVSP2
02/09/2019	03:36	59602	BVSP2	Incident End (Result / Close)

Incident Response THRIVE+ Assessments

Grade		Date	Time	Operator	Terminal
Original, Current	P1 IMMEDIATE Decision	01/09/2019	22:59	58804	LHCHE3
	THRIVE+ Assessment	01/09/2019	23:08	58804	LHCHE3

CONCERN FOR SAFETY OF DAUGHTER AND OTHER FEMALES. SEXUAL ATTACK REPORTED BY 3RD PARTY NOT AT SCENE.

Log Resources

Rank	Name	Collar No	Dispatched	Arrived	Left	Cancelled	Informed	Informed Cancelled	Dealt With	Call Sign
PC	BLAKEY	21876	01/09/2019 23:02	01/09/2019 23:09	02/09/2019 03:36					RCO82
PC	MOORE	22046	01/09/2019 23:02	01/09/2019 23:09	02/09/2019 03:36					RCO82
INSP	FIELD	20712					01/09/2019 23:03	02/09/2019 03:36		RCV3
PS	JENNINGS	22203					01/09/2019 23:03	01/09/2019 23:21		RCR27

PNC Results

Warning the PNC information shown here represents the information extracted from PNC at the time of the check, and should be used only as a record of the information available at that time. The information may now be out-of-date, and consideration should be given to making a new check to obtain up-to-date information.

- 1 - [REDACTED]
- 2 - [REDACTED]
- 3 - [REDACTED]

Vehicle Recovery System

No Elvis records are associated with this incident

Incorrect use of this facility may be an offence under the Computer Misuse Act 1990 and the data displayed is subject to the provisions of the Data Protection Act 1998.
Version: 3.0.3.0

Incident 2850 of the 01/09/2019

Log Details CLOSED	
Urn	2850
Date	01/09/2019 23:14
Owner	BWR1
Initial Classification	MISCELLANEOUS
Response	P9 CONTACT RESOLUTION
Last Updated	02/09/2019
Reported by	CALL 999 [REDACTED]
Brief Incident Details	HELLO WEVE CURRENTLY GOT A SITUATION WHERE POLICE ARE LOOKING IN SUMMERFIELD ROAD, LADYWOOD - LOOKING FOR A GIRL THERE
Location of Incident	
Feature	SUMMERFIELD PARK,SUMMERFIELD PARK
Street	DUDLEY ROAD
Area	WINSON GREEN,BIRMINGHAM,WEST MIDLANDS
Postcode	
Beat	BWJD
OSGR	404167 287382
Location Ref	2/2/472/62
Caller	
Name	[REDACTED]
Title	[REDACTED]
House	
Street	
Area	
Telephone Number	[REDACTED]
Ex-Directory	
Warning Markers	TREAT ALL CALLS AS URGENT
Crime Number	
Status	CLOSED
Date Closed	02/09/2019
Result	MATCHED WITH 2799 (01/09/19)
Final Incident Type	MISCELLANEOUS
Closing Qualifiers	
Free Text	
Number of Arrests	

Log Updates				
Date	Time	User	Terminal	Text

Date	Time	User	Terminal	Text
01/09/2019	23:17	59574	WFSD9	CLI data: EE, [REDACTED]
01/09/2019	23:17	59574	WFSD9	412259, 299111, 13, 13, 68, 0, OSGB36
01/09/2019	23:18	59574	WFSD9	CALLER STATING THIS IS POSSIBLY IN RELATION TO AN
01/09/2019	23:19	59574	WFSD9	ONGOING INCIDENT IN SUMMERFIELD PARK, LADYWOOD
01/09/2019	23:22	59574	WFSD9	View Incidents Attached To A Location
01/09/2019	23:23	59574	WFSD9	Changed Incident Location From [REDACTED]
01/09/2019	23:23	59574	WFSD9	[REDACTED]
01/09/2019	23:23	59574	WFSD9	Amend Incident Location
01/09/2019	23:23	59574	WFSD9	Changed Incident Location From SUMMERFIELD PARK
01/09/2019	23:23	59574	WFSD9	LADYWOOD, BIRMINGHAM, WEST MIDLANDS
01/09/2019	23:23	59574	WFSD9	Amend Incident Location
01/09/2019	23:23	59574	WFSD9	From :59574
01/09/2019	23:23	59574	WFSD9	APOLS FOR LOCATION - THIS IS SUMMERFIELD PARK,
01/09/2019	23:24	59574	WFSD9	LADYWOOD - CANNONT FIND ON SIG SO CANNONT DO A VSI
01/09/2019	23:24	59574	WFSD9
01/09/2019	23:24	59574	WFSD9	CALLER STATING HER DAUGHTER IS IN THE PARK [REDACTED]
01/09/2019	23:24	59574	WFSD9	[REDACTED] DRUNK OUT OF HER HEAD
01/09/2019	23:24	59574	WFSD9
01/09/2019	23:24	59574	WFSD9	SHE HAS RECIEVED INFO FROM ANOTHER GIRL WHO WAS AT
01/09/2019	23:24	59574	WFSD9	THE PARK BUT IS NOW AT HER GRANDPARENTS AND WANTS TO
01/09/2019	23:25	59574	WFSD9	REMAIN ANON THAT OTHER GIRLS ARE IN THE PARK AND
01/09/2019	23:25	59574	WFSD9	HAVE PLIED THE YOUNG GIRLS WITH ALCOHOL AND PUT
01/09/2019	23:25	59574	WFSD9	SOMETHING IN THE DRINK OF ONE OF THE GIRLS WHO IS ON
01/09/2019	23:25	59574	WFSD9	THE FLOOR AND CANNONT GET UP
01/09/2019	23:25	59574	WFSD9
01/09/2019	23:25	59574	WFSD9	SHE SATES THE BOYS PULLED THE CLOTHES OFF ANOTHER
01/09/2019	23:26	59574	WFSD9	GIRL AND VIDEOED IT AND THE BOYS HAVE ATTACKED
01/09/2019	23:26	59574	WFSD9	ANOTHER GIRL ALSO
01/09/2019	23:26	59574	WFSD9	Incident Routed to Radio Operators
01/09/2019	23:26	59574	WFSD9	Route To All Operators

Date	Time	User	Terminal	Text
01/09/2019	23:26	59574	WFSD9	APOLS
01/09/2019	23:26	59574	WFSD9	Graded Response changed from P8 INTERNAL TASK to P1
01/09/2019	23:26	59574	WFSD9	IMMEDIATE
01/09/2019	23:26	59574	WFSD9	Incident Route No Action - Transfer Outstanding
01/09/2019	23:26	59574	WFSD9	Route To All Operators
01/09/2019	23:26	59574	WFSD9	APOLS - HAVE REGRADED NOW
01/09/2019	23:26	59574	WFSD9
01/09/2019	23:26	59574	WFSD9	From :59574
01/09/2019	23:27	59574	WFSD9	From :59574
01/09/2019	23:27	59574	WFSD9	CALLER STATED THIS IS BY THE SWINGS AND SLIDE
01/09/2019	23:27	59574	WFSD9
01/09/2019	23:27	59574	WFSD9	CALLER STATED SHE WAS ON THE PHONE TO AN OFFICER BUT
01/09/2019	23:27	59574	WFSD9	GOT CUT OFF BUT REALLY NEEDED TO PASS THIS INFO TO
01/09/2019	23:27	59574	WFSD9	POLICE
01/09/2019	23:29	55149	BWR5	Incident Transfer Accepted by terminal BWR5
01/09/2019	23:30	59574	WFSD9	Incident Switch to Terminal
01/09/2019	23:30	59574	WFSD9	BWR1,BWR2,BWR3,CCTV1,BWR4,BWR5,BWRA
01/09/2019	23:30	59574	WFSD9	THIS IS A P1 - WAS ACCIDENTALLY ROUTED AS P8 -
01/09/2019	23:30	59574	WFSD9	PLEASE RTO TO BWR1
01/09/2019	23:30	59574	WFSD9	Incident Switch
01/09/2019	23:30	55149	BWR5	Incident Routed to Radio Operators
01/09/2019	23:30	55149	BWR5	Route To All Operators
01/09/2019	23:30	59574	WFSD9	THANKS
01/09/2019	23:30	59574	WFSD9
01/09/2019	23:30	59574	WFSD9	CALLER IS NOW OFFLINE
01/09/2019	23:30	54471	BWR1	Incident Transfer Accepted by terminal BWR1
01/09/2019	23:31	55149	BWR5	Incident Switch Accepted By BWR5
01/09/2019	23:31	54471	BWR1	THANKFULLY WE ARE ALREADY WITH HER
01/09/2019	23:31	54471	BWR1	Graded Response changed from P1 IMMEDIATE to P9
01/09/2019	23:31	54471	BWR1	CONTACT RESOLUTION
01/09/2019	23:31	57404	BVS1	Changed Incident Location From

Date	Time	User	Terminal	Text
01/09/2019	23:31	57404	BVS1	LADYWOOD,BIRMINGHAM,WEST MIDLANDS
01/09/2019	23:31	57404	BVS1	Location was TREAT ALL CALLS AS URGENT on 20/02/19
01/09/2019	23:31	57404	BVS1	Amend Incident Location
01/09/2019	23:32	54471	BWR1	RCO82 Automatic STM notification generated
01/09/2019	23:32	54471	BWR1	RCO82 Allocated to Incident
02/09/2019	00:12	53130	FSR2	Monday 02 Sep 2019
02/09/2019	00:21	54471	BWR1	RCO82 Allocation Cancelled
02/09/2019	00:21	54471	BWR1	MATCHED WITH 2799 (01/09/19) - REASON AS BELOW :-
02/09/2019	00:21	54471	BWR1	SAME

Incident Response THRIVE+ Assessments

Grade		Date	Time	Operator	Terminal
Original	P8 INTERNAL TASK Decision	01/09/2019	23:17	59574	WFSD9
	THRIVE+ Assessment				
Re-grade	P1 IMMEDIATE Decision	01/09/2019	23:26	59574	WFSD9
	THRIVE+ Assessment	01/09/2019	23:26	59574	WFSD9
RISK TO YOUNG GIRLS AT LOCTAION					
Current	P9 CONTACT RESOLUTION Decision	01/09/2019	23:31	54471	BWR1
	THRIVE+ Assessment				

Log Resources

Rank	Name	Collar No	Dispatched	Arrived	Left	Cancelled	Informed	Informed Cancelled	Dealt With	Call Sign
PC	BLAKEY	21876					01/09/2019 23:32	02/09/2019 00:21		RCO82
PC	MOORE	22046					01/09/2019 23:32	02/09/2019 00:21		RCO82

PNC Results

No PNC checks have been made against this incident

Vehicle Recovery System

No Elvis records are associated with this incident

Incorrect use of this facility may be an offence under the Computer Misuse Act 1990 and the data displayed is subject to the provisions of the Data Protection Act 1998.
Version: 3.0.3.0

Menu ▾



Alcohol and substance abuse

Helping families overcome problems caused by alcohol and drugs

We believe it's important to help all family members overcome problems caused by alcohol and drugs.

Young people who use alcohol and illegal drugs are at increased risk of:



- missing school
- poor health

(14)

- committing crime
- being sexually exploited

Where it is the parent with a drug and/or alcohol problem, children are more likely to be neglected, suffer domestic violence and misuse drink and drugs themselves.

We offer counselling and support for children, young people and their parents to help them turn their lives around.

We focus on the children. We listen to them so we can understand their problems. We offer them advice and support such as:

- teaching them basic life skills like reading and writing
- access to computers and IT training
- subsidised meals and laundry services if they are homeless

Find a service

Feedback

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[Terms & conditions](#)

[Modern slavery statement](#)

[Privacy notice](#)

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(Link: /)

Should my child drink alcohol?

Children and young people are advised not to drink alcohol before the age of 18.

Alcohol use during the teenage years is related to a wide range of health and social problems.

However, if children do drink alcohol underage, it shouldn't be until they are at least 15.

Health advice

The Chief Medical Officer has provided [guidance on the consumption of alcohol by children and young people \(PDF, 1.5Mb\)](http://www.cph.org.uk/wp-content/uploads/2013/09/Guidance-on-the-consumption-of-alcohol-by-children-and-young-people.pdf) (Link: <http://www.cph.org.uk/wp-content/uploads/2013/09/Guidance-on-the-consumption-of-alcohol-by-children-and-young-people.pdf>). This can help parents make decisions about their children and their relationship with alcohol.

Health risks:

- Drinking alcohol can damage a child's health, even if they're 15 or older. It can affect the normal development of vital organs and functions, including the brain, liver, bones and hormones.
- Beginning to drink before age 14 is associated with increased health risks, including alcohol-related injuries, involvement in violence, and suicidal thoughts and attempts.
- Drinking at an early age is also associated with risky behaviour, such as violence, having more sexual partners, pregnancy, using drugs, employment problems and drink driving.

Advice for parents:

- If children do drink alcohol, they shouldn't do so until they're at least 15 years old.
- If 15 to 17 year olds drink alcohol, it should be rarely, and never more than once a week. They should always be supervised by a parent or carer.
- If 15 to 17 year olds drink alcohol, they should never exceed the recommended adult weekly limit (14 units of alcohol). 1 unit of alcohol is

about half a pint of normal-strength beer or a single measure (25ml) of spirits. A small glass of wine equals 1.5 units of alcohol. Read more about [alcohol units](#) (Link: [/live-well/alcohol-support/calculating-alcohol-units/](#)).

- If your child intends to drink alcohol, using positive practices such as incentives, setting limits, agreeing on specific boundaries and offering advice can help.

Talking to your child

Talk to your child about the dangers of alcohol before they start drinking. You can use the points below as guidance.

- Make it clear that you disapprove. Research suggests that children are less likely to drink alcohol when their parents show that they don't agree with it.
- Don't shout at your child, because it will make them defensive and could make the situation worse. Stay calm and firm.
- Make it clear that you're there for them if they need you, and answer any questions they have.
- Talk to your child about how alcohol affects judgement. Drinking too much could lead them to doing something they later regret, such as having unprotected sex, getting into fights or drink driving.
- Warn your child about the dangers of [drink spiking](#) (Link: [/live-well/healthy-body/drink-spiking-and-date-rape-drugs/](#)) and how to avoid it.
- If your child wants to drink alcohol, advise them to eat something first, not drink too much and have a soft drink between alcoholic drinks.
- Make sure your child tells you where they're going and has a plan for getting home safely. If they're planning to drink, make sure they're with friends who can look after them.

You may also find the [alcohol misuse](#) (Link: [/conditions/alcohol-misuse/](#)) topic and the section about [drinking and alcohol](#) (Link: [/live-well/alcohol-support/](#)) useful.

Drinkaware also has information and advice about [talking to your child about alcohol](#) (Link: <https://www.drinkaware.co.uk/advice/underage-drinking/how-to-talk-about-alcohol/>).

What the law says

The police can stop, fine or arrest a person under 18 who is drinking alcohol in public. If you're under 18, it's against the law:

- for someone to sell you alcohol

- to buy or try to buy alcohol
- for an adult to buy or try to buy alcohol for you
- to drink alcohol in licensed premises, such as a pub or restaurant

However, if you're 16 or 17 and accompanied by an adult, you can drink (but not buy) beer, wine or cider with a meal.

If you're 16 or under, you may be able to go to a pub or premises that's primarily used to sell alcohol if you're accompanied by an adult. However, this isn't always the case and it can depend on the premises and the licensable activities taking place there.

It's illegal to give alcohol to children under 5.

Further information:

- [Drinking and alcohol \(Link: /live-well/alcohol-support/\)](#)

Page last reviewed: 18 September 2018

Next review due: 18 September 2021

drinkaware.co.uk

Home > Advice > Are you drinking too much? > Does my drinking affect my child?

Does my drinking affect my child?

We ask two experts to talk about the major part parents play in making sure their children develop a healthy relationship with alcohol:

- Dr Sarah Jarvis
- Family Lives website expert, Sue Atkins

Dr Sarah Jarvis - GP, expert in child health issues and a medical adviser to Drinkaware

"Drinking alcohol during childhood can have a serious effect on a child's development, causing a range of health and social problems. Drinkaware's new research suggests a strong link between the frequency of young people's underage drinking and their exposure to drinking at home. So it's clear that parents play a crucial role in making sure their children develop a healthy relationship with alcohol."

The UK chief medical officers (CMO) recommend that an alcohol-free childhood is the healthiest and best option. The law on alcohol and young people is different across the United Kingdom.

"Evidence shows that young people who start drinking at an early age drink more, and more frequently, than those who delay their first alcoholic drink, so it is important that parents try to delay their child's first drink as much as they can."

Drinkaware research¹ shows that only one in 10 (10%) of middle-earning (ABC1) parents are aware of the CMO guidelines on delaying drinking to the age of 15, but when presented with this guidance nearly 7 in 10 parents in England, Wales and Northern Ireland (69%) agreed with the recommendations.

"Experts advise that parents shouldn't try to de-mystify alcohol by allowing children to try it, especially around special occasions like Christmas. Instead, they can talk openly and honestly about alcohol with their children, highlighting the effect excessive drinking can have on your health.

"With tens of thousands of young people needing treatment every year in A&E departments because of alcohol, getting parents talking to their children in this way is the first step towards bringing these numbers down.

"In my experience, what conveys the stark realities of alcohol misuse to parents is to talk frankly about the effects that drinking from a young age has on their child's health.

"But what will strike a chord with young people is hearing about the short-term effects and dangers of drinking. Alcohol can be poisonous to anyone who drinks too much in a short space of time but children are especially vulnerable because of their smaller size. The serious health effects of alcohol on children can be seen when their blood alcohol levels get too high. This can cause their brain to stop controlling the body's vital functions and, in the worst case scenario, they could stop breathing, fall into a coma or choke on their own vomit.

"Knowing about the impact on their concentration and ability to learn can also strike a chord with young people. Drinking to excess can also affect their future prospects through social media. More than half of young people have untagged themselves in online pictures when they were drunk and in embarrassing positions – these pictures are out there forever for their potential future employers to see.

"By making your child aware of the impact of drinking on their body, you can help to give them the confidence to make more informed and healthy choices about alcohol as they get older."

Sue Atkins - parenting expert, writer, speaker, broadcaster, coach and author.

"Some parents might feel hypocritical laying down rules about alcohol when they worry they drink a little too often or much themselves. But it's important for parents to make the difference between adults drinking and children doing so. It's useful to explain that alcohol is only for adults because their bodies have finished growing, and even adults have rules about how much they can drink."

"Parents should try to be aware of how much they are drinking in front of their children, especially on holiday or at special occasions such as Christmas, as children do notice changes in their parents drinking habits.

"If you do drink too much on an occasion and end up nursing a hangover, don't try and hide the symptoms, instead talk openly to your child about how you're feeling, letting them know the effects would be worse for them as they're smaller and developing. This way they know too much alcohol can have a negative consequence and you avoid making alcohol a taboo subject.

"But, equally, parents should hide their own alcohol consumption from their kids. Setting a good example and demonstrating a moderate approach to drinking, while communicating the harmful effects of alcohol on children, is a good approach to alcohol education. If a parent doesn't drink themselves, they can still provide alcohol education using other people's drinking habits as a stimulus – either out of the home or on TV."

- To track the units of alcohol and calories your drinking, try using the Drinkaware: Track and Calculate Units app for free.

References

(1) 'Research into drinking attitudes & behaviour among young people aged 10-17 and their parents'. Research report conducted by Ipsos MORI on behalf of Drinkaware, May 2013. Available at: https://www.drinkaware.co.uk/media/157296/drinkaware_attitudes_and_behaviours_parents_and_young_people_2012.pdf

From: [redacted] & Toussaints-Solicitors, [redacted]
Sent: 07 January 2020 09:44
To: Licensing
Subject: Fwd: Our client: Defendant: D & B Wines 201 Dudley Road, B18 7QY
Attachments: client's authority.pdf; Our cover letter 06.01.2020.pdf; Training records.pdf; Statement of Adi Ileana dated 06.01.2020.pdf; Statement of Marius Miculescu 6.01.2020.pdf

Importance: High

Dear Sirs,

Re: Licensing Act Review 2003 Premises License Our client: Defendant: D & B Wines 201 Dudley Road, B18 7QY
Applicant: Chief Inspector of Weights & Measures

Further to our cover letter dated 6 January 2020, please note that the second paragraph of our letter should be read as " further to our client receiving.....", not as your client. we apologise for the typographical error.

Yours faithfully

Mohamed Turay

----- Original Message -----

Subject: Our client: Defendant: D & B Wines 201 Dudley Road, B18 7QY
Date: 16:36 06/01/2020
From: [redacted] & [toussaints-solicitors.](mailto:toussaints-solicitors@birmingham.gov.uk)
To: licensing@birmingham.gov.uk

Dear Sirs,

Re: Licensing Act Review 2003 Premises License Our client: Defendant: D & B Wines 201 Dudley Road, B18 7QY
Applicant: Chief Inspector of Weights & Measures

We act for the Defendant in the above matter. We enclose our client's signed authority to enable you to communicate with us.

Further to your client receiving supporting documents from the Applicant on 31st December 2019, we enclose the following documents on behalf of our client:

1. Witness Statement of Marius Miculescu dated 6th January 2020;
2. Witness Statement of Mr Adi Romulus Ileana dated 6th January 2020;
3. Training records.

Our Mr Mohamed Turay Trainee Solicitor at this Firm has conduct of this matter, he is being supervised by Miss Mary Toussaint Principal Solicitor. Our Mr Mohamed Turay will be attending the scheduled Review Hearing dated 13th January 2020 at 11.00.

Yours faithfully

Mohamed Turay
TOUSSAINTS SOLICITORS
First Floor, 150 Soho Road, Handsworth, Birmingham, B21 9LN.
(T) [REDACTED]
(F) [REDACTED]

AUTHORITY TO DISCLOSE INFORMATION

To: Birmingham City Council, Licensing Review Section
Re Licensing Act Review of premises License

I, Marius Miclescu Manager/owner of J & B wines
Of 201 Dudley Rd B18 7QY

Authorise you to disclose and provide all information necessary relating to my

To my Solicitors:

Toussaints Solicitors of First Floor, 150 Soho Road, Handsworth, Birmingham, B21 9LN.

Signed: 

Dated: 06.01.2020

Toussaints Solicitors
Ref: MMT/

Before

The license Subcommittee at Birmingham

Case Number:

URN:

R v Marius Miculescu

Criminal Procedure Rules Section 16.2 CJ Act 1967 CJ Act 1967, s.9 MC Act 1980,

Statement of Marius Miculescu

Occupation: BusinessMan

Age: over 18

This statement consisting of 4 pages 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 : [redacted]

Marius Miculescu

Dated: 6th January 2020

1. I Marius Miculescu, date of birth [redacted] of 201 Dudley Road Winson Green Birmingham B18 7QY, will say as follows.
2. I am the owner and manager of a business known as D & B wines situated at 201 Dudley Road Winson Green Birmingham B18 7QY.
3. The premise known as 201 Dudley Road Winson Green Birmingham B18 7QY is licensed to sell alcohol.
4. I hold Personal licences to sell alcohol and I am the designated Premises Supervisor (DPS) for the business.

5. I confirm that between 2018-2019, my wife Anna Maria and Mr Adi Romulus Ileana were trained and authorised by me to sell in my shop, as such I will refer to them as worker.
6. I confirm that Ana Maria Capatina and Mr Adi Romulus Ileana are trained by me to enable them to assist me with customer service role and they understand the wider social responsibilities involved in the sale of alcohol.
7. As the DPS who is responsible for day to day running of the business, I have always impressed on my assistance to follow all procedures, this being to ask for proof of Identification before any sale is executed to customers. We also have visible warnings in the shop which state that ID checks are required before a purchase is made.
8. Sometime in November 2019 a trader's notice with reference number 13565 was issued to my business D & B Wines, stated thereon that on 2nd November 2019 alcohol was sold to an underage girl by my staff Mr Adi Romulus Ileana.
9. I confirm that on 2nd November 2019, upon my return from a cash and carry shop where I went to buy some items for the business, Mr Adi Romulus Ileana informed me that on the said relevant date a man was in the shop floor acting suspiciously.
10. Mr Adi Romulus Ileana informed me that he was concerned that the man was taking too long to find what he wanted to buy, as he picked up one item after the other and placing them back. Mr Adi Romulus Ileana said, as the man was acting suspiciously, more attention was placed on him and it was during this time that a lady entered the shop and went straight to the shop floor and picked up a bottle of WKD blue 4% alcohol and brought it to the till for purchase.
11. Mr Adi Romulus Ileana informed me that as he was focused on the man who he said was acting suspiciously and he did not ask the lady to provide her ID as always usually do in line with our sale policy and that the lady did not appear underage in his view at the time.

12. All alcohol products with higher percentage are kept behind the counter hence customers cannot access them directly, this must be requested from the salesperson and ID checks are automatically requested.
13. Mr Adi Romulus Ileana informed me that shortly after the lady purchased the WKD and left the shop, the man who was acting suspicious then left the shop without buying anything. Shortly after the same man and another man returned to the shop alleging that alcohol was sold to an underage girl.
14. A further general check was carried in the premises and 3 packets of tobacco were found in the premise but in the private compartment where Mr Adi Romulus Ileana keeps his personal things. The tobacco was said to be counterfeit and Mr Adi Romulus Ileana had confirmed to me that the tobacco were for his personal use and he had bought them because they were cheap.
15. I state that the counterfeit tobacco found do not belong to my business at all and they were not in fact located in the cigarette shelf but were found in an old fridge where Mr Adi Romulus Ileana kept his personal belongings.
16. Although Mr Adi Romulus Ileana explained the circumstances which caused the oversight on his part in respect of the sale to the underage girl on 2nd November 2019, I have since terminated his service from my business.
17. With regards to complaint reference number 9128646 dated 01/10/2018, I deny that fake cigarettes were sold. I state that a customer bought a packet of Sterling cigarettes from my shop and then came back to return the cigarettes after opening the packet, my sale assistant refused to accept the cigarettes and the customer then threatened that he will get us in trouble by alleging that fake cigarettes were sold to him.
18. With regards to complaint reference number 9154759 dated 19/10/2018 being allegation of attempted sale single cigarettes. I state that the salesperson was

replaced, and I have further emphasised on my staff about the serious nature of such breach. Warning Postal are displayed in the premise.

19. I have also arranged for my wife Anna Maria Capatina to do the Personal Licence Course and will then apply for a Personal License.

20. With regards to complaint reference number 9482445, being allegation that a 15 years old girl who was found in the Summerfield park is alleged to have bought alcohol from D & B wines, I deny that the said girl bought alcohol from my shop.

21. I therefore request that my Premise licence and my Personal licence not to be revoked as this will cause untold hardship on me and my family.

22. I enclose training records of staff.

Signed by: [redacted]

Marius Miculescu

Witnessed By: [redacted]

Witness Name: [redacted]

Address: 150 Soho Road,

Handsworth, Birmingham,

B21 9LN

Occupation: Legal Administrator

Before

The license Subcommittee at Birmingham

Case Number:

URN:

R v Marius Miclescu

Criminal Procedure Rules Section 16.2 CJ Act 1967 CJ Act 1967, s.9 MC Act 1980,

Statement of Adi Romulus Ileana,Witness

Occupation: Painter

Age: over 18

This statement consisting of pages 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 :

Adi Romulus Ileana

Dated: 6th January 2020

1. I Adi Romulus Ileana, date of birth [REDACTED] will say as follows.
2. I am currently working as a painter after losing my job at D & B wines.
3. Between 2018-2019, I was working as a shop assistance at D & B wines situated at 201 Dudley Road Winson Green Birmingham B18 7QY.
4. The premise known as 201 Dudley Road Winson Green Birmingham B18 is licensed to sell alcohol.
5. My boss Mr Marius Miclescu holds Personal licences to sell alcohol and he is the designated Premises Supervisor (DPS) for the business.

6. I confirm that I was trained by Mr Marius Miculescu on the rules and procedures of selling alcohol to the public. My boss has always emphasised on the wider social responsibilities involved in the sale of alcohol.
7. During my training, I was strictly informed that all customers must show their ID before alcohol sale is executed.
8. Although I do not speak English language fluently, I was used to saying to every customer who comes to buy alcohol in shop, '**show me ID Please**' and I will point to the warning sign displayed in the shop which states that ID is required for purchases of alcohol and cigarettes.
9. On 2nd November 2019, a man attended D & B wines whilst I was selling on the till alone. A man attended the shop was acting suspiciously as he picked one item after the other without coming forward to the till to pay or asked me for assistance.
10. I became concern about the man 's movement in the shop and I then paid more attention to him. The man was taking too long to find what he wanted to buy and he was acting suspiciously.
11. During this time a lady entered the shop and went straight to the shop floor and picked up a bottle of WKD blue 4% alcohol and brought it to the till for purchase.
12. I was still focused on the suspicious man and by way of oversight I did not ask the lady who was on the till to provide me with her ID as I have always done to other customers in line with our sale policies.
13. The lady did not appear underage in my view, but this is not an excuse for me not have asked her to provide me with her ID as I have always done. This was a complete oversight on my part as I was distracted due to the man's suspicious behaviour in the shop.
14. I confirm that all alcohol product with higher percentage are kept behind the counter hence customers cannot access them directly, these products must be requested from the salesperson and ID checks are automatically requested.

15. Shortly after the lady purchased the WKD and left the shop, the man who was acting suspicious then left the shop without buying anything. Shortly after, the same man and another man returned to the shop alleging that alcohol was sold to an underage girl.

16. A further general check was carried in the premises and 3 packets of tobacco were found in the private compartment, in an old fridge located at the back of shop were I normally keep my personal belongings.

17. I confirm that the tobacco which were found belongs to me and it was not for sale hence the reason that I kept it in the fridge together with my personal belongings.

18. I have not sold any counterfeit tobacco to any member of the public and to the best of my knowledge no counterfeit cigarette or tobacco were not sold at D B wines.

19. I have since lost my job at D and B wines because of this incident

Signed by: [REDACTED]

Adi Romulus Ileana

Witnessed By: [REDACTED]

Witness Name: [REDACTED]

Address: 150 Soho Road,

Handsworth, Birmingham,

B21 9LN

Occupation: Legal Administrator

Declaration By

IMarius Miclescu of 201 Dudley Road Birmingham Confirm that I am fluent in the language known as Romanian and I confirm that the contents of this statement has been read over to Adi Romulus Ileana in a language known as Romanian and he confirmed that he understood the contents therein and he confirmed that they are true.

Signed By:

Dated: 6th January 2020



TOUSSAINTS

Solicitors

&

Commissioners for Oaths

First Floor
150 Soho Road
Handsworth
Birmingham B21 9LN
West Midlands
U.K.

Tel: [REDACTED]
Fax: [REDACTED]
Emergency [REDACTED]

Email: [REDACTED]

Birmingham City Council
Licensing Section
PO Box 17013
Birmingham
B6 9 ES

Date: 6th January 2020

Our Ref: MMT/MT/10480
Reply To: Mary Toussaint

Your Ref:

By post and by email: licensing@birmingham.gov.uk

Dear Sirs,

Re: Licensing Act Review 2003 Premises License
Our client: Defendant: D & B Wines 201 Dudley Road, B18 7QY
Applicant: Chief Inspector of Weights & Measures

We act for the Defendant in the above matter. We enclose our client's signed authority to enable you to communicate with us.

Further to your client receiving supporting documents from the Applicant on 31st December 2019, we enclose the following documents on behalf of our client:

1. Witness Statement of Marius Miclescu dated 6th January 2020;
2. Witness Statement of Mr Adi Romulus Ileana dated 6th January 2020;
3. Training records.

Our Mr Mohamed Turay Trainee Solicitor at this Firm has conducted this matter, he is being supervised by Miss Mary Toussaint Principal Solicitor. Our Mr Mohamed Turay will be attending the scheduled Review Hearing dated 13th January 2020 at 11.00.

Yours faithfully,

TOUSSAINTS SOLICITORS
encls

* SERVICES by Electronic Mail (Email) are NOT ACCEPTED
* Office Hours 9 am to 1:00pm and 2:00pm to 5pm Monday to Friday *

* Mary Margaret Toussaint B.A.(Hons) The Principal SRA Number: 144880
This Firm is authorised and regulated by the Solicitors Regulation Authority SRA Firm Number: 269320 VAT Number: 705554835












Alcohol

Information Sheet







YORKSHIRE AND THE HUMBLES TRADING STANDARDS GROUP



TO BE READ AND SIGNED BY ALL STAFF

-  It is illegal to sell alcohol to anyone under the age of 18.
ESTE ILEGAL SA VINZI ALCOL PERSOANELOR SUB 18 ANI
-  It is illegal to sell alcohol to anyone aged 18 or over if they are buying on behalf of someone under the age of 18.
SAU UNUI ADULT CARE CUMPARA PT. UN MINOR
-  All premises that sell alcohol must have an alcohol licence and a designated premises supervisor.
-  Staff under the age of 18 must not sell alcohol unless each sale has been approved by the personal licence holder or other responsible person over the age of 18.
-  It is illegal to sell liqueur chocolates to anyone under the age of 16.
ESTE ILEGAL SA VINZI LIQUEUR PERSOANELOR SUB 16 ANI
-  If you are not sure that the customer is 18 (alcohol) or 16 (liqueur chocolates), ask for proof of age.
SE CERE I.D. CIND NUESTI SIGUR AE VIRSTA LOR
-  We recommend 'Challenge 21' - see 'Dear Retailer' page at the front of this pack.
-  If you are still not sure, refuse the sale and record in the refusals book.
REFUZI SA SERVESTI CLIENTUL DACA NU ACE I.D.
-  The Premises Licence Holder must display the Premises Licence Summary (Part B of the licence) on the licensed premises in a conspicuous place.

REMEMBER - YOU COMMIT AN OFFENCE

-  If your premises does not have a licence to sell alcohol and you sell alcohol.
-  If there is no designated premises supervisor.
-  If you sell alcohol to a person under the age of 18. Your alcohol licence may also be at risk.
-  If you sell liqueur chocolates to a person under the age of 16. Your alcohol licence may also be at risk.
-  If a member of your staff who is under the age of 18 sells alcohol without the approval of a responsible person over the age of 18.
-  If you sell alcohol to a person aged 18 or over if they are buying it for a person under the age of 18.

SIGNATURE

DATE

POSITION HELD

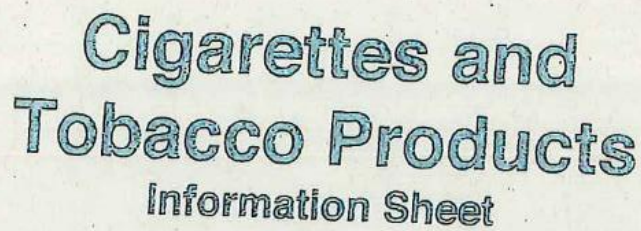
30.09.18

SELLER


30.09.18

10.07.19

SELLER



It is illegal to sell cigarettes or any other tobacco product to anyone under the age of 18.

 If you are not sure that the customer is aged 18 or over, ask for proof of age. We recommend 'Challenge 21' – see 'Dear Retailer' page at the front of this pack.

If you are still not sure, refuse the sale and record in the refusals book.

Remember that the law forbids all tobacco sales to children. If a child says "they're for my mum" that makes no difference, even if it is true. Don't

It is illegal to split a pack and sell cigarettes individually, regardless of the customer's age. *INTERPIS CIVILIZ. TIT. 1.2*

Make sure the warning on the packet is in English.

Make sure the warning notice "IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18" can be seen clearly at all times.

Cigarette vending machines must have on them the warning "THIS VENDING MACHINE IS ONLY FOR THE USE OF PEOPLE AGED 18 OR OVER".

If you sell tobacco products to a person under the age of 18.

If you sell unpackaged cigarettes.

If you do not display the warning notice or vending machine sign so they can be easily seen.

POSITION HELD

30.09.18

SELLER

30.05.18

SELLER



Solvents and Lighter Refills

Information Sheet



TO BE READ AND SIGNED BY ALL STAFF

- ☒ It is illegal to sell solvents to persons under the age of 18 if you know or think that the substance or its fumes are likely to be inhaled for the purpose of "getting high".
- ☒ It is an offence to sell substances which you think will be sniffed, to persons acting on behalf of someone who is under the age of 18.
- ☒ It is an offence to sell gas lighter refills to anyone under the age of 18.
- ☒ *INTERPIS SAVINA brichete. GAS REINCARCAN... PERS. SUB 18 ANI*
If you are not sure that the customer is over the age of 18, ask for proof of age.
We recommend 'Challenge 21' - see 'Dear Retailer' page at the front of this pack.
- ☒ *NU ESTI SIGUR, REFUZA SA L SA L SERVESTI SI NOTEZI IN*
If you are still not sure, refuse the sale and record in the refusals book.
CAIETUL DE RECLAMATII
- ☒ If you suspect that an older person is buying on behalf of someone under the age of 18 to inhale, refuse the sale and record in the refusals book.
- ☒ The law does not give a list of possible substances which may be inhaled - it is up to you to decide whether a particular young person is going to misuse the product. The main products which are misused to "get high" are butane gases, certain types of glues, correction fluids and many types of aerosol sprays.

REMEMBER - YOU COMMIT AN OFFENCE

- ☒ If you sell gas lighter refills to anyone under the age of 18.
- ☒ If you sell "sniffable" substances to anyone under the age of 18, or someone acting on their behalf, if you know or think they will be used for "getting high".

SIGNATURE

DATE

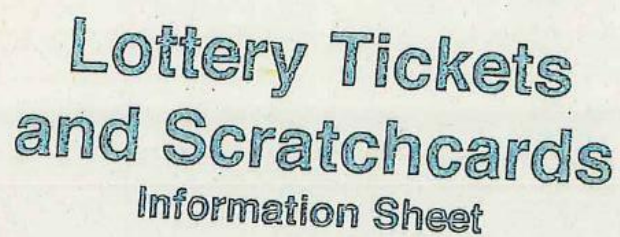
POSITION HELD

30.09.18

SELLER

30.09.18






SELLER





YORKSHIRE AND THE HUMBER TRADING STANDARDS GROUP



TO BE READ AND SIGNED BY ALL STAFF

- TO BE READ AND SIGNED BY ALL STAFF**
-  It is illegal to sell lottery tickets to someone under the age of 16.
 -  It is illegal to sell scratchcards to someone under the age of 16.
 -  If you are not sure that the customer is over the age of 16, ask for proof of age.
 -  If you are still not sure, refuse the sale and record in the refusals book.
 -  It is illegal for members of staff under the age of 16 to sell lottery tickets or scratchcards.

REMEMBER - YOU COMMIT AN OFFENCE

- REMEMBER - YOU COMMIT AN OFFENCE**
-  If you sell a lottery ticket or scratchcard to someone under the age of 16.
-  If a member of your staff under the age of 16 sells lottery tickets or scratchcards.

SIGNATURE

DATE _____

POSITION HELD

[illegible]

Licensing Act 2003 (Review) - D& B Wines 201 Dudley Road Birmingham B18

7QY

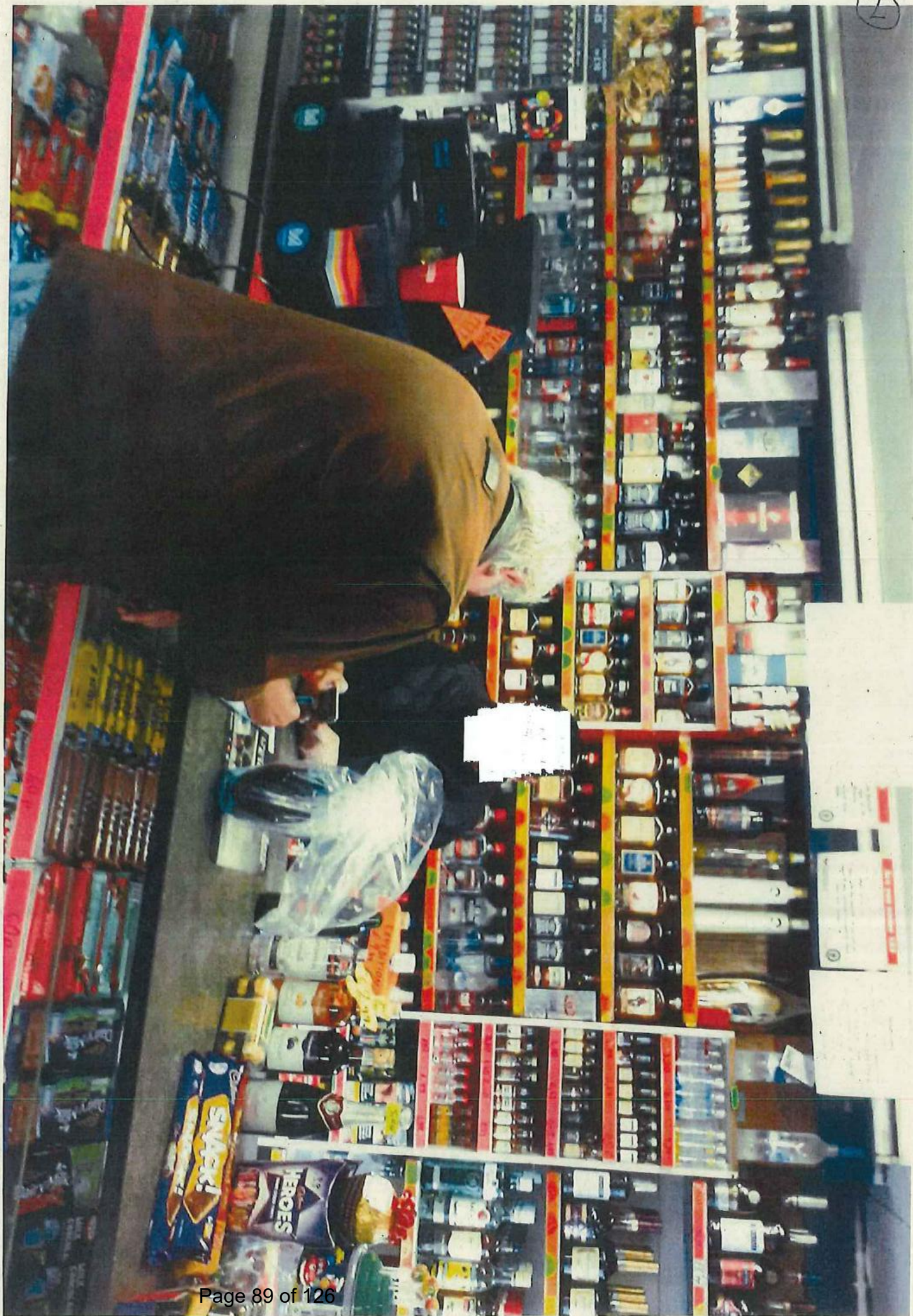
Monday 13th January 2020 Sub- Committee A

Supporting Documents - Trading Standards

1. Image of shop entrance
2. Image of shop counter area
3. Image of shop shelving
4. Image of bottle of WKD purchased by volunteer
5. Image of counterfeit tobacco found in fridge in shop
6. Statement confirming tobacco is counterfeit
7. Underage sale proforma document
8. Traders notice 13565 confirming sale on 02/11/2019
9. Traders notice 12689 – 19/01/2018
10. Traders notice 13037 – 18/09/2019
11. Trading standards complaint 9128646 – 01/10/2018 alleging 'fake' cigarettes
12. Trading standards complaint 9154759 – 19/10/2018 alleging attempted sales of single cigarettes
13. Trading standards job ref 9482445 – 02/09/2018 police referral re 15 year old girl being sold alcohol at D&B Wines.



2





3

4





causes heart attacks

Get help to stop smoking at www.nhs.uk

AYM OYK 70B 5TH
8A04236 1557

DUTY PAID



Smoking causes heart attacks

Get help to stop smoking at www.nhs.uk

AYM OYK 70B 5TH
8A04236 1557

DUTY PAID



Smoking causes heart attacks

Get help to stop smoking at www.nhs.uk

AYM OYK 70B 5TH
8A04236 1557

DUTY PAID



STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF SALVATORE LOSCALZO

Occupation of witness: Company Director

Age of witness: over 18

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

- 1 I am employed by Attest U.K. Authentication Services Limited as a Director. The company's offices are situated at 19 St Christopher's Way, Patriot Way Business Park, Pride Park, Derby DE24 8JY. I have held this position for 5 years 8 months. In my role as Director for Attest U.K. Authentication Services Limited, I regularly assist tobacco producers in the identification of counterfeit tobacco products. I am authorised to make this declaration, which I do so from my own knowledge unless otherwise indicated.
- 2 I have been instructed by Imperial Tobacco to assist them in the identification of genuine and counterfeit Imperial Tobacco Ltd cigarettes and tobacco products.
- 3 On 9th December 2019, I received the following Exhibit from Martin Williams from Birmingham City Council Trading Standards:

Sealed bag with plastic seal reference 09798 containing 2 x 50g pouches of Golden Virginia hand rolling tobacco.
- 4 I examined these pouches of hand rolling tobacco.

I can confirm that the materials used in the pouches of hand rolling tobacco are not consistent with Imperial Tobacco Ltd specifications.

Consequently, I can state that the pouches of hand rolling tobacco which I have examined were not made by Imperial Tobacco Limited, nor did Imperial Tobacco Limited authorise their manufacture or sale.

They are in fact counterfeit.

UNDERAGE SALES
OBSERVING OFFICER - Pro-forma

Appendix 5: Observing Officer Pro-forma and check list
Page 94 of 126

June 2019



Birmingham
City Council

No. 13565

NO TOBACCO NOTICE, ROYAL
DUTY CIGARS ON SALE
NO COUNTRY

MARIUS MIESCU

Dr B WINES 31/10/14

PA ELLSON

Enquiries to:

Telephone: 0121 303-4332

Date: 2 NOV / 2014

201, DUDLEY Rd

WINSON GREEN

B18 7QY

Legislation: LICENSING ACT 2003 05752771

SALE OF WRD 40, LARGE BOTTLE 299
12.50 PM. BY C GRANT ANTHONY ST. B66

ADI - ROMULUS ILEANA

(ROMANIA ID. CNP 1731213167338)

THIS SALE WAS MADE TO
14 YR OLD GIRL & OBSERVED
NO ID ASKED FOR / NO ID
CHECK - CHALLENGE 25 POSTED UP.
- MR ILEANA UNABLE / UNWILLING
TO ANSWER ANY QUESTIONS. THE
RESULT OF THIS SALE AN INVESTIGATION
WILL BE DONE ON MR ALLEGED OFFENCE
OFFENCE & A REVIEW OF LICENCE MAY BE DONE
ALSO TOBACCO COUNTRY & NOTICE TO BE DONE;

Paul A H

Received by:

Authorised Officer:

SEE IMPORTANT NOTICE OVERLEAF

3 PACKS OF TOBACCO G/VIRGINA IN FRIDGE

BY ROOM - TOBACCO CONTROL

Regulation and Enforcement

PO Box 16586 06053134

Birmingham

B33 3EH



CUSTOMER
SERVICE
EXCELLENCE



BSI 26188

INVESTOR IN PEOPLE

The Government Standard

47.27



Birmingham
City Council

Mr MICLESSU
NOT 10/11/54/3

No. 12689 - REFUSAL BOOT

M. D. B. WINES
201 DUDLEY ROAD
WINSON GREEN

Enquiries to: P. A. ELLSON
Telephone: 0121 303 4332
Date: 11/01/0/2015

Legislation:

PLAIDER ADVISORY NOTICE / WARNING
THIS DEPARTMENT HAS RECEIVED
INFORMATION THAT ILLICIT TOBACCO
& ALCOHOL IS BEING SOLD / SUPPLIED
FROM THIS PREMISES. THIS MUST
CEASE. WITNESSED A FARMER
SINCE SALE OF CIGARETTE (1000)
THIS IS ILLEGAL. NO STANDARD TOBACCO
NOT ON PREMISE. NO REFUSAL BOOT
AT ALL AREA. ALL ILLICIT STOCKS OF
ALCOHOL & TOBACCO MUST BE REMOVED
& DESTROY. INFORMATION PACK GIVE

- 1) TOBACCO DISPLAY INFO
- 2) TOBACCO & NICOTINE INITIALING PRODUCT
- 3) TOBACCO ETC PACKAGING LABELLING
- 4) ALCOHOL SUNDRIES ACT SALE

Received by:

Authorised Officer:

SEE IMPORTANT NOTICE OVERLEAF

TRADING STANDARDS
Regulation and Enforcement
PO Box 16586
Birmingham
B33 3EH



BSI 26188

INVESTOR IN PEOPLE

The Government Standard

47.27



Birmingham
City Council

No. 13037

10

M. MARIUS MICULESCU

DL B Wines

201 Dudley Road, B18 7QY

Enquiries to: JOHN BRADBURY

Telephone: 0121- [REDACTED]

Date: 18/07/2019

Legislation: We have received a complaint that alcohol has been sold to a 15 year old girl. This is a serious allegation. It is illegal to sell alcohol and cigarettes to under 18's. We regularly send underage who teens to buy and buy cigarettes and alcohol. If you sell, we will apply to have your alcohol licence revoked. Some of the items you sell are not priced - please ensure all goods have a price indication. I understand you are not in the UK at the moment. Please call me at your earliest convenience to discuss.

Received by: [Signature]

Authorised Officer: [Signature]

SEE IMPORTANT NOTICE OVERLEAF

TRADING STANDARDS
Regulation and Enforcement
PO Box 16586
Birmingham
B33 3EH



FS 26188



INVESTOR IN PEOPLE

CUSTOMER
SERVICE
EXCELLENCE



The Government Standard

4727

Property			
Address D & B Wines, 201 Dudley Road, Birmingham, B18 7QY			
Telephone		Fax	
Area TS - Trading Standards			
Worksheet			
Source			
Name [REDACTED]			
Address			
Home Tel		Work Tel	Mobile
Fax		Email [REDACTED]@gmail.com	
Department	TS - Trading Standards	Date Recd	01/10/2018 Time 12:48
Application	CPTS - Request for Assistance TS	Method	E - E-Mail
Task Group	A01 - Counterfeiting	Recd By	JJO - J [REDACTED]
Task	0113 - Tobacco	Source	GP - General Public
Details Fake Cigs - see remarks for further info.			
Message			
Officer	BAB - [REDACTED] Ellison	Target	Actual
Time Taken	100	First Response	08/10/2018 01/10/2018
Next Action		Completed	27/12/2018 23/10/2018
Due	Allocated 01/10/2018	Outcome	JU07 - Justified Written Warning

References
No References set up

Complaints			
Subject Details			
Title	Initials	Tel	
First Name		Fax	
Family Name		Email	
Section			
Breach	Statute		
TS Category	Enforcement	Cost of Goods	
Purchase Date	Purchase Time	Redress Value	
OFT (Goods/Services)	CH01 - Cigarettes	OFT (Method of Selling)	021 - Trader Premises
OFT (Complaint Type)	08G - Counterfeiting	Country of Origin	GB - United Kingdom
FSA Type			

Previous Complaints (Last 10 not including this one)						
Reference	Received	Details	Status	Outcome	Officer	
WK/009483904	03/09/2019	Underage sales to a girl of 15 who was later found unc.	Resp	JU07	JBR1	
WK/007015717	18/12/2012	C is off licence. c needs a sales record register which	Resp	HO1	AA6	
WK/004984091	21/04/2009	this should be 201 dudley rd I THINK.C states [REDACTED]	Resp	C001	SLA	

Remarks

Please create RFA

[Redacted Name]

[Redacted Name]

Enforcement Officer
Trading Standards Service
Regulation and Enforcement
Place Directorate

Birmingham City Council
PO Box 16586
Birmingham
B33 3EH

Tel: 0121 303 0505

Email: **[Redacted Email]**@birmingham.gov.uk

Secure email: **[Redacted Email]**@birmingham.gcsx.gov.uk

Our Mission Statement: Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors
Web: <http://www.birmingham.gov.uk/regulatorycharter>

If you require consumer advice please contact The Citizens Advice Consumer Helpline on 03454 04 05 06.
Information can also be found on our website at <http://www.birmingham.gov.uk/tradingstandards>
Follow us on Twitter@bhamts

From: **[Redacted Name]** [mailto:**[Redacted Email]**@gmail.com]

Sent: Monday, October 01, 2018 10:39 AM

To: TradingStandards

Subject: Re: Fake fags

D&b drinkstop ltd 201 Dudley road Birmingham B18 7qy this is the one that also sells alcohol to underage

On Mon, 1 Oct 2018, 10:34 TradingStandards, <TradingStandards@birmingham.gov.uk> wrote:
Dear Sara

Thank you for your email.

Please can you provide the full address of the shop.

Regards

[Redacted Name]

[Redacted Name]

Enforcement Officer
Trading Standards Service
Regulation and Enforcement
Place Directorate

Birmingham City Council
PO Box 16586
Birmingham
B33 3EH

Tel: 0121 303 0505

Email: **[Redacted Email]**@birmingham.gov.uk

Secure email: **[Redacted Email]**@birmingham.gcsx.gov.uk

Property

Address D & B Wines, 201 Dudley Road, Birmingham, B18 7QY

Telephone

Fax

E-Mail

Area

TS - Trading Standards

Worksheet

Source

Name

Address D & B Wines, 201 Dudley Road, Birmingham, B18 7QY

Home Tel

Work Tel

0121 444 3333

Department TS - Trading Standards

Insp Date

19/10/2018 Time 16:18

Application VSTG - Inspection - Trading Standards

Method

P - Personal Visit

Task Group OEV - Other Enforcement Visit

Recd By

BAB - Paul Ellison

Task OV02 - Complaint Visit

Source Type

T - Trader

Details Allegation of Counterfeit Tobacco and PE witnessed thre attempted single sales

Message

Officer BAB - [REDACTED]

Allocated 23/10/2018

Target

Actual

Next Action

Due

First Response

Time Taken 125

Completed

24/10/2018

24/10/2018

Outcome

VS03 - Visit Written Warning

References

No references set up

TS Inspections & Risk Ratings

Date Rated

Officer

Risk Ratings

Score

Risk Group

Potential Risk to Public

Next Due

Frequency

Hazardous Activities

Complexity of Legislation

Revisit Date

Consumers Affected

Officer

Confidence in Control

Worksheet

Average Weight Packer

Primary No

Area TS - Trading Standards

Previous

Score

Risk

AW Trader Type No Type

AW Packer Type No Type

General Activities

Activity	Items Examined		Items Tested		Enforcement Action
	Correct	Incorrect	Correct	Incorrect	
AR1 - Tobacco Statutory Notice			1		ADV - Advice Given
GEN7 - Trader Advice Given	5				
AR3 - Tobacco Display	1				
UA3 - Tobacco			3		VER - Verbal Warning

13

Property

Address D & B Wines, 201 Dudley Road, Birmingham, B18 7QY

Telephone

Fax

Area SOH - *OLD*SOHO

Worksheet

Source

Name PC [REDACTED] John Moore

Address West Midlands Police, Response Team C, Newtown Police Station, Force Response, 204, Bridge Street

Home Tel

Work Tel

0345 123 4567

Mobile

Fax

Email

[REDACTED]@west-midlands.pnn.police.uk

Department LIC - Licensing

Date Recd

02/09/2019

Time

Application CPEH - Request for Assistance

Method

E - E-Mail

Task Group LCOM - Licensing Complaint

Recd By

ERP - [REDACTED]

Task LCA3 - Licensing Act 2003

Source Type

WMP - West Midlands Police

Details Conditions

Message

Officer BAI - [REDACTED]

Target

Actual

Time Taken 30

First Response

09/09/2019

02/09/2019

Next Task

Completed

28/10/2019

02/09/2019

Due

Allocated

02/09/2019

Outcome

RTOA - Referred to other agency

References

No references set up.

Complaints

Subject Details

Title Initials

Telephone

First Name

Fax

Family Name

Email

Section

Offence

Statute

Purchase Date

Purchase Time

OFT (Product)

FSA Type

OFT (Condition)

Previous Complaints


(Last 10 not including this one)

Reference	Received	Details	Status	Outcome	Officer
WK/007555905	13/12/2013	FAFA8, visit to check for contaminated product	Comp	COMP	KAB
WK/007021126	20/12/2012	Black bag found to side on Winson Green Road	Comp	3	MNO
WK/006480235	14/11/2011	Licensing Act 2003 Inspection	Comp	3A	1ZS
WK/005914351	25/10/2010	Clear water in the cellar not sure where it is coming from	Comp	1A	KAB
WK/004552420	18/09/2008	LA 2003 Inspection	Comp	C001	1XQ

Comment Email to PC Moore
Dear PC Moore

I refer to your enquiry made to this service concerning the above premises. I have passed the details on to our Trading Standards Section who enforce age restricted sales legislation within the city. I shall however, carry out a licensing act inspection with regards to conditions attached to the premises licence to ensure compliance.

Kind regards



Licensing Enforcement Officer

Birmingham City Council Licensing Enforcement
Tel. 0121 303 9345 Fax. 0121 303 9982
Address: Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

For information regarding the various licences issues please go to
www.birmingham.gov.uk/licensing

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to <http://publicregister.birmingham.gov.uk>

Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.
Follow us on Twitter @BCCLicensing

From: John Moore [mailto:@west-midlands.pnn.police.uk]
Sent: Monday, September 02, 2019 3:24 AM
To: Licensing
Subject: D & B WINES, 201Dudley Road, Winson Green, Birmingham.

Good morning,

I just wanted to make you are of the above premises which have served a 15 year old girl vodka and lambrini.

On the evening of 01/09/19 officers have been called to an incident in Summerfield Park and have found a 15 year old unconscious due to alcohol consumption.

Her friends had stated that she had gone into the shop herself and bought the alcohol. She is clearly underage and would in no way have passed the "Challenge 25" test for sellers.

Just thought I would make you aware in case you wanted to conduct a visit. I considered attending and having a word but we had to look after this girl and her friends and it would have given the owner and opportunity to get rid of the footage if he thought a visit was going to happen. The girl in question was white, 15 years old, not much over 5 foot tall, small blue jean material jacket, small black top and black leather bottoms with trainers and a cream handbag. She may have been with another ic1 girl. It would have been at some point on the later afternoon, evening of 01/09/19.

If you want any more information I would be happy to supply it, just let me know what you need.

Regards

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 13th January 2020
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	16 Lonsdale Road, Harborne, Birmingham, B17 9RA
Ward affected:	Harborne
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:
To consider an objection notice to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on and off the premises), and the provision of late night refreshment on 18 th January 2020, to operate from to 4:00pm until 12:00midnight.

2. Recommendation:
To consider the objection notice made by Environmental Health.

3. Brief Summary of Report:
A Temporary Event Notice was submitted by Kieran Dewar and received on 3 rd January 2020, in respect of 16, Lonsdale Road, Harborne, Birmingham, B17 9RA.
An objection notice has been received from Environmental Health.

4. Compliance Issues:
When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
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.

<p>5. Relevant background/chronology of key events:</p> <p>Kieran Dewar submitted on 3rd January 2020, a Temporary Event Notice in respect of 16, Lonsdale Road, Harborne, Birmingham, B17 9RA.</p> <p>The Temporary Event Notice, including an Events Management Plan, is attached at Appendix 1.</p> <p>An objection notice has been received from Environmental Health, see Appendix 2.</p> <p>Site location plans are attached, see Appendix 3.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>Conditions may only be applied if the TEN is in connection with licensable activities at licensed premises. It must be noted a Premises Licence is not currently in force for 16, Lonsdale Road, Harborne, Birmingham, B17 9RA.</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> 1. The prevention of crime and disorder 2. Public safety 3. The prevention of public nuisance; and 4. The protection of children from harm

<p>6. List of background documents:</p> <p>The Temporary Event Notice and Events Management Plan is attached at Appendix 1.</p> <p>Objection Notice from Environmental Health, attached at Appendix 2.</p> <p>Site location plans, Appendix 3.</p>

<p>7. Options available</p> <p>To issue the TEN</p> <p>To issue a Counter Notice</p>



Birmingham
Temporary Event Notice
Licensing Act 2003

For help contact:
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

☐ Yes

☒ No

* Your date of birth

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

☒ Yes

☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

16

* Street

LONSDALE ROAD

District

HARBORNE

* City or town

BIRMINGHAM

County or administrative area

WEST MIDLANDS

* Postcode

B17 9RA

* Country

United Kingdom

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☒ Neither

☐ Premises licence

☐ Club premises certificate

Location Details

* Provide further details about the location of the event

Retail unit on a small parade just off the high street.

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Continued from previous page...

Describe the nature of the premises below (see also guidance on completing the form, note 4)

9.33 x 4m retail unit. Main bar room / toilet and bar to rear

Describe the nature of the event below (see also guidance on completing the form, note 5)

POP UP MICROBAR - see attachment for full event management plan

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
(see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☐ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

16:00 - 00:00

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

45

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 11)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 12):

- ☐ On the premises only
☐ Off the premises only
☒ Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence?

☐ Yes

☒ No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☐ Yes

☒ No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Section 9 of 9	
CONDITION (See also guidance on completing the form, note 18)	
It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.	
PAYMENT DETAILS	
This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. This formality requires a fixed fee of £21	
ATTACHMENTS	
AUTHORITY POSTAL ADDRESS	
Address	
Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
DECLARATION (See also guidance on completing the form, note 19)	
<p>* THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:</p> <p>* (I) TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS TEMPORARY EVENT NOTICE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR SUCH AN OFFENCE TO A FINE OF ANY AMOUNT; AND</p> <p>(II) TO PERMIT AN UNAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS</p> <p>* LIABLE ON SUMMARY CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR TO BOTH.</p> <p><input type="checkbox"/> Ticking this box indicates you have read and understood the above declaration</p> <p>This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"</p> <p>* Full name <input type="text"/></p> <p>* Capacity <input type="text"/></p> <p>Date (dd/mm/yyyy) <input type="text"/></p> <p><input type="button" value="Add another signatory"/></p>	

Event Management Plan

Stories Micro Bar

18th January 2020
Private Hire 40th Birthday

Event Description
16 Lonsdale Road is to host 40th birthday for 35 people. The room is being hired by a fellow neighbour and resident on Lonsdale Road.

Location/Description and Surroundings
16 Lonsdale Road Harborne B17 9QX is a glass fronted retail unit 9.33mx4m (39sqm). The entrance is glass door 950mm that opens inwards 90° to the right side wall. The Fire exit 950mm is a the back right of shop directly in line with the front entrance and opens outwards to the left side. The fire exit at back leads out onto an alley that runs along the back of shop parade and connects to 950mm alley in the middle of shops that leads back to Lonsdale rd. The Shop is set back from public pathway and would not affect foot traffic in case of emergency. The unit is one of four units on a residential street just off the high street, (Lordswood Road) in a popular area of Birmingham.

Dates and Times
January 18th 2020 16:00 to 23.30

Attendance
With bar and toilet install the floor space left 30.14sqm will be enough to seat and table 30 people safely.(1person/sqm) plus staff. With tables removed and bench seating only 45 people max capacity including staff.

Audience
Friends and family of the 40th birthday party host.

Event Organisers/Volunteers Roles and Responsibilities
<p>Kieran Dewar Events management/Bar staff - Run the bar in accordance to current licencing laws, maintain equipment and stock along with sales. Keep bar clean and safe. Also to liaise with local services, residents and customers. Open and Close Bar. If unavailable appoint staff to adhere to licence laws.</p> <p>Shaun Chaney Event management/Bar staff - assists in sales and housekeeping of all areas of the event to current standard. Deliver and take away stock/empties. Close shop and disperse people.</p> <p>Martin Glenn Event Management/Marketing and social media - Promote the event online and locally, IT support POS system. Assist Kieran and Shaun whenever needed with their duties.</p> <p>Michael Fitzpatrick Volunteer - Do on site training with event staff in best practice of equipment use/set up of stock. General guidance of running a small bar as he is head bar man of the in l</p>

Sophina Khan Volunteer - Survive to Thrive owner to do on site training to help staff spot and take care of vulnerable adults that my come to the event.

Contacts

Kieran Dewar	
Shaun Chaney	
Martin Glenn	
Michael Fitzpatrick	
Sophina Khan	

Litter/Cleansing Services/Grounds Maintenance

Before during and after the event , event staff will do regular toilet cleans bins and ashtrays will be placed out front with regular checks emptied and maintained. pipelines and equipment will be cleaned to current standards and correct detergents will be used. Before and after the event the front of shop will be assessed for risks and swept every night after the event.

Entertainment

We plan to have a docking station/bluetooth speaker in the bar area at the back of the shop for the customers to play songs if requested or for background music. The music never to be played above 80B. Between opening hours until close. TV for sports events to be shown live.

Security/Stewarding Companies/CCTV

We will not be using any companies as staff will be vigilant of any nuisance or anti social behavior and apply best practice to keep the public safe. We will also keep a log book and record all incidents. West Midlands Police will be notified if serious offences were to occur. During the Events CCTV will be located inside and around the premises to help in assisting in public safety.

Safeguarding children and vulnerable groups

Children will not be allowed on premises during event times. All staff will be trained by Survive to Thrive to identify vulnerable groups of age who attend the event. Appropriate practices to suit the vulnerable adult. Log the incident and outcome.

Noise Management

The main noise pollution from the events will be groups of people talking inside and outside when customers pop outside for cigarettes. Signs will be posted clearly around the bar and at the exit to respect neighbours and keep noise levels down when leaving the event or going outside to smoke. Staff members will be vigilant to noise levels outside and customers loitering longer than a cigarette will be politely asked to come back inside or move on. The bar will have a smart phone on site with a decible reader app and staff will make regular sound checks and log data (auditable.) Acoustic foam will be used where possible to absorb internal noise. If necessary we will install thick curtains on the glass front window to draw after 6PM. The noise levels from and docking station/radio/speaker will be monitored on a decibel reader on smartphone behind bar at all times.

Licenses

No event organisers have any personal licenses at the moment. Kieran Dewar has BII certificate. Volunteer Michael Fitzpatrick has license but will only be volunteering outside of event hours to do on site training. Richard Glenn has ten years experience working as an assistant manager in The Redditch Rd Off Licence 1983 - 1993 (355 Redditch Rd Birmingham)

Communications

The venue will have its own mobile phone which will be accessible to the public through advertisement and available to the police should they need to contact us for any reason. The venue will be called Stories Microbar and it will be clearly signed at the front. Inside the venue we will have various signage to combat underage drinking / drugs and promote being courteous to our neighbours. The bar will be promoted through social media such as facebook, youtube and twitter and instagram as well as word of mouth in the community.

Traffic Management

The unit is set well back from the main road and as our clientele will be drinking alcohol we don't expect them to be driving / parking at or near the venue. We are a small set up and intend doing our own stock pick ups / deliveries off peak using a car which we can park on the road at the front. All deliveries will be off peak.

Medical and first aid cover

We have all had first aid training over the years but none of us recently. We have a full first aid kit on site. We've noted that the local Waitrose has a defibrillator and nebuliser for use in an emergency.

Fire risk assessment

The front door is our main fire exit but there is also a secondary exit at the back of the premises which could be used. Fire exits will be clearly labelled. The room will have a smoke alarm and a co2 fire extinguisher on hand. We will have at least 750mm regulation width escape to all fire doors.

In case of emergencies all staff will be trained in crowd dispersal and a high visibility jacket will be worn in these scenarios. This would also be logged in the incident book. If necessary we will have an independent fire assessment by the fire service.

Police

We will have a mobile phone and will be contactable by the police. We will also work alongside the police licensing dept in respect of licensing laws and procedures. We will have an auditable incident log on site and should an incident occur it will be logged and handed over to all members of staff so we know if someone has been barred. We will also have CCTV we or the police can look back on should an incident occur.

Anyone suspected to be under the influence of drugs will be asked to leave and barred.
 Anyone suspected of selling drugs will be asked to leave and any CCTV footage will be passed to the police.
 All drugs related incidents will be logged in the incident book.

Waste Management

We have an account with First Mile waste management, who have 24/7 collection service. We will arrange waste collection in off peak times to cause minimum disruption to the roads. We will also self manage and recycle waste when necessary.

Risk Management

What are the hazards?	Who might be harmed?	Plan Of Action.	What further action is necessary?	Action by whom?	Action by when?
Slips, Trips and Falls.	Staff and customers slipping/tripping/falling suffering fractures and bruising etc	<ul style="list-style-type: none"> ■ Staff clean up spillages immediately using suitable methods and leave the floor dry. ■ Bar floor areas only washed out of hours staff know about proper use of detergents, correct detergent rates to avoid residue – wash, leave, rinse etc. ■ Good housekeeping – work areas kept tidy, goods stored suitably etc. ■ Drainage channels and 	<ul style="list-style-type: none"> ■ Ensure suitable footwear with good grip worn by staff ■ Wet floor signs behind bar for wh 	Event organisers and all employees.	<p>Immediately after any incident occurs.</p> <p>Before and after each event.</p>

		drip trays provided where spills likely. ■ Equipment maintained to prevent leaks onto floor. ■ Good lighting in all areas Doormats for wet weather. ■ No trailing cables or obstructions in walkways. ■ Cable covers used for all electrical cables, especially when hosting bands.			
What are the hazards?	Who might be harmed?	Plan Of Action.	What further action is necessary?	Action by whom?	Action by when?
Violence.	Staff and customers may suffer stress and/or physical injuries from aggressive customers.	■ Staff adhere to legal requirement not to sell alcohol to intoxicated customers. ■ Staff trained in good, polite behaviour and how to avoid confrontation following violence policy when to call police etc. ■ Incident log kept and filled out as soon as possible after incident ■ Staff made aware of barred	■ Keep good liaison with local police and check out the latest advice. ■ Manager to give talk to re-emphasise 'coping with disputes' training. ■ Ensure all incidents promptly investigated. ■ Consider if fitting panic alarm is practicable and will be of benefit.	Manager to seek advice of police/pub company on best panic alarm if necessary.	Immediately after any incident occurs.

		<p>customers.</p> <ul style="list-style-type: none"> ■ Information sharing scheme with police and other licensed premises in the area – member of local Pubwatch. ■ Regular glass collection – 'glass policy' implemented for very busy events or as appropriate. ■ Cashing up done after hours/out of customers' sight. 			
Manual handling	Staff receiving back, neck and limb injuries from lifting heavy loads (eg barrels), crates of bottles etc	<ul style="list-style-type: none"> ■ Staff training in rolling and stillaging casks. ■ Sack trucks and trolleys available for beer and bottle crates etc. 	<ul style="list-style-type: none"> ■ Consider siting and design of shelving for items behind bar to eliminate bending and reaching 	Events manager	Before the event opens.
What are the hazards?	Who might be harmed?	Plan Of Action.	What further action is necessary?	Action by whom?	Action by when?
CO2 leakage	Staff may be overcome when charging CO2 while changing barrels	<ul style="list-style-type: none"> ■ Only staff trained by the brewery or pub company, manager, partner and named staff member, change barrels. ■ Safe working practice, in 	<ul style="list-style-type: none"> ■ Put forward another full-time member of staff for training to cover absences 	Events manager	During event

		line with BBPA guidance.			
Pressurised equipment	Risk of explosion from over-pressurisation of beer pump systems, or faulty or damaged cylinders.	<p>Pressurised systems:</p> <ul style="list-style-type: none"> ■ designed, installed and maintained in line with BBPA's Code of Practice 2006, installation certificate obtained (copy at pub, owner holds original); ■ only trained staff – manager, partner and named member of staff who have undergone training to use the system; ■ cleaning containers suitable to accept system's maximum pressure and labelled to avoid confusion over detergents and flushing water <p>Gas cylinders:</p> <ul style="list-style-type: none"> ■ only obtained from reputable suppliers; ■ numbers kept to absolute minimum; ■ moved and stored properly to prevent damage; ■ used in an upright position in a safe, secure, dry place. 	<ul style="list-style-type: none"> ■ Put forward another full-time member of staff for training to cover absences. 	Events manager	Before, during and after each event.
What are	Who might be	Plan Of	What further	Action by	Action by

the hazards?	harmed?	Action.	action is necessary?	whom?	when?
Noise	<ul style="list-style-type: none"> Local residents may be inconvenienced at dispersal at closing times. 	<ul style="list-style-type: none"> Signs clearly posted around the entrance and outside to keep noise levels down to respect residents. Employees to be aware of noise levels outside. 	<ul style="list-style-type: none"> Anyone not complying with event policies will be ejected by event employees 	Event manager and employees.	During all event operational hours.
Electricity	Staff and customers could get electric shocks from faulty/ damaged wiring or electrical equipment	<ul style="list-style-type: none"> Wiring checked every five years by a qualified electrician. Regular PAT done by an electrician. Staff trained to spot damaged equipment, plugs, cable and fittings and take out of service. Staff told where fuse box is to turn off the electricity in the event of an emergency. Fuse box/consumer unit kept accessible at all times. 	<ul style="list-style-type: none"> Check to see if fuse box has 30 mA RCD protection. RCD sockets and plugs to be fitted if protection not at consumer unit. Ensure induction talk for any new staff or temporary staff includes how to turn off the electricity 	Event manager	Before event opens
Fire	If trapped staff could suffer from smoke inhalation/burns	<ul style="list-style-type: none"> Fire risk assessment done. Manager/senior staff member checks fire exits are clear. 	<ul style="list-style-type: none"> Staff to check outside smoking area to check all smoking materials extinguished after closing 	Event manager	Immediately
Hazardous substances	Staff can suffer chemical burns or develop dermatitis from contact with, or use of,	<ul style="list-style-type: none"> All products' safety data sheets checked to see what gloves, eye protection is 	<ul style="list-style-type: none"> Tell cleaning product rep they should check for safer alternatives before next 	Event manager	Before, after and during events

	cleaning chemicals	<p>necessary for use with the chemicals.</p> <ul style="list-style-type: none"> ■ Chemicals used reviewed with reps/supplier every six months to see if 'safer' alternative available. ■ Staff told about skin care when washing glasses, handling dishwasher chemicals etc. ■ Chemicals always kept in original labelled containers, any containers for decanted chemicals clearly marked. ■ PPE – gloves and eye protection available when using, decanting or diluting chemicals. 	visit.		
Transport	Staff may suffer serious injuries if struck by a vehicle, eg during deliveries.	<ul style="list-style-type: none"> ■ Reversing of vehicles to be supervised if other people in the area. ■ High-visibility waistcoat available. 	<ul style="list-style-type: none"> ■ Talk to the brewery, wholesaler and other suppliers about agreeing safe procedures and their risk assessment policies for deliveries, to try to eliminate reversing, or ensuring staff available. 	Event manager	During delivery times.

From: Martin Key on behalf of Pollution Team
Sent: 03 January 2020 14:33
To: Licensing Online; 'bw_licensing'; Pollution Team
Cc: KDEWAR;
Subject: RE: 16 Lonsdale Road, Harborne, Birmingham, B17 9RA - TEN for 18 January 2010
Importance: High
Switch-MessageId: e0b69ee512ca4cd3ac8c88739cea153f

Hi

I am responding on behalf of the Environmental Health team as a responsible authority. I have received an application from Kieran Dewar for a TEN for alcohol sale (on and off), regulated entertainment and late night refreshment at 16 Lonsdale Road, Harborne, Birmingham, B17 9RA on 18 January 2020 between the hours of 12:00 and 01:00.

There are a number of issues with the TEN application and the supporting Event Management Plan (EMP) as follows:-

1. The TEN is for 18 January 2020 although the hours extend into 19 January 2020
2. The application is for pop-up microbar but the EMP plan refers to the event as a Private Hire 40th Birthday
3. The application requests hours of 12:00 - 01:00 for 45 people but the form also refers to relevant entertainment from 12:00 - 23:59 (I would seek further information on the relevant entertainment)
4. The EMP describes Stories micro bar as an event set up by 3 individuals who want to provide a range of premium alcoholic beverages and soft drinks in a small comfortable setting for up to 7 days over the Christmas holidays – this is not what the application is seeking
5. The dates and times on the EMP differ from the application and are January 18th 2020 16:00 to 00:00.

The premises are very small and are located in a block of single storey retail units in a residential setting. This department has received complaints regarding noise late in the evening and in the early hours of the morning from both music from the premises and patron noise from outside the premises affecting residents in the locality. The measures in the EMP do not appear to be adequate to control the noise and therefore given the proximate residential use, location, on-going noise complaints and late terminal hour I am concerned that permitting the TEN for the hours as requested would not meet the public nuisance licensing objective.

I would object to the grant of the TEN on the basis of the impact on the licensing objective of the prevention of public nuisance and I am prepared to attend a licensing hearing if required.

Best Regards

Martin Key on behalf of Pollution Team
 Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

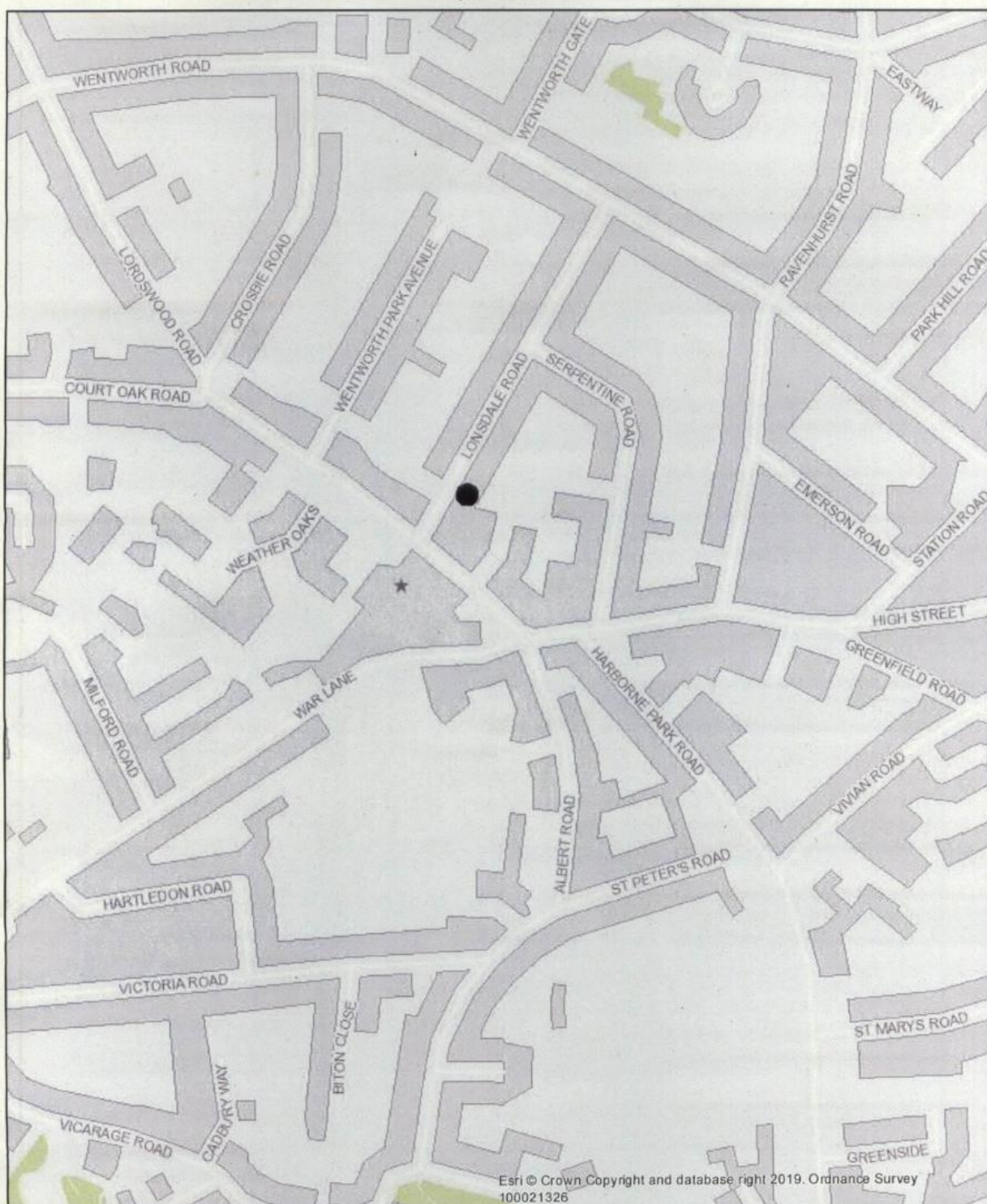
✉: pollution.team@birmingham.gov.uk

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE

(Office Site: Environmental Protection, 1st Floor, 40 Moat Lane, Birmingham, B5 5BD)

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Scale: 1:4,000

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