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 Illeana dated 06.01.2020.pdf; Statement of Marius Miclescu 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.
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 t 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 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)
(F)

AUTHOURITY 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 Miclescu

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

Statement of Marius Miclescu

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 : .....

Marius Miclescu

Dated: 6th January 2020

1. I Marius Miclescu, 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 were 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 were 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 were 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: .....

Marius Miclescu

Witnessed By:

Witness Name: .....

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 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 Miclescu 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: .....

Adi Romulus Ileana

Witnessed By:

Witness Name:

Address: 150 Soho Road,

Handsworth, Burmingham,

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:
Fax:
Emergency

Email:

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 t communicate with us.

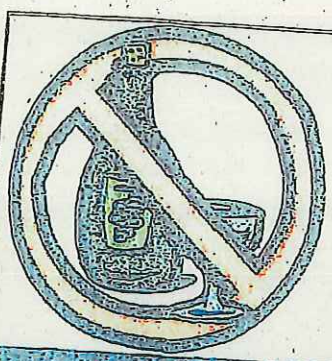
Further to your client receiving supporting documents from the Applicant on 31st December 2019, we enclose the following documents on behalf of our client:

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 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,

TOUSSAINTS SOLICITORS
encls



Alcohol

Information Sheet

YORKSHIRE AND THE HUMBER 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. CINDI NU ESTI SIGUR DE 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 ARE 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

Cigarettes and Tobacco Products

Information Sheet

YORKSHIRE AND THE HUMBER TRADING STANDARDS GROUP

TO BE READ AND SIGNED BY ALL STAFF

- It is illegal to sell cigarettes or any other tobacco product to anyone under the age of 18. ESTE ILEGAL SA VINZI TIGARI SAU TABACO PERS. SUB 18 ANI
- 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. DACA NU ESTI SIGUR DE VIRSTA LOR REFUZI SAL SERVESTI
- 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. REFUZ CATEGORIC INDIF. DE MOTIVE
- It is illegal to split a pack and sell cigarettes individually, regardless of the customer's age. INTERZIS SA VINZI TIGARI LA BUCATA.
- 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".

REMEMBER - YOU COMMIT AN OFFENCE

- 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.

SIGNATURE	DATE	POSITION HELD
	30.09.18	SELLER
	30.09.18	SELLER

Solvents and Lighter Refills

Information Sheet

YORKSHIRE AND THE HUMBER TRADING STANDARDS GROUP

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.

INTERDIS SA VINDI brichete, GAZ, REINCARCARI... 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.
- If you are still not sure, refuse the sale and record in the refusals book.

NU ESTI SIGUR, REFUZA SAL SERVESTI SI NOTEZI ÎN CARTEA 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

Lottery Tickets and Scratchcards

Information Sheet

YORKSHIRE AND THE HUMBER TRADING STANDARDS GROUP

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

- 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
[redacted]	30.09.18	[redacted] SELLER
[redacted]	30.10.18	SELLER