

LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

RECORD OF TAPE RECORDED INTERVIEW

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**Person Interviewed:** Mr Mihai Lupes (ML)  
**Place of Interview:** Brent House, 349-357 High Road, Wembley HA9 6BZ  
**Date of Interview:** 9<sup>th</sup> September 2011  
**Commenced:** 09:30  
**Ended:** 10:15  
**Interviewing Officer(s):** Ms Christine Connell – Enforcement Officer (CMC)  
Mr Andrew Clooney – Principle Officer (AJC)  
**Other Persons Present:** Lavinia Milea – Romania interpreter  
**Officer Preparing Record:** Ms Christine Connell

**Signature:**

**Tape Ref No:** CMC/ML/PACE      **Exhibit Number:** CMC/ML/TRANS      **No. of Pages:** 6

TAPE  
TIMES  
0.01

Mr Lupes confirmed his name as Mr Mihai Lupes and gave his home address as 296a Neasden Lane NW10 0AE and stated that he was living above the shop Bacovia. ML gave his date of birth as 01/07/64. ML stated that the name and address of the shop was Bacovia 296 Neasden Lane NW10 0AE. ML stated that it was a limited company called Bacovia and the registered address was the same as the shop. ML stated that he was a Director of the limited company and was able to speak on behalf of the business.

CMC The reason why we are here today is 24<sup>th</sup> August 2011, two alcohol drinks namely, one can of Becks and one can of Fosters were sold from your business premises Bacovia 296 Neasden Lane NW10 0AE to two school children. They were sold the alcohol by Vlad Lupes a 13 year old child. The sale was covertly filmed. As a result of the sale offences may have been committed under the Licensing Act 2003.

Time of caution 9:36

4.30 CMC I must caution you. You do not have to say anything, but it may harm your defence if you do not mention when questioned something you later rely on in court. Anything you do say may be given in evidence. Do you understand?

ML Yes.

**Signed:**

E30 Jan 09

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CMC You may seek legal advice from a solicitor or have one present during this interview. Do you understand?

ML Yes.

CMC Do you wish to have a solicitor here?

ML You want another lawyer because he already spoke to a solicitor last week.

AJC He has already spoken to a solicitor?

ML Yes.

AJC Does he want the same lawyer with him today?

ML No.

CMC You are not under arrest and may leave at any time. Do you understand?

ML Yes.

CMC asked ML to confirm the answers she put to him before the caution.

ML stated that he was a Director for Bacovia Limited. ML stated that he works full time in the shop completing about 16 or 20 hours per day and his duties involve going to the cash and carry, stacking shelves and serving on the till. ML stated that his previous employment was in construction and that this is his first time working in a shop. ML stated that he opened the business on 31<sup>st</sup> July 2008. ML stated that he has three people working in the shop and their names were Ionela Lupea, Oana Lazar and Ana Petreski

A discussion took place regarding the signature of Ionela Lupea on the training documents where she had signed Mr Lupes copy for March 2011 but not Mr Stefura's copy for June 2011. Mr Lupes explained that Ionela Lupea started working in the shop and went back to Romania and has recently started working again in the shop.

12.50 AJC Who was the girl in the shop at the time of the sale?

ML Oana Lazar.

ML stated that Oana was part time and the two other staff are full time. ML stated that Daniel Stefura works part time, working about 3-4 hours per day.

14.00 CMC Who owns an alcohol license, a personal licence?

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ML Daniel Stefura

AJC Who is the DPS?

ML Daniel Stefura

ML stated that Daniel Stefura wrote out the training form. ML stated that Oana can speak English but wasn't sure if she could read English.

15.10 AJC She is signing a document written in English does she know what she is signing?

ML Daniel Stefura is training with them and told them everything.

AJC There is a lot of writing here in English and she has signed the bottom saying she has understood the training. Does she know what this writing is?

ML I think so.

AJC I have my doubts because I have met the women that she can understand all of this. A signature is worthless if you don't know what you're signing.

ML She speaks English very very well.

ML stated that Daniel Stefura is responsible for the training.

16.50 CMC Do you know what training he gives?

ML He would say you are not allowed to sell alcohol to underage people and not matches to children, cigarettes, tobacco when drunk man is coming not to sell them alcohol drinks.

CMC What age limit are you told?

ML 18.

A discussion took place regarding if Bacovia operated a Challenge 21 scheme or a Challenge 25 scheme. At first ML stated that he just uses 18, he then changed this to 21 before suggesting that he uses a 25 scheme.

19.40 AJC What is it under 21 or under 25?

ML If the person looks like under 21 I ask them for ID. It has 21, if looks 16-17 I'm asking for ID. The person if looking like under 21 I'm asking for ID.

CMC What ID is acceptable?

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ML Passport, driving licence.

CMC If you refuse a sale, do you record that anywhere?

ML No nothing. Now I am starting to write down. Before no.

AJC But it's on the licence, the alcohol licence that you should write it down. Annex two point 4, a refusal book shall be kept and maintained. Why wasn't he writing it down before?

ML I apologise.

22.30 CMC What happened on 24<sup>th</sup> August 2011?

ML I went to the deposit, to the cash and carry. I was downstairs at six o'clock, made all the stuff in the shop. I left at 10 o'clock. My child was in the house in bed. Meanwhile, maybe he went downstairs to take something from the shop and then the sales assistant was arranging some drinks in the fridge. The children went took the beer and it was just a second, the lady didn't see what was happening. The child took the money £5 and then gave them change like £3 and the children left. That's the first time one is happening like this. I always told the child he was not supposed to be in the shop.

ML stated that Vlad Lupes was his son. ML stated that Vlad lives in Romania and that he was here in the UK for his summer holidays. ML stated that Vlad was not allowed to be in the shop when he was not there.

25.40 CMC Over July and August was he allowed to serve in the shop when you were there? Or be allowed behind the till?

ML No never. I never told him to be in the shop or sell or to be behind the till.

CMC Why do you think he decided to serve on this occasion?

ML I don't know.

26.50 AJC Was it just purely coincidence that the one time we enter his shop, your son is behind the till?

ML Sometimes when I am on the till, the boy is standing by me, after the shop is closed, maybe he tried.

ML stated that Vlad Lupes was not authorised to sell alcohol. ML stated that Vlad has never been left in the shop unsupervised.

CMC showed ML sealed bag D02279 which contained a can of Fosters and a can of

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Becks; ML stated that he sold these brands of alcohol. CMC showed ML exhibits ANB/BS/2-5 which were photographs of the children who purchased the alcohol. ML stated that they looked 12-14 years old.

29.30 CMC If you had of been working on the day would you have served them?

ML Never.

ML stated that in Romania the alcohol age is 18. A discussion took place regarding the CCTV. ML stated that he had not watched the CCTV as he did not have a remote. CMC requested ML to provide her with a copy of the CCTV. ML stated that he would try and do this.

31.20 CMC How is the training given, is it written down, verbally?

ML Verbal. Six months we have this kind of letter to sign and verbally every two or three months.

ML stated that they use a book to train the staff. ML showed CMC the training book which they use. It was entitled a Personal Licence in training ltd APLH Award for Personal Licence holder's course-book. ML stated that he gives the book to his staff for them to read. ML stated that his staff understand 50%-60% of the book.

A discussion took place regarding the length of the book and the contents of the book. ML stated that the staff read the entire book including the non relevant sections such as door staff. ML stated that they read the book at work when they are not busy.

34.50 AJC You said earlier they get trained every two to three months verbally?

ML Yes.

AJC This says there is a weekly session of 20-30 minutes, which is it two to three months or a weekly session?

ML Weekly we have training but monthly it is about one hour. It's taking longer than usual.

ML stated that he is the only director of the company and he has been in the UK for eight years.

A discussion took place regarding one of the conditions on the premises license regarding the presence of a personal licence holder during the permitted hours alcohol is allowed to be sold. ML confirmed that the only personal licence holder is Daniel Stefura and he was not present during the sale. ML stated that he didn't know if Daniel had other employment.

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- 37.10 AJC So there was no one present if someone was present would this sale have taken place?
- ML No. If someone was there, no.
- AJC Whose fault is all of this?
- ML My fault.
- AJC A designated premises supervisor which Daniel is, he's legally responsible for the day to day running of a licensed premise. But he has indicated in his interview that he works on a part time basis. Is this correct?
- ML Just a couple of hours during the evening, sometimes when he has time in the morning but usually in the evening.
- AJC If he was allocating all of his time being a designated premises supervisor, would this have happened?
- ML No, never.
- AJC Do you feel that the training has been wasted when the only staff member there is not observing any sales?
- ML She can't realise.
- 41.20 CMC I have not further questions. This is your opportunity to say anything or to add anything that has been said in the interview. Is there anything you wish to add or clarify?
- ML The child is... he apologises and the child is already in Romania. I don't know what will happen with my licence.
- AJC We will explain to him after the interview.
- CMC gave ML a notice (E28) explaining how he could get a copy of the tapes.
- CMC explained to ML that a report will be submitted and that he may be prosecuted.
- Interview terminated at 10.15

**Signed:**