

# Licensing Sub - Committee

21 October 2015

<b>Report Title</b>	<b>Licensing Act 2003 – Application to Transfer a premises licence and vary the Designated Premises Supervisor for The International Minimarket, 373 Newhampton Road West. Wolverhampton WV6 0RX.</b>	
<b>Wards Affected</b>	Whitmore Reans	
<b>Accountable Strategic Director</b>	Tim Johnson, Place	
<b>Originating service</b>	Licensing Services	
<b>Accountable officer(s)</b>	Rob Edge	Section Leader (Licensing)
	Tel	01902 55(0106 )
	Email	<a href="mailto:rob.edge@wolverhampton.gov.uk">rob.edge@wolverhampton.gov.uk</a>

### Recommendation for action or decision:

The Licensing Sub-Committee is requested to consider this application to transfer the premises licence for The International Minimarket and vary the Designated Premises Supervisor .

## **1.0 Purpose of Report**

1.1 To submit for consideration by the Sub-Committee an application to transfer the premises licence and vary the Designated Premises Supervisor (DPS) for The International Minimarket.

## **2.0 Background**

2.1 An application was received from Licenced Trade Legal Services Limited, on behalf of Mr Pavel Slavov Hristov to transfer the premises licence and vary the Designated Premises Supervisor.

2.2 The applications were made on 14 September 2015 and received and accepted by Wolverhampton City Council as properly made applications. A copy of the transfer and vary DPS application are attached at Appendix 1 and Appendix 2.

2.3 The Police, have been consulted on these applications as a responsible authority.

2.4 The Police have made relevant representations and are objecting to these applications. A copy of their formal representation is attached at Appendix 3.

2.5 The premises are situated in the Whitmore Reans ward and a location plan is attached at Appendix 4.

2.6 A copy of the premises licence for The International Minimarket is attached at Appendix 5.

2.7 The applicant, their representative, and West Midlands Police have been invited to attend the hearing.

## **3.0 Legal Implications**

3.1 All applications shall be determined in accordance with the four licensing objectives namely:

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

Section 42 of the Licensing Act 2003 provides that any person meeting the requirements under this section may apply to the licensing authority for transfer of a premises licence to him.

An application made under s42 must be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.

The Chief Officer of Police must be given notice of the application and where, following notice, the Chief Officer is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective he must give notice to the Licensing Authority stating the reasons he is so satisfied.

Section 44 of the 2003 Act provides that where notice is given to the Licensing Authority (and not withdrawn) the authority must hold a hearing and having regard to the notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective.

Section 37 of the Licensing Act 2003 may apply to vary the licence to specify the proposed person as the designated premises supervisor.

Section 39 of the 2003 Act provides applications to vary a person specified as a designated premises supervisor may only be rejected if it is considered necessary for the promotion of the crime and disorder objective.

Regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement. [SH/25092015/I]

#### **4.0 Financial Implications**

4.1 The Licensing Committee agreed fees and charges for this function on 21st January 2015. The fees are based on a cost recovery basis. The fee for the application of a transfer is £23.00 and the fee for a vary DPS is £23.00; both are non-refundable. [TK/09012015/H]

#### **5.0 Equalities Implications**

5.1 This report does not have any equality implications.

#### **6.0 Environmental Implications**

6.1 This report has no environmental implications.



**Application to transfer premises licence to be granted 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/We **PAVEL SLAVOV HRISTOV**

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

WN/14/01909/PRE

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description  
**INTERNATIONAL MINI - MARKET, (ALSO KNOWN AS SAM EURO STYLE),  
 373, NEWHAMPTON ROAD WEST,  
 WHITMORE REANS,  
 WOLVERHAMPTON.**

Post town **WOLVERHAMPTON**

Post code **WV6 0RX**

Telephone number at premises (if any)

N/A

Please give a brief description of the premises

**THESE SEMI - DETACHED PREMISES ARE A PART OF A BLOCK OF RETAIL UNITS. THEY ARE CURRENTLY TRADING AS AN OFF - LICENCE AND CONVENIENCE STORE, WITH A COMPREHENSIVE RANGE OF FOREIGN PRODUCTS, PARTICULARLY FROM EASTERN EUROPE. THEY ARE LOCATED IN A MIXED RETAIL AND RESIDENTIAL AREA ON A BUS ROUTE WITH FRONTAGE AND SUBSTANTIAL STREET CAR PARKING NEARBY.**

Name of current premises licence holder

**ZEMNAKO AZAD SALIH**

**Part 2 - Applicant details**

In what capacity are you applying for the premises licence to be transferred to you?

Please tick  yes

a) an individual or individuals\*

please complete section (A)

b) a person other than an individual \*

i. as a limited company

please complete section (B)

ii. as a partnership

please complete section (B)

Date received: **14/9/15**

Amount: **28.00**

Cash  Cheque

Receipt No. **002864**

Receipt no. **14/135005304**

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- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick  yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

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

FLAT A,  
373 NEWHAMPTON ROAD WEST,  
WHITMORE REANS,  
WOLVERHAMPTON,  
WEST MIDLANDS.

Post town

WOLVERHAMPTON

Post code

WV6 0RX.

Daytime contact telephone number

07867 227987

E-mail address (optional)

N/A

**SECOND INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss  Ms

Other title   
(for example, Rev)

Surname

N/A

First names

N/A

I am 18 years old or over

Please tick  yes

Current postal address if different from premises address

N/A

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

N/A

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name N/A
Address N/A
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3**

Please tick  yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

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

Please tick  yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

N/A



Please tick  yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick  yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.  
N/A

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures (please read guidance note 2)**

**Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.**

Signature 

Date **8<sup>TH</sup> SEPTEMBER 2015**

Capacity **AUTHORISED AGENT FOR THE APPLICANT.**

**For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)</b> <b>LICENSED TRADE LEGAL SERVICES LIMITED,</b> <b>REGENT HOUSE,</b> <b>BATH AVENUE,</b> <b>WOLVERHAMPTON,</b> <b>WEST MIDLANDS.</b>	
<b>Post town</b> WOLVERHAMPTON	<b>Post Code</b> WV1 4EG
<b>Telephone number (if any)</b> 01902 810048	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> N/A	

**Notes for Guidance**

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

**Application to vary a premises licence to specify an individual as designated premises supervisor 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 / we I, PAVEL SLAVOV HRISTOV

*(full name(s) of premises licence holder)*

**being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003**

**Premises licence number**

WN/14/01909/PRE

**Part 1 – Premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

INTERNATIONAL MINI - MARKET, (ALSO KNOWN AS SAM EURO STYLE),  
373, NEWHAMPTON ROAD WEST,  
WHITMORE REANS,  
WOLVERHAMPTON.

**Post town**

WOLVERHAMPTON

**Post code (if known)**

WV6 0RX

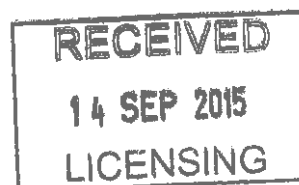
**Telephone number (if any)**

N/A

**Description of premises (please read guidance note 1)**

THESE SEMI - DETACHED PREMISES ARE A PART OF A BLOCK OF RETAIL UNITS. THEY ARE CURRENTLY TRADING AS AN OFF - LICENCE AND CONVENIENCE STORE, WITH A COMPREHENSIVE RANGE OF FOREIGN PRODUCTS, PARTICULARLY FROM EASTERN EUROPE. THEY ARE LOCATED IN A MIXED RETAIL AND RESIDENTIAL AREA ON A BUS ROUTE WITH FRONTAGE AND SUBSTANTIAL STREET CAR PARKING NEARBY.

Date received:	14/09/2015
Amount:	23.00
Cash <input type="checkbox"/>	Cheque <input checked="" type="checkbox"/>
Cheque No.	002864
Receipt no.	44135005304
Initial:	
Receipt issued by:	EC



**Part 2**

**Full name of proposed designated premises supervisor**  
PAVEL SLAVOV HRISTOV (D.O.B. = 12.12.90)

**Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)**  
PER2860 - ISSUED BY WOLVERHAMPTON CITY COUNCIL, LICENSING AUTHORITY.

**Full name of existing designated premises supervisor (if any)**  
ZEMNAKO AZAD SALIH

**Please tick yes**

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

**Reasons why I have failed to enclose the premises licence or relevant part of it**  
N/A

**Please tick yes**

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE , UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature   
.....

Date 8<sup>TH</sup> SEPTEMBER 2015  
.....

Capacity AUTHORISED AGENT FOR THE APPLICANT  
.....

**For joint applicants signature of 2<sup>nd</sup> applicant 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature  
.....

Date  
.....

Capacity  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) LICENSED TRADE LEGAL SERVICES LIMITED, REGENT HOUSE, BATH AVENUE, WOLVERHAMPTON, WEST MIDLANDS.	
<b>Post town</b> WOLVERHAMPTON	<b>Post Code</b> WV1 4EG
<b>Telephone number (if any)</b> 01902 810048	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> N/A	

**Guidance notes**

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

**Consent of individual to being specified as premises supervisor**

**PAVEL SLAVOV HRISTOV**

-----  
*[full name of prospective premises supervisor]*

of

FLAT A,  
373, NEWHAMPTON ROAD WEST,  
WHITMORE REANS,  
WOLVERHAMPTON,  
WEST MIDLANDS,  
WV6 0RX.

-----  
*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR.

-----  
*[type of application]*

by

MYSELF - PAVEL SLAVOV HRISTOV

-----  
*[name of applicant]*

relating to a premises licence

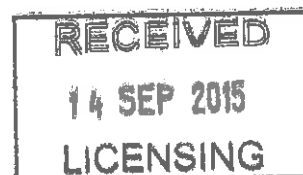
WN/14/01909/PRE

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*[number of existing licence, if any]*

for

INTERNATIONAL MINI - MARKET, (ALSO KNOWN AS SAM EURO STYLE),  
373, NEWHAMPTON ROAD WEST,  
WHITMORE REANS  
WOLVERHAMPTON,  
WEST MIDLANDS,  
WV6 0RX.

-----  
*[name and address of premises to which the application relates]*



and any premises licence to be granted or varied in respect of this application made by

MYSELF - PAVEL SLAVOV HRISTOV

-----  
*[name of applicant]*

concerning the supply of alcohol at

INTERNATIONAL MINI - MARKET, (ALSO KNOWN AS SAM EURO STYLE),  
373, NEWHAMPTON ROAD WEST,  
WHITMORE REANS  
WOLVERHAMPTON,  
WEST MIDLANDS,  
WV6 0RX.

-----  
*[name and address of premises to which application relates]*

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PER2860

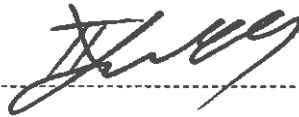
-----  
*[insert personal licence number, if any]*

Personal licence issuing authority

WOLVERHAMPTON CITY COUNCIL, LICENSING SECTION, THE CIVIC  
CENTRE, (RECEPTION 14), ST. PETER'S SQUARE, WOLVERHAMPTON,  
WV1 1DA. TELEPHONE :01902 556049

-----  
*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

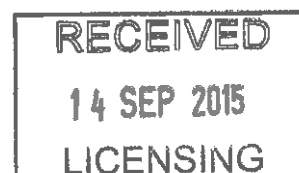


Name (please print)

PAVEL SLAVOV HRISTOV

Date

8<sup>TH</sup> SEPTEMBER 2015







**PRE1162 - International Mini Market - 373 Newhampton Road West -  
Transfer & Vary DPS**

Dear all,

I wish to raise objections to these applications on behalf of the Chief officer of Police for the West Midlands, under the prevention of crime licensing objective.

The objections are cited due to Police concerns as to the suitability of the applicant being posted in this particular role. This is due to serious crime that has recently occurred at the premises he is applying to become the licence holder of and there being more than a casual link between the applicant and the premises.

This raises grave concerns regarding his ability to uphold and promote the licensing objectives.

**Kind Regards,**

**PC 1080 Mitch Harvey  
Partnerships & Licensing Officer  
Wolverhampton Central Police station**





**International Mini Market  
373 Newhampton Road West**

**Wolverhampton City Council  
Asset Management  
Civic Centre  
St Peters Square  
Wolverhampton  
WV1 1RL**

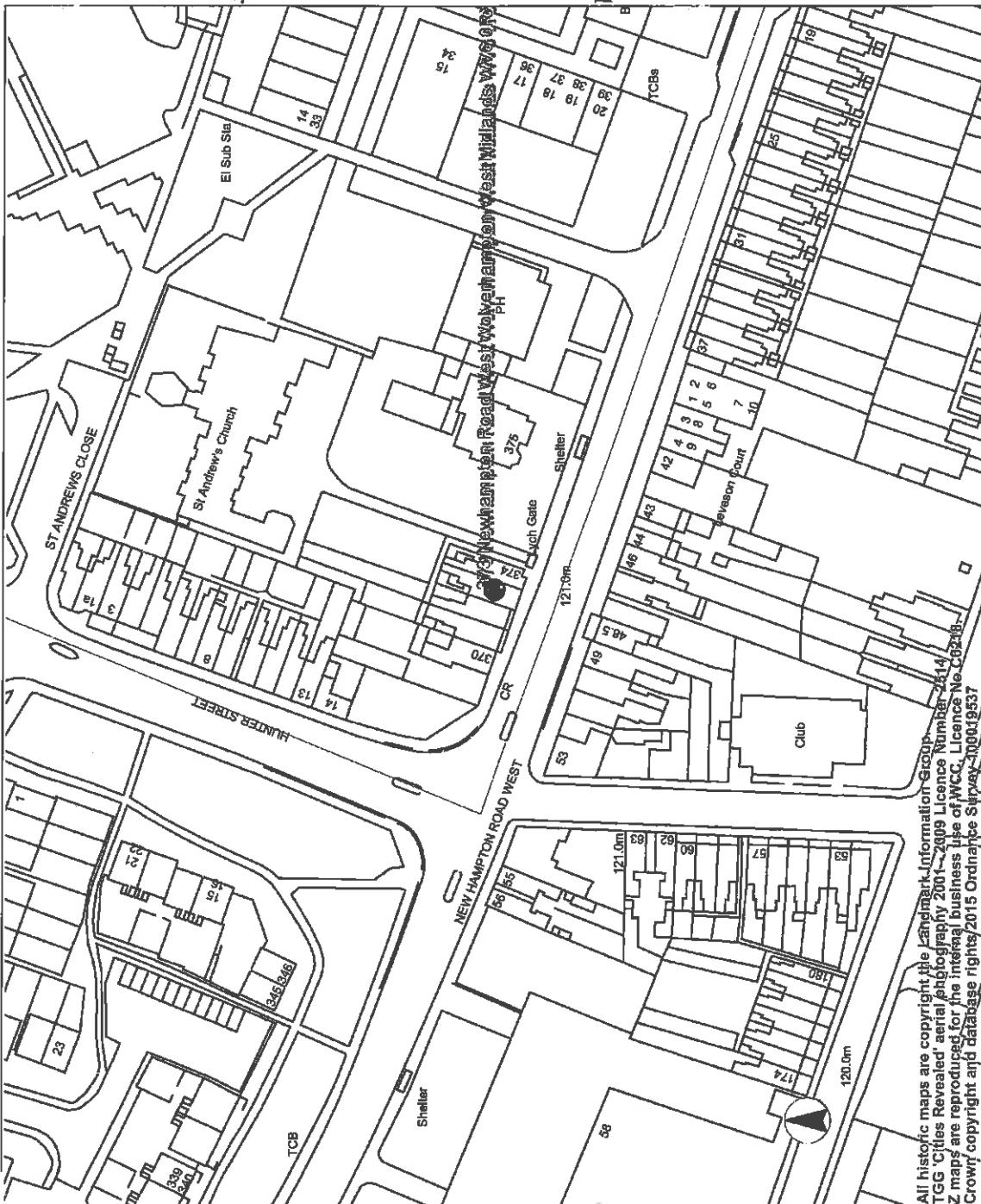
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**Plan Produced**

**16.10.2015**

**Scale 1:1,250**

**IMAGINE - Powered by**



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# Premises Licence

Issued in accordance with The Licensing Act 2003

**Name of Premises:** International Mini Market

**Address of Premises:** 373 Newhampton Road West  
Whitmore Reans  
Wolverhampton  
WV6 0RX

**Premises Licence Number:** WN/14/01909/PRE – Vary DPS

**Date Licence Granted:** 03/07/2014

## 1. Opening hours of the premises

**Normal Hours:** Monday to Sunday 08.00 to 23.00 hours  
**Seasonal Variations:** None  
**Non Standard Hours:** None

## 2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

**Activity:** Sale/Supply of alcohol off the premises  
**Normal Hours:** Monday to Sunday 08.00 to 23.00 hours  
**Seasonal Variations:** None  
**Non Standard Hours:** None

## 3. Name of the designated premises supervisor if the sale of alcohol is involved

Zemnako Azad Salih  
Personal licence number: PER2644  
Issued by Wolverhampton City Council

## 4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003.

## 5. Name, (registered) address of the holder of the premises licence

Zemnako Azad Salih  
14 Parkhall Gardens  
Rosemary Avenue  
Blakenhall  
Wolverhampton  
WV4 5BN



**N.P. Edwards**

**Assistant Director - Prosperity**  
**On behalf of Wolverhampton City Council**

# Mandatory Conditions

## Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

(2) The first condition is that 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

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

4.— (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

## Mandatory Licensing Condition banning the sale of alcohol below the cost of VAT and duty: 2014

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. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “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;

(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
- (iv) 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(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

(2) 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.

## Conditions consistent with the Operating Schedule

## **General**

Nothing beyond existing health & safety/ fire safety etc. requirements.

### ***The prevention of crime and disorder***

The premises will have correct specification, internal and external CCTV, recordings of which will be retained for thirty one days.

There is existing external frontage roller shutters and also a security metal gate at the rear of the premises, which will be fully alarmed. including a panic alarm button facility.

The personal licence holder shall ensure that any staff involved in the sale of alcohol are fully trained on their responsibilities under the Licensing Act 2003 including any changes of legislation and all staff will be trained in the usage and chronicled storage of CCTV.

All written training records will be available on site for inspection at any time.

### ***Public safety***

Also internal and external CCTV etc.

Premises will have fully maintained fire fighting equipment on site with a maintenance contract along with emergency lighting and smoke detectors.

### ***The prevention of public nuisance***

Internal and particularly any external CCTV, is a proven deterrent in terms of any anti-social activities in respect of the outlet's frontage and the immediate vicinity of the premises.

The applicant and his staff will at all times be vigilant in relation to any litter issues.

### ***The protection of children from harm***

Also internal and external CCTV etc.

Layout of shop gives consideration to the prevention of children's access to alcohol and any alcohol displayed will not be obstructed from the view of the sales assistants. Also premises will operate a proof of age scheme via acceptable forms of identification and incorporating 'the challenge 21' system.

A sales refusal book will be fully maintained and available for inspection at any time.

## **Plans**

As submitted with application dated 26/09/2011 and retained by Wolverhampton City Council

