

# Report



## Licensing Sub Committee Report.

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### Part 1

Date: 17<sup>th</sup> July 2023

**Subject** Review of Premises Licence under Section 51 Licensing Act 2003, Ideal Stores, 392 Caerleon Road, Newport, NP19 7LT

**Purpose** The consideration and decision in respect of a review application under Licensing Act 2003.

**Author** Llyr Roberts (Licensing Officer)

**Ward** As indicated within the report

**Summary** An application for a review of the premises licence was made by Newport City Council Licensing Authority, acting in its role as a Responsible Authority, on 25<sup>th</sup> May 2023 on the basis that the premises undermines the Licensing Objectives 'Public Safety' and the 'Protection of Children from Harm.'

**Proposal** To make a decision on the application to review the Premises Licence issued in respect of Ideal Stores, 392 Caerleon Road, Newport, NP19 7LT.

**Action by** Head of Law and Regulation

**Timetable** Statutory Consultation Period

**Signed** Llyr Roberts

## 1. Review Application

A review application under Section 51 of the Licensing Act 2003 was received on the 25<sup>th</sup> May 2023 from Newport City Council Licensing Authority, acting in its role as a Responsible Authority, to review the Premises Licence issued in respect of Ideal Stores, 392 Caerleon Road, Newport NP19 7LT.

The application for review relates to the following Licensing objective(s):

- **Public Safety**
- **Protection of Children from Harm**

A copy of the review paperwork and supporting documents can be found in **Appendix A** of this report.

The application was received by the Licensing Authority on 25<sup>th</sup> May 2023 and in accordance with section 51(3)(a) of the Licensing Act 2003 a copy of the application was served on the holder of the Premises Licence and on all Responsible Authorities.

Following receipt of the application, the Licensing Authority advertised the application in accordance with the regulations of the Act, thereby inviting representations to be made by interested parties. Any representation in respect of this application made by a responsible authority or an interested party had to be received by the Licensing Authority by 22<sup>nd</sup> June 2023.

## 2. Licensable Activities

The current premises licence holder is:

Rakesh Upadhyay of 34 Whitchurch Road, Cardiff, CF14 3NT  
The Premises Licence relates to: Ideal Stores, 392 Caerleon Road, Newport NP19 7LT

### **Sale by retail of alcohol (Off Sales Only) -**

Monday to Saturday inclusive 08:00 - 23:00  
Sunday 10:00 - 22:30  
Good Friday 08:00- 22:30  
Christmas Day- 12:00 – 15:00  
Christmas Day- 19:00-22:30

A copy of 'Part A' of the Premises Licence can be found in **Appendix B** of this report.

## 3. Representations

No Representations were received.

## 4. Background/Premises Licence History

The Premises itself is a Convenience Store licensed for 'Off Sales' and is located on Caerleon Road, Newport. The premises is situated in a residential and high traffic area, Caerleon Road acts as a thoroughfare for vehicles traveling from the M4 and St Julians to Caerleon. The location of the premises can be found in **Appendix C** of this report;

Other than the issues contained within this report, Licensing are unaware of any other historical issues relating to the premises.

## 5. Policy Considerations regarding a review of a Premises Licence

Relevant extracts of the Statement of Licensing Policy as regards this application include:

9. 1 The Council can consider a review of a premises licence where it is alleged by a Responsible Authority, such as the Police, Fire Authority or other persons, that any of the licensing objectives are being undermined. It views particularly seriously applications for the review of any premises licence which involves the:

- 1) use of licensed premises for the sale and distribution of classified drugs and the laundering of the proceeds of drugs crimes;
- 2) use of licensed premises for the sale and distribution of illegal firearms;
- 3) evasion of copyright in respect of pirated films and music;
- 4) underage purchase and consumption of alcohol;**
- 5) use of licensed premises for prostitution or the sale of unlawful pornography;
- 6) use of licensed premises for unlawful gaming;
- 7) use of licensed premises as a base for organised criminal activity;
- 8) use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- 9) use of licensed premises for the sale of smuggled tobacco or goods;
- 10) use of licensed premises for the sale of stolen goods;
- 11) Police being frequently called to attend to incidents of disorder;
- 12) prolonged and/or repeated instances of public nuisance;
- 13) serious risk to public safety;**
- 14) serious risk to children.**

And

Where a review hearing is held, the Council has a variety of courses of action ranging from taking no action at all, varying conditions, suspending or revoking the licence.

### **Revised Guidance issued under section 182 of the Licensing Act 2003**

## 6. Legal Considerations

The decision must be taken following consideration of the representation received with a view to promoting the licensing objectives which are:

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In each case the Sub-Committee may make the following determination

- To modify the conditions of the Premises licence
- To exclude a licensable activity from the scope of the premises licence
- To remove the designated premises supervisor from the licence
- To suspend the premises license for a period not exceeding 3 months

- To revoke the premises licence
- Take No Action in respect of the Premises Licence.

All decisions taken by the Sub-Committee must

- be within the legal powers of the Council and its Committees;
- comply with any procedural requirement imposed by law;
- be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations;
- be fully and properly informed;
- be properly motivated;
- be taken having regard to the Council's fiduciary duty to its taxpayers; and
- be reasonable and proper in all the circumstances.

## 7. Issues for discussion

- The content of the application made by Newport City Council Licensing Authority, acting in its role as a Responsible Authority, for a review of the Premises Licence.
- Any evidence and mitigation provided by Licence Holder

## 8. Financial Summary

- The costs and financial implications: You must discuss financial implications with the Head of Finance and the report must identify from where your proposals will be funded, together with any impact on budgets or any opportunity costs

	<b>Year 1 (Current) £</b>	<b>Year 2 £</b>	<b>Year 3 £</b>	<b>Ongoing £</b>	<b>Notes including budgets heads affected</b>
<b>Costs (Income)</b>					
<b>Net Costs (Savings)</b>					
<b>Net Impact on Budget</b>					

## 9. Risks

It is important to identify and manage any project or scheme's exposure to risk and have in place controls to deal with those risks.

In this section, you should consider the key risks facing the proposals in your report, particularly those which would impact on delivery or sustainability of the project or projected outcomes. You will need to include details of how risks will be managed. If your proposals rely on short or medium term grant aid or funding streams you will need to outline your exit or continuation policy here.

You will need to complete the following Risk table

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Making a unlawful decision	High	Low	The Committee will consult with the Legal Officer and Licensing Officer to determine if any decision is lawful and proportionate.  Members training.	Chairperson.  Legal Officer.
The licensing committee departing from the licensing policy.	Medium	Low	If the Committee wishes to depart from the Councils policy they must give good reason for this and obtain advice from the Legal Officer when departing from the Policies to ensure the decision is lawful.  Members training.	Chairperson.  Legal Officer.
The applicant does not have a fair hearing	High	Low	A Licensing Committee procedure should be followed by the committee.  The Legal Officer alongside the Democratic Service Officer will advise the committee if at any stage an unfair hearing is taking place.  Members training.	Democratic Service Officer.  Chairperson. Legal Officer.

\* Taking account of proposed mitigation measures

## 10. Links to Council Policies and Priorities

This report has been prepared in accordance with The Licensing Act 2003 and with regard to Newport City Council Statement of Licensing Policies 2015.

**APPENDIX A-**

Application for Review of a Premises Licence under the Licensing Act 2003  
From Newport City Council Licensing Authority, acting in its role as a Responsible Authority- 25/05/2023.

**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 Newport City Council Licensing Authority (Acting as a Responsible Authority)-----**

**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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Ideal Stores 392 Caerleon Road Newport	
<b>Post town</b> Newport	<b>Post code (if known)</b> NP19 7LT

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Rakesh Upadhyay

<b>Number of premises licence or club premises certificate (if known)</b>
23/00832/LAPVPT

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

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

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

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Newport City Council Licensing Authority.  Newport City Council PO Box 883 Civic Centre Godfrey Road Newport NP20 4UR
Telephone number (if any) <b>01633 656656</b>
E-mail address (optional) <a href="mailto:environment.licensing@newport.gov.uk">environment.licensing@newport.gov.uk</a>

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

- Please tick one or more boxes ✓
- |   |          |
|---|----------|
| 1) the prevention of crime and disorder |          |
| 2) public safety                        | <b>X</b> |
| 3) the prevention of public nuisance    |          |
| 4) the protection of children from harm | <b>X</b> |



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

Newport City Council Licensing Authority (acting as a Responsible Authority) has made an application for review of Ideal Stores, 392 Caerleon Road, Newport, because the operation at the premises undermines 'public safety' and the 'Protection of children from harm.'

The application is supported by evidence by 'Newport City Council Trading Standards Team' following a '*test purchase*' at the premises in respect of age restricted products.

Further evidence supplied by Newport City Council Licensing Team in relation to licensable activity take place without a valid Designated Premises Supervisor (DPS).

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

Newport City Council Licensing Team first received information on the 22<sup>th</sup> March 2023, that the premises failed a routine 'Test Purchase' exercise conducted by the Police and Newport Council Trading Standards on the 23<sup>rd</sup> February 2023. A sale of 4 cans of Magners for £4.59 was made to a 15 year old male as part of an alcohol test purchase sweep operation checking compliance, the time of the sale was not noted.

***A sale to an underage person***

**Section 147(1)(3) Knowingly allowing sale of alcohol to person under 18 or knowingly allowing supply of alcohol to club member or guest under 18.**

**A person guilty of an offence under this section is liable on summary conviction to Level 5 fine. Once again a unlimited fine.**

During a 'follow up' visit by 'Trading Standards' on the 22/03/2023 it was noted, during conversation that ownership of Ideal Stores, 392 Caerleon Road, Newport had changed on the 1<sup>st</sup> January 2023 to a Mr Rakesh Upadhyay, who purchased the business from the previous licence holder.

The new owner (Mr Upadhyay) failed to submit a 'Premises Licence Transfer Application' or a 'Change of Designated Premises Supervisor (DPS) Application' notifying the Licensing Authority and the responsible Authorities of the change in ownership. ***An offence is committed under the Licensing Act 2003 should licensable activity take place without a valid 'DPS'***

***136 Unauthorised licensable activities***

***(1) A person commits an offence if—***

***(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or***

***(b) he knowingly allows a licensable activity to be so carried on.***

***(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or a unlimited fine.***

On the 23<sup>rd</sup> March 2023 Newport City Council Licensing Officer Mr Llyr Roberts contacted the previous licence holder Gurbinder And Taranjeet Kaur Misson. It was confirmed during a brief telephone conversation with the previous licence holder Gurbinder Misson that the business was sold a few months ago and they were no longer involved with the premises. The previous licence holder Gurbinder Misson stated that they believed that the new owner had submitted all relevant paperwork to the Local Council.

On the 23<sup>rd</sup> March 2023 Newport City Council Licensing Officer Mr Llyr Roberts contacted Mr Rakesh Upadhyay regarding the change of ownership, licensable activity taking place without a valid 'DPS' and carrying on a licensable activity without valid authorisation.

During the telephone conversation Mr Upadhyay was notified that there was currently no authorisation to 'Retail Alcohol' at 'Ideal Stores, 392 Caerleon Road, Newport.' Alcohol would need to be removed or covered and could not be sold at the premises until an application to 'Transfer and Change the DPS' has been received by the 'Licensing Authority'. During the telephone conversation and a follow up email dated the 23<sup>rd</sup> March (Appendix 1) the owner was notified that the continuing the 'Sale of Alcohol' would be an offence under the Licensing Act 2003.

An application to 'Transfer the Premises Licence' and 'Change the Designated Premises Supervisor' to Mr Rakesh Upadhyay was received by the Licensing Authority on the 28<sup>th</sup> March 2023, the application took immediate effect.

In view of the above failures by the licence holder Mr Upadhyay to comply with the licensing objectives, specifically 'public safety' and the 'Protection of children from harm.' It is the view of the Licensing Authority that below conditions are attached to the 'Premises Licence'-

- (i) The Designated Premises Supervisor or a Personal Licence Holder should be present on the premises during Licensing hours of the sale of alcohol.
- (ii) CCTV shall be installed at the premise. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place.
- (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority and any other authorised person.
- (iv) The correct time and date will be generated onto both the recording and the real time image screen;
  - (i) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified; A screen / monitor should be displayed behind the counter displaying the live CCTV images.
  - (ii) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
  - (iii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.
  - (iv) The Premises Licence Holder shall operate and maintain an up-to-date Register

of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by any Responsible Authority under the Licensing Act 2003. The DPS shall check the book once a month ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.

- (v) The Premises Licence Holder shall operate and maintain an up-to-date incident book, detailing the time/date/individual involved /incident that has taken place. This shall be made available for inspection by any Responsible Authority under the Licensing Act 2003. The DPS shall check the book once a month ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.
- (vi) The premises shall operate a Challenge 25 policy and signage will be displayed to indicate this is in operation. The age check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.
- (vii) Fully documented staff training, to include training on the Premises Licence conditions as well as the premises' Challenge 25 Policy must be given. Training must be undertaken at regular intervals throughout the calendar year, at a minimum every 6 months. Staff must sign and date documentation at the conclusion of their training session, acknowledging that they have received and fully understood the training provided to them. This can be made for inspection by any Responsible Authority under the Licensing Act 2003.

It is also felt appropriate to respectfully request that the Licensing Committee also consider to suspend the Premises Licence for a minimum **of one-month period**.

Clearly such suspension will act as a punishment for the licence holder but importantly allow the premises time to undertake appropriate training for all staff and review all the premises documents and procedures.

Please tick ✓ yes

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

If yes please state the date of that application

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

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

Please tick ✓

yes

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

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

**Part 3 – Signatures** (please read guidance note 4)

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

Signature Llyr Roberts- Licensing Officer  
.....

Date 25/05/2023  
.....

Capacity Licensing Authority, Responsible Authority  
.....

**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. This is the address which we shall use to correspond with you about this application.

# Appendix 1- Licensing Correspondence to Licence Holder Mr Rakesh Upadhyay - 23/03/2023

Ideal Stores, 392 Caerleon Road, Newport



Roberts, Llyr (Licensing Officer)

To [orakeshupadhyay07@yahoo.com](mailto:orakeshupadhyay07@yahoo.com)

Retention Policy 7 Year Delete (7 years)

You forwarded this message on 30/03/2023 15:35.

Morning Mr Rakesh,

Further to our recent telephone conversation I can confirm that there is currently no authorisation to 'Retail Alcohol' at 'Ideal Stores, 392 Caerleon Road, Newport'. Alcohol will need to be removed or covered and cannot be sold at the premises until an application to 'Transfer and Change the DPS' has been received by the 'Licensing Authority'.

Find a link to the Transfer and DPS Applications below, please ensure that the 'Transfer Consent and DPS Consent' have been completed-

<https://www.newport.gov.uk/en/Business/Licences-permits/Alcohol-Entertainments/Premises-licences.aspx>

**Please be aware that an offence is committed under the Licensing Act 2003 should licensable activity take place without a valid 'DPS'.**

### 136 Unauthorised licensable activities

(1) A person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

If you have any questions regarding the application do not hesitate to contact me directly or alternatively licensing on [Environment.licensing@newport.gov.uk](mailto:Environment.licensing@newport.gov.uk)

Regards,

Llyr Roberts

Swyddog Trwyddedu / Licensing Officer

Y Gyfraith a Rheoleiddio / Law & Regulation

Cyngor Dinas Casnewydd / Newport City Council

01633 851331

[Llyr.Roberts@newport.gov.uk](mailto:Llyr.Roberts@newport.gov.uk)

Reply Reply All Forward

Thu 23/03/2023 11:16

Expires Expiration Suspended (21/03/2030)



## **APPENDIX B-**

Premises Licence- Part A- Issued by Newport City Council Licensing Authority- 28.03.2023.

### **Schedule 12**

#### **Part A**

(THIS PART OF THE LICENCE  
MUST BE KEPT AT THE  
PREMISES AT ALL TIMES AND  
PRODUCED UPON REQUEST OF  
AN AUTHORISED OFFICER)



### **Premises Licence**

#### ***City of Newport***

<b>Premises Licence Number</b>	23/00832/LAPVPT
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#### **Part 1 – Premises Details**

<b>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code</b>  Ideal Stores 392 Caerleon Road Newport South Wales NP19 7LT
<b>Telephone number</b>

<b>Where the licence is time limited the dates</b>  Not Applicable
--

<b>Licensable activities authorised by the licence</b>  Sale by retail of Alcohol
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<b>Times the licence authorises the carrying out of licensable activities</b>  Sale by retail of Alcohol Monday to Saturday inclusive 08:00 - 23:00 Sunday 10:00 - 22:30 Good Friday 08:00 - 22:30 Christmas Day 12:00 - 15:00 Christmas Day 19:00 - 22:30  Sale of alcohol on Christmas Day between the hours of 12 noon to 1500 and 1900 to 2230
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<b>The opening hours of the premises</b>
--



Monday 08:00 - 23:00  
Tuesday 08:00 - 23:00  
Wednesday 08:00 - 23:00  
Thursday 08:00 - 23:00  
Friday 08:00 - 23:00  
Saturday 08:00 - 23:00  
Sunday 10:00 - 22:30

**Where non standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.**

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

Alcohol is supplied for consumption off the Premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

[Redacted]

E Mail [Redacted]

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

[Redacted]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: [Redacted] Licensing Authority: City Of Cardiff

**This Premises Licence is issued by Newport City Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.**

**Dated this** 28th March 2023



Silvia Gonzalez-Lopez  
Head of Environment and Public Protection

## **Mandatory conditions**

1 No supply of alcohol may be made under the premises licence:

- i) at a time when there is no designated premises supervisor in respect of the premises licence; or
- ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3 Where at specified times one or more individuals may be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority.

For the purposes of this section:

- i) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies; and
- ii) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

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

(2) 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.

(3) 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.

## **New Mandatory condition for on and off sales from 28 May 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) 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.

**Conditions consistent with the Operating Schedule**

**1A01** This Licence shall be subject to the exceptions pursuant to Section 63 of the Licensing Act 1964.

**Conditions attached after a hearing by the licensing authority**

NIL.

**Plans**

Please see attached plans (reference number )

## APPENDIX C-

The location of the premises- Ideal Stores, 392 Caerleon Road, Newport, NP19 7LT (Provided by Google maps 28/06/2023)-



