



**LICENSING ACT 2003  
PREMISES LICENCE**

Cyngor Sir **Ceredigion** County Council



**s licence number**

**PRM 0667 (Issued 24/10/2014)**

**Premises details**

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

**THE UPPER LIMIT CAFÉ / SOPHIE'S**

**27 NORTH PARADE**

**Post town**

**ABERYSTWYTH**

**Post code**

**SY23 2JN**

**Telephone number**

**01970 626 417**

**Where the licence is time limited the dates**

**LICENCE NOT TIME LIMITED**

**Licensable activities authorised by the licence**

**RECORDED MUSIC – Indoors Only**

**SALE BY RETAIL OF ALCOHOL – ON and OFF SALES**

**The times the licence authorises the carrying out of licensable activities**

**RECORDED MUSIC – Indoors Only**

**MON – SAT: 0800hrs – 2200hrs**

**SUN: 0900hrs – 2200hrs**

**SALE BY RETAIL OF ALCOHOL – On and Off Sales**

**SUN – THU: 0900hrs – 2200hrs**

**FRI – SAT: 0900hrs – 2300hrs**

**The opening hours of the premises**

**MON – THU: 0800hrs – 2230hrs**

**FRI – SAT: 0800hrs – 2330hrs**

**SUN: 0900hrs – 2230hrs**

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

**ON AND OFF SALES**

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

**SOPHIE FULLER**

**COLIN FULLER**

**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 the supply of alcohol**

**SOPHIE FULLER**

**7 TREFOR ROAD  
ABERYSTWYTH  
CEREDIGION  
SY23 2EH**

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

**TM/PER/10/00000942**

**TONBRIDGE and MALLING**

## **Annex 1 - Mandatory conditions**

### **Mandatory conditions where licence authorises supply of alcohol**

- (1) 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.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Mandatory condition where the premises licence includes a Condition that at specified times one or more individuals must be at the premises to carry out a security activity:**

- (1) Each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in (1) above requires such a condition to be imposed—
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to—
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section—
  - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**

**With effect from 28<sup>th</sup> 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. 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 1976(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 rate 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
    - (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) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1997(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 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.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order  
2014

The below Mandatory Conditions **replace** the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and comes into effect **on 1<sup>st</sup> October 2014**

**Conditions 1 to 4 refer to all premises that sell or supply alcohol for consumption on the premises. Condition 3 is relevant to Premises that sell for consumption off the premises.**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

**2.** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**3. (1)** 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.

(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.

**4.** The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”



## **Annex 2 - Conditions consistent with the operating Schedule**

### **a) General**

The premises is on one of the main roads of Aberystwyth it is a long and lengthy area inside with tables lining the left hand side leading to toilets and the outside area.

Challenge 21 with appropriately trained staff

Acceptance of certain forms of ID, Passport, PASS logo and photo driving licence

Staff trained in recognising if someone has consumed too much

Staff trained in refusing service effectively and ensuring safety to all concerned

Ensuring adults with children will not be allowed to consume alcohol without food

Ensuring table service in order to prevent alcohol being bought for underage patrons

Promoting the Shhh campaign

We will sell alcohol by retail for consumption on the premises only as ancillary to the sale and consumption of a substantial meal on the premises in the area specifically set aside and denoted on the plan for table meals. (Alcohol bought with the food that is unfinished may be taken home).

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

We will be implementing the Challenge 21 policy to ensure no-one age inappropriate will be served, we will also only be accepting ID in the form of the passport, PASS logo and photo driving licence. We are not aiming to become a bar. We want to open later on certain nights a week for food and are holding more and more private dinner parties. We would not want to move away from our sales coming predominantly from food. This application is to enhance the service we provide and to try and offer another venue to go to in Aberystwyth other than a pub. We would have two members of staff on to close, one female, one male and they would supervise the exit of either our private parties when we are hired in the evening and our other patrons. The staff would be trained in the Shhh campaign supported by posters and when the evening parties are leaving they will ensure they are reminded about the residential neighbours surrounding the property. We would also ensure we maintain a close eye on the amount people are consuming in the café and before they arrive so there would be a very low risk of any antisocial behaviour coming from patrons of the café.

**c) Public safety**

We currently have no problems with public safety and by keeping vigilant on the amount people are consuming and making sure we encourage a family friendly food focused environment we can maintain this record. Our policy will be that no alcohol will be sold to patrons with underage children without food being purchased and this sends a clear message of what kind of establishment we are. The alcohol will all be behind the counter and regulated by the staff. Any alcohol bought to takeaway will have to be sold over the counter and therefore will be under supervisions so regulated. We will only be trading until 10.30pm at the very latest and in a food focused environment so I feel the issue of people consuming too much and becoming a possible safety risk is VERY minimal.

**d) The prevention of public nuisance**

We would not want to promote the selling of alcohol on its own. We aim to promote responsible drinking with food. Staff members will be trained in recognising the signs in the public that have had too much (slurred speech, red eyes, unable to keep eye contact, bad hand eye coordination, anger easily etc.) as we are not looking to promote the café as a drinking establishment our intention is to be able to boost sales by allowing out customers to enjoy food and alcohol. We have had many private functions and have been conscious to supervise the patrons exit. Again the Shh campaign is going to be very relevant here.

**e) The protection of children from harm**

We will have the challenge 21 ID policy to ensure no alcohol it sold to anyone unsuitable, ensuring challenge 21 is at the heart of our operation we will be keeping underage patrons safe. We have already trained staff to focus on groups of children and underage young adults in order to ensure they are kept safe. We have a table service procedure meaning staff will be going to the tables so there will be no risk of drinks purchased for others that are not of the suitable age. We will also not be allowing the sale of just alcohol to individuals with children, food would need to be purchased in order to promote a restaurant environment. We do not want to turn into a bar.

**Annex 3 - Conditions attached after a hearing by the licensing authority/  
Mediation meeting**

Agreement made between Sophie Fuller (Applicant) and John Evans (Police Licensing Officer) on the 11<sup>th</sup> September 2014.

Following condition was agreed:

'We will sell alcohol by retail for consumption on the premises only as ancillary to the sale and consumption of a substantial meal on the premises in the area specifically set aside and denoted on the plan for table meals.'

# Annex 4 – Plans

