

Flintshire County Council

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 Gemma Potter- Licensing Team Manager (Responsible Authority)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description			
The Ruthin Castle 73 – 77 New Street			
Post town	Mold	Post code (if known)	CH7 1NY

Name of premises licence holder or club holding club premises certificate (if known) EI Group
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Number of premises licence or club premises certificate (if known) PA0338
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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

Please tick yes

I am 18 years old or over

**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

<p>Name and address</p> <p>Gemma Potter – Team Manager</p> <p>Licensing Section Community and Business Protection Flintshire County Council County Hall Mold Flintshire CH7 6NR</p>
<p>Telephone number (if any) 01352 703371</p>
<p>E-mail address (optional) gemma.potter@flintshire.gov.uk</p>

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
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

The following licensing objectives have been undermined:

1: The Prevention of Crime and Disorder

2: Public Safety

3: The Prevention of Public Nuisance

The premises has been and continues to be the subject of many complaints made by nearby residents in respect of noise emanating from both the premises itself and the beer garden. Complaints also relate to patrons shouting and talking loudly outside the premises both while the premises is open and after it has closed. (3)

Anti social behaviour in and around the premises, caused by customers of the premises, is not being effectively controlled or managed to minimise a disturbance to people living in the vicinity of the premises. Reports have been made by local residents who are experiencing damage to their properties, as well as frequent disturbances during antisocial hours. Reports have also been received that the issues caused by the premises are causing health and mental health concerns to those who live nearby. (1, 3)

There are frequent reports of other issues, such as shouting, fighting; urinating on the street and on properties; property damage; nuisance from car doors slamming; antisocial behaviour relating to the premises; reports of alleged drug use; litter and the congregation of large groups at antisocial hours. Steps have been taken to attempt to resolve these issues, however those persons responsible for the premises are failing to adhere to the action plan put in place and agreed by all parties following a multi agency meeting. They have failed to engage fully at other meetings designed to achieve compliance.

(1,2,3)

In addition to complaints received, Officers have observed anti social behaviour, failure of the premises to comply with the actions set out in the agreed action plan and other actions which would undermine the licensing objectives.(1,2,3)

Officers witnessed customers being admitted to the premises until 01.18am on Sunday 30th July, which indicates that it's likely the premises were serving alcohol past their permitted hours of 1am. CCTV for this, and other issues has been requested from the Premises Manager, with the knowledge of the Area Manager and Licensing Co-Ordinator acting for the Premises Licence Holder, but has not been provided at the time of submitting this review application. (contrary to permissions of licence) (2)

Officers were able to see customers inside the premises at 2.10am on Sunday 30th July 2023, which is outside the premises' permitted opening hours. (contrary to permissions of licence)

Failure of the Designated Premises Supervisor (DPS) to effectively follow the stepped process (1,2,3)

The DPS is named as the DPS on another licensed premises in the Flintshire area. Paragraph 4.67 of the guidance issued under S.182 of the Licensing Act 2003 states that '...a DPS may supervise two or more premises as long as the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with the 2003 Act and conditions on the premises licence. The DPS is not required to be present at all times when licensed premises are used for the sale of alcohol. It is not considered that the DPS is effectively fulfilling her role at both premises. (1,2,3)

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

The Ruthin Castle holds Premises Licence PA0338 with Flintshire County Council. A copy of the licence is shown at **GMP1**. The licence was originally granted in 2006.

A plan showing the location of the premises and surrounding area is shown at **GMP2**

The Premises Licence Holder is EI Group, a Pub Company owned by Stonegate Group.

The current Designated Premises Supervisor at the time of submitting this review is Laura Kay Millington. Mrs Millington is also the DPS of another premises within the Flintshire area.

The Licensing Authority will always attempt to work with premises licence holders and Designated Premises Supervisors of premises where complaints have been received or where it is believed the licence itself is not being adhered to or the licensing objectives are being undermined.

The Guidance issued under S.182 of the Licensing Act 2003 (S.11.10) states that:

'Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation'.

A link to this guidance is shown at **GMP3**.

To follow is a chronology of events and circumstances that have led to the application for a review and it will demonstrate that a stepped approach has been followed. However, despite the best efforts of Officers, the review process is now the most appropriate course of action, as there can be no further recommended action to remedy the situation and the DPS seems unwilling to comply with the agreed Action Plan.

24th April 2023: The Licensing Team received an email from a Ward Councillor advising that residents in the vicinity of the Ruthin Castle were experiencing problems with antisocial behaviour (ASB) litter and noise since the reopening of the premises. A complaint was also received from two other residents citing similar concerns the same day.

26th April 2023: The Licensing Officer and Police Licensing Officer visited the premises and spoke with Mike Millington (MM) who identified himself as the Manager. Laura Millington (LM), and the Designated Premises Supervisor at that time had also been asked to attend, but were not present.

2nd May 2023: A complaint was received from a resident, via the Council's Pollution Control Section. The complainant referred to loud music until the early hours, ASB, people knocking on doors, urinating on property and waking up 'youngsters'. A screenshot from a smartphone noise monitoring app was also provided.

4th May 2023: A complaint was received from a resident, stating that for the previous three weekends since the new tenant had taken over, music was 'thumping through the walls' until 2am. At 2.30am there had been ASB outside, including fighting and shouting

which continued along the street, smashed glass outside the complainant's property, children sleeping inside the property were awakened by the noise and disorder. The complainant stated that the issues are occurring each weekend.

The Licensing Officer contacted the Area Manager of the pub company and was advised the current DPS did not have anything to do with the premises anymore and Laura Millington was due to become the Designated Premises Supervisor. No application to this effect had been received.

Paragraph 4.61 of the Guidance Issued under S.182 of the Licensing Act 2003 states that 'Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the Premises Licence Holder'

9th May 2023: Further information was received from a Ward Councillor outlining further complaints from residents. The complaints were of karaoke, DJ sets going on into the early hours of the morning; noise from the beer garden and people being noisy as they were leaving the premises. They also stated that they were experiencing problems with car doors slamming at antisocial hours and reports of drugs and litter in the alleyway.

According to our records, no change of DPS had been received, despite advice given, and after a Licensing Officer once again contacted the Area Manager, the application to vary the DPS was then initiated.

10th May 2023: A Licensing Officer along with a Pollution Control Officer attended a meeting with Laura Millington, the incoming DPS at the Ruthin Castle. Complaints received in relation to the above were discussed. Laura advised that the premises were doing the following:

- Limiting numbers in the beer garden after 11pm;
- Conducting regular external sound level checks;
- Keeping doors and windows closed;
- Using only one speaker with no bass when the DJ or Karaoke was playing;
- Music kept to a level where a conversation could take place.

LM indicated that noise may be caused from patrons queuing and indicated that they would revise their admission policy to refuse entry after midnight.

Advice was given by the Pollution Control Officer during this meeting in relation to the responsibility of those in charge of the premises to ensure that they are not causing a nuisance. The Officer explained how the noise monitoring process would work if implemented.

16th May 2023: An email was received from Mold Town Clerk, advising of anti-social behaviour at the premises and querying the later licence.

19th May 2023: The Licensing Officer sent an email to the DPS to advise of the permitted hours, after seeing that a DJ was advertised at the premises until 2am.

A complaint was received on behalf of a resident from a Ward Councillor indicating that people were leaving the Ruthin Castle at 2.30am and were making noise all the way down the street.

A complaint was received from the landlord of a premises in the vicinity of the Ruthin Castle on behalf of their tenant, in relation to drunken noise, fighting and discarded illegal substance packaging.

The Licensing Team Manager, Licensing Officer and Pollution Control Officer commenced work in the Mold area at 10pm. Noise from the premises could be clearly heard in New Street Car Park approximately 200 yards from the premises, over a main road. The music (recorded at first) was extremely loud and the words to the songs being played could be heard clearly from the car park.

During the course of the evening, officers visited three different complainants inside their homes. The recorded music was followed by a live band.

Noise from the recorded music and the live music was clearly audible at a very high volume within the complainants' homes and was at a level at which they were unable to enjoy being in their own homes. The songs could be identified and the words heard from within the homes. It was also possible to feel the bass beat emanating through the walls. We listened to the music from inside the properties with the windows both open and closed. Closing the windows did not make any reasonable difference.

The noise caused by people socialising in the beer garden to the rear of the premises was extremely loud. We were not able to see inside, but it sounded like there were lots of people in the beer garden. Residents in the area would not be able to reasonably enjoy the use of their own gardens and yards due to the level of noise.

The window to the front of the premises was left open after 11pm, which is contrary to the licence condition requiring the same to be closed after 11pm.

The DPS was seen outside the premises but did not appear to be conducting external checks.

The Pollution Control Officer was handed a noise diary by one of the complainants.

21st May 2023: A complaint was received from a resident advising that Police had been called to a fight at around 11pm, and that people were congregating in the alley near to her home until 3.45am. Complainant asked them to move on which was found to be intimidating.

23rd May 2023: Update received from Pollution Control Officer. Residents had submitted noise notes from the weekend of 20th May 2023. ASB was reported to police by the complainant. An incident number was provided.

25th May 2023: A meeting was held at County Hall, Mold to discuss the ongoing problems at the premises. Present were the DPS, LM, an Area Manager for Stonegate, Steve Hogan, Sgt Tom Matthews of North Wales Police, Charlotte Carr, North Wales Police Licensing Officer, two Pollution Control Officers, Dave Jones and Martyn Kirby, the Licensing Manager Gemma Potter and Licensing Officer James Lowe.

At the meeting, each attendee was able to advise of complaints and issues flagged within their own section or organisation and an action plan agreed by all parties present was put in place. The letter sent on 30th May 2023 to confirm these actions in writing can be seen at GMP4. In brief, the action plan comprised of the following requirements:

- No admittance to the premises after midnight.
- Maximum number of 10 people in the beer garden after 10pm
- No drinks to be allowed in the beer garden after 10pm
- An SIA registered door supervisor to monitor the beer garden from 9:45pm
- To reduce the volume of recorded music at the premises
- The volume of the karaoke to be reduced to a level that doesn't cause a nuisance to local residents and finish earlier.

- 4 new CCTV cameras, 2 to cover the front of the premises and 2 to cover the beer garden.
- No live music at the premises.
- A commitment to improve and build relationships with local residents.
- To make staff and door staff aware of these changes via an immediate staff meeting

The DPS also made a commitment to keep the windows and doors closed after 11pm in accordance with the conditions of the licence and was also advised to contact NWP herself to advise of any reports of disorder.

North Wales Police and Pollution Control Officers also made their own contributions to this letter to ensure all matters of concern were addressed.

The Pollution Control Officer advised the Licensing Officer that noise monitoring equipment was being installed in the home of one of the complainants.

30th May 2023: Received reports from North Wales Police that there had been two instances of disorder at the premises the previous weekend.

An email was sent to the Licensing Officer and Police Licensing Officer from the DPS giving an update of progress with the action plan.

7th June 2023: Licensing became aware that Pollution Control Officers were collecting noise monitoring equipment from one of the complainants. Feedback notes that the music was less of a problem than it had been before, however noise from customers outside the premises talking and shouting goes on into the early hours, even after the premises is scheduled to have closed.

19th June 2023: Licensing receive further complaints of noise, antisocial behaviour and fighting at the premises from residents and the Ward Councillor.

20th June 2023: Pollution Control Officers advised relevant Licensing Officers that they would be installing more noise monitoring equipment at the home of one of the complainants.

26th June 2023: An email was received from the Police Licensing Officer advising that a complaint had been received from a Ward Councillor on behalf of her constituent. The complaint outlines problems experienced with antisocial behaviour between 2 and 4am on a Saturday and Sunday morning, including urinating in the street and fighting.

3rd July 2023: An email was received from Mold Town Council noting the issues at the Ruthin Castle and making an undertaking to work with agencies for the best possible outcome for the residents.

7th July 2023: The Licensing Officer and Police Licensing Officer visited the Ruthin Castle to discuss compliance with the action plan. It was advised by Laura Millington, the DPS, that customers were still being admitted past midnight but being charged £5 for entry to encourage arrival before midnight. She stated this had been agreed by the Police Licensing Officer – this has since been confirmed to be untrue by the Police Licensing Officer.

During the meeting, when asked about limiting customers in the beer garden to ten people, the DPS advised The Licensing Officer and Police Licensing Officer that more than 10 people were being admitted into the beer garden after 10pm, in the hot weather, contrary to the requirements laid out in the action plan, but drinks had to be left inside the pub. Spiking implications were discussed as a matter of course.

LM was advised that the 2-3am time slot, where complainants were citing noise, crowd congregation, noise from car doors slamming and other asb, needed to be managed more effectively by the premises if its customers were causing problems for people living in the vicinity. LM felt that she and the door supervisors were doing a good job and that every disturbance in the vicinity was being attributed to her premises.

Problems with noise generated by taxis pulling up outside, beeping and doors slamming had been raised, and a suggestion was made for LM to ask customers and taxis to use the rear of the New Street Car Park for pick up / drop off. The CCTV system had been upgraded and the quality was good, however it was noted that it only records visual, not sound. LM noted that she was in contact with her neighbours. LM was advised that there were still complaints coming through to Licensing, via the complainants, via other Council departments and via North Wales Police.

11th July 2023: Email sent to LM/MM following the visit on 7th July. This can be seen at GMP5.

The email detailed the compliance with the requirements of the action plan:

- No admittance to premises after midnight - **not being complied with**
- Max number of 10 people in the beer garden after 10pm – **not always being complied with**
- No drinks to be allowed in the beer garden after 10pm – **not checked due to daytime visit**
- SIA registered doorstaff to monitor beer garden from 9.45pm – **not always being complied with**
- To reduce the volume of recorded music at the premises – **not checked due to daytime visit**
- The volume of karaoke to be reduced – **not checked due to daytime visit**
- 4 new CCTV cameras (2 at front and 2 covering beer garden) – **currently compliant**
- A commitment to improve and build relationships with local residents – **ongoing**
- To make doorstaff aware of these changes – **not always being complied with**

Information had been received by North Wales Police, relating to an incident which took place outside the premises. One of the people involved was a customer of the premises. Although efforts had been made by the management of the premises to stop the fight, the issue was not reported to the Police by the DPS or manager, despite their involvement.

19th July 2023: A complaint was received via Pollution Control. The complainant states that the weekend was much worse than the previous one.

24th July 2023: A complaint received via Pollution Control. The complainant was advising that they have written to the mayor as the issues at the premises are impacting on their mental and physical health.

25th July 2023: The Licensing Manager contacted the Stonegate Area Manager by telephone to explain that despite there being in place an action plan which had been agreed by all attendees of the formal meeting, complaints were still being received in relation to the premises – particularly in relation to noise outside the premises. The position in relation to a stepped approach was clarified and the premises were still not engaged or complying.

It was explained that the Licensing Authority would consider review of the license unless the action plan was followed. The Area Manager resolved to speak with the tenants

ahead of the weekend trade and speak with Stonegate's Licensing Section. He advised that he would contact the Licensing Manager the following week.

26th July 2023: A complaint was received via Pollution Control. The complainant stated that music is thumping through the walls from 10pm.

29th July 2023: The Licensing Manager and a Licensing Officer worked in Mold in the vicinity of the Ruthin Castle from 10pm until 2.15am.

At 10.30pm, when stationed in the alley to the side of the premises, the Licensing Manager had occasion to dial 999 to report a fight between at least three males who has emerged from the rear of the premises. One male fell to the floor during the fight. The Police were seen driving past the front of the property a few minutes later but the fight had dispersed by that time.

Observations were carried out from a location on Ruthin Road before midnight. It appeared that customers were being let in the front door of the premises until at least 00:10.

At 00.30 observations were carried out from the rear of the alley to the side of the premises. The front doors to the premises were seen to be shut. A male in a black T shirt and shorts, who is now known to be the Manager of the premises, approached my vehicle and asked if we were 'waiting', which we indicated we were. He advised he was just checking as sometimes taxis stop in the alley to collect his customers. He then walked back to the front of the premises.

Between 00.37 and 01.18 on Sunday 30th July 2023, approximately 27 persons were witnessed entering the premises. They appeared to approach the front door and were then directed down the alley by the Manager and through a gate to the side of the premises which had been constructed to appear like a fence panel. Roll top bins were situated in front of the 'gate'. Access through this gate would lead into the beer garden. A member of doorstaff wearing a Security Industry Authority (the body that regulates the UK's private security industry) arm band was witnessed opening the gate from the inside to allow entry.

The premises are required to stop serving alcohol at 1am.

As customers were leaving the premises, a male was seen carrying a bottle. Customers leaving the premises did not appear to be monitored and were not leaving the area quietly as would be expected in a residential area.

At 01.55 the blind on one of the windows to the front of the property was raised, and customers were seen inside.

At 02.10, people were still present inside the premises, and one appeared to be playing pool.

The closing time of the premises is 02.00.

A photograph of this area is attached as GMP6, which was taken in the daytime on Sunday 30th July 2023.

Paragraph 67 of the judgement of Daniel Thwaites Plc v Wirral Borough Magistrates' Court v The Saughall Massie Conservation Society, Wirral Metropolitan Borough Council (stated case) indicates that the opening hours of the premises are considered to be a condition of the licence. Paragraph 67 is shown at GMP7.

30th July 2023: An emailed complaint was forwarded by Mold Town Council and permission was given for the same to be forwarded to North Wales Police. The complaint was in relation to ASB, drug taking and dealing, urinating on the street and crowds gathering.

31st July 2023: The Licensing Manager sent an email to the DPS and Manager and the Area Manager for Stonegate Group requesting a meeting at the premises the following day to discuss compliance with the action plan and other issues. Initially, the DPS advised that they were 'away for a few days' and could not make the meeting.

1st August 2023: After some email discussion between parties, it was agreed that the meeting would take place on Friday 4th August at 11am. An email was then received from the DPS and Manager.

The Licensing Manager responded to the email confirming the meeting and advised that these points could be addressed at that time.

2nd August 2023: The Police Licensing Officer was invited to join the meeting on 4th August and the DPS / Manager / Area Manager were invited.

4th August 2023: Meeting at the Ruthin Castle. Present were Licensing Manager, Licensing Officer, Police Licensing Officer, Premises Manager, Area Manager, Stonegate Group. The DPS was not in attendance. Attendees were advised that she had attended an alarm call out at her other premises – The Nant, in Buckley, and subsequently a member of staff had not turned up so she had to remain there. The Manager was advised that as she is the DPS, she would have been expected to be at the meeting and it would have been more appropriate for him to attend to their other premises.

The issues that the Manager and DPS had raised in their email were addressed and were shown to be incorrect.

The Manager and Area Manager were advised of the findings of the Licensing Manager and Licensing Officer from the evening of Saturday 29th July 2023. The Manager was advised that the action plan which had been put in place was to be adhered to in its entirety and not selectively.

The Licensing Manager advised that she had been the one to report the fight which occurred outside the premises around 22.30 after the Manager advised that it did not happen.

The Manager was advised that he had been seen admitting people to the premises after 12, contrary to the action plan, and after 1am, which indicated that customers may continue to be served after that time. The Manager queried the terminal hour for alcohol and asked to see a copy of the licence.

CCTV was requested to be viewed for three separate occurrences:

- The fight at the side of the premises at 22.30
- The cameras to the beer garden to see customers entering the premises after midnight.
- The camera on the bar from 1am to ensure customers were not being served.

The manager attempted to contact the DPS to get the CCTV password, but her phone was switched off. He was asked to send a member of bar staff to The Nant to retrieve the password. The member of staff contacted the Manager when she arrived to advise that the DPS was not there.

As the Licensing Manager and Licensing Officer attempted to view the CCTV in the cupboard where it was kept, the Manager advised the Police Licensing Officer that the DPS had gone shopping and we would not be shown the CCTV as the DPS 'knows the legalities.

At various points during the meeting, the manager kept stating that there is no condition on the licence for the CCTV to be kept.

Officers eventually left the premises when it became evident that the CCTV would not be provided. The Manager stated that he would send the CCTV to the Licensing Manager later that day.

9th August 2023: A letter was sent to DPS /Manager with Area Manager, Stonegate and Licensing Co-Ordinator, with Stonegate copied in. The letter requests copies of the CCTV and states that if the CCTV cannot be provided it should be preserved. The letter is shown as **GMP8**.

14th August 2023: An email was received from the DPS advising that the CCTV would be provided the following day.

15th August 2023: An email was received via Pollution Control. The complainant states that they have experienced another terrible weekend with people outside the Ruthin Castle until 01.30am on Monday morning.

An email was received via Mold Town Council advising that after an altercation with a group outside the Ruthin Castle in the early hours of Monday morning, he then experienced vandalism to his home.

16th August 2023: The Licensing Co-ordinator from Stonegate emailed to ask whether the CCTV had been provided. When receiving the response to the negative, the Area Manager was asked to follow this up. The Area Manager then sent an email to the tenants asking for the CCTV to be provided.

21st August 2023: Email received from Laura Millington advising that she hadn't provided the CCTV because she'd forgotten the password and had to call the company who installed it out to reset it. As a result, all the CCTV recordings were lost.

The Licensing Sub Committee are asked to consider the following:

- Whether a revocation or suspension of the licence is appropriate
- To consider removal of the Designated Premises Supervisor
- To modify the licence to exclude the permission for live music
- To modify the licence timings for all other regulated entertainment
- To modify the licence to disapply the exemptions made under the Live Music Act 2012, by way of condition.
- To modify the opening hours of the premises
- To add the following conditions relating to CCTV to the licence:

1. CCTV must be installed, and it must be digital, colour and maintained in good working order. Recordings to be kept for a minimum of 28 days and made available for inspection by the Police or local authority upon request.
 2. A member of staff must be trained in the use of the CCTV system with the knowledge and capability to download footage at the request of the Police or Local Authority and must be available on the premises at all times that it is open.
- To add any other conditions the Committee feel are relevant.

Appendices:

GMP1: Copy of premises Licence

GMP2: Plan of area

GMP3: Link to Guidance issued under S.182 of the Licensing Act 2003

GMP4: Letter following meeting on 25th May 2023

GMP5: Email sent to DPS following 7th July visit

GMP6: Photo of the unofficial side entry / exit

GMP7: S.67 Daniel Thwaites stated case

GMP8: Letter requesting CCTV following meeting on 4th August 2023

Please tick No

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 
.....

Date 22nd August 2023
.....

Capacity Responsible Authority: Licensing Authority
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) As applicant details	
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.
6. This is the address which we shall use to correspond with you about this application.



Licensing Section
 Planning, Environment and
 Economy
 Flintshire County Council
 Ty Dewi Sant, St David's
 Business Park
 Ewloe CH5 3XT

Tel: 01352 703030
 Fax: 01352 703394
 Email: licensing@flintshire.gov.uk

**Licensing Act 2003
 Premises Licence**

PA0338

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Ruthin Castle

73-77 New Street, Mold, Flintshire, CH7 1NY.

Telephone 01352 752748 or AM M Regan 07385937108

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
B. Exhibition of films (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am



Licensing Act 2003
Premises Licence

PA0338

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
E. Performance of live music (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
F. Playing of recorded music (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
G. Performance of dance (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
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	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	10:00am	Midnight



Licensing Act 2003
Premises Licence

PA0338

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors) continued ...			
	New Year's Day	Midnight	10:00am
I. Late night refreshment (Indoors)			
	Sunday to Thursday	10:00am	12:30am
	Friday & Saturday	10:00am	2:00am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday to Thursday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	10:00am	12:30am
Friday & Saturday	10:00am	2:00am
Friday prior to Bank Holiday	10:00am	3:00am
Saturday prior to Bank Holiday	10:00am	3:00am
Christmas Eve	10:00am	2:30am
Boxing Day	10:00am	2:30am
New Year's Eve	10:00am	Midnight
New Year's Day	Midnight	10:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2





Licensing Section
Planning, Environment and
Economy
Flintshire County Council
Ty Dewi Sant, St David's
Business Park
Ewloe CH5 3XT

Tel: 01352 703030
Fax: 01352 703394
Email: licensing@flintshire.gov.uk

Licensing Act 2003
Premises Licence

PA0338

NAME (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
Ei Group Plc	3 Monks Path Hall Road, Solihull, West Midlands, B90 4SJ. Telephone 0121 733 7700
REGISTERED NUMBER OF HOLDER (FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE))	
Ei Group Plc	2562808
NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL	
Laura Kay MILLINGTON	[REDACTED]
PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL	
Licence No 092266	Issued by Conwy



Licensing Act 2003
Premises Licence

PA0338

ANNEXES

Mandatory Conditions

1 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

2 No supply of alcohol may be made under this licence

- a. At a time when there is no designated premises supervisor in respect of it or,
- b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

3 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.

4 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).



Licensing Act 2003
Premises Licence

PA0338

ANNEXES continued ...

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

6 (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.

7 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.

8 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.

9 For the purposes of the condition set out in paragraph 8 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979



Licensing Act 2003
Premises Licence

PA0338

ANNEXES continued

(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
- (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.

10 Where the permitted price given by Paragraph (b) of paragraph 9 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.

11(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 9 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.



Licensing Act 2003
Premises Licence

PA0338

ANNEXES continued

- Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the area quietly.
- After 11:00pm windows shall be kept closed when regulated entertainment is taking place.
- After 11:00pm, doors, save for entrance and exit purposes shall be kept closed to ensure noise levels are contained when regulated entertainment is taking place.
- Designated Premises Supervisor must be an active member of pubwatch.
- CCTV cameras must be operational whilst the premises are open to the public and maintained in good working order.

Plan Ref: 25/07/2005

Licence issued on 23 May 2023





Licensing Section
 Planning, Environment and
 Economy
 Flintshire County Council
 Ty Dewi Sant, St David's
 Business Park
 Ewloe CH5 3XT

Tel: 01352 703030
 Fax: 01352 703394
 Email: licensing@flintshire.gov.uk

**Licensing Act 2003
 Premises Licence Summary**

PA0338

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Ruthin Castle

73-77 New Street, Mold, Flintshire, CH7 1NY.

Telephone 01352 762748 or AM M Regan 07385937108

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
B. Exhibition of films (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
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Licensing Act 2003
Premises Licence Summary

PA0338

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
E. Performance of live music (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
F. Playing of recorded music (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
G. Performance of dance (Indoors)	Sunday to Thursday	10:00am	12:15am
	Friday & Saturday	10:00am	1:30am
	Friday prior to Bank Holiday	10:00am	2:00am
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	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight





Licensing Section
 Planning, Environment and
 Economy
 Flintshire County Council
 Ty Dewi Sant, St David's
 Business Park
 Ewloe CH5 3XT

Tel: 01352 703030
 Fax: 01352 703394
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Licensing Act 2003
Premises Licence Summary

PA0338

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors) continued ...			
	New Year's Day	Midnight	10:00am
I. Late night refreshment (Indoors)			
	Sunday to Thursday	10:00am	12:30am
	Friday & Saturday	10:00am	2:00am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday to Thursday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Friday prior to Bank Holiday	10:00am	2:00am
	Saturday prior to Bank Holiday	10:00am	2:00am
	Christmas Eve	10:00am	2:00am
	Boxing Day	10:00am	2:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	10:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	10:00am	12:30am
Friday & Saturday	10:00am	2:00am
Friday prior to Bank Holiday	10:00am	3:00am
Saturday prior to Bank Holiday	10:00am	3:00am
Christmas Eve	10:00am	2:30am
Boxing Day	10:00am	2:30am
New Year's Eve	10:00am	Midnight
New Year's Day	Midnight	10:00am

To 3am Fri and Sat
 To 3am Fri and Sat

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Ei Group Plc

3 Monks Path Hall Road, Solihull, West Midlands, B90 4SJ.





Licensing Section
Planning, Environment and
Economy
Flintshire County Council
Ty Dewi Sant, St David's
Business Park
Ewloe CH5 3XT

Tel: 01352 703030
Fax: 01352 703394
Email: licensing@flintshire.gov.uk

Licensing Act 2003
Premises Licence Summary

PA0338

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Ei Group Plc

2562808

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Laura Kay MILLINGTON

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Licence issued on 23 May 2023





Link to guidance issued under Section 182 of the Licensing Act 2003

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1178789/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_removal_of_minor_variation_relating_to_off_sales.pdf



Andrew Farrow
Chief Officer (Planning, Environment &
Economy)
Prif Swyddog (Cynllunio, Amgylchedd ac
Economi)



Mrs Laura Millington
The Ruthin Castle,
73-77 New Street,
Mold,
Flintshire,
CH7 1NY

Your Ref/Eich Cyl
Our Ref/Ein Cy
Date/Dyddiad **30th May, 2023**
Ask for/Gofynnwr **James Lowe**
Direct Dial/Rhif Union **01352 703376**

Dear Mrs Millington,

Licensing Act 2003 – PA0338
The Ruthin Castle, 73-77 New Street, Mold, Flintshire, CH7 1NY.

I write with reference to the meeting held on 25th May 2023 at County Hall, Mold, to discuss the ongoing issues relating to the Ruthin Castle, Mold. In attendance at the meeting were representatives from Stonegate Pub Company, North Wales Police, Flintshire County Council Pollution Control and Flintshire County Council Licensing.

Prior to this, meetings had already been held at the premises with Licensing, Pollution Control and Police on the 26th April 2023 and the 10th May 2023 to discuss complaints of noise nuisance and disorder.

Following further complaints made about the Ruthin Castle from people living in the immediate vicinity to the premises, observations were undertaken by officers from Flintshire County Council's Community and Business Protection Section on Friday 19th May 2023. Music from your premises, was clearly audible from within a number of homes located within the vicinity of the Ruthin Castle. Furthermore, the music was at a level that Flintshire County Council's Pollution Control officer considered it to potentially be a Statutory Nuisance. Noise emanating from the premises was also audible externally for quite some distance.

As well as nuisance caused by music, local residents had also expressed concern about the noise emanating from the beer garden to the rear of the premises and also anti-social and criminal behaviour associated with customers leaving the Ruthin Castle at closing time.

Cont'd

County Hall, Mold. CH7 6NB
www.flintshire.gov.uk
Neuadd yr Sir, Yr Wyddgrug CH7 6NB
www.siryffflint.gov.uk



The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawu gofrethlaeth yn y Gymraeg neu'r
Saesneg

The reported problems at the premises undermine the licensing objectives set out in the Licensing Act 2003, specifically:

- **The prevention of public nuisance**
- **The prevention of crime and disorder**

You committed to implement several steps that may help address the issues discussed. These were as follows:

- **No admittance to the premises after midnight.**
- **Maximum number of 10 people in the beer garden after 10pm**
- **No drinks to be allowed in the beer garden after 10pm**
- **An SIA registered door supervisor to monitor the beer garden from 9:45pm**
- **To reduce the volume of recorded music at the premises**
- **The volume of the karaoke to be reduced to a level that doesn't cause a nuisance to local residents and finish earlier.**
- **4 new CCTV cameras, 2 to cover the front of the premises and 2 to cover the beer garden.**
- **No live music at the premises.**
- **A commitment to improve and build relationships with local residents.**
- **To make staff and door staff aware of these changes via an immediate staff meeting**

You also made a commitment to ensure that the windows of the premises were kept closed after 11pm in accordance with your licence conditions, as Officers had noted a breach.

North Wales Police stated they had received reports from residents in the vicinity mentioning that persons leaving the premises have been causing noise or disturbance to local residents along with residents witnessing substance misuse and disorder in the area.

The advice was to contact NWP with any reports of disorder going forward and that should illegal substances be found within the premises, to store the items in a secure place and contact NWP for collection. Advice was also given to log incidents and refusals in an incident book which remains on the premises.

It was also put forward that when available drugs dogs would be invited to patrol the premises.

North Wales Police have the powers to close a premises down should a premises be involved in, or has resulted, or is likely to result in nuisance to members of the public; or there has been, or is likely to be, disorder near those premises associated with the use of those premises. A closure notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

While these steps may help resolve the issues associated with your premises it must be recognised that it is ultimately your responsibility to ensure that your premises do not cause a statutory nuisance and that further steps may need to be taken. Failure to control your premises may lead to a Noise Abatement Notice being issued and your licence being reviewed.

Please be advised that monitoring of the premises will continue.

If you have any questions regarding the contents of this letter, please contact James Lowe on 01352 703376.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Regan Stonegate AM', is enclosed in a rectangular box with a grey, textured background.

For Chief Officer (Planning, Environment & Economy).

**Cc Enterprise Inns
Mark Regan Stonegate AM**



From: Gemma M Potter
Sent: 11 July 2023 15:15
To: Mike Millington [REDACTED]
Cc: Delphine.willetts [REDACTED]; mark.regan [REDACTED] Charlotte Carr [REDACTED]
Subject: Meeting at Ruthin Castle 07/07/23

Good afternoon Laura

I wanted to follow up on the meeting held between James Lowe Licensing Officer (JL), Charlotte Carr – North Wales Police Licensing Officer (CC), and yourself last Friday in terms of compliance with the action plan agreed at the meeting you attended on 25th May 2023. At present, you are partially compliant with the action plan which was put in place.

Unfortunately, James has suffered an injury and will not be available over the coming weeks, so in the interim, please direct any licensing queries to me.

I understand that you noted you had not received a copy of the letter following the meeting on 25th May. I can confirm that an email was sent to you on 30th May 2023 including the letter, but I have attached a further copy for your ease.

I would like to address each point of the action plan separately, and assess the current status. I was not present at the meeting on Friday but have received updates from both JL and CC:

- ***No admittance to the premises after midnight.***
Not currently being complied with. You advised that you are charging £5 to those who arrive after midnight. This is not what was agreed in the action plan, and was not agreed by CC as suggested by yourself at the meeting on Friday. The commitment made at the meeting on 25th was to stop entry after midnight, and was agreed by all parties.
- ***Maximum number of 10 people in the beer garden after 10pm***
Not always being complied with. You have advised that the doorstaff 'did not think that this was appropriate' in the hotter weather. The agreement for a maximum of 10 people in the beer garden after 10pm was an undertaking made to avoid people in the beer garden causing a potential noise nuisance to nearby properties. This action was agreed by all parties at the meeting on 25th May.
- ***No drinks to be allowed in the beer garden after 10pm***
Not checked, due to daytime visit. You have advised that this is in place. Officers will arrange follow up checks.
- ***An SIA registered door supervisor to monitor the beer garden from 9:45pm***
Not always being complied with. You have advised that although the SIA registered member of doorstaff is on duty at this time, in hotter weather door staff are letting more than the agreed number of people outside. We would remind you that this action was agreed by all parties at the meeting on 25th May 2020.
- ***To reduce the volume of recorded music at the premises***
Not checked, due to daytime visit. You have advised that this is in place. Officers will arrange follow up checks.
- ***The volume of the karaoke to be reduced to a level that doesn't cause a nuisance to local residents and finish earlier.***
Not checked, due to daytime visit. You have advised that this is in place. Officers will arrange follow up checks.
- ***4 new CCTV cameras, 2 to cover the front of the premises and 2 to cover the beer garden.***

[REDACTED]

10

11

12

13

14

15

Currently compliant. CCTV cameras seen by JL & CC who advise that these are installed and extremely good quality.

- **No live music at the premises.**

Currently Compliant. No evidence of live music being held at the premises since the meeting on 25th May.

- **A commitment to improve and build relationships with local residents.**

Currently compliant, and ongoing. Efforts have been made by yourself to engage with local residents which is something that should continue.

- **To make staff and door staff aware of these changes via an immediate staff meeting**

Not always being complied with. Changes were made but doorstaff are choosing to let more people outside during hotter weather.

After discussing the potential nuisance from taxi's and other vehicles causing a disturbance to residents in the early hours of the morning, it was suggested that you may wish to consider asking taxi and private hire companies to pick up / drop off customers in the New Street Car Park. I understand that you have already confirmed that you have contacted the taxi companies who regularly pick up and drop off at your premises to encourage them to use the New Street Car Park. I note that you have also advised your customers on social media.

We have been informed by North Wales Police of an incident which occurred outside your premises at the weekend. We have been updated by CC in relation to this. In relation to the crime and disorder licensing objective, we would have expected the call to the emergency services to have been made by yourself or a member of your staff.

JL made you aware of the issues outside the front of the premises which continue to be reported by residents. Being the only licensed premises in the area which has a licence to be open at the time problems are being reported in the vicinity, we have advised that to effectively manage the premises, yourselves and your door supervisors should be ensuring that customers who leave your premises are doing so in a manner that would not undermine the licensing objectives.

As you are aware, complaints about the Ruthin Castle continue to be made to both Flintshire County Council and North Wales Police.

Although these steps may help to resolve the issues associated with your premises, it is ultimately your responsibility to ensure that your premises do not cause a statutory nuisance, and that the licensing objectives are not undermined, as this may result in further action being taken.

Monitoring of the premises by Licensing, Pollution Control and North Wales Police will continue.

Regards

Gemma Potter

Rheolwr Tîm | Team Manager
Trwyddedu & Rheoli Pla | Licensing & Pest Control
Cynllunio, Amgylchedd a'r Economi | Planning, Environment & Economy
Cyngor Sir y Fflint | Flintshire County Council

Ffôn | Tel | English / Saesneg: 01352 703371

Ffôn | Tel | Cymraeg / Welsh: 01267 224923

Ebost | Email | gemma.potter@sirymfflint.gov.uk / gemma.potter@flintshire.gov.uk

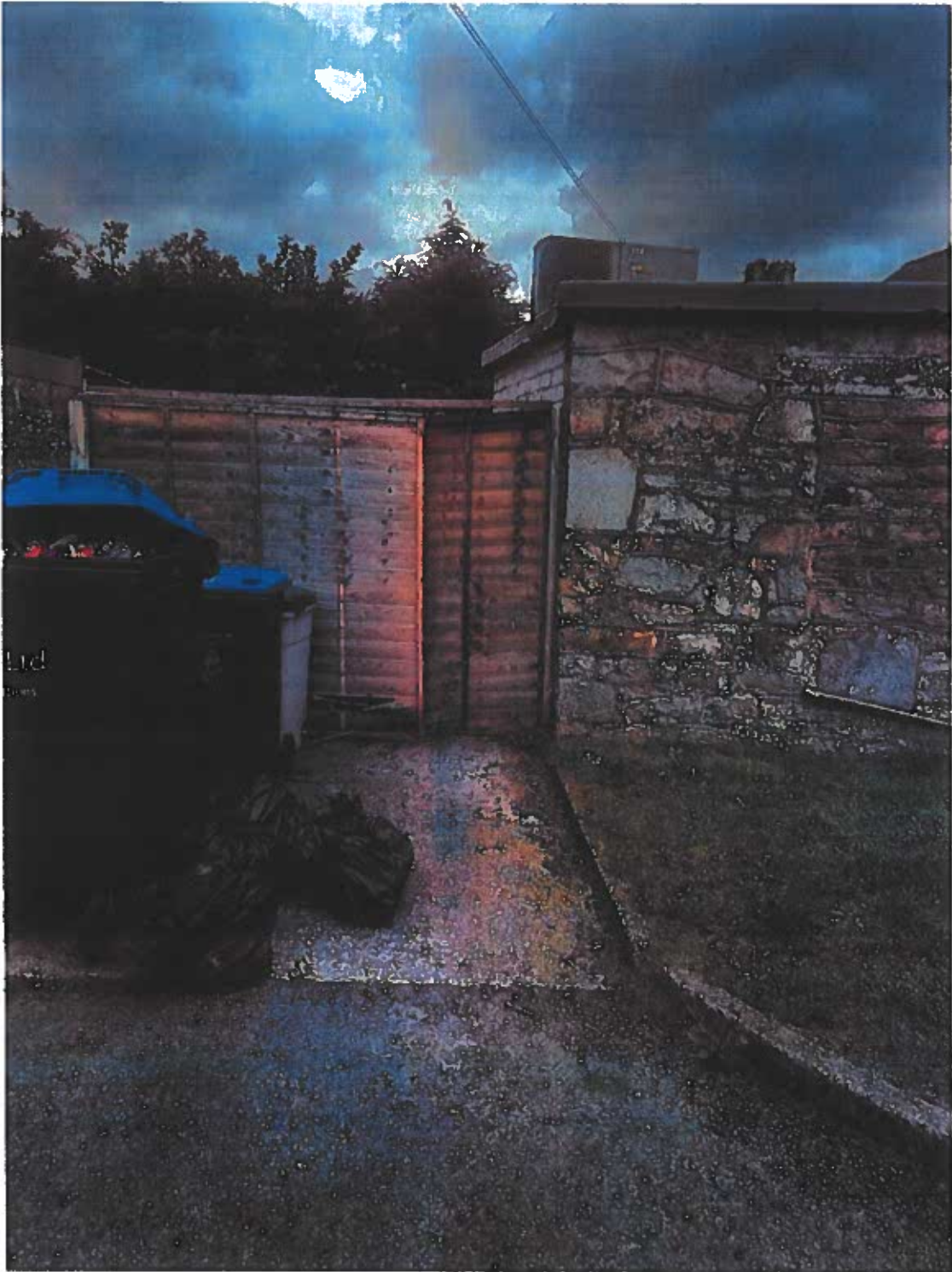


<http://www.flintshire.gov.uk> | <http://www.sirvfflint.gov.uk>
<http://www.twitter.com/flintshirecc> | <http://www.twitter.com/csvfflint>

Please note, my normal working days are Monday to Thursday



Ruthin Castle Unofficial Rear Entry / Exit



**Daniel Thwaites Plc v Wirral Borough Magistrates' Court v The Saughall
Massie Conservation Society, Wirral Metropolitan Borough Council**

67. I have considered quite separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as opposed to the hours during which licensable activities take place. It was suggested during argument that there was no power to regulate the time by which people must leave the premises. I cannot agree with this. Clearly keeping premises open (as opposed to providing entertainment or supplying alcohol there) is not a licensable activity as such. However, the operating schedule which must be supplied with an application for a premises licence must include a statement of the matters set out in section 17(4) and these include not only the times when it is proposed that the licensable activities are to take place but also "any other times during which it is proposed that the premises are to be open to the public". On a new grant of a premises licence, where there are no representations the licensing authority has to grant the application subject only to such conditions as are consistent with the operating schedule. I see no reason why, if it is necessary to promote the licensing objectives, these conditions should not include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It must follow that it can impose an earlier time for the premises to be locked up than the applicant wished and specified in its operating schedule. It is important to keep in mind in this regard that the role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time seems to me to be a condition just like any other, such as keeping doors and windows closed to prevent noise. I see no reason why a condition of closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives.



Andrew Farrow
Chief Officer (Planning, Environment &
Economy)
Prif Swyddog (Cynllunio, Amgylchedd ac
Economi)



Mrs Laura Millington
The Ruthin Castle,
73-77 New Street,
Mold,
Flintshire,
CH7 1NY

Your Ref/Eich Cyf
Our Ref/Ein Cy
Date/Dyddiad **9th August 2023**
Ask for/Gofyrner **Gemma Potter**
Direct Dial/Rhif Union **01352 703371**

Dear Mrs Millington,

Licensing Act 2003 – PA0338
The Ruthin Castle, 73-77 New Street, Mold, Flintshire, CH7 1NY.

I write with reference to the meeting held on 4th August 2023 at The Ruthin Castle, Mold, to discuss the ongoing issues relating to the Ruthin Castle, Mold. In attendance at the meeting were Mike Millington acting as the Manager of the premises, Mark Regan, representing Stonegate Pub Company, Charlotte Carr - North Wales Police Licensing Officer, and Gemma Potter & Rachael Hughes of Flintshire County Council Licensing. You were not in attendance at the meeting, despite being named as the Designated Premises Supervisor for the Ruthin Castle.

At this meeting, a number of issues were raised and discussed, which included details relating to observations carried out by Licensing Officers on the evening of Saturday 29th July, until 2.15am on Sunday 30th July.

CCTV was requested for particular occurrences, namely:

- A fight between customers at 22.30 which was reported to 999
- Patrons being permitted to the rear of the premises until 01.18am, after the front doors closed at midnight, via a gate made to look like a fence panel at the side of the premises, not in accordance with the agreed action plan.
- The bar area, showing whether customers arriving late to the premises were served after 1am.

We were advised that the CCTV system was password protected, and you were the only person to hold the password. For reasons unknown, you were not contactable at that time. Mike Millington advised that he would email copies of the CCTV for the times requested which have not been received.

County Hall, Mold. CH7 6NB
www.flintshire.gov.uk
Neuadd yr Sir, Yr Wyddgrug CH7 6NB
www.siryfflint.gov.uk

The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawu gobeithiaeth yn y Gymraeg neu'r
Saesneg



Please could you provide me with copies of the CCTV for the following dates and times before Monday 14th August 2023:

Date	Time	Area	Reason
29/07/23	22.20 – 22.45	Alleyway to the side of the premises	Customers fighting
29/07/23 – 30/07/23	23.50 – 03.00	Rear beer garden	Customers entering / exiting through fence panel gate.
30/07/23	00.50 – 03.00	Bar	Alcohol sales only permitted until 1am

If you are not able to provide copies, we advise you to preserve the CCTV for those dates and times. If you do not provide the CCTV or preserve it, as you are unable to prove otherwise, we will consider that you have breached your licence, particularly with regard to admitting customers to the premises at 01.18am when your licence only permits the sale of alcohol until 01.00am.

The CCTV for these dates and times should not be deleted, removed or left for a length of time that it would then erase itself.

Please be advised that monitoring of the premises will continue.

If you have any questions regarding the contents of this letter, please contact Gemma Potter on 01352 703371 or Rachael Hughes on 01352 702328.

Yours faithfully



For Chief Officer (Planning, Environment & Economy).

CC Mark Regan, Area Manager, EI Group, Stonegate
Delphine Willetts, Licensing Co-ordinator, EI Group, Stonegate
Charlotte Carr, Licensing Officer, North Wales Police