

LICENSING SUB COMMITTEE

Date of Meeting	Monday 16 th October 2023
Report Subject	Licensing Act 2003 - Application for Review of a Premises Licence
Report Author	Chief Officer: Planning, Environment & Economy

EXECUTIVE SUMMARY

For Members to consider and determine an application for the review of a premises licence made under the Licensing Act 2003, in respect of Ruthin Castle, 73-77 New Street, Mold, Flintshire CH7 1NY.

RECOMMENDATIONS

1	That Members consider and determine the application for the review of a premises licence at Ruthin Castle, 73-77 New Street, Mold, Flintshire CH7 1NY.
2	Having had regard to the representations made by all parties, the Sub-Committee must consider appropriate action for promotion of the licensing objectives.
3	Where the Sub-Committee considers action is appropriate the statutory options available are: <ul style="list-style-type: none"> a) modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times; b) exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption); c) remove the designated premises supervisor, for example, because

	<p>they consider that the problems are the result of poor management;</p> <p>d) suspend the licence for a period not exceeding three months;</p> <p>e) revoke the licence</p>
--	---

REPORT DETAILS

1.00	EXPLAINING THE APPLICATION
1.01	<p>On 22nd August 2023, Gemma Potter, Licensing Team Manager acting as the Licensing Authority as a responsible Authority for Flintshire County Council submitted an application for the review of the premises licence at the Ruthin Castle, 73-77 New Street, Mold, Flintshire CH7 1NY. The review application is made on the grounds that the following licensing objectives are not being met.</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance <p>The full review application shows a chronological summary of events and is attached as Appendix A.</p>
1.02	<p>The premises concerned is Ruthin Castle, 73-77 New Street, Mold, Flintshire CH7 1NY. Its location can be seen in Appendix B.</p>
1.03	<p>The premises currently hold Premises Licence PA0338 which allows :-</p> <p>The supply of alcohol for consumption on and off the premises</p> <p>Sunday to Thursday 10.00 – midnight Friday & Saturday 10.00 – 01.00 the following morning</p> <p>There are provisions for seasonal variations which are :-</p> <p>On Friday and Saturdays prior to bank holidays, Christmas Eve, and Boxing Day the times are extended until 2am.</p> <p>On New Years eve the hours are extended until 10am the following morning to allow for 24 hour sales.</p> <p>The Provision of Regulated Entertainment (indoors only)</p> <p>Live Music, Recorded music, Dance, Plays, Films, Indoor sports and entertainment of a similar description.</p> <p>Sunday to Thursday 10.00 – 00.15 the following morning Friday and Saturday 10.00 -01.30 the following morning</p> <p>There are provisions for seasonal variations which are:-</p>

	<p>On Friday and Saturdays prior to bank holidays, Christmas Eve, and Boxing Day the times are extended until 2am.</p> <p>On New Years eve the hours are extended until 10am the following morning to allow for 24 hour entertainment.</p> <p>Late Night Refreshment</p> <p>Sunday to Thursday 10.00 – 00.30 the following morning Friday & Saturday 10.00 – 02.00 the following morning</p> <p>There are provisions for seasonal variations which are:-</p> <p>On Friday and Saturdays prior to bank holidays, Christmas Eve, and Boxing Day the times are extended until 2am.</p> <p>On New Years Eve the hours are extended until 10am the following morning.</p> <p>Opening Hours</p> <p>Sunday to Thursday 10.00 – 12.30 the following morning Friday & Saturday 10.00 – 02.00 the following morning</p> <p>There are provisions for seasonal variations which are:-</p> <p>On Friday and Saturdays prior to bank holidays the times are extended until 3am. On Christmas Eve and Boxing Day the times are extended until 2.30am unless falling on a Friday or Saturday which would be extended until 3am.</p> <p>On New Years eve the hours are extended until 10am the following morning to allow for 24 hour opening.</p> <p>The current licence conditions are attached as Appendix C.</p>
1.04	<p>The review application was advertised in the correct manner, near the site, at Council Offices and on Flintshire County Council's website.</p>
1.05	<p>On Friday 1st September 2023 the DPS Laura Millington gave notification to North Wales Police that she was resigning as DPS of the Ruthin Castle and had been instructed by Stonegate to close the premises, effective immediately.</p> <p>On Monday 4th September, confirmation of the above was given to the Licensing section from the outgoing DPS.</p> <p>The premises have remained closed.</p>
1.06	<p>Representations have been received from North Wales Police on 19th September 2023. These can be seen in Appendix D</p>

1.07	Representations have been received from Flintshire County Council's Pollution Control Section on 19th September 2023. These can be seen in Appendix E.
1.08	<p>Emails of representation were received from residents, the Town Council and the Mayor of Mold and these can be seen in Appendix F.</p> <p>Some of the representations included videos and photos which could possibly identify members of the public and therefore have been shared privately with the sub-committee members and the premises licence holder before the hearing.</p>
1.09	The letters of representation refer in part to the late hours permitted by this licence. For reference the hours of other licensed premises in the immediate vicinity are attached as Appendix G.
1.10	<p>The Solicitor acting on behalf of the premises licence holder advised that submission of a minor variation was being considered to reduce hours for alcohol sales, bring forward closing times and replace the existing conditions with enforceable conditions.</p> <p>At the time of writing this report no formal minor variation application has been submitted.</p>

2.00	RESOURCE IMPLICATIONS
2.01	None in respect of this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	A 28 day consultation period was carried out following receipt of the review application, as required by the Licensing Act.

4.00	RISK MANAGEMENT
4.01	The Licensing Sub-Committee will address all risks in relation to the four licensing objectives when making their determination.

5.00	APPENDICES
5.01	<p>Appendix A: Location plan</p> <p>Appendix B: Current Licence Conditions</p> <p>Appendix C: The Review Application</p>

	<p>Appendix D: Representations from North Wales Police</p> <p>Appendix E: Representations from Pollution Control</p> <p>Appendix F: Emails of representations from interested parties</p> <p>Appendix G: Hours of premises in the vicinity</p>
--	--

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Licensing Act 2003</p> <p>Section 182 Guidance for Licensing Authorities</p> <p>https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003</p> <p>Flintshire County Council's Statement of Licensing Policy</p> <p>Contact Officer(s): Jacqui Dale & Lorraine Baxendale Licensing Officers Telephone: 01352 703377/703375</p> <p>E-mail: licensing@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Licensing Act 2003 – referred to as the Act.</p> <p>Premises Licence – means a licence granted under the Act, in respect of any premises, which authorises the premises to be used for one or more licensable activities.</p> <p>Licensable activities – these are the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or on the order of, a member of the club, the provision of regulated entertainment, and the provision of late night refreshment.</p> <p>Regulated entertainment - is defined as a performance of a play, an exhibition of a film, an indoor sporting event, a boxing or wrestling entertainment (both indoors and outdoors), a performance of live music, any playing of recorded music, or a performance of dance</p> <p>Late night refreshment – a person provides late night refreshment if at any time between the hours of 11.00pm and 5.00am., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises.</p> <p>Supply of alcohol – means the sale by retail of alcohol, or the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.</p> <p>Licensing Objectives - the Act sets out four licensing objectives. These are the prevention of crime and disorder, public safety, prevention of public</p>

nuisance, and the protection of children from harm.

Live Music Act – Live and recorded music allowed at certain venues without the benefit of a licence. Restrictions apply.

Deregulation of Regulated Entertainment – Exemptions for some entertainments to be licensed under the Licensing Act 2003. Including, live music, recorded music, plays, indoor sporting events and performances of dance. Restrictions apply.

Responsible Authorities – These are statutory bodies which are able to comment on applications made under the Licensing Act. They can make representations about the grant or variation of a licence. They can also apply for licence reviews in their own right