

LICENSING SUB-COMMITTEE
16 OCTOBER 2023

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Remote attendance meeting on Monday, 16 October 2023

PRESENT: Councillor Rosetta Dolphin (Chair)

Councillors: Rob Davies and Richard Lloyd

Legal Advisor to the Sub-Committee:

Gary Grant (Barrister)

Officers of the Council:

Gemma Potter (Team Manager - Licensing), Jacqui Dale (Licensing Officer), Lorraine Baxendale (Licensing Officer), Dave Jones (Pollution Control Officer) and Democratic Services Officer

On behalf of the Premises Licence Holder

Mr Richard Taylor (Solicitor for premises licence holder – Gosschalks)

Mr Paul Wright (Licensing Director for premises licence holder (Ei/Stonegate)

On behalf of North Wales Police

Charlotte Carr - Eastern Licensing Officer

Interested Parties:

Mr Phillip Jones (spokesperson for local residents)

1. APOLOGIES

None were received.

2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

3. LICENSING ACT 2003 - APPLICATION FOR REVIEW OF A PREMISES LICENCE

The Chair introduced a report for Members to consider and determine an application for a review of a premises licence, made under the Licensing Act 2003, in respect of Ruthin Castle, 73-77 New Street, Mold, Flintshire CH7 1NY. The review application was made on the grounds that the licensing objectives were not being met.

The Licensing Officer presented the report and referred to the main considerations as detailed in the report. The full review application showed a chronological summary of events and was attached as Appendix A. The location of the premises is shown in Appendix B. The current licence conditions were attached as Appendix C. Representations were received from North Wales Police on 19 September 2023 and were attached as Appendix D. Representations were also received from Flintshire County Council's Pollution

Control Section on 19 September 2023 and were attached as Appendix E. Emails of representation were received from residents, the Town Council, and the Mayor of Mold, and were attached as Appendix F. For reference the hours of other licensed premises in the immediate vicinity were attached as Appendix G.

The Licensing Team Manager, acting as the Licensing Authority as a responsible Authority for Flintshire County Council, reported on the reasons why the application for the review of the premises licence at the Ruthin Castle, 73-77 New Street, Mold, Flintshire, had been made. She advised that the following licensing objectives were not being met as detailed in the application which was appended to the report:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance

The Licensing Team Manager said that in addition the permissions made under the Live Music Act 2012 may no longer be appropriate in respect of the premises.

The Licensing Team Manager reported on the proposals made by the premises licence holder for a reduction in hours, new conditions, and removal from the premises licence of live music as a licensable activity, which had been circulated as additional documents to the Sub Committee for consideration. The Licensing Team Manager's response to the proposals had also been circulated as additional information.

In response to a query from Councillor Rob Davies, the Licensing Team Manager confirmed that the proposed hours in the additional information circulated included Sunday opening.

Mr Gary Grant, Legal Advisor to the Sub Committee, questioned the Licensing Team Manager concerning the hours for alcohol sale and regulated entertainment for the premises and the proposal to remove live music and invoke Section 177A.

The Chair invited Mr Richard Taylor, Solicitor representing the premises licence holder (Ei/Stonegate), to speak. Mr Taylor referred to the statement provided by Mr Paul Wright, Licensing Director for Ei/Stonegate, and the proposals which had been circulated to the Sub Committee for consideration. He apologised on behalf of the premises licence holder to all local residents and responsible authorities who had been impacted by the failure to address the complaints raised and acknowledged the need for the review application. Mr Taylor provided background information and referred to the proposals detailed in the additional documents regarding reduced hours and new conditions to replace the existing conditions.

In response to questions from Mr Grant, Legal Advisor, Mr Taylor agreed that Section 177A be applied to condition no.5 so that it applied to recorded music before 11.00 pm.

The Legal Advisor sought clarification from Mr Wright, Licensing Director, regarding condition no.6 - risk assessment of the need for door supervision.

Councillor Richard Lloyd expressed concerns around the use of the beer garden at the back of the premises after 10.00 pm, access to the beer garden by a side entrance, and the need for windows and doors to be closed during live entertainment. Mr Wright responded to the matters raised and reiterated apologies for the disturbance caused.

The Legal Advisor questioned Mr Taylor on the arrangements concerning taxi drop-off and collection points and last entry time. Mr Taylor acknowledged the points made.

The Chair invited Mr Dave Jones, Pollution Control Officer, to report on the monitoring visit which had been undertaken to the premises and adjacent properties. The Legal Advisor questioned Mr Jones on the potential for public nuisance on special occasions extensions, citing the proposal that on New Year's Eve there would be a 24 hour licence and on bank holidays, Christmas Eve, and Boxing Day hours are extended to 1.00 a.m.

Mr Phillip Jones spoke on behalf of local residents who had raised complaints regarding anti-social behaviour and public nuisance in the premises and surrounding area. Mr Jones explained that there had been no significant issues in the past concerning operation of the premises and residents did not wish the pub to be closed, however, the current situation was causing disturbance and distress to the local residents.

The Chair invited North Wales Police to comment. Charlotte Carr, Eastern Licensing Officer, North Wales Police, referred to the representations from North Wales Police which were attached as Appendix D to the report and drew attention to incident A106811 concerning injury to a person and said there had been broken glass outside the front of the premises. She advised that the evidence gathered by North Wales Police indicated that most incidents of crime and disorder occurred after midnight.

The Licensing Team Manager questioned Mr Wright, Licensing Director, concerning management of the premises and expressed concerns around the delay in response to the complaints raised by the responsible authorities and local residents. She spoke of the undermining of the licensing objectives and the upset and anxiety suffered by local residents and the lack of peaceful enjoyment of their homes.

In summary Mr Taylor, Solicitor, commented on the good reputation the premises had enjoyed for many years until the recent disturbances and anti-social behaviour which was regrettable. He said as soon as the review was issued immediate action had been taken and the tenancy was forfeited and the pub was closed and remained so. Responsibility for the problems caused was acknowledged and accepted by the premises licence holder. Mr Taylor referred to the options for action available to the Sub Committee in the guidance provided and asked that the Sub Committee imposed the conditions suggested as a proportionate and reasonable response.

When the Chair was satisfied that all relevant questions had been raised, all those present, with the exception of the Chair, Committee Members, Legal Advisor, and Democratic Services Officer, were removed from the meeting to enable the Sub Committee to reach a decision.

Following consideration of all the representations and legal advice from the Legal Advisor, the Licensing Officers, Mr Wright, Mr Taylor, Mr Jones and Charlotte Carr, were invited to return to the meeting which was reconvened.

The Chair read out the decision which had been determined by the Sub Committee as follows:

Having considered all of the written and oral representations in this review hearing, the Licensing Sub-Committee has determined to take the following appropriate and proportionate steps in order to promote the licensing objectives, particularly the prevention of public nuisance and crime and disorder.

1. The permitted hours for all permitted licensable activities (and closing hours) are modified as follows:
 - (a) Sunday - Thursday: 10:00 – 23:00hrs (with closing at 23.30hrs).
 - (b) Friday - Saturday: 10:00 – midnight (with closing at 00:30hrs)
2. In relation to special occasions/non-standard hours, these are modified to permit only the following extended hours:
 - (a) New Year's Eve: 10:00 until 01:00 on New Year's Day (with closing at 01:30hrs)
 - (b) Eve of Bank Holidays and Xmas Eve: 10:00 until 01:00 (with closing at 01:30hrs)
3. Live music is removed as a licensable activity from the licence and the de-regulation of entertainment provisions are disapplied in relation to both live music and recorded music under the provisions of section 177A of the Licensing Act 2003. This means that there shall be no live music permitted at any time under this premises licence, and recorded music shall be subject to all of the relevant conditions at all times.
4. The full set of conditions are set out in Schedule A to this determination. In the main, these follow those proposed by the licence holder following engagement with the responsible authorities, save for these further additions:
 - (a) Customers shall not be permitted to remove any glassware or glass bottles from inside the premises to the front outside of the premises.
 - (b) The premises licence holder shall draw up and implement a taxi and private hire vehicle policy to ensure that vehicles dropping off or collecting customers do not create a nuisance to residents or other road users. The policy shall be made available for inspection by authorised local authority and police officers on request.

(c) No customer is permitted to enter, or re-enter, the premises any later than 30 minutes before the terminal hour for the sale of alcohol.

(d) A condition ensuring the noise limiter is kept in a locked cupboard and is tamper proof.

The full determination and reasons are set out in the link below:

<https://committeemeetings.flintshire.gov.uk/ieListDocuments.aspx?CId=146&MId=5615&Ver=4&LLL=0>

The Chairman thanked all those present for their attendance and advised that the decision would be confirmed in writing.

RESOLVED:

That the licence be amended in accordance with the decision of the Committee as detailed above.

4. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 10.00 a.m. and ended at 11.40 a.m.)

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Chairman