

Sent: 11 October 2023 11:13

To: Jacqui Dale <jacqui.dale@flintshire.gov.uk>

Subject: EXTERNAL Ruthin Castle, Mold - Review GTE:00095000002455

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Dear Jacqui

I attach a statement from Paul Wright, Stonegate's Licensing Director and a document detailing a proposed reduction in hours, new conditions to replace the existing ones and the removal from the premises licence of live music as a licensable activity.

I have copied this to Gemma, Dave and Charlotte as the list of conditions has been amended and is no longer the same as the one I sent to them previously. This new version incorporates some of the comments made (for which I am very grateful) – I have expanded the CCTV conditions, made it clear that there will be no live music or karaoke moving forward and required that all doors and windows be closed whenever regulated entertainment is being provided.

Please could you circulate the statement and proposed conditions to the members and those attending Monday's hearing.

Kind regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

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Statement of Paul Wright

Paul Wright will say as follows:-

1. I am the Licensing Director of the Stonegate Pub Company, who wholly own Ei Group Ltd (formerly Enterprise Inns PLC) , the premises licence holder at the Ruthin Castle, 73-77 New Street Mold.
2. I make this statement to assist the Licensing Sub Committee with regard to the review application made by Gemma Potter on behalf of the Licensing Authority and which is supported by North Wales Police, Flintshire Council's Pollution control officer and a number of local residents.
3. From the outset, I wish to make it very clear that what has happened here is wrong. I am embarrassed about how we dealt with this and apologise to the local residents and the authorities for our failings in dealing with the issues that were highlighted to us at the Ruthin castle.
4. Stonegate Pub Company is the largest pub company in the country. It owns around 4500 public houses. Almost 3000 of these are the subjects of leases/tenancy agreements through which the tenant operates his/her/its own business out of premises owned by Ei Group. The remainder are operated as managed houses.
5. Where a tenant is on a long lease, that tenant will hold the premises licence. It is only in circumstances where a long term tenant has not been identified that Ei Group will hold the premises licence.
6. A regional manager will look after around 35 sites. The role of that regional manager is to support the tenant and ensure the safety/fabric of the building. The regional manager is also responsible for ensuring that the tenant operates in accordance with the terms of the premises licence in force and supports and promotes the licencing objectives.
7. As we have so many public houses from time to time, authorities raise concerns with us. We always work in partnership with the local authorities with a view to ensuring that our pubs operate without difficulty and are a benefit to the community in which they sit.

8. Where issues are highlighted, our normal protocol is for the tenant to report those to the regional manager. The regional manager investigates, liaises with the authorities and ensures that highlighted issues are addressed. The regional manager is responsible for implementing calming measures and is then required to increase the number of visits that he/she/they make to the premises to ensure that any new measures are implemented.
9. The regional manager is also required to input details of issues at any premises on our internal systems. These notes are monitored by a number of support functions within the group to ensure that the appropriate resources are directed towards the problems and to ensure that the issues are properly addressed.
10. Unfortunately, as far as the Ruthin Castle is concerned our internal procedures were not properly followed and the issues identified by the local residents were not escalated within the group and dealt with as they should have been.
11. The Ruthin Castle has been owned by EI group limited for over 20 years. I understand that that these premises have never been a problem premise and the only satisfaction I experienced reading the review application and representations was to note that the local residents felt that these premises had never caused a problem until earlier this year.
12. Until December 2021 the Ruthin Castle was the subject of a long term tenancy agreement. During the COVID pandemic, the premises closed and have been open sporadically since.
13. In March 2023 the premises were let to Stowford Pub Company limited whose employee, Laura Millington took over the operation of the pub in May 2023. It is at this point that the issues highlighted in the review application started.
14. The first I knew of problems at the Ruthin Castle was when the review application was received.
15. The review application and representations made very uncomfortable reading for me. It is clear that our internal process is were not properly followed, and that the authorities did everything possible to avoid the necessity a licensing review.
16. When the review proceedings were issued, I instructed that the premises close as soon as possible. Notice was given to the tenant who has now left.

17. I also instructed our company solicitors to remove Laura Millington as DPS. I know that our solicitors liaised with the licensing authority and Laura Millington has now been removed from this premises licence as DPS. I confirm that she will have nothing to do with the premises moving forward.
18. I also began an internal investigation and have made our main board and investors aware of the review and the causes of it.
19. The regional manager who was responsible for these premises is no longer responsible for them.
20. I had intended during the consultation period to lodge a minor variation application which sought to address the issues highlighted within the representations. Unfortunately, we did not receive those representations in time to have a minor variation application completed by the time of this hearing and in the circumstances, I attach our minor variation proposals and invite the committee to determine the review by reducing the trading hours, deleting the existing conditions within Annex two of the premises licence and imposing the conditions within the attached document.
21. The Ruthin Castle had the latest licensing hours in Mold. It appears that our previous tenant exploited this and kept the pub open much later than everywhere else. It therefore became a magnet for those who had been drinking elsewhere once all of the other premises had closed.
22. The hours should be reduced so that they are no later than any of the other pubs in Mold with closing times the same as Y Pentam and Red Lion.
23. The conditions in the proposed document include the CCTV conditions requested by the police (incorporating also suggestions from the licensing officer and pollution control officer) with the remainder being based upon the action plans suggested by the authorities in meetings with our former tenant. These were all designed to promote the licensing objectives and ensure the premises could continue to operate without causing problems to its neighbours.
24. Our original proposed conditions were circulated to the Licensing Officer, Police Licensing Officer and Pollution Control Officer and I have tried to incorporate their proposals where possible. For example, it is clear from discussions with the officers that it is felt that CCTV covers the alley at the side of the premises. These requirements have been built in to the CCTV conditions.

25. Similarly, both the Licensing Officer and Pollution Control Officer stated that live music including karaoke was a source of noise nuisance. The proposed conditions state that live music and karaoke may not be operated.

26. In addition to the conditions, we will invite the committee to remove live music as a licensable activity from the premises licence.

27. Moving forward, I propose to leave the premises closed until we have identified a new tenant with a proven track record. Once we've identified a new tenant, we will liaise with the police and licencing authority to ensure that our proposed tenant is acceptable and I will not seek to reopen the premises until I've received confirmation the proposed operator is acceptable.

Signed

Dated

Ruthin Castle

Hours

Alcohol sales/Regulated Entertainment

Monday to Thursday	1000 to midnight
Friday and Saturday	1000 to 0100
Bank Holidays/Xmas Eve/Boxing Day	1000 to 0100
New Years Eve	1000 to midnight
New Years Day	0000 to 1000 (noon on Sunday)

Premises to close 30 minutes after last permitted time for licensable activities

Note – these are the same terminal hours as the nearest pubs (Y Pentan, New Street and Red Lion, Wrexham St.)

Proposed Conditions to replace existing conditions in Annex 2

1. CCTV must be installed and it must be digital, colour and maintained in good working order and cover the internal public areas, beer garden and entrances and exits to the premises. A camera must also be installed to cover the alleyway at the side of the premises. Recordings to be kept for a minimum of 28 days and made available for inspection by the Police or local authority on 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 at the premises at times when it is open
 3. There will be no consumption of alcohol or other drinks permitted in the beer garden after 2200
 4. No more than 10 customers will be permitted in the beer garden after 2200
 5. All recorded music will be played through a noise limiting device. The maximum levels will be set in conjunction with the environmental health officer to ensure that no noise nuisance is caused to local residents
 6. The DPS will risk assess the need for door supervision. When the risk assessment requires door supervision, SIA registered door supervisors will be engaged on such dates, between such times and n such numbers as is required by the risk assessment.
 7. All staff whose duties include alcohol sales will receive training on their obligations and responsibilities under Licencing Act 2003. That training will be documented and records made available to officers of responsible authorities on request.
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8. A Challenge 25 age verification policy will be operated. The only acceptable forms of identification are a passport, photocard driving licence, military identification or any other UK/EU government approved form of identification.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
10. Windows and external doors to remain closed when regulated entertainment is being provided save to permit ingress and egress.
11. No Live music will be permitted at any time. This condition is imposed upon review under s177A(4) Licensing Act 2003
12. No karaoke will be operated at the premises.

Hi Jacqui/Lorraine,

Further to the email below sent by Mr Taylor on behalf of the Premise Licence holder with a statement and revised proposed conditions for the Ruthin Castle PH saying he wished them to be circulated to the Committee prior to the hearing.

In order that the Committee have all the information available I feel that it would be appropriate that my original response is also circulated to the Committee members prior to the hearing so that they are fully aware of our correspondence for completeness. Please find a copy of my email response to the original proposal in the attached word document.

Regards

Dave

Dave Jones

Pollution Control Officer | Swyddog Rheoli Llygredd
Community and Business Protection | Gwarchod Cymuned a Busnes
Planning, Environment and Economy | Cynllunio, Amgylchedd a'r Economi
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<http://www.twitter.com/flintshirecc> | <http://www.twitter.com/csyfflint>

Dear Mr Taylor,

Many thanks for your email and the suggested proposals in the document provided. I have copied and pasted the document below and I will address the suggested conditions in turn:

Ruthin Castle

Hours

Alcohol sales/Regulated Entertainment

Monday to Thursday	1000 to midnight
Friday and Saturday	1000 to 0100
Bank Holidays/Xmas Eve/Boxing Day	1000 to 0100
New Years Eve	1000 to midnight
New Years Day	0000 to 1000 (noon on Sunday)

Premises to close 30 minutes after last permitted time for licensable activities

Note – these are the same terminal hours as the nearest pubs (Y Pentan, New Street and Red Lion, Wrexham St.)

I have suggested in my committee submission that hours should be brought into line with other pubs in residential areas of Mold and I note the two nearest pubs you have included above as representative examples are not in residential areas and I would suggest they are rather town centre pubs and are not directly comparable to the Ruthin Castle situation. In light of this I would prefer not to give my approval to the above hours you have suggested and would seek the Committee guidance on what they would deem appropriate given their experience of these matters and having regard to all the evidence.

I agree that in order to aid gradual dispersal of patrons and lessen disruption to neighbours that it is sensible for the premises to close 30 minutes after the last permitted time for licensable activities.

Proposed Conditions to replace existing conditions in Annex 2

1. CCTV must be installed and it must be digital, colour and maintained in good working order and cover the entrances and exits to the premises. Recordings to be kept for a minimum of 28 days and made available for inspection by the Police or local authority on request

I would agree that the above suggested CCTV installation is a good basic measure but would point out that it would not cover all the areas of concern. It does not include the archway area leading from the front to rear of the pub and other adjoined and nearby residential properties. This is where a significant amount of anti-social behaviour is reported to take place including public urination and alleged drug taking.

In addition I would suggest that the beer garden might be also be covered by CCTV as this is a source of significant problems especially late at night which are also addressed in proposed conditions 3 and 4 below.

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.

Agreed

-
3. There will be no consumption of alcohol or other drinks permitted in the beer garden after 2200

Agreed that allowing drinking in this area is contributing to patrons extending their time using the beer garden and so fuelling the noise the noise affecting residents and that a cut off time is advisable but I would ask that the actual timing is considered by the Licensing Committee once they have heard all the relevant evidence.

4. No more than 10 customers will be permitted in the beer garden after 2200

Agreed that large numbers of people congregating in the beer garden at night is a significant contributing factor to the noise affecting residents and that a cut off time for limiting the number is advisable but again I would ask that the actual timing is considered by the Licensing Committee once they have heard all the relevant evidence.

5. All recorded music (included karaoke) will be played through a noise limiting device. The maximum levels will be set in conjunction with the environmental health officer to ensure that no noise nuisance is caused to local residents

I agree that the playing of recorded music might be controlled in the above manner however, I understand that Karaoke is considered as "live music" and as such I believe it is inappropriate for this venue. I would refer you to the latest Revised Guidance issued under section 182 of the Licensing Act 2003 in August 2023 where section 16.30 states:

16.30 Under the live music provisions, "music" includes vocal or instrumental music or any combination of the two. "Live music" is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, 'live' music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist⁵⁷ or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance

to create new sounds⁵⁸. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case

57 Karaoke is generally classed as a performance of live music

Therefore, I would suggest that the Committee will be able to decide on this once they have heard all the evidence.

6. The DPS will risk assess the need for door supervision. When the risk assessment requires door supervision, SIA registered door supervisors will be engaged on such dates, between such times and n such numbers as is required by the risk assessment.

Agreed

7. All staff whose duties include alcohol sales will receive training on their obligations and responsibilities under Licencing Act 2003. That training will be documented and records made available to officers of responsible authorities on request.

Agreed

8. A Challenge 25 age verification policy will be operated. The only acceptable forms of identification are a passport, photocard driving licence, military identification or any other UK/EU government approved form of identification.

Agreed

9. Notices shall it be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

Agreed that such essential advice is required for patrons.

10. Windows and external doors to remain closed after 2200 when regulated entertainment is being provided save to permit ingress and egress.

I would disagree with the timing. Due to the proximity of residential properties and In order to minimise any potential disturbance I would recommend that windows and external doors remain closed whenever regulated entertainment is being provided save to permit ingress and egress.

11. No Live music will be permitted at any time. This condition is imposed upon review under s177A(4) Licensing Act 2003

Agreed

I would add that there isn't a provision in any of these proposals for addressing the problem of vehicles at the pub specifically taxi's. Would it be possible to ask local taxi firms to advise their drivers not to turn around or park in the residential cul-de-sac opposite, not to leave their engines running, not to sound horns or play loud music whilst waiting for customers.

In view of the lack of parking at the pub it may be advisable that alternative arrangements could be made with local taxi firms whereby there is a pick up / drop off point in the New Street Car Park.

Regards

Dave Jones

Pollution Control Officer | Swyddog Rheoli Llygredd
Community and Business Protection | Gwarchod Cymuned a Busnes
Planning, Environment and Economy | Cynllunio, Amgylchedd a'r Economi
Flintshire County Council | Cyngor Sir y Fflint

From: Richard Taylor

Sent: 09 October 2023 09:39

Subject: EXTERNAL FW: Ruthin Castle - Review GTE:00095000002451

Dear Mr Jones

I act for Ei Group Ltd and will represent the company at next week's review hearing.

In anticipation of the hearing, I have put together a proposal document upon which I'd welcome your views.

It is my proposal to invite the committee to determine the application by reducing the trading hours to match those of the other pubs in town and to replace the existing conditions with new enforceable ones.

I have included the CCTV conditions suggested by the police in their letter of representation. The others are based on the action plan agreed with my client's tenant and some others to address highlighted issues.

Please could you confirm whether you would support the review being determined in accordance with these proposals or whether you'd require anything further before you'd be satisfied.

Kind regards

Richard

Richard Taylor | Partner | Head of Licensing Department
for and on behalf of Gosschalks LLP

To: Jacqui Dale <jacqui.dale@flintshire.gov.uk>; Lorraine Baxendale <lorraine.baxendale@flintshire.gov.uk>
Subject: FW: EXTERNAL FW: Ruthin Castle - Review GTE:00095000002451

Dear Jacqui and Lorraine

In light of the proposals and statement sent earlier on behalf of the Premises Licence Holder, and their request for the same to be circulated to the Sub Committee ahead of the hearing on Monday, I am happy for my original comments (attached) to also be circulated to Members, for completeness.

Kind regards

Gemma

Gemma Potter

Rheolwr Tîm | Team Manager
Trwyddedu & Rheoli Pla | Licensing & Pest Control
Cynllunio, Amgylchedd a'r Economi | Planning, Environment & Economy
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Please note, my normal working days are Monday to Thursday

Ruthin Castle

Hours

Alcohol sales/Regulated Entertainment

Monday to Thursday	1000 to midnight
Friday and Saturday	1000 to 0100
Bank Holidays/Xmas Eve/Boxing Day	1000 to 0100
New Years Eve	1000 to midnight
New Years Day	0000 to 1000 (noon on Sunday)

Premises to close 30 minutes after last permitted time for licensable activities

Note – these are the same terminal hours as the nearest pubs (Y Pentan, New Street and Red Lion, Wrexham St.)

As I am the Applicant in this instance, I have not seen any representations relating to my application as yet, but when the Licensing Act 2003 was introduced, one of the intentions was to avoid blanket times and conditions. I feel that any revised timings should be considered in respect of the premises in its own right and following the consideration of any other representations made by responsible authorities or interested parties.

I agree that 30 mins following the last time permitted for licensable activities is a sensible approach to closing time.

Proposed Conditions to replace existing conditions in Annex 2

1. CCTV must be installed and it must be digital, colour and maintained in good working order and cover the entrances and exits to the premises. Recordings to be kept for a minimum of 28 days and made available for inspection by the Police or local authority on request

Agree, however CCTV focussed on the alleyway could also be considered as this is where much antisocial behaviour by RC customers occurs.

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.

Agree, but with the addition of 'and must be available on the premises at all times that it is open' – as is suggested in my review application

3. There will be no consumption of alcohol or other drinks permitted in the beer garden after 2200

I agree with a terminal hour of 'normal' beer garden usage, in line with the action plan that was put in place in May 2023, but feel the proposals in relation to timings should be considered following hearing all of the evidence presented at the hearing.

4. No more than 10 customers will be permitted in the beer garden after 2200

Agree with limiting numbers but times should be determined by the Committee after hearing any evidence

5. All recorded music (included karaoke) will be played through a noise limiting device. The maximum levels will be set in conjunction with the environmental health officer to ensure that no noise nuisance is caused to local residents

The Guidance issued under Section 182 of the Licensing Act 2003 states that karaoke is generally classed as live music and I would suggest it is considered as such. (Page 139, footnote 57)

6. The DPS will risk assess the need for door supervision. When the risk assessment requires door supervision, SIA registered door supervisors will be engaged on such dates, between such times and in such numbers as is required by the risk assessment.

I do not feel that this condition is enforceable. There is merit to requiring doorstaff at weekends and bank holidays to ensure the beer garden proposed conditions are complied with and to assist in minimising noise nuisance as customers are leaving the premises.

7. All staff whose duties include alcohol sales will receive training on their obligations and responsibilities under Licencing Act 2003. That training will be documented and records made available to officers of responsible authorities on request.

Agree.

8. A Challenge 25 age verification policy will be operated. The only acceptable forms of identification are a passport, photocard driving licence, military identification or any other UK/EU government approved form of identification.

Agree.

9. Notices shall it be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

Agree.

10. Windows and external doors to remain closed after 2200 when regulated entertainment is being provided save to permit ingress and egress.

Agree. But timings should be determined at the hearing after hearing all of the evidence.

11. No Live music will be permitted at any time. This condition is imposed upon review under s177A(4) Licensing Act 2003

I agree that the premises is not suitable for live music, including karaoke.

Other:

The action plan devised in May included a terminal hour for entry to the premises. It's my opinion that this could be considered at 30 min prior to the last time permitted for licensable activities and would be proportionate in respect of this premises.