

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing Sub-Committee

19 April 2021

TITLE:	Application for the Review of a Premises Licence Cloudside Shooting Grounds, Red Lane, Nr. Congleton, Staffordshire Moorlands, CW12 3QG.
PORTFOLIO:	Environment
OFFICER:	Mike Towers, Senior Officer (Housing, Public Health & Licensing)
WARD:	Horton

Appendices Attached.

Report Appendix 1 – Copy of the review application form and Police Sections 1 – 25 (Section 26 Exempt information).

Report Appendix 2 – Copy of the current premises licence.

Report Appendix 3 – Copy of the representation from Staffordshire County Council Trading Standards.

Report Appendix 4 – Copy of the representation from local residents.

Report Appendix 5 – Copy of the e-mail from Mr and Mrs Bailey

Report Appendix 6 – Copy of the e-mail from Mr and Mrs Gulliford

Reason for the report:

- 1.1 To hold a hearing to consider an application for the review of a premises licence under Section 51 Licensing Act 2003. Staffordshire Police Licensing Unit have applied for a review of the premises licence for Cloudside Shooting Grounds, Red Lane, Nr. Congleton, Staffordshire Moorlands, CW12 3QG which relates to the licensing objectives of, the prevention of crime and disorder, public safety and the protection of children from harm.

Executive Summary

- 2.1 The above application was received on 09 February 2021 from PC 5281 Clive Cooper, Staffordshire Police Licensing Unit. During the consultation period a representation was received from Mr Mark Wilson, Technical and Business Manager, Trading Standards, Staffordshire County Council. A further representation was received from “other persons” namely residents from Cloudside in support of the application. Two of the residents listed on the representation also submitted additional information in support of this.

Background:

- 2.2 An application was received on 09 February 2021 from PC 5281 Clive Cooper, Staffordshire Police Licensing Unit, Early Intervention and Prevention Unit, Ground Floor, Block 9, Weston Road, Stafford, ST18 0YY for the review of the premises licence in respect of Cloudside Shooting Grounds, Red Lane, Nr. Congleton, Staffordshire Moorlands, CW12 3QG. A copy of the application with appendices (sections 1 – 25) is attached at Report Appendix 1.
- 2.3 The applicant refers to the manner in which the premises are currently operating in that they are undermining the three licensing objectives detailed below:-
- The prevention of crime and disorder;
 - Public Safety;
 - The protection of children from harm.
- 2.4 The premises currently holds a premises licence under the Licensing Act 2003 which permits the following licensable activities:-

Supply of alcohol for consumption on the premises:-

Wednesday:-	13:00 – 22:00
Thursday:-	13:00 – 22:00 (British Summer Time only)
Friday:-	13:00 – 22:00 (British Summer Time only)
Saturday:-	13:00 – 22:00

The opening times of the premises are: -

Wednesday:-	10:00 – 22:30
Thursday:-	10:00 – 22:30 (British Summer Time only)
Friday:-	10:00 – 22:30 (British Summer Time only)
Saturday:-	10:00 – 22:30

A copy of the current premises licence is attached at Report Appendix 2.

- 2.5 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 10 February 2021 and 09 March 2021 by the displaying of a public notice on the premises and in the immediate vicinity (due to the premises being located on private property), a copy of the application form displayed on the Staffordshire Moorlands District Council webpage and at Moorlands House (Council Office), Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ.

Relevant Representations

2.6 **Responsible Authorities**

Planning Officer – None received
Health and Safety Authority – None received
Child Protection Body – None received
Home Office Immigration – None received
Staffordshire Public Health - None received
Environmental Health – None received.
Staffordshire County Council Trading Standards – Representation received.
Licensing Authority – None received.

- 2.7 On 05 March 2021 a representation was received from Mr Mark Wilson, Technical and Business Manager, Trading Standards, Staffordshire County Council in support of the application due to the failure to promote the licensing objectives of the prevention of crime and disorder, public safety and public nuisance. A copy of this representation is attached at Report Appendix 3.

2.8 Other Persons

On 05 March 2021, a collective representation was received from the residents of Cloudside. A copy of this representation is attached at Report Appendix 4.

2.9 On 10 March 2021 an e-mail was received from Mr and Mrs Bailey (named on the collective representation) stating that they had witnessed patrons walking around the site with guns which were not enclosed in gun cases. A copy of this e-mail is attached at Report Appendix 5.

2.10 Also on 10 March 2021 an e-mail was received from Mr and Mrs Gulliford (again residents named on the collective representation) stating that "it is a common occurrence that children are present in the car park whilst shooters are walking past with guns unsleeved". A copy of this e-mail is attached at Report Appendix 6.

2.11 The Licensing service at Staffordshire Moorlands District Council has had little in the way of formal involvement with Cloudside Shooting Grounds in relation to the activities licensed by the service. The only recent formal intervention was in relation to a report from Staffordshire Police about a covid-related incident report that Police Officers attended on Saturday 19th December 2020. In response to the Police evidence submitted, the Licensing Service issued a Fixed Penalty Notice (FPN) under Regulation 11(1) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020. The grounds for service of the FPN related to the contravention of restrictions on service of food and drink for consumption on the premises under Schedule 3, Part 2, Regulation 9(1) The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, in that on entering the premises, the attending Police Officers found several visitors seated in the premises, in addition to the business company secretary. The visitors were seated and appeared to be drinking and consuming food. The Officers advised that the address of the premises was in a tier 3 restricted area, and that consumption of food and drink on the premises was not permitted. Following the service of the FPN, the Premises Licence Holder made prompt arrangements for payment of the penalty charge, thereby discharging liability to conviction for the offence. A further Police report of an alleged covid-related incident on 30th December 2020 was not pursued by the Licensing Service due to concerns about the strength of the evidence in relation to the alleged breach.

- 2.12 On 12 March 2021 PC 5281, Clive Cooper, submitted to the Licensing Authority at Staffordshire Moorlands District Council a covering letter and a disc comprising of an audio call referred to at Section 5 of the review application document.
- 2.13 On the above date PC 5281, Clive Cooper, also submitted 5 CCTV indexes and 5 discs containing CCTV footage referred to at Section 20 of the review application document and also referred to in the covering letter detailed above.
- 2.14 On 16 March 2021 Licensing Officer 9456, Lisa Roberts submitted to the Licensing Authority at Staffordshire Moorlands District Council a covering letter and 2 indexes and 2 discs containing body worn video footage from PC 24841 Redman and PC 27006 Higgins which is referred to at Section 6 of the review application document. A further index and disc were also submitted of body worn video footage from PC 5281 Clive Cooper referred to at Section 7 of the review application document.
- 2.15 On the above date Licensing Officer 9456, Lisa Roberts also submitted to the Licensing Authority at Staffordshire Moorlands District Council, still photographs, (exhibits 1 – 4), taken from CCTV footage on 19 December 2020 and a still photograph (exhibit 5) taken from body worn video footage of PC 24841 Redman and PC 27006 Higgins on 19 December 2020. These photographs are referred to at Section 26 of the review application document.
- 2.16 Under Section 100 (A) (4) of the Local Government Act 1972, Staffordshire Police have requested that the public be excluded from the meeting during the showing of Section 5 of the review document (audio call), the showing of all of the CCTV and body worn video footage and the photographs referred to in Section 26 on the grounds that it involves the likely disclosure of exempt information.

Local Policy Consideration

- 2.17 In carrying out its duties under the Act, the Licensing Authority will actively promote the licensing objectives, namely: -
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

- 2.18 The Licensing Authority will view each objective with equal importance and pay due regard to any guidance issued by the Secretary of State under section 182 of the Act and the local statement of licensing policy.
- 2.19 The Licensing Authority has the ability to deviate from both the guidance issued by the Secretary of State and/or this statement of licensing policy where the facts of a case merit it. If such an occasion does arise then full reasons for such deviation will be given as part of the published decision.
- 2.20 The Sub-Committee must also have regard to all of the representations made and the evidence it hears.
- 2.21 The Sub-Committee must take such of the following steps, as it considers appropriate for the promotion of the licensing objectives:
- (a) To modify the conditions of the licence;
 - (b) To exclude a licensable activity from the scope of the licence;
 - (c) To remove the Designated Premises Supervisor;
 - (d) To suspend the licence for a period not exceeding three months;
 - (e) To revoke the licence.

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

The Sub-Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

- 2.22 The Sub-Committee are also reminded that they are not compelled to take any of the above formal actions and may, if they consider it a reasonable response to the evidence before them, issue an informal warning to the licence holder or recommend that certain improvements take place within a specified timescale.
- 2.23 The applicant or any interested party have the right of appeal to the Magistrates Court within the period of 21 days beginning with the day on which they are notified in writing of the Licensing Sub-Committee's decision.

Options and Analysis

There are no options to consider other than detailed in the report. Applications made within the Licensing Act 2003 (Hearings) Regulations 2005.

Implications

3.1 Community Safety - (Crime and Disorder Act 1998)

None.

3.2 Employees

None.

3.3 Equalities

This report has been prepared in accordance with the Council's Diversity and Equalities Policies.

3.4 Financial Considerations

There are no direct financial implications for the authority from this application, although should Cloudside Outdoor Pursuits Ltd, Staffordshire Police, Staffordshire Trading Standards or local residents named on the collective representation, exercise their right of appeal against any decision made by the Sub-Committee, then there would be additional costs incurred by the authority in defending the decision in court.

3.5 Legal

All parties have the right of appeal to the Magistrates Court.

3.6 Sustainability.

None.

Alicia Patterson
Operations Manager – Environmental Health

Background Papers

Location

Contact

Web Links and

Licensing Section

Mike Towers

Background Papers

Senior Officer (Housing,
Public Health & Licensing)

Staffordshire Moorlands District

0345 129 7777 ext. 4400

Council Licensing Policy

Amended Guidance issued under

Section 182 of the LA2003