

APPENDIX 3



Staffordshire
County Council

Trading Standards
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The Licensing Unit
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Please ask for Mark Wilson
For hearing impaired callers only, please call
Minicom (01785) 854156

5th March 2021

Dear Sir / Madam

Re: Application for a Review of a Premise Licence under Section 51, Licensing Act 2003 – Cloudside Shooting Grounds, Red Lane, Nr. Congleton, Staffordshire Moorlands, CW12 3QG.

On receipt of an application to review the Premises Licence for Cloudside Shooting Grounds, Red Lane, Nr. Congleton, Staffordshire Moorlands, CW12 3QG submitted by Staffordshire Police Licensing Unit, Staffordshire Trading Standards in these circumstances, agree that serious consideration should be given to the recommendations made.

Staffordshire Trading Standards acts as a Responsible Authority, insofar as it is a Local Weights and Measures Authority designated under Section 13(4) of the Licensing Act 2003 and Regulation 7 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 and hereby submits the following representation in support of the application to review.

In March 2020 Responsible Bodies (Police, Trading Standards, Environmental Health and Licensing) in Staffordshire agreed to share information/intelligence and work together to enforce the business closure and restriction controls consistently and uniformly in a transparent manner under the auspices of an Enforcement Protocol. The Enforcement Protocol was updated November 2020.

On 4th July 2020 the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 came into force and on the 18th July 2020 the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 came into force.

On the 5th November 2020 the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 came into force placing restrictions on businesses listed in Part 1 and 2 of the Schedule and placed restrictions on the movement of individuals.

On the 2nd December 2020 the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 came into force, replacing the national restrictions with a regional approach of tiered restrictions.

Environmental Health and Trading Standards Services within Councils are responsible for implementing the requirements of the Regulations in respect of business closures and restrictions.

Staffordshire Trading Standards confirm that Cloudside Shooting Grounds is a business registered within the County of Staffordshire, therefore finds itself placed within tier 3 restrictions on the dates of the alleged incidents. Tier 3 restrictions include the imposition of restricted hours for certain businesses and closure of certain businesses.

On 23rd December 2020 Staffordshire Trading Standards received information (CMU543850) alleging that the premises "Cloudside Shooting Grounds, Red Lane, Congleton, CW12 3QG" was serving customers with food and drink. A summary of an intervention by Staffordshire Police Officers was provided.

Having considered the chronology of events that are alleged to have taken place and the interactions between Staffordshire Police Licensing Unit, Staffordshire Moorlands District Council and the Premises Licence Holder (PLH), who also holds the position of the Designated Premises Supervisor (DPS), it is clear that the premises has been utilised for alleged criminal offending and breaches of the premise licence may have occurred. The alleged offending has been permitted by the PLH / DPS whilst holding a position of trust and responsibility thus undermining the prevention of crime and disorder, public safety, and protection of children from harm licensing objectives.

Due to this Staffordshire Trading Standards take the view that as per paragraph 11.24 of the revised guidance issued under section 182 of the Licensing Act 2003, a number of reviews may arise in connection with crime that is not directly connected with licensable activities...The Licensing Authority's role when determining such a review is not therefore to establish guilt or innocence of any individual but to ensure the promotion of the crime prevention licensing objective.

Taking into account the relevant guidance, and the fact that the PLH / DPS, Mr Maurice SNELLING has allowed the premises to be utilised to supply and consume alcohol and food on the premises by members of the public whilst under tier 3 restrictions, the PLH / DPS is alleged to have failed to promote the licensing objectives. Staffordshire Trading Standards fully support the request of Staffordshire Police for revocation of the premise licence.

In respect to the Protection of Children from Harm licensing objective, Staffordshire Trading Standards does not hold any information linked to the premise licence during the period of concern.

Staffordshire Trading Standards request that appropriate weight be attached to the alleged incidents linked to the licenced premise's recent trading history, as outlined above, in support of the allegations and licensing breaches as evidenced by Staffordshire Police Licensing Unit.

If you have any queries in relation to the above, please do not hesitate to contact me.

Yours faithfully

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Mark Wilson MCSTI CTSP
Technical and Business Manager
Staffordshire County Council Trading Standards