



STAFFORDSHIRE  
**POLICE**

The Licensing Section  
Staffordshire Moorlands District Council  
P.O. Box 136  
Buxton  
SK17 1AQ

Contact: PC 5281 Clive Cooper  
Direct Line: 101 Ext. 2840  
Our ref: LR/CC  
Date: 16<sup>th</sup> April 2021

Dear Sir / Madam,

**Re: Application for the Review of a Premises Licence – Cloudside Shooting Grounds, Red Lane, Nr. Congleton, Staffordshire Moorlands, CW12 3QG.**

Further to the Review application submitted on the 8<sup>th</sup> February 2021, please find enclosed additional evidence which the Police will seek to reply upon at the forthcoming licensing hearing in respect of Cloudside Shooting Grounds, Red Lane, Nr. Congleton, Staffordshire Moorlands, CW12 3QG.

**Section 27:**

Woods Whur Newsletters dated 5<sup>th</sup> September 2019 and 20<sup>th</sup> March 2020.

**Section 28:**

Premises Licence application dated 18<sup>th</sup> July 2009.

Staffordshire Police representations dated 13<sup>th</sup> October 2009 and agreement dated 16<sup>th</sup> October 2009.

Letter from Staffordshire Moorlands District Council dated 19<sup>th</sup> October 2009.

Copy of Cloudside Shooting & Sporting Club website page dated 8<sup>th</sup> October 2009.

Staffordshire Police respectfully request that under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during the showing of the CCTV footage on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 Schedule 12(A) to the Act.

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

Yours faithfully,

PC 5281 Clive Cooper  
Staffordshire Police Licensing Unit  
Early Intervention and Prevention Unit  
Ground Floor, Block 9  
Weston Road  
Stafford  
Staffordshire  
ST18 0YY  
Email [licensinghq@staffordshire.pnn.police.uk](mailto:licensinghq@staffordshire.pnn.police.uk)

**A safer Staffordshire**



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C.C.

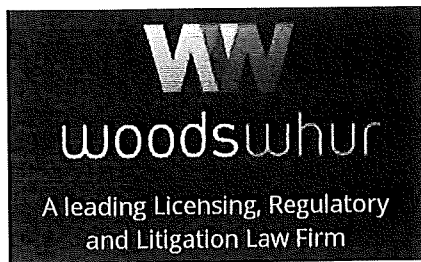
Cloudside Outdoor Pursuits Ltd. Cloudside Shooting Grounds, Red Lane, Nr. Congleton, Staffordshire Moorlands, CW12 3QG.

ORJ Law Ltd. Queensville House, Stafford, Staffordshire, ST17 4NL.

Mr. Duncan Craig, Citadel Chambers, 190 Corporation Street, Birmingham, B4 6QD.

# **SECTION 27**

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Posted on 5th September 2019 by Woods Whur

## Compliance with conditions on a licence – You can't pick and choose

I have had a rush of non-compliance with conditions cases recently which can have very serious ramifications. If you are an operator and have a condition(s) on your licence which you feel is no longer relevant, it is overly restrictive and therefore disproportionate/inappropriate to promote the licensing objectives—you can't just arbitrarily decide not to comply with it. Some of these non-compliance issues have led to interviews under caution and there is then potential prosecutions to come.

All conditions on premises licences have to be complied with. Non-compliance can have significant consequences. It can lead to you having a poor relationship with the Responsible Authorities, could lead to a review of your premises licence and/or lead to a prosecution under S136 of the Licensing Act 2003. I have 3 cases on at the moment where we are looking to have licences extended and relatively minor non-compliance with conditions could frustrate the applications being viewed favourably. I have also had a couple of reviews where non-compliance with conditions has been added in to bolster the application for review.

The most serious position is that of a potential prosecution.

S136 states:

### **Unauthorised licensable activities**

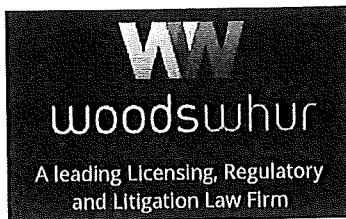
(1) A person commits an offence if—

- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
- (b) he knowingly allows a licensable activity to be so carried on.

The potential sanctions are significant, being a term of imprisonment not exceeding 6 months and/or an unlimited fine.

Put simply, do not take the risk. If there is a condition on your licence you **MUST** comply with it. If you want to have the condition removed then speak to the licensing officer from the Authority and the relevant Responsible Authority officer. If it is a crime and disorder condition then speak to the police, if it is a public nuisance condition then speak to the Environmental protection officer. The condition may be old and no longer relevant, if so the authorities may be amenable to the condition being removed by the simplified process of a minor variation.

You may have to go to a full variation application in which case we can prepare fully to explain to the licensing committee why the condition should be removed from the licence, you can't just not comply and run the risk of enforcement.



Posted on 20th March 2020 by Woods Whur

## What a difference a week makes

Last Friday I had a meeting in Manchester followed by a client lunch where we were pre-occupied with discussing how our businesses were going to cope with the Coronavirus outbreak. None of us realised that a week later, the leisure and gambling industries would be so badly affected or by the pace of change. I didn't anticipate then that I would have asked all of my staff to start working from home and put us into almost isolation. Technology is a wonderful thing and it is amazing that we can keep our business going through remote access to our systems. This doesn't come anywhere near to the social interaction that we have through the workplace.

A usual Friday morning in the office, in dress down clothing and with a fantastic breakfast sandwich from Nosh, is one of the best days of the working week.

So much has changed at such speed.

On Monday and Tuesday of this week, all of our outstanding hearings at licensing authorities around the Country were stood down. These were some review hearings and some premises licence applications that had valid representations. In all of those cases we have been told that the likelihood is that these will not be relisted until after May. This is obviously going to put breaks on the development plans of a number of companies. We also have a number of applications which are currently running through their notice periods and if they receive valid representations, it is in doubt a hearing on those particular will be listed.

I did notice last night that Wandsworth Council held a remote hearing where technology was used to get everybody to remotely log into the hearing.

I have had this previously where I was permitted to dial into a summary review interim steps hearing even though I was away on holiday. It just shows that there is the ability and technology to set this up should we enter a prolonged period of isolation. Gary Grant, the Licensing Specialist Barrister from FTB Chambers, wrote an excellent article entitled 'Licensing hearings during the Coronavirus crisis.' This article set out the fact that there is an ability for remote hearings to take place. He highlights that there is no legal bar to holding a Licensing Sub-Committee using remote technology. This will be practically very difficult, albeit legally possible, in that most authority areas have started to send their staff home to work remotely as well. This is to continue and the likelihood is that applications will be adjourned rather than more remote hearings.

There are clearly significant operational issues that come about whilst premises are still open. It is critical that the licensing objectives are promoted by operators who choose to stay open and conditions on premises licences will need to be complied with. If anyone has any confusion of where we are on this then please contact us directly by mobile number or email.