

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing Sub-Committee

05 December 2022

TITLE:	Application for the Grant of a Premises Licence for Cloudside Shooting Grounds, Red Lane, Nr. Congleton, Staffordshire, CW12 3QG.
PORTFOLIO HOLDER:	Councillor Mike Worthington – Portfolio Holder for Finance (Licensing).
OFFICER:	Mike Towers, Senior Officer (Housing, Public Health & Licensing)
WARD:	Horton

Attached documents

- Appendix 1 – Copy of the application form and plan.**
- Appendix 2 – Fire Risk Assessment, Health & Safety Policy, and plan detailing fire safety equipment.**
- Appendix 3 – Representation from Staffordshire Police.**
- Appendix 4 – Representation from Staffordshire Trading Standards.**
- Appendix 5 – Representation from Environmental Health Department.**
- Appendix 6 – Representation from Mr S and Mrs K Bailey**
- Appendix 7 – Representation from Ms S Clover on behalf of local residents.**

Recommendations

- 1.1 That members determine the application for the Grant of a Premises Licence in respect of Cloudside Shooting Grounds, Red Lane, Nr Congleton, Staffordshire, CW12 3QG within the provisions of the Licensing Act 2003.

Executive Summary

- 2.1 An application was received on 11 October 2022 from Mr Juan Antonio Eslava, 38 Clough Avenue, Wilmslow, SK9 4BZ for the Grant of a Premises Licence for Cloudside Shooting Grounds, Red Lane,

Nr. Congleton, Staffordshire, CW12 3QG. During the consultation period 5 relevant representations were received and therefore the application is required to be determined by the Licensing Sub-Committee.

Background:

2.2 An application was received on 11 October 2022 from Mr Juan Antonio Eslava, 38 Clough Avenue, Wilmslow, SK9 4BZ in respect of Cloudside Shooting Grounds, Red Lane, Nr. Congleton, Staffordshire, CW12 3QG. A copy of the application form is attached at Appendix 1.

The licensable activities applied for are:-

- Sale of alcohol (for consumption on and off the premises):-
Monday to Wednesday:- 11 :00 – 21:00
Thursday & Friday:- 11:00 – 22:00
Saturday:- 11:00 – 00:00
Sunday:- 11:00 – 18:00

The opening hours of the premises applied for:

Monday to Wednesday:- 11 :00 – 21:30
Thursday & Friday:- 11:00 – 22:30
Saturday:- 11:00 – 00:30
Sunday:- 11:00 – 18:30

2.3 In accordance with the requirements of the Licensing Act 2003 consultation on this application was conducted between 12 October 2022 and 08 November 2022 by the displaying of a public notice on the premises, however, as this is situated on private land, notices were also displayed in the lane leading to it. A press notice was also inserted in a local newspaper, namely The Congleton Chronicle (20 October 2022) giving details of the application. A copy of the application was also available on the Staffordshire Moorlands District Council webpage.

2.4 During the consultation period Staffordshire Fire and Rescue Services requested a copy of the current fire risk assessment and also further details of fire safety equipment. On 01 November 2022, the applicant submitted a further plan showing the evacuation points and fire safety equipment, a fire risk assessment and the health and safety policy. Upon receipt of these documents Staffordshire Fire and Rescue Services confirmed they had no representations to the application. A copy of these documents are

attached at Appendix 2.

Relevant Representations

2.5 Responsible Authorities

Planning Officer – None received
Health and Safety Authority – None received
Child Protection Body – None received
Staffordshire County Council Trading Standards – Relevant representation received.
Home Office Immigration – None received
Staffordshire Public Health - None received
Staffordshire Fire and Rescue Services – None received.
Staffordshire Police – Relevant representation received.
Environmental Health Officer – Relevant representation received.

2.6 On 03 November 2022 a relevant representation was received from Sgt J Finn, Force Licensing Unit at Staffordshire Police. A copy of this representation is attached at Appendix 3.

2.7 On 07 November 2022 a relevant representation was received from Mr T Shore, Trading Standards Manager, Staffordshire County Council. A copy of this is attached at Appendix 4.

2.8 On 08 November 2022 a relevant representation was received from Mr D Colgan, Environmental Health Officer at Staffordshire Moorlands District Council. A copy of this is attached at Appendix 5.

Other Persons

2.9 On 23 October 2022 a relevant representation was received from Mr Simon and Mrs Kirstin Bailey, residents of Cloudside. A copy of this representation is attached at Appendix 6.

2.10 On 03 November 2022 a relevant representation was received from Ms Sarah Clover, Kings Chambers, Birmingham on behalf of residents of Cloudside. A copy of this representation is attached at Appendix 7.

2.11 The committee are advised that the relevant points of the representations are based around the days and hours applied for on this new application and the lack of detail on the operating schedule submitted. Reference is made to breaches of The Health Protection (Coronavirus Business Closure) (England) Regulations 2020, previous complaints in regards to the premises and breaches

of licence conditions. However, it should be noted that the above were when the premises were under a previous management.

2.12 When determining if a representation is relevant consideration is given to paragraph 9.9 of the Section 182 guidance: -

“It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.”

2.13 The premises previously held a premises licence which permitted the following licensable activities:-

- Supply of alcohol for consumption on the premises:-

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

- The permitted opening times of the premises were:-

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

2.14 The following conditions were appended to Annex 2 of that premises licence:-

- No intoxicating liquor shall be sold or supplied to any persons who, it is known, intends to take part in any shooting activities at Cloudside within the following ten hours
- No persons shall be permitted to take open or sealed containers of alcohol from the designated areas
- No firearms of any description shall
 - (1) be allowed within the licensed area (as shown on the plan attached to the Premises Licence) unless they are fully enclosed in a purpose made gun slip or case:
 - (2) be left unattended within the licensed area (as shown on the plan attached to the Premises Licence)

- The metal security door to the Gun Room shall be secured at all times that the licensed area is open to the public except for access and egress by authorised personnel
- Fire extinguisher and fire alarm equipment to be maintained in accordance with certification and testing requirements
- Prominent, clear, and legible notices will be displayed as follows:-

In main entrance to Lodge, Reception and exits leading to shooting range/stands:-

‘No persons are knowingly permitted to have custody or control of a firearm of any description on this premise whilst under the influence of alcohol or any other drug (prescription or otherwise) or any other substance which may affect their eyesight, coordination or judgement in any way whatsoever’

Entrances to Bar area and in Bar itself:-

‘No persons are permitted to purchase or consume alcohol if they intend to take part in any shooting activities within the next ten hours’

At each entrance to the shooting range/stands:-

“The management require that any person entering any part of the shooting grounds will NOT have consumed alcohol or taken any other drug (prescription or otherwise) or any other substance which may affect their eyesight, coordination or judgement in any way whatsoever’

- Prominent, clear, and legible notices will be displayed at all exits requesting patrons to respect the proximity of local residents and to leave the premises and area quietly;
- The outside areas will be cleared of patrons at 22:00 hours
- No fireworks or other pyrotechnics shall be used
- All deliveries to the premises must be received between 08:30 and 18:00
- To ensure that anyone who attempts to purchase/consume alcohol and appears to be below the age of 18 must produce valid photographic ID

No intoxicating liquor shall be supplied otherwise than to:-

- (a) Members, guests of members and persons attending bona fide shooting or sporting activities organised by the operating company
- (b) Persons attending bona fide functions;
- (c) Employees and bona fide guests of employees of the operating company.

- CCTV shall be provided in the form of a recordable system; cameras shall encompass all ingress and egress to and from the premises and all areas where the sale/consumption of alcohol occurs
- The CCTV equipment shall be maintained in good working order correctly time and date stamped and in operation at all times during which the premises are open to the public
- Recordings shall be kept in date order, numbered sequentially, and kept for a period of 31 days and copies in a removable format (e.g. CD) made available to the Police and Local Authority on reasonable request
- The recording equipment and tapes shall be kept in a secure environment under the control of the DPS or other nominated responsible individual
- Sufficient members of staff will be trained in the use of the CCTV system to allow the prompt downloading of data
- Appropriate signage representative of the above shall be displayed in conspicuous positions

2.15 The following conditions were appended to Annex 3 of that premises licence:-

This application was subject to a hearing by the Licensing Sub-Committee on 9th April 2010. Below are the conditions/timings imposed by the Sub-Committee:

- Supply of Alcohol - On the Premises

- 1) During British Summer Time on Wednesdays, Thursdays, Fridays, and Saturdays during the hours of 13.00 - 22.00
- 2) Outside British Summer Time on Wednesdays and Saturdays only during the hours of 13.00 - 22.00

- Other Times Proposed to be Open

- 1) During British Summer Time on Wednesdays, Thursdays, Fridays and Saturdays during the hours of 10.00 - 22.30
- 2) Outside British Summer Time on Wednesdays and Saturdays only during the hours of 10.00 - 22.30

2.16 This premises licence was revoked on 10 June 2021 by the Licensing Sub-Committee at Staffordshire Moorlands District Council following an application for the review of the premises licence by Staffordshire Police and relevant representations submitted in support of this application by Staffordshire County

Council Trading Standards and local residents.

- 2.17 On 16 June 2022 the Licensing Authority at Staffordshire Moorlands District Council received an application to transfer the premises licence and to vary the Designated Premises Supervisor to Mr Juan Antonio Eslava. As Staffordshire Police did not submit representations to these applications they were processed accordingly.
- 2.18 On 02 July 2021 the Licensing Authority received confirmation that the decision of the Licensing Sub-Committee to revoke the premises licence had been appealed to the Magistrates Court. This appeal was subsequently withdrawn. Mr Eslava was immediately advised of the revocation of the licence following confirmation from the Council's legal advisor that the court had determined that the appeal was withdrawn. Mr Eslava was advised that all alcohol must be removed from display and no alcohol sales were permitted.

Local Policy Consideration

- 2.19 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
- 2.20 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.
- 2.21 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.
- 2.22 The Sub-Committee must also have regard to all of the representations made and the evidence it hears.
- 2.23 The Sub-Committee must take such of the following steps, as it considers appropriate for the promotion of the licensing objectives:
- (a) Grant the application as applied for.

- (b) Modify the conditions of the licence, by altering or omitting or adding to them.
- (c) Reject the whole or part of the application.

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.

- 2.24 All parties 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 any of the parties exercise their right of appeal against any decision made by the Licensing 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
Head of Environmental Health

Background Papers

Staffordshire Moorlands District
Council Licensing Policy:-
2021 - 2026
Amended Guidance issued under
Section 182 of the LA2003

Location

Licensing Section

Contact

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