

# SECTION 2

In the North Staffordshire Magistrates Court

In the matter of an Appeal pursuant to the Licensing Act 2003.

Between:

**Cloudside Outdoor Pursuits Limited**

**Appellant**

**And**

**Staffordshire Moorlands District Council**

**Respondent**

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**Witness statement of James Finn**

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I, James Finn, shall say as follows:

1. I am currently employed as a Police Sergeant by Staffordshire Police and I am based at Staffordshire Police Headquarters, Weston Road, Stafford, ST18 0YY. I have been employed by Staffordshire Police for 26 years and I have been in the Police Licensing Unit for 7 years. I currently hold the position of Licensing Manager and my duties include dealing with incidents and enquiries relating to all licensed premises within the County of Staffordshire and making decisions in relation to such premises.
2. The contents of this statement are from my own knowledge and from records held by Staffordshire Police.

3. Further to the statement of PC Clive COOPER I offer the following which includes where relevant my involvement with this matter and comments to information supplied by the appellant.
4. On Monday 8<sup>th</sup> February 2021 – Staffordshire Police as a Responsible Authority as defined under the Licensing Act 2003, submitted an application for review of the Premises Licence for Cloudside Shooting Grounds.

A true copy of the Review application and associated paperwork is submitted as JEF1.

5. On Monday 19<sup>th</sup> April 2021 – A virtual hearing commenced, which had to be stopped due to technical issues.
6. On Thursday 10<sup>th</sup> June 2021 – The hearing re-commenced this time in person at the council offices of Staffordshire Moorlands District Council. When all evidence had been presented to the Licensing Subcommittee the hearing concluded as they chose to notify of their decision in writing.
7. On Tuesday 15<sup>th</sup> June 2021 – The decision notice of the Licensing Subcommittee was received, the decision being to revoke the Premises Licence. The notice also provided reasoning and detail of why that decision was made. This decision was subsequently appealed, which permitted the premises to continue trading until the matter was heard before the Magistrates Court.

A true copy of the decision notice is submitted as JEF2.

8. I was subsequently contacted via telephone by Mr Duncan CRAIG the barrister who had previously represented the appellant at both of the review hearings and a previous PACE interview into breaches of Premise Licence conditions at Leek Police Station on Tuesday 13<sup>th</sup> April 2021. The interview is detailed in PC COOPERS statement, however during the interview the allegations were denied and the normal process would be to refer the matter to the Crown Prosecution Service for a charging authorisation. It was requested that consideration be given to Conditionally Cautioning Mr SNELLING. I advised that this was not possible due

to the denial as the Home Office provide strict criteria for a Conditional Caution to be administered, one of which being a full admission of the offence(s) during interview and also written confirmation post interview on an appropriate form by the suspect.

9. It was agreed that Mr SNELLING could be re-interviewed and a decision made then on how to finalise matters dependant on the narrative provided. There would be no reason not to facilitate a further interview in these circumstances as Mr SNELLING had not been charged or reported for summons. As PC COOPER was the case officer I advised him of the conversation and he provided Mr CRAIG with dates of availability to conduct a further interview.
10. On Friday 25<sup>th</sup> June 2021 – Mr CRAIG advised by email that the interview would be attended by Mr Patrick TEDSTONE, the instructing solicitor of ORJ Law Ltd. I am aware PC COOPER made attempts to reschedule the matter, however the interview date when set, being Friday 23<sup>rd</sup> July 2021, was cancelled by the appellant's solicitor's office the day before.

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11. On Saturday 14<sup>th</sup> August 2021 - As a result of further complaint being received in relation to the management of Cloudside Shooting Ground regarding breaches of the conditions attached to the Premises Licence, PC COOPER conducted a visit to the premises. This was to both carry out a compliance inspection and address the complaint. This matter is covered in more detail in PC COOPER'S statement.
12. The appeal period is usually utilised by the appellant to show both compliance with the Licensing Act 2003 and promotion of the licensing objectives. However, from the information provided by PC COOPER including viewing his Body Worn Video footage, interaction with Mr SNELLING is difficult and confrontational. This has also been replicated by his solicitor, Mr TEDSTONE, where there have been numerous threats made of complaints and civil action against both Staffordshire Police and individual officers including myself in the many emails he has sent. It was also following the visit by PC COOPER that Mr TEDSTONE made references to the integrity of PC COOPER and subsequently myself.

13. No further dates were provided from the appellant's solicitor for a further interview to be conducted as initially discussed with Mr CRAIG and the file was submitted for review by the Crown Prosecution Service. Notably although these matters are summary only offences under the Licensing Act 2003, they must be authorised by the Crown Prosecution Service, so the evidence is independently viewed prior to a final decision being made. Their decision was to charge the appellant.
14. The visit on Saturday 14<sup>th</sup> August 2021 identified further potential breaches of conditions on the Premises Licence. There was also now further evidence available to support a wider investigation into Perverting the Course of Justice which related to December 2020 and the actions of the appellant regarding CCTV. A further interview with the appellant was requested which was never fulfilled, and an investigative questionnaire was sent to the appellant, which was subsequently returned and received by myself on Thursday 21<sup>st</sup> April 2022. In PC COOPERS absence I submitted a completed file to the Crown Prosecution Service.
15. On Wednesday 4<sup>th</sup> May 2022 – The appellant in this matter attended the Magistrates Court situated in Newcastle-under-Lyme and pleaded guilty to the following charges:-

Between the 4th December 2020 and the 20th December 2020 at Staffordshire Moorlands carried on a licensable activity namely the sale of alcohol on or from a premises, namely Cloudside Shooting Grounds, Red Lane, Staffordshire Moorlands, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003, namely allowed firearms within the licensed area that were not enclosed in a purpose made gun slip or case.

Contrary to section 136 of the Licensing Act 2003.

On the 16th December 2020 at Staffordshire Moorlands carried on a licensable activity namely the sale of alcohol on or from a premises, namely Cloudside Shooting Grounds, Red Lane, Staffordshire Moorlands, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003, namely did not secure the metal security door to the gun room whilst the licensed area was open to the public, when it was not being used for access and egress of the premises.

Contrary to section 136 of the Licensing Act 2003.

On the 19th December 2020 at Staffordshire Moorlands carried on a licensable activity namely the sale of alcohol on or from a premises namely Cloudside Shooting Grounds, Red Lane, Staffordshire Moorlands, otherwise than under and in accordance with an authorisation issued under the Licensing Act 2003, namely allowed firearms to be left unattended within the licensed area.

Contrary to section 136 of the Licensing Act 2003.

As a result of pleading guilty he received a fine of £150, costs £135 and a surcharge of £34. A collection order was also made. These related to breaches of Premises Licence conditions identified following the visit of PC COOPER and Licensing Officer Roberts on Wednesday 30<sup>th</sup> December 2020.

A true copy of the Certificate of Conviction is submitted as JEF3.

16. On Friday 27<sup>th</sup> May 2022 – I notified ORJ Law Ltd, that the Crown Prosecution Service had authorised a charge of Perverting the Course of Justice against the appellant. At the time of completing this statement the postal charge is still to be sent out by the Prosecution Hub who have the responsibility of liaising with the courts.

17. I have been forwarded via Staffordshire Moorlands District Council documentation submitted by the appellant and offer the following comments against the numbered paragraphs as appropriate.

18. Paragraph 5 makes reference to the Premises Licence being issued by the Local Authority. This was not a matter I had involvement with as I was in a different department within Staffordshire Police at the time, however from records retained the Premises Licence was refused by the Licensing Subcommittee and granted on appeal before the Magistrates Court which is where the conditions were applied.

19. Paragraph 10 refers to small bundle of documents namely what appear to be two pictures of a letter from the Health and Safety Executive (HSE). I have seen this document previously when Mr CRAIG submitted it as evidence prior to the second

part of the review hearing. This was partially addressed in Section 29 of the review bundle where a Team Leader from Cheshire East Licensing's Team responded via email that it was not sent by them. A copy of the redacted email was submitted, the redaction was to not cause professional embarrassment to the HSE as it made reference to HSE regularly getting things like this wrong.

A true copy of the un-redacted email is submitted as JEF4.

20. Paragraphs 21 to 24 makes reference to the lack of use of gun slips within the club house area. This being a condition on the Premises Licence is a legal requirement throughout and again in Section 27 of the review application this matter was referenced with the inclusion of an article from Woods Whur, a leading licensing practice, who reference, "You can't pick and choose" with regards to licence conditions. Specifically in paragraph 24 the appellant references no thought to breaching the terms of the licence however, he holds both relevant positions and is the very person who should ensure compliance.

21. Paragraph 27 references the premises lying on the boundary and having a Cheshire post code, however, there have been numerous interactions with various authorities within Staffordshire namely Police Firearms and Explosives Licensing, Staffordshire Moorlands District Council licensing and environmental health officers, therefore the Police position remains that the premises knew that they were in Staffordshire, and should have closed.

22. Paragraph 32 refers to Test and Trace evidence in operation when Police attended on 19<sup>th</sup> December 2020 and lost evidence. However in the evidence submitted by Mr SNELLING in response to the review application on page 49 shows a picture relating to Test and Trace on a mobile phone. The post code in use is CW1, which is the Crewe area, not CW12 which is the first half of the actual post code to the premises.

A true copy of the picture showing Test and Trace is submitted as JEF5.

23. Paragraph 33 references the incident at The Crown and Anchor in Stone. The Police concern regarding this matter is compliance both with the Covid regulations

as they were and licensing conditions which overall show a picture of the promotion of the licensing objectives. There are a number of distinct differences between the issues here and those associated with the Crown and Anchor. Firstly the Crown and Anchor were permitted to be open, and had mitigations in place consistent with the restrictions at the time. From the information available capacity caused the issues and this was due to persons climbing over the rear gate. The Premises Licence Holder co-operated with the relevant authorities, not for example ripping up correspondence as per the appellant's actions when a Police Officer needed to hand deliver a letter. An application for review was submitted by Stone Town Council as they are entitled to do, however no action was taken by the Licensing Subcommittee other than to recommend that the management of the premises improve security at the venue. Therefore the circumstances between the two venues are very different.

24. Paragraph 34 alleges that the Police leaked matters to the press. I have no knowledge of this, and can only make the assumption that they viewed the Local Authority website where applications are published as this has been the circumstances previously.

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25. Paragraph 39 relates to the Police having parties, nothing of which relates to officers within the Police Licensing Unit. Mr TEDSTONE has sent this footage into Staffordshire Police previously and the matter has been dealt with by I believe our Professional Standards Department. As it did not relate to either me or any of my officers I have not had sight of any response offered.

26. Paragraph 40 references recent events in the press which I am not offering comment on. However wider than the Covid issues is the breaches of conditions on the Premises Licence by the appellant which have also led to the Crown Prosecution Service authorising a charge of Perverting the Course of Justice.

27. In conclusion the position of Staffordshire Police is that the step taken by the Licensing Subcommittee to permanently revoke the Premises Licence to this premises was the appropriate and correct response to the evidence put before them.



STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed .....  
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Dated 06/06/2022