

DYDD LLUN, 1 CHWEFOR 2021

AT: HOLL AELODAU'R IS-BWYLLGOR TRWYDDEDU B

YR WYF DRWY HYN YN EICH GALW I FYNYSCHU CYFARFOD
RHITHWIR O'R **IS-BWYLLGOR TRWYDDEDU B** A GYNHELIR
AM **10.00 YB, DYDD MAWRTH, 9FED CHWEFOR, 2021** ER MWYN
CYFLAWNI'R MATERION A AMLINELLIR AR YR AGENDA SYDD
YNGHLWM

Wendy Walters

PRIF WEITHREDWR

Swyddog Democrataidd:	Kevin Thomas
Ffôn (llinell uniongyrchol):	01267 224027
E-bost:	kjthomas@sirgar.gov.uk

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

<p>IS-BWYLLGOR TRWYDDEDU - B 7 AELOD</p>
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BYDD TRI AELOD O'R IS-BWYLLGOR YN GWNEUD PENDERFYNIAD YNGHYLCH POB CAIS. CAIFF AELODAU'R IS-BWYLLGOR EU DEWIS O BLITH Y SAITH AELOD CANLYNOL YN EU TRO AC YN ÔL YR ANGEN.

- | | |
|--|-----------------------------|
| 1. Y Cynghorydd Tyssul Evans | (y Grŵp Plaid Cymru) |
| 2. Y Cynghorydd Penny Edwards | (y Grŵp Llafur) |
| 3. Y Cynghorydd Irfon Jones (Cadeirydd) | (y Grŵp Annibynnol) |
| 4. Y Cynghorydd Andre McPherson | (y Grŵp Llafur) |
| 5. Y Cynghorydd Susan Phillips | (y Grŵp Annibynnol) |
| 6. Y Cynghorydd Edward Thomas | (y Grŵp Plaid Cymru) |
| 7. Y Cynghorydd Eirwyn Williams | (y Grŵp Plaid Cymru) |

NODER :

OS NA FYDD YN BOSIBL I DRI O'R AELODAU UCHOD WNEUD PENDERFYNIAD YNGHYLCH POB CAIS, CAIFF AELODAU ERAILL O BLITH Y PWYLLGOR TRWYDDEDU EU DEWIS YN EU LLE.

A G E N D A

- 1. DATGAN BUDDIANNAU PERSONOL.**
- 2. CAIS AM ADOLYGU TRWYDDED SAFLE SANTA CLARA, SAN CLER, CAERFYRDDIN, SIR GAR SA33 4EE.** 5 - 34

Mae'r dudalen hon yn wag yn fwriadol

YR IS-BWYLLGOR TRWYDDEDU

09/02/2021

PWNC A PHWRPAS

Cais am Adolygu Trwydded Safle

Santa Clara, San Cler, Caerfyrddin, Sir Gar SA33 4EE.

Y PENDERFYNIAU ALLWEDDOL SYDD EU HANGEN:

Bod yr Is-bwyllgor yn ystyried y cais a'r holl sylwadau a thystiolaeth a gyflwynwyd ac yn cymryd sylw o Bolisi Trwyddedu yr Awdurdod a'r Cyfarwyddyd Cenedlaethol.

Y RHESYMAU:

1) Mae'n ofynnol i'r Pwyllgor hyrwyddo'r amcanion trwyddedu sef: -

- Atal Troseddau ac Anhrefn.
- Diogelu'r Cyhoedd.
- Atal Niwsans Cyhoeddus.
- Amddiffyn Plant rhag Niwed.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad
Angen i'r Cyngor wneud penderfyniad

Amherthnasol
Amherthnasol
Amherthnasol

YR AELOD O'R BWRDD GWEITHREDOL SY'N GYFRIFOL AM Y PORTFFOLIO:-
Y Cyngorydd P M Hughes (Diogelu'r Cyhoedd a'r Amgylchedd)

Y Gyfarwyddiaeth: Cymunedau
Enw Pennaeth y Gwasanaeth
Mr Jonathan Morgan
Awdur yr adroddiad
Mr Andrew Rees

Swydd:
Pennaeth Cartrefi a
Chymunedau Mwy Diogel

Swyddog Trwyddedu

Rhif Ffôn: 01554 899285
Cyfeiriad E-bost:
JMorgan@sirgar.gov.uk
Rhif ffon: 01267 228787
rarees@sirgar.gov.uk

EXECUTIVE SUMMARY
Licensing Sub Committee
09/02/2021

SUBJECT

Application for the Review of a Premises Licence.
Santa Clara, St Clears, Carmarthenshire SA33 4EE

To consider an application from the Licensing Authority for the Review of a premises licence in respect of the above premises as follows: -

The Premises Licence is held by Mr & Mrs Reynolds and authorises the sale of alcohol on and off the premises.

As a result of a visit to the premises by Police and a Council Trading Standards Officer on 8th October 2020, it has been identified that there is a lack of management and control at the premises. The premises licence was also previously reviewed by the Licensing Sub-committee on 18th August 2020.

A copy of the review application with supporting documents is attached as Appendix **A**.

Dyfed Powys Police have made representations and provided further documentation regarding the application, which are attached as Appendix **B**.

Trading Standards have made representations regarding the application, which are attached as Appendix **C**.

The remaining Responsible Authorities have not made representations in respect of the application.

Other persons have made representations in support of the application, which are attached as Appendix **D**.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

LEGAL: The legal implication of the review application is that the applicant may lodge an appeal.

CONSULTATIONS

I confirm that the appropriate consultations have taken place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Head of Homes and Safer Communities

1.Local Member(s):

No local member involvement and therefore no consultation necessary.

2.Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

3.Relevant Partners:

The Responsible Authorities have been consulted regarding the application.

4.Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	Santa Clara, St Clears.	Licensing Section, 3 Spilman Street, Carmarthen
Licensing Policy		Licensing Section, 3 Spilman Street, Carmarthen
National Guidance		Licensing Section, 3 Spilman Street, Carmarthen

**Application for the review of a premises licence or club premises
certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all
cases ensure that your answers are inside the boxes and written in black ink. Use
additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Emyr Jones, Licensing Lead, Carmarthenshire County Council

(Insert name of applicant)

**apply for the review of a premises licence under section 51 of the Licensing
Act 2003 for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Santa Clara Public House, Bridge Street, St Clears	
Carmarthen	SA33 4EE

Name of premises licence holder or club holding club premises certificate (if known) Anwen Mai Reynolds and Alan David Reynolds, Santa View, Bridge Street, St Clears. Carmarthenshire, SA33 4EE

Number of premises licence or club premises certificate (if known) OONU-PRM-00326

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises ☐

b) a body representing persons living in the vicinity of the premises ☐

- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname

First names

I am 18 years old or over

Please tick yes

☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing Section Homes and Safer Communities Carmarthenshire County Council 3 Spilman Street Carmarthen SA31 1
Telephone number (if any) 01267 228717
E-mail address (optional) eorjones@carmarthenshire.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Background

Due to the Coronavirus outbreak, business premises, including Pubs, Bars and restaurants have been subject to regulations. From the 24th July 2020 to the 23rd October 2020 these were The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020, (referred to below as the COVID regulations).

Regulation 12 required such premises to take all reasonable measures to minimise the risk of exposure to coronavirus in premises open to the public. The regulations were accompanied by guidance published by Welsh Government which detailed what was expected to be put in place at such premises as reasonable measures. However, breach of Regulation 12 was not itself a criminal offence.

In addition, Regulation 12B imposed a requirement on persons to wear face masks inside licensed premises when not eating or drinking. Breach of Regulation 12B was a criminal offence

Furthermore Regulation 14 prohibited persons gathering indoors with anyone other than members of their household (or extended household) or carer, with a maximum of 6 persons able to gather together at anyone time. Breach of Regulation 14 was also a criminal offence.

Officers from Carmarthenshire County Council, supported by Officers from Dyfed Powys Police conducted joint visits to a wide range of open premises, including licensed premises to provide advice and assess compliance with the coronavirus

regulations.

On the 8th of October 2020, Annwen Davies a Trading Standards Officer accompanied by P.C Rhian James were undertaking visits to licensed premises in the Pendine, Laugharne and St Clears areas.

At approximately 20.45 they entered the Santa Clara Public House in St Clears where they witnessed :-

- **No SD in place at all – groups of 6 boys from more than 4 households on tables (Breach of Regulation 14)**
- **Two tables next to each other – no spacing at all between them**
- **Approx 15-20 people all in front of the bar area watching the football (Breach of Regulation 14)**
- **No mask worn by bar staff or any sort of shield on the bar (Breach of Regulation 12B)**
- **No masks worn by customers going to the toilet (Breach of Regulation 12B)**
- **No table service – customer went up to the bar for a drink during our visit**
- **DPS was sitting in with the customers and didn't have a mask on when talking to us during the inspection (Breach of Regulation 12B)**
- **Only names on T&T – when asked about numbers and times, DPS said “he knows all the boys”**
- **Premises did have “one in/one out” signs on the toilets but licensee said he cleans every few hours because it is hard to keep on top of it**
- **Had 2-3 hand sanitisers dotted through the premises but not obvious enough for customers**
- **DPS seemed to be intoxicated during the inspection and said “it's hard to control all the covid stuff when the football is on”**

As a result of the visit and the lack of reasonable measures witnessed by the officers, a Premises Closure Notice was issued to Mr Richard Pearce, the premises Designated Premise Supervisor under THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.2) (WALES) REGULATIONS 2020; Schedule 5(2). The notice required the premises to remain closed from the 9th until the 23rd of October 2020.

In the case of both Regulation 12B and Regulation 14 offences were committed by the individuals who were failing to comply with those Regulations. However, on that occasion the Designated Premises Supervisor, Mr Pearce was present and failed to take steps to ensure that those individuals complied with the law. Mr Pearce had a legal obligation by virtue of Regulation 12 to take reasonable steps to ensure individuals at the premises complied. Furthermore, Mr Pearce as DPS was in a position to control the actions of those individuals at the premises and failed to do so. Accordingly, he aided and abetted the commission of those offences and by virtue of section 44 Magistrates Courts Act 1980 committed those offences himself.

In addition, on the 18th of August 2020, the premises licence for the Santa Clara had been reviewed by the Council's Licensing Sub Committee . The review was submitted by the Dyfed Powys Police as a result of two visits to the premises by Police officers on the 29th of March 2020 when all licensed premises were required to be closed in accordance with the coronavirus regulations in force at that time. The Police officers found 4 persons at the premises consuming alcohol on the first visit and then 8 persons at the premises consuming alcohol during the second visit some 40 minutes later. On both occasions Mr Richard Pearce was spoken to regarding the regulations and on the second occasion he was issued with a fixed penalty notice.

The review hearing on the 18th of August was attended by Mr and Mrs Reynolds the

premises licence holders as well as Mr Richard Pearce the DPS. After hearing the submissions from all parties, the subcommittee resolved to attach a number of additional conditions to the Premises Licence. One of the additional conditions required :-

17. The Designated Premises Supervisor must hold a Level 2 Personal Licence Holders Qualification Certificate, and a copy of the certificate must be provided to the Licensing Authority. This Certificate to be produced within 1 month of the Review Hearing i.e. by 18th September 2020.

At the time of the visit to the premises on the 8th October Mr Pearce had not completed the training course and therefore the premises were not operating in accordance with its licence conditions which is an offence under s136 of the Licensing Act 2003. Subsequent enquiries with the Premises Licence Holders confirmed that Mr Pearce had still not completed the course on the 22nd of October 2020.

On the 24th of August 2020, a complaint was received by the licensing section alleging that an illegal lottery was being promoted by the operator of the Santa Clara, St Clears. As a result, Mr Pearce was interviewed under caution by Justin Power, Senior Licensing Officer on the 26th of August 2020 for facilitating an unlicensed lottery contrary to the Gambling Act 2005.

Following the interview Mr Pearce cancelled the lottery and arranged for all participants in the lottery to have their participation fees refunded.

In addition to the specific criminal offences highlighted, these facts demonstrate a lack of appropriate management and control at the premises which undermines all the licensing objectives. In particular;

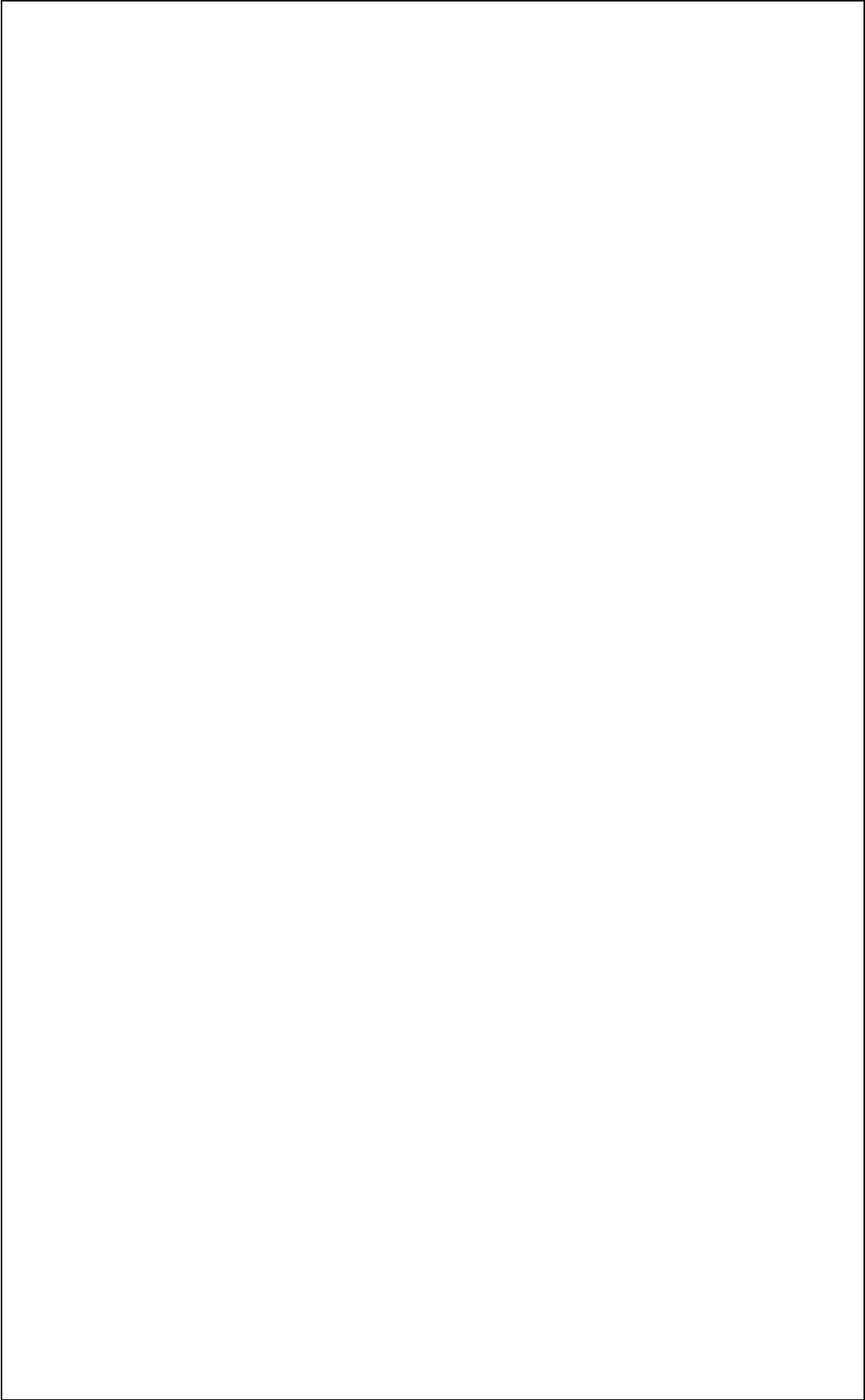
1. Mr Pearce shows complete disregard for his obligations as DPS and for the law in general
2. Mr Pearce seems incapable of exercising effective and appropriate control over the premises and its patrons.
3. The premises licence holders, Mr and Mrs Reynolds appear incapable of exercising effective and appropriate control over the premises and/or the actions of Mr Pearce. That they have allowed Mr Pearce to run the premises in return for paying them rent does not excuse them of responsibility for how the premises are run.

Please provide as much information as possible to support the application
(please read guidance note 2)

This is the second licence review application to be made in relation to these premises for serious management failures during the last 6 months. The first review application submitted by Dyfed Powys Police focused on the need to improve standards of management by Mr Richard Pearce, the tenant and Designated Premises Supervisor as well as the need to improve supervision of the premises by the licence holders.

The failings noted during the visit on the 8th of October as well as the breach of the additional licence condition demonstrate that the premises are still not being adequately managed by either the DPS or licence holders to promote the licensing objectives. The failings also demonstrate that neither the premises licence holders nor the DPS take their responsibilities seriously and as such measures such as additional licence conditions or removing the DPS are unlikely to have any effect.

As a consequence, the licensing authority believes that it is appropriate to revoke the premises licence and that this is a proportionate response to the lack of proper management and control at the premises.



Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to this premises please state what they were and when you made them

Representations were made by the Licensing Authority in response to the review application submitted by the Police on the 22nd of June 2020.
The letter of representation dated 20th of July 2020 provided the sub committee with the licensing background of the premises, the recent contact with the Designated Premises Supervisor as well as supporting the Police request for additional licence conditions.


Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



Signature

.....

Date 16/12/2020

.....

Capacity Licensing Lead

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) as above	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Statement of Witness

(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF Annwen Davies

Age of Witness Over 18

Occupation of Witness

This statement (,consisting ofpage(s) each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 16th day of October 2020....(AB)

I am employed as a Trading Standards Officer with Carmarthenshire County Council, Communities Department. On the 8th October 2020, I was accompanied by PC Rhian James to undertake visits to licensed premises in the Pendine, Laugharne and St Clears areas. At approximately 20:45 we entered the Santa Clara Public House, Bridge Street, St Clears, SA33 4EE where I instantly noticed no social distancing between the customers. The football was on the TV and there was approximately 15-20 people sat next to each other watching the TV with no 2-meter spacing between the tables and more than groups of 6 from 4 different households sat next to each other. I then called for the licensee who I recognised from previous visits to come and discuss the issues with myself and the PC Rhian James – he was also sat in the middle of the group of 15-20 customers. He was reluctant to get up to speak to us as he wanted to watch the football and asked us to speak to the barman. I explained the bar man should be wearing a face covering whilst working especially as there was no shield/barrier anywhere on the bar area. As the licensee walked over towards us – he wasn't wearing a face covering and customers were getting up to order drinks at the bar with no face covering and no sign of any table service in place at the premises. When I explained to the licensee that the Track & Trace list only had names on there and no telephone numbers, he responded with "he knows all the boys" and has their phone numbers on his mobile

phone. The licensee walked through the rest of the premises with us to show us the toilet area and the 2-3 hand sanitisers on the premises. We stepped outside to discuss the breached under Regulations 12B and Regulation 14 THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.2) (WALES) REGULATIONS 2020; Schedule 5(2) and the licensee said "it's hard to control all the covid stuff when the football is on". I explained to the licensee that I will be reporting my findings back to my manager and Carmarthenshire County Council will be in touch with him regarding a notice on the premises.

After we left the Santa Clara, we visited the next licensed premises to undertake a Covid-19 licensing visit. Once we completed the visit, the licensee asked if we could all step outside to have a word. The licensee explained that he was very strict with the Covid-19 pub measures and because of that a lot of the local football team told him that they would be drinking in the Santa Clara whilst the measures are in place as they don't need to stay seated in their bubbles or wear masks in the Santa Clara. The licensee also explained that he had seen on a social media platform called "Snapchat" that drinkers weren't seated in the pub, they were walking around drinking and mixing with everyone. The licensee felt as if he was losing custom for following the Covid-19 regulations whilst Santa Clara was ignoring the measures.

Dated the.....day of.....(CD)

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Mae'r dudalen hon yn wag yn fwriadol

NOT TO SCALE

TE: 261 10 1 2012

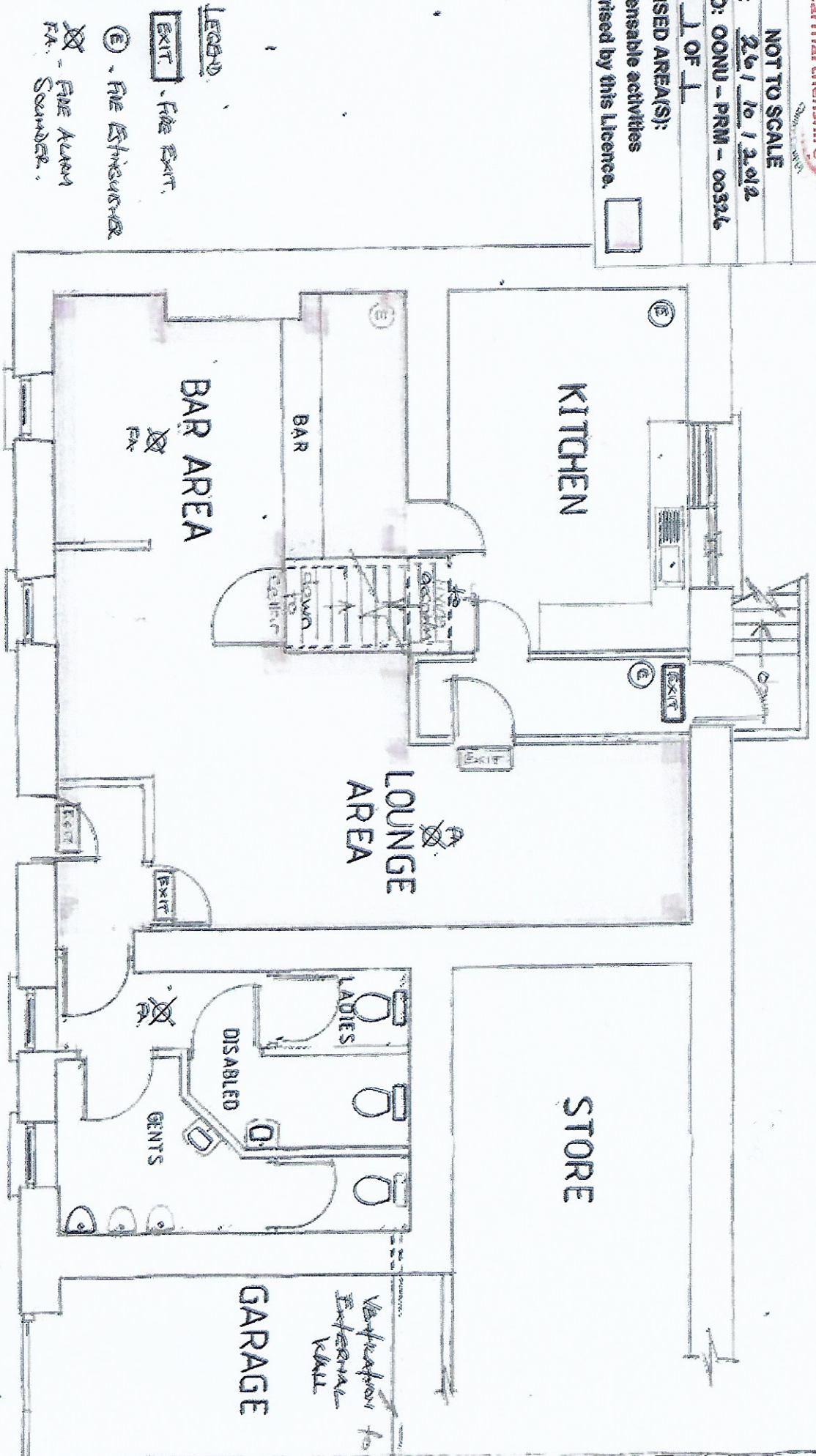
NO: 00NU - PRM - 00326

GE 1 OF 1

LICENSED AREA(S):

licenseable activities

authorised by this Licence.



GROUND FLOOR PLAN FOR MRS I REYNOLDS, SANTA CLARA
HIGH ST CARMARTHEN

(AS PROPOSED)
Scale 1:50
OCT'12

Mae'r dudalen hon yn wag yn fwriadol



Heddlu Police
**DYFED
POWYS**

David Bizby
Divisional Licensing Officer
101 extension 27464
David.Bizby@dyfed-powys.pnn.police.uk
DCB/R/ 01

Mr Jonathan Morgan
Head of Homes & Safer Communities
Carmarthenshire County Council
3 Spilman Street
Carmarthen. SA31 1LE

13th January 2021

Dear Mr Morgan,

Re: Review Application regarding Santa Clara, Bridge Street, St. Clears
Carmarthen, Carmarthenshire. SA33 4EE.

With reference to the above Review Application for the Santa Clara, I submit the following representations on behalf of Dyfed-Powys Police.

Due to the Coronavirus outbreak, Pubs, Restaurants and many other establishments were ordered to close from Friday night (20th March 2020) by the UK Government. The regulations enforcing the closures came into effect at 2 PM on Saturday 21st March across both England and Wales (The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020)

The effect of the regulations was to prevent a wide range of businesses from opening during the relevant period and Responsible Authorities were urged to use a collaborative and pragmatic approach to minimise damage to both businesses and the licensing objectives.



www.dyfed-powys.police.uk

Prif Gwnstabl Chief Constable Mark Collins, BSc

Pencadlys Heddlu, Blwch SB 99, Llangunnor, Sir Gâr. SA31 2PF

Police Headquarters, PO BOX 99, Llangunnor, Carmarthen. SA31 2PF

Mae Heddlu Dyfed-Powys yn croesawu gohebiaeth yn Gymraeg a Saesneg. Byddwn ni'n sicrhau ein bod ni'n ymateb yn eich dewis iaith ac ni fydd oedi mewn perthynas ag unrhyw ohebiaeth drwy'r Gymraeg.

Dyfed-Powys Police welcomes correspondence in Welsh and in English, and we will ensure that we respond to any correspondence through the language of your choice. Corresponding via the medium of Welsh will not endure any delay.

Tudalen 25

On Sunday 29th March 2020, Dyfed-Powys Police received an anonymous call regarding the Santa Clara Inn, 5 Bridge Street, St Clears, Carmarthenshire. The call stated that text messages had been sent out from the Santa Clara to regular clients informing them to come in through the back door today (29/03/2020) between 15:00 hours and 19:00 hours and that many regulars had received the message. The caller stated that they were reporting the incident due to the fact that the Public House was open against the law.

Officers attended and spoke with Mr Richard Pearce and noted that there were four other persons present. The Officers then instructed Richard PEARCE not to allow any further persons into the premises in future.

At 16:42 hours on the same day, Police Sergeant Jason James and Police Constable Chris Day attended at the Santa Clara Public House, St Clears, both Officers were in full Police Uniform. The Officers noticed 8 males sitting at tables and at the bar. The Officer asked who the Licensee was and Richard PEARCE made himself known and said, "It's my fault".

Following the two visits, the Police submitted an application to the Licensing Authority requesting a review of the Premises Licence.

The serious concerns at this time were that despite visits by Officers from the Carmarthenshire County Council Licensing Department on 23 March 2020 and subsequently by officers of the Dyfed-Powys Police where Richard Pearce was warned regarding his behavior, he continued to flagrantly ignore the rules and disregard the Emergency Legislation introduced during the Coronavirus outbreak.

Due to the concerns outlined above, Dyfed-Powys Police initially requested the suspension of the Premises Licence at the Santa Clara for a period of three months and to remove Richard PEARCE as the Designated Premises Supervisor at the premises.

The Police also requested stringent conditions to include that a Gold Standard CCTV system be installed at the premises, the challenge 25 scheme to be adopted and no person under the age of 18 to be employed on the premises whether paid or unpaid for the purpose of serving alcohol.

The Police requested that the new Designated Premises Supervisor must hold a Level 2 Personal Licence Holders Qualification Certificate, and a copy of the certificate must be provided to the Licensing Authority.

The Police believed that given the evidence of poor management standards and the lack of proper control demonstrated by Richard Pearce, coupled with the absence of day to day supervision of the premises by the Licence holders, the suggested conditions were necessary and proportionate to promote the Licensing Objectives.

The Review Hearing was due to be held virtually on 18th August 2020. In view of the timescale involved and the ever-changing landscape post lockdown, the Police felt that it was appropriate to compromise during a difficult period. The Santa Clara had reopened following the easing of restrictions and no incidents had been reported. Richard Pearce had written to both CCC and Dyfed-Powys Police apologising for his behaviour whilst accepting full responsibility. Several letters were also received from local people giving their continued support for the premises to remain open, as an important local hub for the community.

In view of the above and having carefully reviewed the situation, the Police made representations at the Hearing that the Licence should not be suspended. Also that Richard Pearce would be allowed to remain as a Designated Premises Supervisor provided that he achieved a Level 2 Personal Licence Holders Qualification Certificate. In addition, that each of the remaining conditions would be applied.

If sub-committee members were in agreement, the Police would continue to monitor the compliance of all regulations at the said premises jointly with the Local Authority whilst being prompt to respond to any concerns or breaches identified.

The Licensing Authority agreed to the representations at the Hearing on the 18th August 2020. Mr Alan Reynolds and Mr Richard Pearce accepted the representations and the additional licence conditions.

On 8th October 2020, a Trading Standards Officer and a Police Officer visited the premises as part of an operation to visit a number of licensed premises in the area. At approximately 20:45 they entered the Santa Clara Public House, Bridge Street, St Clears. The officers noticed that there was no social distancing between the customers. The football was on the TV and there were approximately 15-20 people sitting next to each other watching the television with no 2-meter spacing between the tables and more than groups of 6 from 4 different households sat next to each other. Richard Pearce sat in the middle of the group of 15-20 customers and was reluctant to speak with the officers. The barman was not wearing a face mask and there was no shield barrier anywhere on the bar area. As Richard Pearce walked over towards the officers, he was not wearing a face mask and customers were getting up to order drinks at the bar with no face covering and no sign of any table service in place at the premises. The Track & Trace list was examined and only had names of customers on there, but no contact details. Richard Pearce stated that he knew all the people present and had their phone numbers on his mobile phone. Richard Pearce stated to the officers "it's hard to control all the covid stuff when the football is on".

By the date of this visit in October 2020, the coronavirus had been in existence for a number of months. It was widely accepted that the public should be aware of their duty to do everything they could to stop the virus from spreading. This was especially applicable to the Santa Clara, which had

already been the subject of a Hearing involving serious mismanagement relating to the adherence to Covid19 regulations.

During the first Hearing, Dyfed-Powys Police were sympathetic to Mr Richard Pearce and urged him to take the aforementioned matters seriously whilst offering assistance to him. This is now the second Licence review application regarding the Santa Clara for serious management failures during the last six months. Dyfed-Powys Police submit that it is correct and proportionate to revoke the premises Licence due to the lack of proper management and control that has been displayed at the premises.

Yours sincerely,

David Bizby

Divisional Licensing Officer

WITNESS STATEMENT

Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9

URN

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Statement of: Rhian James

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: PC 441

In which language would you prefer to give your evidence: English

In which language would you prefer to give your oath/affirmation: English

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:



Date: 19/01/2021

I am Police Constable Rhian James collar number 441 of Dyfed Powys Police currently stationed at Carmarthen.

On the 8th October 2020 I was on duty, in full Police uniform and in the company of Annwen DAVIES a Trading Standards Officer. We were tasked to conduct venue licensing checks in the areas of Pendine, St. Clears and Laugharne to ensure venues were Covid compliant. At 20:45hrs we attended at the Santa Clara Public House in St. Clears.

On entering into the pub, the Welsh football game was on the television and I witnessed a group of 15-20 persons sat at the tables in front of the bar area. One of the tables had more than six persons sat around it. There was no two metre social distancing between the tables, which were all full. Sat around one of these tables was the licensee.

On entering the pub, the bar man was sat behind the bar and was not wearing a face mask. There were no screens on the bar, and table service was not being provided. A number of customers were seen to approach the bar and asks for drinks. A one way system was also not in place.

Customers were witnessed leaving their seats and walking around the pub with no face coverings. The licensee himself left his seat to speak to officers, and walk around the pub with no face covering. During the conversation the licensee stated that he was finding it hard to comply with the Covid regulations due to the football game being on.

Signature:



Signature witnessed by:

Signature: _____ Signature witnessed by: _____

Eich cyf / Your ref:

Fy nghyf / My ref:

Dyddiad / Date: 13/01/21

Gofynnwr am / Please ask for:

Llinell Uniongyrchol / Direct Line:

E-bost / E-mail: redmunds@carmarthenshire.gov.uk

Roger Edmunds

Mr Jonathan Morgan
Head of Homes & Safer Communities

Further to the application by the Licensing Lead to review the premises licence in respect of the Santa Clara, public house, St Clears, Carmarthenshire. I submit the following representations on behalf of the Trading Standards authority.

Since March 2020 and the advent of the coronavirus pandemic, the Trading Standards and COVID-19 Business Compliance teams of Carmarthenshire County Council have visited over 2200 premises in order to ensure compliance with relevant legislation. Breach of these regulations can give rise to criminal offences, punishable on conviction by significant fines.

Advice and guidance have been made freely available to all traders and indeed officers have attended to assist many premises to achieve compliance. Emailed guidance has also been provided to all Licensed premises and telephone advice also provided where requested.

It must be said that the vast majority of business have shown compliance or worked with the teams without the need for further action.

A small proportion have not and to date 56 notices have been issued including 24 closure notices and 27 improvement notices.

Regarding the Santa Clara public house, 4 complaints were received from the public regarding lack of compliance with the regulations.

Despite offering guidance and after providing advice to the responsible person at the premises (Mr. Pearce) non-compliance continued and a prohibition notice was issued on 1st April 2020 for failing to close when required and a closure notice issued on 9th October 2020 following a visit by officers the previous evening where numerous breaches of the COVID-19 legislation were evident.

Jonathan Morgan

Pennaeth Cartrefi a Chymunedau Mwy Diogel, Adran Cymunedau
3 Heol Spilman, Caerfyrddin, SA31 1LE | Porth y Dwyrain, Llanelli, SA15 3YF
Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE

Head of Homes and Safer Communities, Department for Communities
3 Spilman Street, Carmarthen, SA31 1LE | Eastgate, Llanelli, SA15 3YF
Town Hall, Iscennen Road, Ammanford, SA18 3BE



BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE

Mae croeso i chi gysylltu â mi yny Gymraeg neu'n Saesneg
You are welcome to contact me in Welsh or English

Tudalen 31

On both occasions criminal offences had been committed by Mr Pearce under the Coronavirus Regulations and on the second occasion, under the Licensing Act 2003 as well.

This is now the second Licence review application regarding the Santa Clara for failing to promote the Licensing Objectives (in particular the prevention of crime and disorder) as a result of serious management failure during the last six months. The first review resulted in additional conditions being added to the licence, which were promptly breached.

Carmarthenshire County Council Trading Standards section submit that it is appropriate and proportionate to revoke the premises licence, due to the lack of proper management and control that has been displayed at the premises. The person in actual day to day control of the premises (Mr. Pearce) seems to have little regard to the law or his responsibilities as DPS and the premises licence holders (Mr. and Mrs. Reynolds) appear incapable of ensuring that Mr. Pearce runs the premises properly, or otherwise exercising any effective control over the premises. The Trading Standards Section does not believe that alternative steps, such as suspension of the licence, the removal of Mr. Pearce as DPS or the addition of further licence conditions on the premises licence will be effective in promoting the licence objectives.



R P EDMUNDS
Business and Consumer Affairs Manager

From: Cllr. Ann Davies <CAnnDavies@carmarthenshire.gov.uk>

Sent: 21 December 2020 11:53

To: SCH Licensing <SCHLicensing@carmarthenshire.gov.uk>

Subject: ATB/RE: Hysbysiad o Gais / Notification of Application: Santa Clara, Sancler/St Clears.

Thank you for this notice.

Bearing in mind that the Premises Licence holder and the Personal Licence Holder were both in front of the Licensing Committee earlier in the year for breach of conditions, I Support this action. To hear in the Carmarthen Journal of further breaches was very disappointing to say the least.

Best wishes,
Ann Davies,

Ann Davies,
Cyng. Ward Llanddarog,

From: Cllr. Tyssul Evans <WTEvans@carmarthenshire.gov.uk>

Sent: 21 December 2020 11:52

To: SCH Licensing <SCHLicensing@carmarthenshire.gov.uk>

Subject: RE: Hysbysiad o Gais / Notification of Application: Santa Clara, Sancler/St Clears.

'Rwy'n cytuno a dirymu'r drwydded dywededig.

Tyssul Evans

Mae'r dudalen hon yn wag yn fwriadol