

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 Chief Inspector Chris Neve of the Carmarthenshire Division.....

(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) 00NU-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
Dyfed Powys Police
Carmarthenshire Division
Police Station
Ammanford
Carmarthenshire
SA18 2LS

Telephone number (if any)
101 extension 27464 (Licensing)

E-mail address (optional)
David.Bizby@dyfed-powys.pnn.police.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

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

Background

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 is 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.

At 3:33 PM 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 states 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 3:00 PM and 7:00 PM 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.

At approximately 4:00 PM on the same day, PC Abel and PC Thorpe who were in full Police Uniform attended The Santa Clara Public House, St Clears for the purpose of carrying out a licensing check in relation to the Covid 19 restrictions that had been put in place.

The Officers approached the front of the premises and found the front door closed and secure. All the curtains at the front of the premises were closed preventing any view inside and the Officer could not hear any noise from within. From the front of the premises it appeared to be closed.

The Officers then made their way to the rear of the premises where there were stairs which led up to a rear door of the premises. The Officers made their way up the stairs to the door which had a large opaque glass panel in it. The Officer could hear voices from within and see movement through the glass and a light on inside. The Officer knocked on the door and a male person now known to be Mr Richard Pearce, the Designated Premises Supervisor answered. The Officers explained the reason for their attendance and asked if they could enter and were allowed in. The Officers asked Mr Pearce if there were any other persons in the premises to which he stated that there were. Mr Pearce went on to say that he had been painting with friends and allowed them to stay on for a few drinks to say thanks and immediately stated that no money had exchanged hands.

Police Constable Abel walked into the bar area and saw two males sat at a table with half consumed pints of lager in front of them. Two further males were seen standing by the bar also with partially consumed pints in front of them.

The Officer explained that they were in breach of the restrictions which had been placed upon Public Houses and were liable to be prosecuted for this offence as too was Richard Pearce. They were instructed to finish off their drinks and leave. The Officers then instructed Richard PEARCE not to allow any further persons into the premises in future. The Officers made it clear to all persons present that if they did not leave or that they returned in the future then they would be prosecuted which included Richard PEARCE. As the two Officers were leaving, Richard PEARCE apologised and reiterated that the persons would be leaving and it would not happen again.

At 4:42 PM 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. Their attendance was due to the previous information received that the premises was "open for business".

PS James was aware that Officers had attended a short time earlier and found persons within the property, these persons along with the landlord had been given words of advice in line with the current Covid-19 powers issued to the Police.

At approximately 4:40 PM on the same day, the Officers entered the property via the back door, this door was insecure and male voices laughing and joking could be heard coming from the inside. PS James activated his Body worn video and walked into the main bar. From there, 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".

PS James could see that all persons within the bar area had pint glasses in front of them and few were drinking from the glasses. The Officer explained to all persons present that they shouldn't have been at the location and that their actions were irresponsible. The Officer then instructed all to leave the property immediately and that should they be found drinking at the location again they would be issued with a Fixed Penalty Notice for breaching the current Covid-19 pandemic legislation. All apart from Richard PEARCE left the location.

PS James then informed Richard PEARCE that his behaviour was irresponsible and

that the facts of this would be reported to the licensing officer.

PC Chris Day then read the offences that Richard PEARCE had committed and he was subsequently issued with a Fixed Penalty Notice by PC Chris Day who used his mobile tablet.

Throughout the time the Officers were present at the premises, it was clear that Richard PEARCE did not realise the impact this could have had on the local community and his blatant disregard to public safety.

The concerns for the Police are that despite visits by Officers from the Carmarthenshire County Council Licensing Department on the 23rd of March 2020 and subsequently by officers of the Dyfed-Powys Police whereby the Designated Premises Supervisor was warned regarding his behaviour, Richard PEARCE continued to blatantly disregard the Emergency Legislation introduced during the Coronavirus outbreak, to the detriment of Public Safety.

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

Due to the concerns raised as a result of the visits made by the Local Authority and by the Police on the 29th March 2020, Dyfed-Powys Police now seek the following:

1. The suspension of the Premises Licence at the Santa Clara for a period of three months.
2. To remove Richard PEARCE as the Designated Premises Supervisor at the premises.

The Police also request that the following licence conditions be imposed on the Premises Licence to require improved management standards and control of the premises by the premises licence holders:

1. The whole of the licensed area including entry and exit areas must be covered by CCTV cameras, and there must not be any hidden or obscured areas. This will deal with issues which may have arisen outside the premises when customers have been arriving or leaving.
2. The System must be installed by a company certified by SSAIB or NSI Gold standard.
3. Main entrance exit to have a camera meeting a minimum of 100%R image quality.
4. All footage must be of good quality and of a minimum performance capability sufficient to identify individuals.
5. It must be in colour.
6. It must record at a minimum of 12 images per second.
7. All images will be time and date stamped.
8. All footage during the hours of Licensable activities to be retained for a period of 30 days.
9. The CCTV system must operate continuously, and if a defect arises the police must be informed and immediate arrangements must be made to rectify the fault
10. All footage must on demand be made available to a Police Officer, Police Community Support Officer and Local Authority Officer for viewing and a copy of that footage made immediately available to the above officers.
11. At all times during the period of operation of the premises there must be a competent person on the premises capable of reply and be able to undertake the export of recordings quickly onto a removable storage medium. Memory Stick, CD, or DVD format is acceptable to the police. The master copy will be available to the police on demand.
12. The system must incorporate a means of transferring images from the hard-drive to a format that can be played back on any Microsoft Windows or MAC compatible computer. The application software required to launch and view recorded images must either be included as part of the standard operating system installed or be installed to the recorded media when the data is copied to that media.

13 The system must be registered with the Information Commissioner (Tel 0303 123 1113 or email registration@ico.org.uk)

Please refer to the Dyfed Powys Police CCTV requirement document for full specification. This can be accessed by contacting Pc. Rob Chapman at the Neighbourhood Development Office at Ammanford Police Station telephone number 01269 590580 as to discuss the above CCTV conditions prior to any agreement being reached. This is to ensure that any system installed complies with the requirements of the proposed licence conditions.

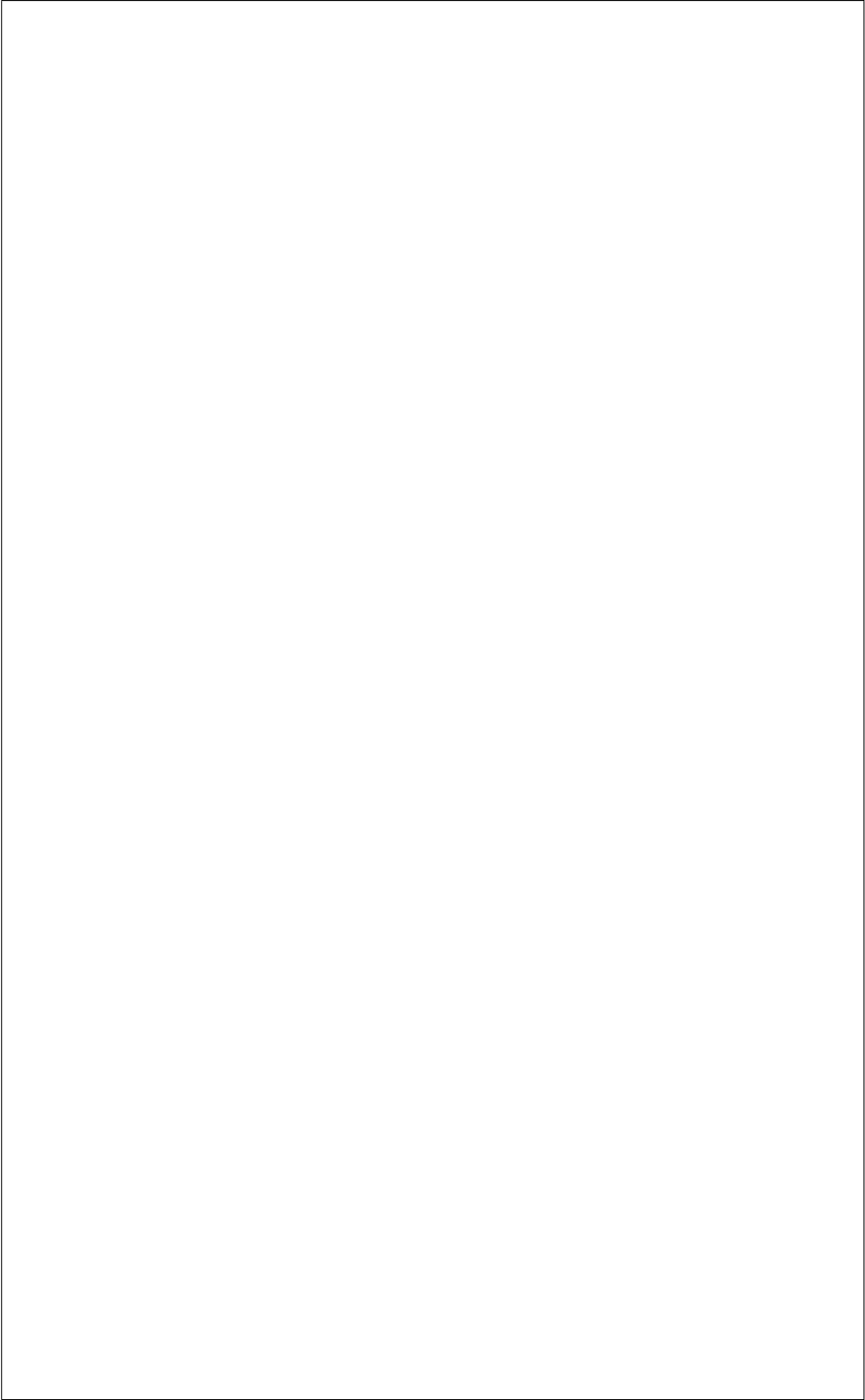
14. The challenge 25 scheme to be adopted at the premises with notices and posters to be clearly displayed in the premises, near the entrances and bar areas. This is to emphasise to customers that they will be challenged if they look 25 and under.

15. No person under the age of 18 shall be employed on the premises whether paid or unpaid for the purpose of serving alcohol.

17. The consumption of alcohol by customers at the premises must cease at or before the end of opening hours as specified in the premises licence. Staff are required to collect all alcoholic drinks prior to the end of the opening hours as set out in the licence.

18. 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.

The Police believe that given the evidence of poor management standards and the lack of proper control demonstrated by the Designated Premises Supervisor - Mr Richard Pearce, coupled with the absence of day to day supervision of the premises by the licence holders, the suggested licence conditions are necessary and proportionate to promote the Licensing Objectives.



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

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

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 C Neve

.....

Date 22/06/2020

.....

Capacity Chief Inspector

.....

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.