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Dyddiad / Date: 20th July 2020 E-bost / E-mail: publicprotection@carmarthenshire.gov.uk

Head of Homes and Safer Communities
Carmarthenshire County Council
3 Spilman Street,
Carmarthen
SA31 1LE

Dear Sir,

**RE: Application to Review a Premises Licence
SANTA CLARA, Bridge Street, St. Clears, Carmarthen, Carmarthenshire,
SA33 4EE
Application Date 22/06/2020**

Further to the receipt of the above application, the Licensing Authority make the following representations:

a) Previous Enforcement Action / Prosecutions

There have been no previous prosecutions or enforcement action taken by the licensing authority in relation to these premises.

b) Complaints.

There have been no complaints received by the licensing authority in relation to these premises.

c) Responsible Authority Referrals.

The licensing authority has not received any referrals from the other responsible authorities in relation to the above premises.

d) Relevant Sections of the Statutory Guidance.

The Licensing Authority believes that the following sections of the Statutory Guidance are relevant to this licence application: - Section 1 Introduction, Section 2 relating to The Licensing Objectives, Section 5 relating to Premises



licences, Section 8 relating to Applications for Premises Licences and Section 10 relating to Licence Conditions, Section 11 relating to Reviews.

e) Relevant Sections of the Local Licensing Policy.

The Licensing Authority believes that the following sections of Carmarthenshire's Licensing Policy are relevant to this licence application:- Section 3 Fundamental principles, Section 4 Conditions of Licence, Sections 5 – 9 relating to The Licensing Objectives and Section 18 relating to Licence Reviews.

f) Review Application.

Having considered the background set out in the Police review application the Licensing Authority make the following representations.

Following the introduction of the Coronavirus regulations requiring business premises including licensed premises to close to the public from Friday the 20th of March 2020, the department received an allegation that the above premises was still open to the public. On Monday the 23/03/20, Mr Andrew Rees a licensing Officer with the department along with a Trading Standards Officer called at the premises and spoke to Mr Richard Pearce the designated premises supervisor regarding an allegation that the premises had been open to customers over the proceeding weekend. Mr Pearce denied the allegation and stated that the premises were closed in accordance with the regulations.

Following receipt of a report from the Police that the premises were open on the Sunday the 29th of March, Mr Andrew Rees along with a trading standards officer again visited the premises and spoke to Mr Pearce on Monday the 30th of March when he assured officers that the premises were closed and that he was painting the ground floor.

On the Wednesday the 1st of April I visited the premises along with a trading standards officer to serve a closure notice following the Police visit. I handed Mr Pearce the Closure Notice and advised him that it had been prepared as a result of the Police visits and that he must ensure that the premises remained closed and not to allow persons to gather there as it would be a further offence once the notice was served. We then delivered a closure notice to the premises licence holders, Mr and Mrs Reynolds and advised Mr Reynolds to ensure that the premises was kept closed in accordance with the regulations.

From the information provided it is clear that Mr Pearce is responsible for the day to day running and management of the premises and that the premises licence holders have very limited involvement.

Given the seriousness of the situation, along with the fact that the designated premises supervisor had been spoken to regarding the need to ensure that the premises was closed, the licensing authority believe that it would be appropriate and proportionate to attach the additional licence conditions numbered 1 -18 requested by the Police to the premises licence.

In relation to Police condition 18 which reads as follows :-

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.

Mr Pearce, the current designated premises supervisor, has not completed such a course to obtain his converted personal licence and would need to do so in order to comply with the condition if it were attached to the premises licence.

The licensing sub-committee, after considering all the representations, will have to determine whether it would be appropriate and proportionate to take any further steps requested in the application.

These representations have been prepared on the 20th of July 2020 with the benefit of viewing the original application and subsequent representations.

I would be grateful if the premises licence holders could contact me to discuss the above representations at the earliest opportunity and certainly prior to the application being referred to a Licensing Sub Committee hearing for determination.

If you require any further information or assistance, please do not hesitate to contact me.

Yours faithfully,

Mr E O R Jones
Licensing Lead