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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.

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Mae croeso i chi gysylltu â mi yn y Gymraeg neu'r Saesneg

You are welcome to contact me in Welsh or English

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