



Heddlu Police
**DYFED
POWYS**

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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.



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Prif Gwnstabl Chief Constable Mark Collins, BSc

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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.

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