

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 11 December 2023

PRESENT: Councillors David Barker (Chair), Ian Horner and Cliff Woodcraft

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Henry Nottage attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - JURASSICA, 7 MONTENEY CRESCENT, SHEFFIELD, S5 9DP

- 4.1 The Chief Licensing Officer submitted a report to consider an application by the Licensing Authority, under Section 51 of the Licensing Act 2003, for a review of a premises licence in respect of Jurassica, 71 Monteney Crescent, Sheffield, S5 9DP (Ref No. 143/23).
- 4.2 Present at the meeting were Gareth Barrett (Licensing Enforcement and Technical Officer), Chantelle Synyer (Licence Holder, Jurassica), Vincent Blake-Barnard (Counsel for South Yorkshire Police), John O'Malley and Catherine Jarvis (South Yorkshire Police), Julie Hague (Sheffield Children Safeguarding Partnership) (via video link), Shimla Finch (Licensing Strategy and Policy Officer), Samantha Bond (Legal Advisor to the Sub-Committee) and Mitchell Wibberley (shadowing the Legal Advisor) and Philippa Burdett (Democratic Services).
- 4.3 Samantha Bond outlined the procedure to be followed during the hearing.
- 4.4 Shimla Finch presented the report, and it was noted that the review was submitted by the Licensing Authority due to a breach of the Licensing Act 2003, and breaches of the licence conditions, as detailed in paragraph 2.1 of the report. Compliance checks had been carried out by the responsible authorities, warning letters had been issued, and an action plan had been drafted to assist with compliance of the licence. During the consultation period, further representations

had been submitted by Sheffield Children Safeguarding Partnership and South Yorkshire Police, and were attached at Appendix 'C' of the report.

- 4.5 Gareth Barrett began to present the application, but was asked by the Chair to pause his representations as Chantelle Synyer arrived into the meeting room.
- 4.6 Samantha Bond and Shimla Finch discussed with Ms Synyer the process to be followed during the hearing and what had transpired so far. Ms Synyer was upset and distressed, but was reassured that she would be given ample opportunity to state her case and that she could take as much time as she required in order to compose herself. The Chair welcomed Ms Synyer to the meeting, asked those present to introduce themselves, and invited Mr Barrett to begin his representations.
- 4.7 Mr Barrett stated that a report had been received by the Licensing Authority of a young person having been injured during an alleged fight at an event at the premises on the night of 18 December, 2022. In response to this report, a joint visit was carried out between the Licensing Authority, Sheffield Children Safeguarding Partnership and South Yorkshire Police on 23 December, 2022, which identified a number of breaches of the premises licence conditions, as detailed in Annex 2 of their premises licence. A formal warning letter was issued to Ms Synyer, as the Licensee and Designated Premises Supervisor, on 19 January, 2023, which highlighted the breaches and required them to be addressed within 10 days. Mr Barrett explained that as Ms Synyer had failed to provide evidence to show compliance with the licence conditions, a voluntary action plan was then in place on 24 February, 2023, to support Ms Synyer in addressing the breaches. This plan contained actions due to be completed by 10 April, 2023. A further joint compliance visit was undertaken on 26 April, 2023, which found that licence conditions were still being breached. An extension to comply with the requirements of the action plan was granted until 5 May, 2023, however CCTV footage relating to the reported incident was still not provided. Further incidents relating to operating outside of permitted hours had been reported to South Yorkshire Police, and a full licensing inspection was undertaken with Richard Askham (Bar Manager) on 7 December, 2023, which showed continued non-compliance of licence conditions, ranging from minor to serious conditions, such as failing to keep a log as evidence of undertaking 'challenge 25' policies, and providing management access to CCTV footage. Mr Barrett summarised by stating that he was concerned about the length of time taken to address non-compliance of licence conditions, and was of the view that Ms Synyer was unable to ensure that the premises remained safe, and as such he requested the revocation of the licence.
- 4.8 In response to questions from Members of the Sub-Committee, and the Legal Advisor to the Sub-Committee, the applicant stated that evidence had been requested relating to the reports of the alleged incidents, but to-date, CCTV footage had not been provided. Following Mr Barrett's visit to the premises on 7 December, 2023, and discussions with Mr Askham, it was discovered there were still no refusals logs readily available. Mr Askham had explained to Mr Barrett that he wrote refusals on a piece of paper, which he would then report back to the licensee. Mr Barrett believed the conditions of the licence to be easy to comply

with, and that the actions required to ensure compliance were not onerous. He stated that the majority of the action plan aimed to ensure compliance with the premises licence conditions, and also required all staff to attend safeguarding training. Mr Barrett noted that it was rare that a voluntary action plan was used as a course of action to deal with non-compliance of licence conditions.

- 4.9 Chantelle Synyer confirmed that she had attended the recommended safeguarding training, and stated that she had not been able to provide the CCTV footage due to financial and technical difficulties.
- 4.10 Vincent Blake-Barnard (Counsel for South Yorkshire Police) outlined the core licensing objectives. He explained that the premises came to the attention of South Yorkshire Police following the incident that was reported to them on 18 December, 2022. He stated that the record made in the incident log outlined an incident where a 40-year old male had thrown a 17-year old onto a table, resulting in a glass injury to the 17-year old, and noted that this was inconsistent with a conversation held with the staff member on duty, who had indicated a light-hearted nature to the incident. As the venue catered to a younger audience, Mr Blake-Barnard was concerned about the absence of risk assessments to address this, for example evidence of the 'Challenge 25' scheme, door supervisor presence, and awareness of the potential for under-age customers smuggling drinks into the premises. He noted that Ms Synyer had not been present at the joint visit on 23 December, 2022, and was concerned about her lack of engagement with the premises around this time. He highlighted further allegations of 'lock-ins', drug taking/selling, and described a report of an incident of aggravated robbery on 30 November, 2023, where it was alleged that an intruder had entered the premises and attacked a slot machine with a knife and hammer, and remained on the premises. He noted his concerns about the ongoing failure to provide CCTV evidence, despite ongoing efforts of the responsible authorities. In summary, Mr Blake-Barnard believed that Ms Synyer was failing to ensure compliance with the premises licence conditions and with the core licensing objectives.
- 4.11 In response to questions from Members of the Sub-Committee, and the Legal Advisor to the Sub-Committee, it was stated that South Yorkshire Police had continually worked to engage with Ms Synyer, including providing documentation to her in different formats, making her aware of safeguarding training, and support with other difficulties that she was facing. It was confirmed that persons under 18 years of age were not allowed on the premises after 2100 hours unless accompanied by an appropriate adult and attending a pre-booked family event, or dining at the premises. It was noted that CCTV footage was an important tool following the reported incident and ensuring compliance with the licence conditions going forwards. Following concerns expressed by Ms Synyer that some of the allegations were malicious in nature, it was confirmed that South Yorkshire Police had investigated this and were not able to support this claim due to a lack of CCTV footage. It was also noted that it was unusual to have an action plan in place for this length of time without achieving compliance, and that support had been offered throughout the process to assist Ms Synyer in providing the necessary evidence.

- 4.12 Julie Hague advised that the Sheffield Children Safeguarding Partnership had made a representation to address concerns about the inconsistency in management arrangements and non-compliance with the premises licence conditions. She explained that a core licensing objective was the protection of children from harm to ensure a safe and family friendly environment for children. This venue was a dinosaur-themed pub, designed to attract children and families, whilst also being a venue for adults with alcohol sales. She expressed significant concern that safeguarding conditions were not being complied with. Ms Hague stated that following the reported incident on 18 December, 2022, where a child came to harm at the premises, Ms Synyer was advised to undertake a safeguarding risk assessment, and support was offered to assist staff in understanding the risks of operating mixed use premises, and potential risks to children. She explained that although Ms Synyer had now completed the safeguarding training, she was concerned that she had not initially prioritised this training. Ms Hague added that there did not appear to be any consistent control of the premises, thus reinforcing her safeguarding concerns. She stated that when she carried out a visit to the premises on 5 October, 2023, Ms Synyer had not been present. She discussed safeguarding policies with Mr Askham, and noted that two children were present. She explained that Mr Askham had not been able to provide the refusals book or access a copy of a safeguarding risk assessment. Due to this, and reported incidents at the premises between August and September, 2023, the Sheffield Children Safeguarding Partnership had become increasingly concerned that current arrangements were inadequate to mitigate the risks associated with drug use, drug dealing and violence, and requested that the Licensing Sub-Committee took positive action in dealing with those risks.
- 4.13 In response to questions from Members of the Sub-Committee, and the Legal Advisor to the Sub-Committee, Ms Hague stated that safeguarding was of concern in the absence of compliance with licensing conditions. Ms Hague believed that a culture change, along with consistent management was necessary, but there was still no reassurance of this. She noted that there were a number of family friendly premises across the city, where staff had carried out safeguarding training and recognised their responsibilities, but felt this was lacking at Jurassica. At this point, Ms Synyer asked if safeguarding training was still available to her staff, and Ms Hague responded by explaining that access to safeguarding training was unlimited and free to all staff. She added that an online resource was currently being developed, that would allow licensees to access on-line training on demand.
- 4.14 Ms Synyer provided some background to her time as licensee at Jurassica, She explained that she had provided significant investment into the building, having been assured by the landlord that she would have the option to purchase it. However, this did not transpire, and instead, she was served with an eviction notice in September, 2022. She stated that this resulted in harassment from the landlord, for which she had sought legal advice, and had spent time looking for alternative living accommodation and business premises. She added that she had not attended the safeguarding training offered to her in February 2023 due to the illness and passing of a close friend, and added that a close family member passed away three months later. She also stated that around this time she had reported her ex-partner to the police due to abusive behaviour. She explained that

her dinosaur-themed business had suffered due to the closure of the premises kitchen (due to leaking), meaning she was unable to provide catering for parties, so had instead focussed her efforts on her balloon and events business. She added that she felt she had done her best to comply with the premises licence conditions, despite her difficult personal circumstances and health conditions, and associated struggles with paperwork/risk assessments. She noted the support she had received from Mr Askham, who worked as Bar Manager in the evenings, meaning she could focus on daytime events and her other business, which often involved travel and sometimes for days at a time. She added that the pub was split into two parts: one for the restaurant and children's events, and the other for pool and darts.

- 4.15 In response to questions from Members of the Sub-Committee, and the Legal Advisor to the Sub-Committee, Ms Synyer stated that she had previously considered other premises for her business, but as they were not affordable, she opted for the current premises on the basis that she could combine all aspects of her business, including events, family dining and alcohol provision. She added that her longer-term goal was to provide a dinosaur-themed, educational venue for families, operating during the day. Ms Synyer acknowledged that events in her life had affected her management and staffing decisions at the premises, but stated that she was willing to accept assistance from responsible authorities as needed. She stated that she had spent time preparing a risk assessment that was subsequently rejected by the responsible authorities. She added that she believed her financial and personal difficulties had prevented her from accepting the help that had been offered. Ms Synyer explained that she had rented the building on a two-year contract, before being served with an eviction notice in September, 2022. When asked about whether she would consider removing the sale of alcohol, Ms Synyer explained that she felt the provision of alcohol for parents and diners was important to her business. She noted that although her balloon/events business was currently a steady source of income for her, Jurassica was the passion that she hoped to pursue long-term. In terms of future plans, she explained that work was needed in order to weatherproof the building, and that she would employ two bar managers who would be responsible for the management and regular training of staff, and that evening opening would eventually cease.
- 4.16 In response to questions from representatives of responsible authorities, Ms Synyer advised the Sub-Committee that appropriate signage was in place and an 'ID' folder was available, which she updated with Mr Askham at the end of the day. When reminded of the legal requirement to have a refusals log available upon request, Ms Synyer stated that customers had become aware that the premises were not generally open after 2100 hours. In terms of the CCTV system, Ms Synyer stated that the hard-drive had failed and had been taken away by the supplier, causing a gap in recording of almost three months. She added that the hard-drive was replaced in October, 2023, and was now working, but with a glitch affecting the time/date shown. When asked about the incident reported on 18 December, 2022, Ms Synyer stated that she had been out of the country for this event, due to the seasonal demands of her balloon/events business. She added that, based on advice from her solicitor, she was withholding rent due to the outstanding repairs needed for the building, with the intention of then carrying out

repair work to the kitchen and toilets so that this area could be re-opened.

- 4.17 Ms Synyer stated that she had been in a meeting with her accountant who had intimated that two potential investors were interested in her business. She added that she had previous experience of managing pubs, and believed that she tried her best to meet her responsibilities as a designated premises supervisor, despite the financial and personal difficulties she had faced. When asked about the importance of the licensee being on the premises and the pressure of running two businesses, Ms Synyer stated that she had recently interviewed two managers, and added that the premises had been closed for much of the last 12 months. She explained that although an event had been planned for 16 October, 2023, it did not take place due to lack of interest. A buffet was planned for this event on the basis that building work on the kitchen was hoped to be completed.
- 4.18 Ms Synyer confirmed that bookings for children's parties had declined due to problems with the toilets and the roof leaking, and that food was not currently being served. She explained that children resided with her in the pub, and that Mr Askham's children were sometimes present in the pub. She believed that her personal struggles had helped her to learn, and added that she would ensure that staff were adequately trained.
- 4.19 All parties summarised their cases.
- 4.20 Shimla Finch outlined the options available to the Sub-Committee.
- 4.21 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting, and the webcast be paused, before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.22 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.23 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees, and the webcast re-commenced.
- 4.24 **RESOLVED:** That in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the premises licence in respect of the premises known as Jurassica, 71 Monteny Crescent, Sheffield, S5 9DP (Ref No. 143/23), be revoked on the grounds that the premises licence holder has consistently undermined the licensing objectives, particularly with regard to the prevention of crime and disorder, public safety and the protection of children from harm.

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)