

The Sugar Club, 7 Pitt Street, Barnsley

License Review Submission of on behalf of BMBC Regulatory Services Health and Safety (Statutory Consultee)

Statement of Stephen Butler, Environmental Health Officer

On 20 April 2022 I received an email from BMBC Licensing Officer, Martin Cooper expressing concerns about Food Hygiene and Health and Safety conditions at a new night club called The Sugar Club. Martin's email also informed me that South Yorkshire Police had called a License Review and advised that two people should always attend this business. I discussed the concerns with my colleague Anna Hillerby and she agreed to visit the site with Martin to assess the concerns raised.

Following her visit on the following day Anna Hillerby reported to me that she had identified concerns that affected public safety, namely an unsecured cellar hatch in a corner of the public area, unsecured carbon dioxide cylinders and electrical cables that appeared potentially unsafe. In her report which was signed by Ashley Stockton on 21 April 2022, she lists these concerns and advised that a suitably qualified electrician should be used (SRB1).

I visited The Sugar Club with my colleague James Gardham on 4 May 2022 by appointment with Ashley Stockton who is the sole director and controlling mind of the operating company Sugar Events Limited. I found that the electrical system was clearly dangerous, having exposed electrical conductors at the distribution board (PHOTOGRAPH DSC00039), unsecured cables at various locations (PHOTOGRAPH DSC00036) and an electronic boxing punch ball machine plugged into a 230 Volt plug socket in an outdoor public area which could cause a fatal shock or a fire (PHOTOGRAPH DSC00032). Mr Stockton insisted that the punch ball machine was safe to use outside but agreed verbally to unplug it.

The carbon dioxide cylinders in the bar area were not secured (PHOTOGRAPH DSC00047) despite Anna's written report, this created a risk of the cylinders falling causing damage to a person and to the cylinder and could potentially result in a leak of asphyxiant gas into the public area.

The cellar hatch in the public area of the club had nothing to prevent entry to the cellar and potentially falls into the opening if it were to be opened by anyone (PHOTOGRAPH DSC00043). I served a prohibition notice on Sugar Events Limited to prohibit use of the hatch during opening hours and I told Ashley Stockton that the hatch must be secured closed to prevent misuse by customers.

The rear yard which is a customer area was also uneven with poor drainage, creating tripping and slipping hazards for customers using the area and the external beer drop in this area was also not locked and could easily be accessed by anyone.

I wrote all of these concerns in my report which was delivered by email to Ashley Stockton on 5 May 2022 (SRB2)

I also referred concerns that I identified about potentially unsafe means of escape in case of fire to South Yorkshire Fire and Rescue Service (SYFRS).

Following numerous emails, texts and telephone conversations from Ashley Stockton and the a new DPS called Tommy White, I met both men on site on 11 May 2022 to review progress. Enough works had been done to the two cellar access trap doors to remove the immediate risk but more work was needed. I accepted verbal assurances that all works would be completed.

I asked for the manufacturer's instructions for the punch ball machine but I never received these. Ashley Stockton repeatedly told me that the punch ball machine was safe to use outside and sent screen shots that I could not verify and web links that did not work.

On 16 September 2022, some four months after my initial visit and report, I was passing The Sugar Club when I saw that the gates were open and I spoke with a workman who was working there. I took a photograph of the external cellar hatch showing tripping hazards remained (PHOTOGRAPH DSC01130), the metal framed yard gates swinging across the pavement outside (PHOTOGRAPH DSC01131), electric cables still not secured and vulnerable to damage (PHOTOGRAPH DSC1132) and the punch ball machine plugged into the 230V socket which was also not weather protected (PHOTOGRAPH DSC01133). I asked the man to inform Ashley Stockton of my visit and concerns and I subsequently I received a telephone call from Anna Harper and emails.

On 20 September 2022, by prior appointment I visited The Sugar Club with a colleague and met Anna Harper who was the new DPS. I looked at what remaining risks there were to members of the public and I found that almost all of my original concerns noted in my report dated 4 May 2022 remained unresolved. I also discussed additional risks of injury that were not identified by the company because the management had carried out no effective risk assessments.

I could see that if it rained customers could receive a potentially fatal electric shock from the punch ball machine which was still plugged in. Anna Harper unplugged the machine at my request and I served a second prohibition notice (PN) on the company to prevent continued use of the punch ball machine outside where it could cause a serious or fatal electric shock (SRB3).

On 22 September I received an email from company that had supplied the punch ball machine questioning prohibited use of the punch ball machine at The Sugar Club. When I spoke with the supplier it became clear that he had not been told by representatives of Sugar Events Limited that an essential protective waterproof sleeve was not fitted to the machine at The Sugar Club, therefore he agreed that the machine was not suitable nor safe to use outside. I was not provided with the manufacturers' instructions and the PN remained in force to stop unsafe use of the punch ball machine outside.

On 20 October 2022 I received from Ashley Stockton that stated: 'Hi Stephen, I believe all jobs are now done, just wanting to confirm the painter has been booked for the end of November to ensure the decking is painted with grit, Look forward to seeing you tomorrow Thanks ash' (SRB4)

Also on 20 October 2022 I visited the Sugar Club with Anna Hillerby EHO by prior appointment. Ashley Stockton, Anna Harper, a joiner and two electricians present. Some electrical alterations had been carried out but no electrical report was provided to demonstrate that the electrical system and appliances were safe. In all 6 of the items required in my original report dated May 2022 that relate to Public Safety had still not been completed (items 1, 2, 5, 6, 8, 9). In addition the external decking had become slippery, the gates to the yard were not secured to prevent them swinging across the pavement and there had been no suitable risk assessments carried out in relation to risks to the public. A specific concern is that there risks the public caused by use of the punch ball machine which was now located in a narrow part of the premises in front of the bar and adjacent to a large mirror. There were no systems for the management of risks to users or to those in the vicinity.

Consequently, my confidence in the systems of management and the practises of the managers of this venue have been dented as I have found them to be resistant to regulation, to be reactive rather than proactive about matters affecting Public Safety and generally dismissive of the role of all regulators. As a result there has been a pattern of promises not kept, partial solutions to concerns raised, of assurances that works have been completed when they have clearly not been and the

contesting of the necessity of control measures without precautionary action to protect the public, as has been described in examples earlier in this statement.

Stephen Butler

28 November 2022

Schedule of exhibits

Exhibit no.	Description	Date
SRB1	Report of Anna Hillerby to Sugar Events Limited	21 April 2022
SRB2	Email to Sugar Events Limited with 5 attachments	5 May 2022
Attachments SRB2 a	Inspection report page 1	
Attachments SRB2 b	Inspection report page 2	
Attachments SRB2 c	Prohibition Notice to prohibit access to the cellar	
Attachments SRB2 d	Notes to Prohibition Notice	
Attachments SRB2 e	What to Expect... leaflet	
SRB3	Prohibition notice to prohibit use of the punchball machine outside	20 September 2022
SRB4	Email from Ashley Stockton stating that all works completed	20 October 2022

Photographs



DSC00039	Photograph showing dangerous electrical conductors at the main distribution board	4 May 2022
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DSC00036	Photograph showing unsecured cable in a public area	4 May 2022
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DSC00032

Photograph showing electronic punch ball machine located outside, plugged into the 230V electrical socket

4 May 2022



DSC00047

Photograph showing CO₂ gas cylinders not secured

4 May 2022



DSC00043

Photograph showing unsecured cellar opening in public area

4 May 2022



DSC01130	Photograph showing tripping hazard around external cellar hatch	16 September 2022
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DSC01131	Photograph showing yard gates swinging across the pavement	16 September 2022
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DSC01132	Photograph showing electric cables still unsecured	16 September 2022
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DSC01133

Photograph showing the punch ball machine
still plugged into the 230V socket

16 September 2022