

LICENSING SUB COMMITTEE C

Date: Friday 8th July, 2022
Time: 10.00 am
Venue: Council Chamber

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Licensing Act 2003: Application for Review of Premises Licence - Empire Nightclub Ref: OL/22/02 3 - 106
4. Any other urgent items which in the opinion of the Chair, may be considered.

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Thursday 30 June 2022

MEMBERSHIP

Councillors C Cooke (Chair), T Higgins and D McCabe

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Joanne Dixon / Scott Bonner, 01642 729713 / 01642 729708, joanne_dixon@middlesbrough.gov.uk / scott_bonner@middlesbrough.gov.uk

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AGENDA ITEM 3

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 8 JULY 2022**

APPLICATION FOR REVIEW OF PREMISES LICENCE

Ref No. OL/22/02

Applicant: Cleveland Police

Premises: Empire, Corporation Road, Middlesbrough

Application received: 5 May 2022

Premises Licence Holder – The Middlesbrough Empire 2008 Limited

Summary of Current Licensable Activities:

PLAYS, FILMS, LIVE MUSIC, RECORDED MUSIC, PERFORMANCES OF DANCE

Monday to Sunday : 11am to 4am

Boxing Day : 11am to 6am

New Years Eve : 11am to 6am

SALE OF ALCOHOL ON PREMISES

Monday to Sunday : 11am to 3.30am

Boxing Day : 11am to 5.30am

New Years Eve : 11am to 5.30am

A copy of this licence is attached at **Appendix 1**.

1. Information

Under Regulation 11 of the Licensing Act (Hearings) Regulations 2005 the time limit for this hearing to take place has been extended as the Council considered it is in the public interest to do so to allow for the training of Members of the Licensing Committee following the Council's Annual General Meeting as required under the Constitution and the Guidance.

2. Summary of Application

On 5 May 2022 an application for the review of the Premises Licence was submitted by Cleveland Police on the grounds of the prevention of crime and disorder, public

safety, the prevention of public nuisance and the protection of children from harm following concerns in relation to the admission to the premises and the sale of alcohol to under 18's and incidents of serious alcohol related violence.

A copy of this application is attached at **Appendix 2**.

3. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

4. Consultation on review application

The premises licence holder, any responsible authority or any other person are permitted to make representations in respect of the review application following publication of a notice.

In response to the consultation, on 20 May 2022, a representation in support of the application was received from the Director of Public Health. A copy of the representation which is on the grounds of the prevention of crime and disorder and the protection of children from harm is attached at **Appendix 3**.

On 27 May 2022 a representation in support of the application was received from the Area Child Protection Group on the grounds of the prevention of crime and disorder and the protection of children from harm. A copy of this representation is attached at **Appendix 4**.

On 27 May 2022 a representation in support of the application was received from Mrs Julie Handley on the grounds of the prevention of crime and disorder and the protection of children from harm. A copy of this representation is attached at **Appendix 5**.

On 30 May 2022 a representation in support of the application was received from the Licensing Authority on the grounds of the prevention of crime and disorder and the protection of children from harm. A copy of this representation is attached at **Appendix 6**.

On 28 June 2022 additional evidence in support of the application was received from Cleveland Police. This statement is attached at **Appendix 7**.

On 28 June 2022 additional evidence in support of the representation was received from the Director of Public Health. This information is attached at **Appendix 8**.

On 28 June 2022 additional evidence in support of the application was received from Cleveland Police. This information is attached at **Appendix 9**.

5. Background

These premises operate as popular night club situated in Middlesbrough Town Centre in the hub of the nighttime economy.

The premises have had the benefit of a premises licence under the provisions of the Licensing Act 2003 since 2005.

Mr Ashley Wem has been the Designated Premises Supervisor since that time.

6. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Crime and Disorder	Page 20
Public Safety	Page 25
Prevention of Public Nuisance	Page 27
Protection of Children from Harm	Page 30
Reviews	Pages 47 to 50

And any other sections of the Policy which Members consider to be relevant.

7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Prevention of Crime and Disorder	Starting at paragraph 2.1
Public Safety	Starting at paragraph 2.7
Prevention of Public Nuisance	Starting at paragraph 2.15
Protection of Children from Harm	Starting at paragraph 2.22
Reviews	Starting at paragraph 12.1

And any other sections of the Guidance which Members consider to be relevant.

8. Members' Options

Members may consider the following options:

- a. To modify the conditions of the licence.
- b. To exclude a licensable activity from the scope of the licence.
- c. To remove the Designated Premises Supervisor
- d. To suspend the licence for a period of not exceeding 3 months.
- e. To revoke the licence.
- f. Alternatively, Members may consider that it is not necessary to take any of the above steps and may issue an informal warning and/or or recommend improvement within a certain time period.

Any party to the hearing who may be aggrieved by the decision taken by the Licensing Sub-Committee would have a right of appeal to the Magistrates' Court.

Contact Officer: Sarah Morris
Principal Licensing Officer
Tel. 728716

PREMISES LICENCE

Part A

Premises licence number

MBRO/PR0139/019085

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description The Empire Corporation Road	
Post town Middlesbrough	Post code TS1 2RT
Telephone number 01642 253553	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence Plays Films Live Music Recorded Music Performances of Dance Sale of Alcohol

The times the licence authorises the carrying out of licensable activities PLAYS, FILMS, LIVE MUSIC, RECORDED MUSIC, PERFORMANCES OF DANCE Monday to Sunday : 11am to 4am Boxing Day : 11am to 6am New Years Eve : 11am to 6am SALE OF ALCOHOL ON PREMISES Monday to Sunday : 11am to 3.30am Boxing Day : 11am to 5.30am New Years Eve : 11am to 5.30am

The opening hours of the premises Monday to Sunday : 11am to 4am Boxing Day : 11am to 6am New Years Eve : 11am to 6am

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol sales permitted ON the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

The Middlesbrough Empire 2008 Limited
The Empire Theatre
Corporation Road
Middlesbrough
TS1 2RT

01642 253553

Registered number of holder, for example company number, charity number (where applicable)

06498135

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Ashley Stephen Wem
8 Vinovia Place
Ingleby Barwick
Stockton on Tees
TS17 5LU

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

MBRO/PL0173/019242 Middlesbrough Borough Council

Granted on 10 August 2016



Authorised Officer

Annex 1 - Mandatory conditions

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of Films

3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

4. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

5. Where-

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

6. In this section "Children" - means persons aged under 18; and "Film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Door Supervision

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, that licence must include a condition that each such individual must:

(a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;

(b) Be entitled to carry out activity by virtue of section 4 of the Act.

8. But nothing in subsection (1) requires such a condition to be imposed:

(a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films); or

(b) In respect of premises in relation to:

(i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

9. For the purposes of this section:

(a) "Security activity" means an activity to which paragraph 2(1) (a) of that Schedule applies, and which is licensable conduct for the

purposes of that Act.

(b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Age Verification

10. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

11. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

12. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Permitted Price

13. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

14. For the purpose of this condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where:

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

15. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

16. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Irresponsible Drink Promotions (applicable to 'on' & 'off' sales)

17. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

18. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise).

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

19. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Alcoholic Drink Measures

20. The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Annex 2 - Conditions consistent with the operating Schedule

Embedded Restrictions and Benefits

ON LICENCES

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:

Monday to Sunday : 11am to 3.30am

Boxing Day : 11am to 5.30am

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day

The above restrictions do not prohibit:

- a) During the first 20 minutes after the above hours the consumption of the alcohol on the premises;
- b) During the first 20 minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) During the first 30 minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) The taking of alcohol from the premises by a person residing there; or
- i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises

CHILDREN

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence
- (2) He resides in the premises, but is not employed there
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition 'bar' includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an

ancillary to their table meals.

PUBLIC ENTERTAINMENT LICENCE CONDITIONS MADE BY THE MIDDLESBROUGH BOROUGH COUNCIL ("THE COUNCIL") BY RESOLUTION ON 18 NOVEMBER 1998 UNDER THE POWERS CONFERRED BY THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982.

1. The number of persons allowed on the premises during the performance of public entertainment shall not exceed:
Using Stage - 1215
Not Using Stage - 1115
2. A minimum entry charge of £1 shall be levied Monday to Sunday
3. An acoustic report from a reputable Noise Consultant must be submitted and approved by the Council's Environmental Protection Team. The recommendations made in the approved report must be implemented prior to any extension beyond 2am of the terminal hour.
4. All necessary precautions shall be taken to prevent persons in the neighbourhood of the premises being disturbed by noise.
5. That the Licensee will implement a drugs policy to the satisfaction of the Council and Cleveland Police in respect of the premises to be licensed.
6. The Licensee must ensure that there will be a secure drugs deposit box approved by Cleveland Police, on all liquor licensed premises which are also licensed for Public Entertainment beyond 11.00pm which will be used along with a hard bound Drugs Register, in accordance with the guidelines laid down by Cleveland Police.
7. The Licensee shall ensure that free potable drinking water is to be made available other than in sanitary facilities and such availability is prominently advertised to patrons.
8. The Licensee shall ensure that a minimum of one qualified first aider is present at all premises licensed for Public Entertainment beyond 11.00pm.

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the Borough of Middlesbrough, private entertainment for gain may be provided throughout the premises by virtue of the previous Justices' Licence/Public Entertainment Licence.

The sale of hot food and drink may be provided for up to 30 minutes after the end of permitted hours by virtue of the previous Justices' Licence.

LICENSING OBJECTIVES

GENERAL - ALL FOUR LICENSING OBJECTIVES

The premises will participate in relevant training and campaigns for the promotion of the Licensing objectives at the request of any of the responsible authorities.

THE PREVENTION OF CRIME AND DISORDER

1. The interior and exterior of the premises shall be covered by CCTV. All CCTV footage recorded will be kept for a minimum of 31 days and will be kept in a locked and secure cabinet.
2. All glasses should be made from toughened glass.
3. Staff should endeavour to prevent patrons entering or leaving the premises with any glass, bottle or other open container.
4. The premises will have in place adequate SIA registered security for evenings when open to the public, to an approximate ratio of 1 door supervisor to 100 patrons.
5. A search policy will be used upon entry to the premises where deemed appropriate.
6. Recognised proof of age documentation will be requested where deemed appropriate.
7. The management will not promote cheap drinks or alcohol abuse via drinks promotions
8. A metal detector is available for use where deemed necessary
9. An up to date incident book in which to record incidents of crime and disorder will be kept on the premises.
10. The DPS or their representative will continue to actively support the Pubwatch scheme
11. The shall have a drug policy, drug register and drug box in which to place prohibited substances. The drugs box is located in the reception area of the premises which is monitored by CCTV

PUBLIC SAFETY

1. Staff will receive appropriate training in relation to Health and Safety at work. Records of this training will be retained.
2. Hand held counting devices will be used to ensure that the maximum capacity for the premises is not exceeded
3. An appropriate 'cool' room is provided with seating and ventilation and a quieter ambience
4. A fully qualified first aider will be on the premises during hours of operation.

THE PREVENTION OF PUBLIC NUISANCE

1. All rubbish, bins etc are stored within the premises to prevent noise from bins being an issue
2. Prominent notices will be displayed asking customers to leave the premises quietly and PA's are made to that effect.
3. Local taxi firms will be informed if the premises are to open later than usual
4. Patrons who persistently leave in a noisy manner will be banned from the premises
5. If queues form at the premises, they shall be formed down the right hand side of the premises, deemed furthest away from residential accommodation
6. Adequate lighting is installed on the exterior of the premises
7. The outside of the premises will be cleaned regularly to ensure that discarded litter is disposed of correctly

THE PROTECTION OF CHILDREN FROM HARM

1. Persons under 18 years of age are not allowed on the premises other than at an under 18s event or on Middlesbrough Football Club matchdays.

In the case of Middlesbrough Football Club matchdays-

- i. All children must be accompanied by an adult and,
- ii. Must leave the premises by 8pm.

2. In the case of an under 18's event-

- i. The event will take place between 12 Noon and 10pm
- ii. A fully qualified paramedic shall be on the premises
- iii. The age range of patrons shall be limited to 14 to 17 year olds only.
- iv. Only soft and non alcoholic drinks shall be sold or be on display
- v. If any patron is found to be under the influence of drugs or alcohol then their parents or guardian shall be contacted and asked to collect the child or children. The management will not turn away patrons without ensuring they are safe and are able to be collected by a parent or guardian
- vi. Random searches are made of any patron wishing to gain access to an Empire under 18 event. Refusal to allow search will result in refusal of entry.
- vii. Any patrons found to be intimidating other patrons, pushing or shoving or attempting to jump the queue will not gain entry. Any patron found fighting or using bad language will be escorted out of the venue and a parent or guardian called to pick them up.
- viii. Patrons will be allowed into the premises with cigarettes if they are over 16 (and have proof of age) Cigarettes are not sold at the event and any cigarette machines are turned off for the event
- ix. A professional registered security team all having had criminal records check for suitability, will be on hand to assist anyone at all times and Empire Security will also be available to assist and answer any questions.

In addition to the above conditions regarding under 18 nights:

On any Sunday, Monday, Tuesday, Wednesday or Thursday over 14's will be admitted to the premises, they will also be admitted on 4 occasions throughout the year to events held on Fridays or Saturdays, with prior consultation with Cleveland Police, providing the following additional conditions apply:

1. All customers will be given a secure wristband of differing colours, differentiating under 18's from over 18's.
2. The theme of the night will be live music event.
3. All drinks will be served in plastic glasses.
4. A first aider will be on the premises throughout the night.
5. If any patron is found to be under the influence of drugs or alcohol then their parents or guardian shall be contacted and asked to collect the child or children. The management will not turn away patrons without ensuring they are safe and are able to be collected by a parent or guardian

Annex 3 - Conditions attached after a hearing by the licensing authority

Not Applicable

Annex 4 - Plans

Attached

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I APS894 Andrew Thorpe

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
THE EMPIRE CORPORATION ROAD	
Post town MIDDLESBROUGH	Post code (if known) TS1 2RT
Name of premises licence holder or club holding club premises certificate (if known)	
Number of premises licence or club premises certificate (if known) MBRO/PR0139/019085	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Andrew Thorpe Licensing Officer Cleveland Police Middlesbrough Police Station Bridge Street West Middlesbrough TS21AB
Telephone number (if any) 01642 302360
E-mail address (optional) Andrew.thorpe@cleveland.pnn.police.uk

This application to review relates to the following licensing objective(s)

- | | |
|-----------------------------------------|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 2)

The Empire is a very busy nightclub on Corporation Road, Middlesbrough in the hub of Middlesbrough's Night Time Economy. It has been a popular late night venue for a good few years and can operate until 4am every day.

Recently there has been intelligence suggesting that, since re-opening after the relaxing of restrictions due to the COVID pandemic, there has been a steady increase in underage drinkers in the venue. The venue has been spoken to on a number of occasions by both police licensing and council representatives regarding the issue, with the promise on each occasion that the matters would be addressed.

Unfortunately in the early hours of Sunday morning 1st May 2022, leading on from a busy Saturday night, there was a serious assault at the venue. A 19 year old male suffered injuries due to puncture to his back leading to him being taken to hospital where he is stable but still poorly.

What has exacerbated this incident is the fact that three individuals arrested as a result of the incident were juvenile males who were all in the premise at the time of the incident.

On review there have been other incidents in the past month involving underage drinkers at the venue. A report on 3rd April 2022 from an anonymous but concerned mother stating her two juvenile children had gained access to and were drinking in the venue.

There was another incident on 4th April 2022 where juvenile male had unbeknown to his parents gone in to the Empire and had got in to an altercation with another male and was hit in the face causing injury to the male.

The venue has been spoken to about the allegations of underage drinkers getting in to the venue and the door staff not examining ID thoroughly, but from this latest incident it does not appear that the lessons have been learned and that the issue has now escalated to a very serious level. The premise has a very clear and concise condition in their premise licence regarding underage patrons.

This along with other violent incidents which have occurred in and around the venue in the past few months have unfortunately forced Cleveland Police's hand to take more affirmative action and ask for a review of the premises licence due to the serious concerns not only for Crime and Disorder, but also clearly The Protection of Children from Harm, Public Safety and Prevention of Public Nuisance.

Please provide as much information as possible to support the application (please read guidance note 3)

Additional evidence will be supplied in due course

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature A Thorpe

.....

Date 05/05/2022

.....

Capacity Licensing Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) APS Andrew Thorpe Licensing Officer Middlesbrough Police Station Bridge Street West Middlesbrough TS21AB	
Post town Middlesbrough	Post Code TS21AB
Telephone number (if any) 01642 302360	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Andrew.thorpe@cleveland.pnn.police.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

6. This is the address which we shall use to correspond with you about this application.

**Public Health and Public Protection**

Mr Ashley Wem
The Empire
Corporation Road
Middlesbrough
TS1 2RT

Tel: (01642) 728717

Date: 20.05.2022

Ref:

Dear Sir

LICENSING ACT 2003**Premises: The Empire, Corporation Raod, Middlesbrough, TS1 2RT**

I am writing to advise you that as the Responsible Authority for Public Health a representation has been made to the Licensing Authority in support of the review application made by Cleveland Police in respect of the above premises.

This representation is made in relation to the crime and disorder, public safety and protection of children from harm licensing objectives. There are a number of areas of concern regarding these premises which include admission and sale of alcohol to under 18's and incidents of serious alcohol related violence that places the safety of others at risk from serious health harms.

The operator of the premises has failed to comply with the law in relation to Licensing Act 2003 and they have failed to comply with licensing conditions which are in place to promote the licensing objectives.

If you would like to discuss this matter please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Fiona Helyer'.

Fiona Helyer
Public Health Officer
Alcohol Control

Middlesbrough Council
The Licensing Act 2003 - Responsible Authority (RA) Representation

Name of RA Representative: Fiona Helyer, Public Health Officer

Address: Public Protection Service, Civic Centre, Middlesbrough.

Email: EHTS@middlesbrough.gov.uk **Tel** 01642 728272

Licence holder details

Name and Address of Premises

The Empire Theatre

Address: Corporation Road, Middlesbrough, TS1 2RT

Name of licence holder or club holding club premises certificate (if known)

The Middlesbrough Empire 2008 Limited

Number of premises licence or club premise certificate (if known)

MBRO/PL0173/019242

Representation

It is my opinion that the application fails to adequately satisfy the following licensing objectives:

x	Prevention of Crime and Disorder
	Prevention of Public Nuisance
x	Public Safety
x	Protection of Children from Harm

Grounds for representation (including details of any previous representations)

This representation is being made by the Responsible Authority for Health on the grounds of crime and disorder, public safety and the protection of children from harm to support the application made by Cleveland Police for review of the premises licence in respect of The The Empire.

The Empire is a well- known nightclub in Middlesbrough that attracts a high proportion of night time revellers to Middlesbrough town centre on a weekly basis. These premises are situated on Corporation Road, Middlesbrough. A premises licence is in place which allows licensable activities to take place, including the sale of alcohol, between the hours of 11am

– 3.30am, seven days a week.

Cleveland Police have applied to review the premises licence in respect of these premises and have presented evidence in relation to ongoing concerns around persons under the age of 18 years being allowed to frequent these premises for the purpose of consuming alcohol. Such activity has led to a serious assault occurring inside the premises whereby a 19 year old male has suffered injuries which are consistent with a puncture wound to his back leaving him in a stable but poorly condition and requiring hospital treatment.

The concerning factor around this incident is that the three males identified as suspects for the assault were all under the age of 18 years.

Further reports made to Police also imply that children under the age of 18 years have been allowed access into the premises where they have consumed alcohol, another incident concerning a person under 18 years old being assaulted inside the premises.

On 9 November 2022 I along with PC Arbuckle attended these premises as there had been a number of concerns raised around the levels of drinks being spiked which were occurring in Middlesbrough Town Centre. There was information to suggest that such activity was occurring at The Empire. Such led to management from the Empire taking action and publicising the national 'Spike it out' campaign which included the actions that they had taken to prevent such activity from happening at their premises.

During the visit we spoke to a male named Peter Hope, a manager employed at the premises. There was a lengthy discussion held around the alleged spiking activity, the checking of ID, drug searches and vulnerabilities within the night-time economy. We also discussed what preventative measures could be taken to resolve such issues. Free training from the Police and Public Health around vulnerability in the night time economy, underage sales and sales of alcohol to drunks was offered at this time.

Data received from James Cook University Hospital (JCUH) indicates that there has been a number of attendances to Accident & Emergency where patients have disclosed information regarding alcohol related violence/assaults occurring in and around licensed premises in Middlesbrough.

Data received from Middlesbrough Council's Safe Haven Service also indicates that several incidents of alcohol related violence, intoxication and/or substance misuse which they have tended to have taken place either inside The Empire or directly outside these premises.

Information received indicates that injuries received by members of the public from this location have required either, or a combination of the following medical treatments:

- Immediate onsite medical attendance
- Use of emergency services to transport the injured to hospital
- Attendance at Accident and Emergency

- Admission to James Cook University Hospital
- Ongoing outpatient treatment.

It is apparent that the safety of the public has been put at risk whilst attending The Empire. The information presented by Cleveland Police demonstrates the extent of the risks to the public safety presented by this premise, in terms of the extent of the injury, treatment required and the demands which have been placed on the Emergency services and hospital resources.

This representation is made in support of the review application made by the Police in that this licensed premises has breached licensing legislation in relation to underage sales of alcohol and has not operated within the constraints of the premises licence conditions which presents a risk to the safety of the public and does not support the prevention of crime and disorder, public safety and the protection of children from harm licensing objectives.

Further evidence will be submitted prior to any future licensing sub-committee hearing

Signed: 

Dated 20.05.22

Middlesbrough Council
The Licensing Act 2003 - Responsible Authority (RA) Representation

Name of RA Children's Services, Middlesbrough Council,

Address: Preventions and Partnerships, Children's Services, 154 Borough Road,
Middlesbrough, TS1 2EJ

Email: jeff_watson@middlesbrough.gov.uk **Tel** 01642 728237

Licence holder details

Name and Address of Premises

The Empire

Address:

The Empire

**Corporation Road,
Middlesbrough, TS1 2RT**

Name of licence holder or club holding club premises certificate (if known)

The Middlesbrough Empire 2008 Ltd

Number of premises licence or club premise certificate (if known)

MBRO/PR0139/019085

Representation

It is my opinion that the application fails to adequately satisfy the following licensing objectives:

x	Prevention of Crime and Disorder
	Prevention of Public Nuisance
	Public Safety
x	Protection of Children from Harm

Grounds for representation (including details of any previous representations)

- 1.0 I Jeff Watson, as the designated officer for the 'Responsible Authority', Children's Services, Middlesbrough Council, have had sight of the application by Andrew Thorpe, Licensing Officer, Cleveland Police, requesting a review of The Empire, Corporation Road.
- 2.0 Middlesbrough Council's Children's Services, fully support the application from Cleveland Police for The Empire's licence to be reviewed under the Licensing Act 2003. We do so on the following grounds:

- 3.0 In our opinion the police request includes two incidents where children under the age of 18 years have been in the premises which suggests that the management of The Empire are not fulfilling their legal duty under the Licensing Act 2003, to protect children from harm, and in both occasions they have failed to prevent crime and disorder.
- 4.0 In respect of the serious incident on 1st May 2022, this clearly led to the arrest of three young people, one aged 15 years and two aged 16 years. All three children had vulnerabilities that were previously known to children's services. Although those vulnerabilities were not directly linked to this incident, the use of alcohol and incident could exacerbate the issues.
- 5.0 I am not aware of the identity of the child involved in the incident on 4th April 2022 where he was 'hit in the face', but again, this is a worrying incident involves a child under the age of 18 that took place in The Empire.
- 6.0 I also support the statement that there is intelligence that young people are entering The Empire.
- 7.0 As the Chair of the Middlesbrough VEMT Practitioner Group, I can say that the source of intelligence discussed in the meeting is usually from the children themselves to the professionals with who they work, and/or from professionals who have seen photographs of children on social media openly stating they were in the Empire. This intelligence cannot be quantified without naming the individual Children, which is something that is not in the best interests of the children
- 8.0 In the past 6 months, the VEMT Practitioner Group have discussed 4 pieces of intelligence regarding 4 different children, 2 of which have come from Stockton MACE, the equivalent of the Middlesbrough VEMT practitioner group.
- 9.0 Whilst I am not in possession of any direct evidence that the children have been sold alcohol themselves I do believe that the premises have a license to sell alcohol and therefore have a legal duty under the Licensing Act to protect children from harm and to prevent Crime and Disorder.
- 10.0 In order to fulfil their duty in relation to children, I would expect any premises to train staff, to rigidly run a 'proof of age' system (similar to 'Think 25'), and to have a refusals book in which they record refusals.
- 11.0 However, this clearly has not stopped three children, one aged only 15 years and two aged 16 years, from entering the premises and committing a serious offence on 1st May 2022. Nor has the current system preventing a further child from entering the premises on 4th April 2022 and being assaulted.
- 12.0 In addition to any harm caused through violence, there is also harm caused by the impact of alcohol on the person. Alcohol is much more harmful for children than it is for adults due to their brains not being fully formed until the age of 18 years.
- 13.0 The current guidance on the consumption of alcohol by children and young people was issued in December 2009 by the Chief Medical Officer for England. This states:

“Children and their parents or carers are advised that an alcohol-free childhood is the healthiest and best option.

However, if children drink alcohol underage, it should not be until at least the age of 15 years.

If young people aged 15 to 17 years consume alcohol, it should always be with the guidance of a parent or carer or in a supervised environment.

Parents and young people should be aware that drinking, even at age 15 or older, can be hazardous to health and that not drinking is the healthiest option for young people.

If 15 to 17 year olds do consume alcohol, they should limit it to no more than one day a week. Young people aged 15 to 17 years should never exceed the recommended adult weekly alcohol limits (no more than 14 units a week) and, when they do drink, they should usually drink less than that amount.

14.0 In considering the two violent incidents, the intelligence regarding children being admitted to the Empire and the likely harms this will cause, I have serious concerns about the effectiveness of current systems at the Empire to prevent crime and disorder and to protect children from harm.

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Louise Romaine

From: Sarah Morris
Sent: Wednesday, 15 June 2022 11:05
To: Louise Romaine
Subject: FW: Review of License Representation re Middlesbrough Empire - Julie Hanley

Sarah Morris
Principal Licensing Officer
Middlesbrough Council
Telephone – 01642 728716

Our Values**Passion****Integrity****Creativity****Collaboration**

From: Licensing <Licensing@middlesbrough.gov.uk>
Sent: Wednesday, 01 June 2022 07:31
To: Sarah Morris <Sarah_Morris@middlesbrough.gov.uk>
Subject: FW: Review of License Representation re Middlesbrough Empire - Julie Hanley

Sarah Morris
Principal Licensing Officer
Middlesbrough Council
Telephone – 01642 728716

Our Values**Passion****Integrity****Creativity****Collaboration**

From: Julie Hanley <julie.hanley2@btinternet.com>
Sent: Tuesday, 31 May 2022 13:27
To: Licensing <Licensing@middlesbrough.gov.uk>
Subject: Fwd: Review of License Representation re Middlesbrough Empire - Julie Hanley

You don't often get email from julie.hanley2@btinternet.com. [Learn why this is important](#)

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Sent from my iPhone

Begin forwarded message:

From: Julie Hanley <julie.hanley2@btinternet.com>
Date: 27 May 2022 at 13:27:31 BST
To: Mark Hanley <hanleymark68@yahoo.com>
Subject: Fwd: Review of License Representation re Middlesbrough Empire - Julie Hanley

Sent from my iPhone

Begin forwarded message:

From: Claire Jones <Claire_Jones@middlesbrough.gov.uk>
Date: 27 May 2022 at 13:23:39 BST
To: julie.hanley2@btinternet.com
Subject: Review of License Representation re Middlesbrough Empire - Julie Hanley

licensing@middlesbrough.gov.uk

To whom it may concern

I have become aware of the representation made by Cleveland Police on the review of the Licence for the Empire, Middlesbrough and I wish to support the application for review on the grounds of the following licensing objectives –

- Prevention of Crime and Disorder
- Protection of Children from Harm

On 1st May 2022, my 19 year old son, Thomas Hanley was on the premises of the Empire, waiting in a queue at the bar when he was the victim of an unprovoked attack. He was stabbed with a unknown weapon, resulting in an emergency ambulance trip to James Cook Hospital and has suffered the:

- Stab wound to the back
- pneumothorax resulting in the need for a blood transfusion and chest drain
- 4 day hospital admission
- Since hospital discharge, Thomas suffered chest pain & short of breath which resulted in a further trip to hospital were we learnt he developed a chest infection & more fluid on the lungs. He is still under a consultant.
- Thomas is still unable to carry out his day to day activities, including his established apprenticeship in mechanical engineering; incurring him stress due to lack of income for bills and a delay to his apprenticeship completion.

Protection of Children from Harm

The perpetrators of the attack were held at the scene and interviewed by police. After initially giving false names and ages, it was discovered that the perpetrators were two 16 year olds & a 15 year old boy, therefore access was granted to the Empire for individuals who were not only carrying a weapon with intent to harm but who were also under the legal age of entry. The Empire states that it has a Challenge 25 policy, yet failed to challenge individuals a whole 10 years younger than the expected age. Clearly, underage entry to the Empire is a huge

concern with rumours of the main clientele being underage drinkers, with an unlimited amount of comments on a recent social media post claiming this and that doormen turn 'a blind eye' or even take payment for allowing such entry.

Prevention of Crime and Disorder

With at least two serious assaults taking place in/around the Empire in the months leading up to my Son's assault, my fear is a mother like myself opening the door to policemen in the early hours with news much worse than ours.

January 2022 - 'We're working closely with police': Clubber 'jumped' outside Middlesbrough nightspot - Teesside Live (gazettelive.co.uk)

March 2022 - CCTV checked after 18-year-old injured in 'unprovoked group attack' outside Empire nightclub - Teesside Live (gazettelive.co.uk)

The Empire states in both news articles that they are 'working closely with police and families' regarding the issues, yet our experience to this is much different. The Empire have made no contact with us at all – I wonder if they would have made contact if our child had died on their premises. Cleveland Police stated that CCTV footage of the bar area showed Thomas clearly being the victim of an unprovoked attack and the perpetrators being visible behind him, but the CCTV did not show the incident. Cleveland Police also stated that 'The Empire are reluctant to releasing any CCTV and the police need to do the right procedure (lots of emails & warrants) This statement clearly does not show the Empire 'working closely with police and families'. No justice could be served due to 'lack of evidence' of the attack; this is due to the cctv not covering every part of the floor.

Moving Forward

Since the ordeal, we have been approached by The Chris Cave Foundation. The Chris Cave Foundation supports and educates families and local communities affected by violent crimes are they hoping for the Empire and Middlesbrough Town Centre evening venue to have wands or knife arches installed or as a pop up rotation around the clubs and pubs in that area. Not knowing were these devices will be will deter young people from taking bladed items out with them and risk getting caught. Stricter ID measures also need to be established and doormen need to be vetted more and encouraged to do pat downs on entry.

I appreciate that there has been some news articles in which the Empire is hoping to introduce stricter measures around underage drinkers, yet it seems that things have only been taken seriously when their licensing arrangements and their potential loss of income comes into question, rather than the moral good. My question is, what are the Empire doing to protect their clientele from crime, particularly knife crime? The Empire could use this experience to aim to become the safest venue in Middlesbrough, investing in knife arches, more knowledgeable doormen etc. Perhaps then, justice for my son would be accomplished by ensuring this never happens again and potentially protects young clubbers from the nightmare my son and family have faced.

I hope that in weeks, months or years to come that there isn't a serious incident involving someone's child because incidents such as my son's weren't given the deserved attention. I'm sure the owners of the Empire haven't been kept awake at night like my family have.

I would like to be kept updated on the progress of the licensing review and the further expected improvements that the Empire will make.

Kind regards

Julie Hanley

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Middlesbrough Council

The Licensing Act 2003 - Responsible Authority (RA) Representation

Representation by the Licensing Department, Middlesbrough Council as a Responsible Authority, in respect of application made under the Licensing Act 2003 by Cleveland Police for a review of the premises licence for The Empire, Corporation Road, Middlesbrough, TS1 2RT

Licence holder details

Name and Address of Premises

The Empire, Corporation Road, Middlesbrough, TS1 2RT

Name of current licence holder or club holding club premises certificate (if known)

The Middlesbrough Empire 2008 Limited

Number of premises licence or club premise certificate (if known)

MBRO/PR0139/019085

It is my opinion that the operation and management of The Empire is having a significant adverse impact on the promotion of the following licensing objectives:

- | | |
|---|----------------------------------|
| X | Prevention of Crime and Disorder |
| | Prevention of Public Nuisance |
| | Public Safety |
| X | Protection of Children from Harm |

Grounds for representation (including details of any previous representations)

The Licensing Department has serious concerns in relation to the running of the business and the management's non-compliance with legislative requirements, particularly in relation to underage sales.

For a number of months the Council and Police Licensing Officers have been receiving information from a number of sources about underage children gaining access to the premises which has ultimately led to serious incidents of crime and disorder as described by Cleveland Police in their application for a review of the premises licence.

On 14 January 2022 information was received from Stockton Council's Licensing Manager in relation to concerns raised by Stockton Council's Child Exploitation Team about underage sales of alcohol in 3 Middlesbrough licensed premises. One of the premises identified was The Empire.

On 7 February 2022 I visited the premises to discuss the concerns with Ashley Wem, Managing Director of The Empire. I advised Mr Wem that the information we were receiving suggested that The Empire was a venue known for being easily accessible by underage customers. Mr Wem advised that he was aware of the issue and that he had recently sacked a member of door staff for accepting 'back handers' to allow access. He also stated that they were doing their best to prevent access but that it was difficult as occasionally customers already inside the premises would open the fire exists to the side of the premises to allow access to their friends who were underage. The stated that as a result of this door staff would then search the premises to identify and eject those responsible.

Since this visit the Council and Cleveland Police have continued to receive information and complaints in relation to underage sales at the premises, including from a concerned parent. This information has been forwarded to Cleveland Police. As a result I fully support the review of the Premises Licence for The Empire, submitted by Cleveland Police.

Name of RA Representative: Tim Hodgkinson, Licensing Manager, Middlesbrough Council

Address: Licensing Section, Ground Floor Civic Centre, Middlesbrough.

Email: Tim_hodgkinson@middlesbrough.gov.uk **Tel** 01642 728720

Dated: 30 May 2022

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

URN	17			
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Statement of **Andrew THORPE**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable 0894**

This statement (consisting of **7** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature **Andrew Thorpe**Date: **15/06/2022**Tick if witness evidence is visually recorded (supply witness details on rear)

I am a serving police officer with Cleveland Police. I am currently stationed with the Licensing Support Unit at Middlesbrough Police HQ and have attained a BIIAB Level 2 Award for Licensing Practitioners and a BIIAB Level 2 for Legislative Requirements for Alcohol Licensed Premise and the Assessment for recognised Award Schemes.

Part of my role as a licensing support officer is to monitor licensed premises within all four districts of the Cleveland Police area, including Middlesbrough, ensuring that they are trading within the spirit of the four licensing objectives. We will ask that they will not have an adverse effect on the surrounding community or have a negative impact on Crime & Disorder, Public Safety or Public Nuisance objectives and will Prevent Harm to Children.

This statement is in relation to a review application submitted by Cleveland Police regarding The Empire Nightclub, Corporation Road, Middlesbrough, as we believe that The Empire has failed to uphold all four of the Licensing Objectives, Crime & Disorder,

Signature **PC894 A Thorpe**

Signature Witnessed by _____

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RESTRICTED (when complete)**CLEVELAND POLICE**Page No **2**Continuation of Statement of **Andrew THORPE**

Prevention of Public Nuisance, Public Safety and Prevention of Harm to Children.

The Empire is a nightclub and its premise licence allows the premise to carry out licensable activity, particularly the sale of alcohol, until 03:30 am with a closing time of 04:00 hours Monday to Sunday. They do have an extension to these hours on Boxing Day and New Year's Eve with licensable activity until 05:30 hours and a closing time of 06:00 hours. The Empire puts on a number of regular events during the year and also puts on live acts which are usually ticketed events.

Due to the recent and ongoing Coronavirus Pandemic, premises such as The Empire were forced to close their doors to customers when lockdown and preventative measures were implemented. Unlike other licensed establishments The Empire was one of a few premises which were only allowed to re-open in July 2021 after 16 months of not being able to trade. The Empire has always been one of the more popular venues in Middlesbrough Town Centre and has been a consistent part of Middlesbrough's Night Time Economy.

Unfortunately, the club has suffered from a number of violent incidents recently, more worryingly, some of these incidents have involved persons under the age of 18 years. Cleveland Police have also received a number of intelligence reports that include information around person(s) under the age of 18 years being allowed entry to the premises for the purpose of purchasing and consuming alcohol. The intelligence suggests that the club is well known to underage drinkers and comments on social media seem to confirm this.

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **3**Continuation of Statement of **Andrew THORPE**

Representatives of The Empire have been contacted by Cleveland Police and Middlesbrough Council Licensing officer's regarding the intelligence received, bringing these issues to the attention of the Premises licence holder and Designated Premises Supervisor, raising concerns around such behaviour in an attempt to alleviate these problems and concerns. Unfortunately things have not improved and the intelligence around underage drinking at The Empire has continued. This has culminated in a number of serious assaults occurring at the premise, the last incident involving underage drinkers and a victim of assault who sustained significant injury and hospitalization.

Having reviewed the incidents/intelligence reports and for the Empire I have put together a synopsis that provides details of those occurring between December 2021 and June 2022. I have exhibited this synopsis as exhibit ref AT/1.

Whilst none of the incidents described are acceptable, the incidents involving underage drinkers are particularly concerning. There is very clear legislation around the sale of alcohol to persons under the age of 18 and that the consequences of one such sale to a premises could result a maximum fine of £5000 at Magistrates court. But for persistently selling (selling on 2 or more occasions within 3 months) the maximum fine at magistrate's court rises to £20,000 and the premises licence can be suspended for up to 3 months. Although there is no definitive evidence that there have been breaches the information received and reports made especially the two assaults involving underage drinkers clearly indicates that there is reasonable suspicion that it is happening.

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **4**Continuation of Statement of **Andrew THORPE**

As adults, people can easily become vulnerable due to having consumed excess alcohol. This applies more so to underage drinkers who are, purely by their age, already deemed as being vulnerable. In my experience, the consumption of alcohol by children often leads to them being left in extremely vulnerable and dangerous situations, resulting in them becoming a victim of crime and/or becoming aggressors in violent assaults. At least two of these incidents could have been avoided if these underage drinkers had been turned away at the door, and one victim spared serious injury.

Allegations have also been made regarding the door staff operating at these premises. Information received alleges that on at least two occasions door staff are allowing person(s) under the age of 18 into the premises knowingly and are clearly not taking action to remove those identified as being underage once they are inside the premises.

Cleveland Police have received correspondence from concerned parents whose child aged 17 years and her 16 year old friend were on a number of occasions allowed entry to the premises and to purchase and consume alcohol. Details of a social media exchange and a picture of the daughter holding a cocktail outside of The Empire were shared with Police (Exhibit reference AT/2). A further picture was sent and received of the same female and her two 16 year old friends inside The Empire on Saturday 26th March 2022 (Exhibit ref AT/3) and then again another picture of their daughter and her 16 year old friend who had

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **5**Continuation of Statement of **Andrew THORPE**

their picture taken with the manager Peter Hope on Thursday 5th May 2022 (Exhibit ref AT/4) along with video footage of the same night (exhibit ref AT/5).

Such evidence calls in to question the identification procedures undertaken at the point of entry to the club to prevent persons that are underage gaining access into the premises.

Cleveland Police analysts have produced a report regarding violent incidents reported to the police and incidents involving underage drinkers for two specific periods, first one being between July 2019 to February 2020 which is the period just before the Covid-19 pandemic when licensed premises were requested to close and July 2021 to February 2022 which is when Night Clubs re-opened. There is a clear disparity between incidents of violence recorded between July 2019 to February 2020 (12 reported incidents) and July 2021 to February 2022, (57 reported incidents). There is a considerable increase of nearly 5 times the number incidents. With incidents involving underage drinkers we also found a similar disparity. For the period July 2019 to February 2020 (No reported incidents) and July 2021 to February 2022 (8 reported incidents). It is clear that the premises is struggling with both types of incidents.

My role as a Police Licensing officer involves working with premises licence operators especially where there has been a significant amount of issues identified and where there are a number of concerns. In this case, representatives from the premises have been spoken to on a number of occasions raising concerns about people under the age of 18 being allowed access to the premises, purchasing and drinking alcohol. I am also aware

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **6**Continuation of Statement of **Andrew THORPE**

that officers from Middlesbrough Council's Licensing Authority and Public Health have also spoken to them about the same concerns. I believe that with more affirmative action taken by representatives at the premises, a number of incidents could have been prevented.

Having researched some of the media attention that such incidents have raised it is clear from comments made by the public on social media that a considerable amount of the public are aware of the issues relating to underage drinkers, door staff and the levels of violence at the premises.

Since Cleveland Police made the application to review The Empire's premises licence, representatives of the premises have installed an ID scanning machine to help them prevent those under the age of 18 years gaining access to the premises and purchasing and consuming alcohol. Whilst this is a good step forward, it has drawn a lot of attention on social media with a number of negative comments being voiced, not about the steps taken, but about how late this was at being introduced. A screen shot of the post and the comments made by social media users has been taken, exhibit AT/6. An article in the Evening Gazette was written about the review and again resulted in a number of comments from members of the public reading the article being made Exhibit AT/7.

In 2021, there was a number of concerns around the levels of spiking occurring, not only in Middlesbrough but Nationally. The Empire was named as being one of the premises effected by issues of spiking (drugs being unwittingly administered to customers), with The Empire being one of the hardest hit. The Empire came up with strategies and implemented

RESTRICTED (when complete)**CLEVELAND POLICE**Page No **7**Continuation of Statement of **Andrew THORPE**

a national campaign which involved the use of drinks covers and bottle stoppers to customers at the venues. While not eradicating the problem, it did have a positive impact on the number of spiking reports for The Empire.

The decision to apply for any review of a premises licence is always a last resort for Cleveland Police as we do try and work with all premises licence operators to avoid such action from being taken. Due to the severity of the latest incident and the serious concerns that Cleveland Police have around vulnerable persons, namely those under the age of 18 years, being allowed access into the club and to purchase and consume alcohol we felt that there was no other alternative other than to apply for review and needed to act before any further serious incidents occurred especially those involving underage drinkers.

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AJT/1

PRECIS OF INCIDENTS AT THE EMPIRE

Incident 1: Saturday 11th December 2021 between midnight and 01:00 hours the following morning a female was in the venue with her friends when a man she did not know started hassling the group. The female asked him to leave them alone. Without warning the man has punched the female victim in the face. The female has sustained a large bruise on her face.

Incident 2: In the early hours of Sunday 19th December 2021 and around 00:04 hours, Cleveland Police received a report that there were six males fighting inside The Empire. On attending they found three victims of assault and one of the victims had also been the subject of a theft.

Incident 3: During the early hours of Friday 24th December 2021 at around 02:29 hours the victim contacted Cleveland Police stating that the door staff at The Empire had grabbed him and dragged him out of the venue where he was assaulted by an unknown male. The victim sustained a swollen face along with marks on his face sustained from dragging. His clothes were also ripped in the fracas.

Incident 4: On Saturday 8th January 2022 at 17:05 hours a report was made that at approximately 02:30 hours that morning the injured party entered the toilets in The Empire when he was attacked by a group of males. The injured party did seek medical attention and the cut above his eye was treated and closed with steri-strips. The victim also sustained bruising and a black eye as a result of the attack. He could not identify his attackers.

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Incident 5: On Saturday 22nd January 2022 at 16:42 hours a female victim reported to police that she had been hit over the head with a bottle, sustaining a cut above her eye which required medical attention. The victim was dancing with her friends in The Empire when she felt the bottle strike her. The cut had to be glued and closed with steri-strips by the hospital.

Incident 6: Late on Thursday 27th January 2022 at around 23:46 hours, staff at The Empire contacted police stating that they believed that a male in the smoking area had a knife on him. Staff had been having issues with the male for the past hour. It transpired that this was part of another incident where a male victim was on the dance-floor with friends when a male has barged in to him pulling on his shirt. The victim turned around to see who was pulling on his shirt when the assailant has head-butted him in the face causing severe pain and his nose to bleed and the victim has fallen to the floor. Police attended the venue and the assailant was pointed out by the victim and arrested by police. The victim sustained a broken nose as a result of the attack and was attended to at James Cook Hospital.

Incident 7: During the early hours of Sunday 6th February 2022, a female reported to the police at 03:23 hours that her boyfriend had been assaulted and was on the floor with ambulance in attendance. The female stated that the victim had been ejected from The Empire by door staff when a group of males have attacked him outside punching him in the head.

Incident 8: A female contacted the police at 14:07 hours on 6th February 2022 the following day after a night in The Empire. She reported that as she walked past the

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DJ booth a male started to be abusive to the caller's friend and pushed the caller.

The caller reacted and the male responded by hitting the female victim with a bottle on the head. The female victim fell to the floor and the male hit her again with the bottle and then again. The caller attended the hospital with a head injury which was glued together at hospital.

Incident 9: A report was received at 01:17 hours on Friday 11th February 2022 that there was a fight ongoing at The Empire between 4 door staff and a male. Middlesbrough CCTV reported that a male was bleeding from the head. The male kept going back to the door staff at The Empire gesticulating and taking his shirt off. Police attend and arrest the male for assault on the door staff.

Incident 10: Police received a call at 03:23 hours on Saturday 18th February 2022 reporting a fight at The Empire, reports that a male had been assaulted and the possible sighting of a knife. On arrival of police it was found that 3 to 4 males had been fighting. One male had sustained a broken nose but no knife was found.

Incident 11: On Sunday 20th February 2022 at 03:25 hours lead in on from a Saturday night, it was reported that a male had been assaulted and had sustained a head wound which was bleeding. The incident had happened outside The Empire, and ambulance had also been contacted. When police arrived they were directed to the suspects who were arrested at the scene. The victim sustained a head injury, a broken collar bone and had a foot print on his face.

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Incident 12: A call to the police was received on Saturday 26th February 2022 at 01:35 hours stating that his friend had been assaulted badly by one of the door staff and that he was bleeding from one of his eyes. One male was arrested for disorder and a crime was recorded for assault.

Incident 13: At 14:32 hours on Sunday 27th February 2022 a parent reported that her daughter had been assaulted at The Empire at around 23:30 hours on Saturday 26th February 2022. A female approached her daughter and threw a drink over her, the victim asked what she was doing and the assailant punched her in the nose which started to bleed immediately. The female victim attended hospital where the injury was glued and due to the swelling the hospital believed it could be broken.

Incident 14: During the early hours of Sunday 6th March 2022 between 01:30 hours and 02:00 hours the male victim was in the licensed premises. While he was on the dance floor a glass bottle was thrown across hitting the male victim on the head knocking the victim unconscious and causing a cut to his head. The male victim required hospital treatment.

Incident 15: On Thursday 17th March 2022 between 23:30 and 00:00 hours, the male victim was in The Empire with a group of friends. The male was on the dance floor dancing when he was approached by a member of door staff made comment about his dancing and his sexuality offending the male. The door staff also made threats to the male grabbing hold of the victim on three occasions. The victim spoke to the manager after the incident but the venue did not report the incident to police. The victim reported the incident himself later that day.

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Incident 16: This incident also happened between Thursday 17th March 2022 and the early hours of Friday 18th March 2022. The male victim was out with friends and was in The Empire, he has had a lot to drink and his friends have placed him on a sofa to the right of the entrance, at this time he has had no injuries. When they returned they saw door staff dragging the male out of the venue. When they catch up to the male he has sustained injuries, a badly swollen and blood shot eye, two cuts above his eyebrow, a two inch scratch on the skin over his collar bone and bruising under his arms.

Incident 17: During the early hours of Saturday 19th March 2022 at around 02:25 hours the venue has contacted police regarding a group of males who have been refused entry and are becoming aggressive with door staff. The males are becoming more aggressive. They have walked away but come back to confront door staff again. Police attend and arrest one of the males for being drunk and disorderly.

Incident 18: A report was made to the police on Saturday 2nd April 2022 10:26 hours stating that a male had been assaulted by the door staff, he was treated at the time by ambulance who also reported the incident earlier that morning 03:18 hours. Both reports allude to an attack on the male by door staff. The victim sustained a swollen and cut lip, and bruising/soreness around the rib area.

Incident 19: A concerned parent contacted Cleveland Police on 3rd April 2022 at 12:50 hours to state that her 15 and 16 year old children had both managed to get

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in to the venue (The Empire). The caller stated she is aware of 7 underage children who have managed to get in to The Empire. The caller stated that her children presented as extremely drunk when they returned home.

Incident 20: A parent contacted Cleveland Police to report her 16 year old son has been assaulted while he had been out on Saturday 3rd April 2022 at around 11:30 hours. At first her 16 year old son told her it was a house party, when challenged he has admitted he had gained entry to The Empire where he had been at 03:30 hours on Sunday 3rd April 2022, and was assaulted when he was outside the premises. The victim has had one of his top teeth dislodged and a split lip. The victim has clearly stated in his report to police that he has gained access to The Empire without being asked for ID and then later in night left The Empire and has then been involved in a fight.

Incident 21: On 5th April 2022 Intelligence has been received from a source that The Empire is allowing underage drinkers in to the venue without asking for ID to be produced.

Incident 22: The caller was at The Empire night club during the early hours of Friday 8th April 2022 with friends. A member of door staff has tried to eject the male caller and has used a homophobic slur against the male. Another member of door staff has tried to diffuse the situation but the original member of door staff has grabbed the male victim pinning him to the floor and hitting him.

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Incident 23: Middlesbrough CCTV centre have contacted police during the early hours of **Sunday 10th April 2022 at around 03:48 hours**, advising there were females fighting outside The Empire. Ambulance have attended and found an injured male, the side of his face is swollen. **Ambulance have identified that the male has a broken nose and take him to Accident and Emergency**. On leaving The Empire the male has been attacked by unknown males, one has hit the male to the face causing the resulting injuries.

Incident 24: Middlesbrough Council CCTV have contacted the police on **Friday 22nd April 2022 at 03:35 hours**, there is a male laid out who has been in a fight and have requested ambulance to attend for the male. The male has allegedly been attacked by door staff at The Empire causing injury to him. The male **refused assistance from the ambulance but was persuaded to go to hospital and taken there by police**.

Incident 25: On Saturday 23rd April 2022 at 00:39 hours a caller reported that there was a disturbance ongoing. A further report from the victim on 27th April 2022 stated he had spent two days in hospital, and that he believed he was assaulted by a member of door staff from the Empire and a further 7 persons. He sustained a deep cut to the chin which required stitches and sustained injuries to his legs. The group the victim was with have all been ejected by the door staff. The group have tried to get back in and there has been a confrontation between the door staff and the group, resulting in the male sustaining injuries.

Incident 26: During the early hours of Sunday 24th April 2022 at around 01:37 hours the victim contacted Cleveland Police to advise that he had been assaulted by a

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male known to him inside The Empire. The aggressor had struck the victim in the side of the face resulting in a cut above the victims left eye which required treatment.

Incident 27: An adult female victim contacted Cleveland Police during the early hours of Friday 29th April 2022 at around 03:10 hours stating that while she was in the queue for the Empire a male groped her bottom. Once inside The Empire a group of males started to hassle her and her friends, the group included the male she believed had groped. The door staff have ejected the female victim and her group and have ignored her complaint when she has tried to give her account. The female victim has made a complaint of sexual assault by touching to the police and expressed her disappointment at how the door staff dealt with the issue.

Incident 28: During the early hours of Saturday 30th April 2022 at approximately 01:50 hours a caller reported a male being aggressive with the door staff and requested CCTV coverage. Further reports indicate that there is fighting inside the premise when police arrive at the venue. Officers report that a male has been punched and knocked unconscious but is breathing. Other males causing issues resulted in one male being arrested for public disorder offences.

Incident 29: After a busy Saturday night into Sunday morning Police received an urgent call on **Sunday 1st May 2022 at 02:17 hours** from a male whose friend had been stabbed while inside The Empire. The male victim had a puncture wound to his back and was bleeding and **had to be taken to hospital for urgent treatment. The victim sustained internal bleeding with blood on his lungs.** The victim had a verbal altercation with a group of young males inside The Empire and when he walked

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away he had felt a sharp pain to his back. Three of the males arrested and interviewed by police are underage, two were 16 years old and one was 15 years old, they were inside The Empire and had been drinking alcohol. This is an ongoing investigation in to a serious assault.

Incident 30: Late on Saturday 28th May 2022 at around 23:57 hours the police control room received a call stating that a male was being violent with the door staff who have ejected him for issues inside the venue. He had been ejected half an hour before and was still causing issues with the door staff trying to fight them. The male left prior to police arriving.

Incident 31: In the early hours of Sunday 29th May 2022 at around 03:50 hours leading on from a busy Saturday night, the police received a report of a male with a possible machete at the side of The Empire. When police arrive they speak to the victim who was attacked inside the venue by an unknown male who had punched him in the back of the head. When the victim left the venue the same male has been outside and has again punched him in the back of the head. Fortunately the victim did not sustain any serious injuries. The male was arrested and interviewed

Incident 32: A report was made to the police on the morning of 2nd June 2022 at 09:32 hours, detailing that he had been in The Empire on the Wednesday night (1st June 2022). He had been upstairs with his girlfriend when a bouncer had come up to them and asked the male for his wristband without explanation. The male refused and the member of door staff got the male to the floor and started to punch him in the face. The male sustained a cut to his cheek and a black eye as a result of the

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incident. The male stated that the manager of The Empire had intervened, apologised and paid for the male's taxi home. He also stated the manager contacted him later and told him that the member of door staff had been sacked.

Incident 33: This incident again was reported on 2nd June 2022 and took place on the Wednesday night (1st June 2022) leading in to the Thursday morning (2nd June 2022) and was reported by a third party. The third party reported seeing a member of door staff confront a male and female on the upper dance floor shining a torch on the male. They saw the door staff asking the male to leave and the male and female ask the door staff what they have done. The member of door staff grabs the male and drags him down the stairs off the dance floor, then dragged bodily down another two flights of stairs, ripping the males t-shirt in the process and the male also lost a shoe. The reporting person notes that the male had bruising and red scratches to the right side of his cheek.

Incident 34: In the early hours of Sunday 12th June 2022 at around 01:59 hours a report came in to police of 2 females fighting with staff at The Empire. The two females had been ejected for their drunkenness and had tried to get back under the barriers when they were stopped by door staff. The females have become aggressive both verbally and physically.

Appendix 8

Mr Ashley Wem
The Empire
Corporation Road
Middlesbrough
TS1 2RT

Tel: (01642) 728717

Date: 28.06.2022

Ref:

Dear Sir

LICENSING ACT 2003

Premises: The Empire, Corporation Road, Middlesbrough, TS1 2RT

Please find attached the additional evidence that representatives from Public Health will rely on in support of their representation made for the ongoing licensing review matters regarding the above named licensed premises.

If you would like to discuss this matter please do not hesitate to contact me.

Yours faithfully,



Fiona Helyer
Public Health Officer
Alcohol Control

Evidence presented by Middlesbrough Council, Responsible Authority for Health, in relation to the application made by Cleveland Police for a review of the premises licence for The Empire nightclub situated on Corporation Road, under the Licensing Act 2003

This evidence is to be used in support of the representations made by representatives of Middlesbrough Council's Public Health on the grounds of crime and disorder, public safety and the protection of children from harm in respect of The Empire nightclub.

The Empire is located in Middlesbrough Town Centre, an area which is highly populated with both on/off licensed premises. The Empire is a popular venue for late night revellers wanting to extend their night due to the premises having a later terminal hour for licensable activities. It is licensed for the sale of alcohol, live and recorded music, plays, films and performance of dance from 11am – 3.30am 7 days a week with a terminal hour of 4am. The only exception to these times are on Boxing Day and New Years eve where licensable activity can continue until 5.30am, closing at 6am.

Cleveland Police have applied to review the premises licence in respect of these premises due to ongoing concerns around persons under the age of 18 years being allowed to frequent these premises for the purpose of consuming alcohol.

This activity has led to a number of violent assaults whereby victims have been left with serious injuries that require medical care and in some cases hospitalisation. The incident that occurred on 30th April inside the premises, where a 19 year old male was stabbed resulted in 3 males being arrested, all of whom were under the age of 18 years.

The law clearly states that it is an offence to sell alcohol to an individual under the age of 18 years. It is also an offence to allow the sale of alcohol to children and to persistently sell alcohol to children. Although I am not aware of any tangible evidence to conclude that these offences have been committed on these premises, the information received and the fact that persons under the age have been arrested having committed serious crime inside the premises, calls into question whether one or all 3 of these offences have been breached.

Other incidents that have been reported directly from the Council's Safe Haven medical staff include incidents where people have been tended to due to excessive drinking and substance misuse in and around these premises. Such incidents have resulted in people finding themselves in vulnerable situations and at risk of serious harm.

Upon reviewing the information provided by Cleveland Police there also appears to be a number of incidents involving the door staff team that have resulted in people being injured and requiring medical assistance and/or hospital treatment. Information also suggests that door staff working at the premises accept money from young people to allow entry them entry to the premises. A number of complaints received have been made by concerned parents whose children have been allowed access into the premises.

In March 2020 and as a result of the Covid-19 pandemic, the Government ordered a National lock down of all non-front line services/business in the UK. This led to licensed premises closing their doors for business. Over a period of time Government legislation was relaxed and replaced with guidelines to allow for businesses to reopen. A number of licensed premises in Middlesbrough reopened their doors, the majority of such, adapting business to comply with Government guidelines. The Empire remained closed until July 2021.

On 9 November 2022 I along with PC Arbuckle attended these premises as there had been a number of concerns raised around the levels of drinks being spiked in licensed premises situated in Middlesbrough Town Centre. There was information to suggest that such activity was occurring at The Empire. This led to management from the Empire taking positive action and publicising in the local media that they were participating in the national 'Spike it out' campaign. They purchased a number of resources to prevent such activity from happening at their premises.

During the visit we spoke to a male named Peter Hope, a manager employed at the premises. There was a lengthy discussion held around the alleged spiking activity, the checking of ID, drug searches and vulnerabilities within the night-time economy.

At the time I checked the venues incident book to see if any incidents had been recorded with regard to the searches and/or refusals of entry as Mr Hope had advised that ID's were being checked and people were being refused entry to the premises. At the time I found that there had been no entries made in the book of any refusals or searches being conducted. This led to a discussion around what preventative measures could be taken to resolve such issues, including entries being made in the incident book to evidence what activity around such events had taken place.

Free training from the Police and Public Health around vulnerability in the night time economy, underage sales and sales of alcohol to drunks was offered at this time.

Following the application made to review The Empire premises licence a further report was received by Middlesbrough Council's Licensing office regarding allegations that a male had being able to bypass the new ID scanner being used at the premises by using someone else's identification.

On 8 June 2022 I attended The Empire along with PC 1620 Lawton to make follow up enquiries on the information received regarding this allegation. Ashley Wem and Paul Fyfe were both present at the meeting and were able to negate the allegations that had been made from the information given to them.

During the meeting we discussed the identification processes that they had adopted, the use of the ID scanner including the fingerprint and facial recognition system. Advice was given at this time around the use of a refusals system/book as in my opinion, the system

being adopted by the venue at the time to record such lacked information.

There was also discussions around their current drugs policy and the free vulnerability training on offer to all licensed premises in Middlesbrough.

Prior to leaving the premises I made it clear to Ashley Wem that representatives of the Responsible Authorities are always happy to offer help and advice if it was ever needed.

At 23.15 hours on Friday 17th June 2022 I attended The Empire along with PC Lawton, Tim Hodgkison from Licensing and Steven Ferguson and Eilish Thornton from Cleveland Fire Brigade. Whilst at the venue Police and Fire Officers carried out fire safety checks and identification processes. Licensing conditions were also checked for compliance. At this time I spoke to Ashley Wem who showed me the documented refusals system that we had discussed on 8th June 2022 and that he had since adopted. The documentation included the time, date and reasons for refusals.

It is apparent that the safety of the public has been put at risk whilst attending The Empire. It is evident that there has been a number of serious incidents including those involving person(s) under the age of 18 years. Information received from James Cook University Hospital (JCUH) and medical staff from the Council's Safe Haven service confirms that there has been a number of attendances to JCUH Accident & Emergency departments.

Between April 2021 and March 2022 there was 868 alcohol related hospital attendances to James Cook University Hospitals Accident and Emergency department. 159 of those were to be reported as having occurred either inside/outside licensed premises or on road or pavement between 8pm & 5am.

The Hospital Intervention Liaison Team (HILT) that sits within Accident and Emergency unit James Cook Hospital to assess those patients accessing the hospital with drug and/or alcohol issues. They engage, support and make referrals into community services where needed.

Between April 21 and March 2022 HILT assessed 819 patients in total from the Middlesbrough area. 116 of those where from Central ward, 75 presented with alcohol issues only, 41 presented with both alcohol and drug misuse.

In 2014 the Safe Haven was introduced into Middlesbrough's night time economy to address alcohol related injuries, reduce ambulance and JCUH A and E Service demands.

Information received from Middlesbrough Council's Safe Haven Service confirms that several incidents of alcohol related violence, intoxication and/or substance misuse which they have tended to have taken place either inside The Empire or directly outside these premises. These incidents, dated between July 21 – June 22 are included in the attached synopsis marked Exhibit Ref FMH/1.

Information received indicates that injuries received by members of the public from this location have required either, or a combination of the following medical treatments:

- Immediate onsite medical attendance
- Use of emergency services to transport the injured to hospital
- Attendance at Accident and Emergency
- Admission to James Cook University Hospital
- Ongoing outpatient treatment.

Further information has been received regarding the incident dated 30 April 2022 involving a male being stabbed. This one incident resulted in the following action being taken:

- Medical teams operating in Middlesbrough's night time economy being called to provide medical care and support to the victim prior to ambulance arrival
- Ambulance call out for medical assistance and transportation to hospital
- Triage and clinical assessment to identify level of injury and treatment required
- Blood transfusion and chest drain
- 4 day hospital admission
- Further admission to hospital. Treat for a chest infection & fluid on the lungs.
- Outpatient for follow up care.

The information presented above demonstrates the extent of the risks to the public safety presented by this premise, in terms of the extent of the injury, treatment required and the demands which have been placed on the Emergency services and hospital resources.

On Wednesday 23 June I was made aware from Medics UK that medics on duty for Safe Haven had dealt with an incident at 03:15am on Sunday 19th June 2022 outside of The Empire. This incident involved a 17 year old female that was suffering with a laceration to her knee. She had advised the medics that she had been in the Empire all night (included in exhibit ref FMH/1). It is concerning to see that people under the age of 18 years are still gaining entry to the premises during a period of review and since the ID scanner has been installed at the premises.

High levels of alcohol related crime and disorder, injuries and harm in Middlesbrough causes serious concern and has a significant impact on our NHS services including local A&E departments. The incidents and injuries occurring at the Empire have made a direct contribution to this situation:

- Middlesbrough ranks 22nd highest (out of 152 Local Authorities) in the country for hospital admission episodes for alcohol-related conditions where alcohol was the primary diagnosis or any secondary diagnosis
- There are approximately 90 hospital admissions per month for residents of Middlesbrough that are entirely attributable to alcohol
- Alcohol misuse in Middlesbrough is estimated to have cost £70 million a year or £496 per head of population compared to £363 nationally

- In 2020, Middlesbrough had an alcohol-related mortality rate per 100,000 of 55.9 per 100,000 which was higher than the North East rate of 49 per 100,000, significantly higher than the England rate of 37.8 and the 6th highest nationally.
- Between 1 May and 18 November 2020 there were 9 deaths recorded in Middlesbrough where alcohol had been a contributing factor. There has been a further 43 alcohol/drug related deaths recorded between 8 January 2021 – 14 April 2022. Almost 50% (19) of these deaths were recorded from both Central and Newport wards.
- The rate of hospital admissions for alcohol-related conditions in 2020/21 was also significantly higher in Middlesbrough compared to England with a rate of 1,957 per 100,000 compared to 1,500 nationally.
- The rate of admission episodes for alcohol-specific conditions in under 18s for the period 2018/19 – 20/21 was 35.6 per 100,000, higher than the England rate of 29.3 per 100,000.
- Central ward has consistently higher rates of all types of emergency admissions to hospital then overall in Middlesbrough for all causes, and much higher rates of self harm.
- Alcohol related crime in Middlesbrough is estimated to cost around £29m a year.
- Between 2017/2018, 2018/2019 and 2019/2020 Central ward had the highest levels of alcohol related Crime and Anti-Social behaviour recorded out of the 20 wards in Middlesbrough

Middlesbrough town centre has a high density of licensed premises, high levels of alcohol related crime and disorder, anti-social behaviour and there are high numbers of wholly attributable alcohol related hospital admissions to James Cook University Hospital (JCUH). Since 2006 and up until recently there has been a Cumulative Impact Policy in place in a designated area of Middlesbrough Town Centre. This policy has lapsed recently however an application for this to be reinstated will go out for consultation in the coming weeks before going to full Council for approval.

There are serious concerns regarding the safety of customers attending The Empire. It is apparent that the safety of the public has been put at risk whilst attending The Empire. The information presented by Cleveland Police demonstrates the extent of the risks to public safety presented by this premise, in terms of the extent of the injury, treatment required and the demands which have been placed on the Emergency services and hospital resources.

There are also serious concerns around young vulnerable people being allowed access into the premises to purchase and consume alcohol. The law is there to protect all members of society and responsibility in the operation of a licensed premises and the sale of alcohol from a licensed premises are paramount. Illegality in one area of the law may demonstrate a willingness to contravene other areas of legislation.

It is the responsibility of the Premises Licence Holders/Designated Premises Supervisors and staff working at the premises to ensure that they uphold the law, promote the licensing objectives and provide a duty of care to anyone visiting the premises. It is clear from the latest serious violent incident (30.04.2022) that the law has been breached, the licensing objectives have been undermined and that there is a clear lack of control at these premises.

Signed: 

Dated 28 June 2022

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Appendix 8 (a)

Exhibit Ref – FMH/1

Synopsis from Safe Haven records of Incidents – The Empire Nightclub

July 21–June 22

Date	Gender	Incident Detail	Treatment/Outcome
30/07/21	M	Assaulted in the empire, cut to forehead, aggressive behaviour, suspected may have taken something	Attended to cut on forehead, pt became aggressive with police & was arrested
20/08/2021	M	Alerted by taxi driver to alleged assault by bouncers from Empire, male found on floor initially agitated then alert? Loc, no obvious wounds, reported jaw pain	Advised A&E, friends transported
21/08/2021	M	Previously been fighting in Empire & cut right hand base of fingers on metal bin	Cleaned & dressed. Advised to go to A&E by taxi as stiches required
02/10/2021	F	Suspected that her drink had been spiked in the Empire	Given water & monitored condition. Advised to go home & if no better to go to A&E
09/10/2021	F	Intoxicated outside of Empire	Checked to see if she was ok. Water given. Mum was coming to take her home.
09/10/2021		Drunk unresponsive. Mum gave details. Normally fit & healthy.	Pt was semi-conscious outside Empire due to intoxication. Drink only. Patient no responding hardly. 999 called as LOC. Vulnerable. Patient came round & 999 cancelled as patient awake & conscious. Taxi home at 03:15
09/10/2021	F	Fell & banged her head. Intoxicated also has a history of depression. Found outside of Empire.	Checked her head no slight bump no sign of cuts or bleeding. Advice given
30/10/2021	M	Found intoxicated at the back of Empire	No treatment needed. Advised to go home.
30/10/2021	M	Hit in the nose in the Empire. Cut to nose. No sign of swelling.	Checked nose. Advice given if no better go to A&E
04/12/2021	M	Head injury, open wound to back of scalp. Outside Empire Nightclub	Dressed. Advised A&E but not willing to attend
08/01/2022	M	Assaulted inside Empire. Busted nose no other injuries.	Cleaned Nose
22/01/2022		Fighting inside Empire. Punched in face. Small incision to R corner of top lip. No LOC	Cleaned & dressed. Advice given.
18/02/2022	M	Assaulted by youth outside Empire Club	Police called. Head injury advice given
12/03/2022	M	?spiked drink/intoxicated. Found outside registry office bus shelter	Monitored & advised to go home. Mother came & took to her house. Advice given
09/04/2022	F	Passed out in Empire. Carried outside by friends. Low SPO2/ High HR	Oxygen administered 15l on NRM. 999 called. Obs done, Paramedic on scene at 01:15

Appendix 8 (a)

Exhibit Ref – FMH/1

Synopsis from Safe Haven records of Incidents – The Empire Nightclub

July 21–June 22

30/04/2022	M	Empire. Male with face wounds, police attended, refused medical intervention. Male had assaulted girlfriend - superficial graze to left temple area. Refused medic assistance, refused to speak to police. This was reported to police. Incident unwitnessed.	Refused treatment. DA incident
30/04/2022	M	Pt exited Empire saying potentially stabbed. Wound on back.	PRF not completed due to police Medi-car on scene with Para on board. Assisted Para. NEAS ambulance called. Para handed over to crew. Entonox administered as per Para instruction.
01/06/2022 00:27	M	Empire. Assaulted in night club. Bump to forehead & intoxicated	Checked Pt out. All ok. Advice given
03/06/2022 11.30pm	F	Outside Empire. Bleeding from foot injury	Wound cleaned. Pt fine
04/06/2022 00:30	F	Near Empire. Intoxicated - fell hit head on road	No obvious injury. Brief LOC. Obs normal. Left with sister refusing to take advice to attend A&E due to LOC
04/06/2022 01:00	F	Outside Empire. Stated to door staff having a panic attack	became verbally aggressive, refused assistance
18/06/2022 03:15	F	Outside Empire. Laceration to right knee & little toe.	Cleaned, dressed, discharged. Pt informed me she had been in Empire all night. Told me she was 17

RESTRICTED (when complete)**CLEVELAND POLICE****WITNESS STATEMENT**

(CJ Act 1967, s9 MC Act 1980, ss5A(3)(a) and 5B; Criminal Procedure Rules 2005, r.27.1(1))

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Statement of **Andrew THORPE**Age if under 18 **Over 18** (If over 18 insert "Over 18") Occupation **Police Constable 0894**

This statement (consisting of **7** page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature **Andrew Thorpe**Date: **15/06/2022**Tick if witness evidence is visually recorded (supply witness details on rear)

I am a serving police officer with Cleveland Police. I am currently stationed with the Licensing Support Unit at Middlesbrough Police HQ and have attained a BIIAB Level 2 Award for Licensing Practitioners and a BIIAB Level 2 for Legislative Requirements for Alcohol Licensed Premise and the Assessment for recognised Award Schemes.

Part of my role as a licensing support officer is to monitor licensed premises within all four districts of the Cleveland Police area, including Middlesbrough, ensuring that they are trading within the spirit of the four licensing objectives. We will ask that they will not have an adverse effect on the surrounding community or have a negative impact on Crime & Disorder, Public Safety or Public Nuisance objectives and will Prevent Harm to Children.

This statement is in relation to a review application submitted by Cleveland Police regarding The Empire Nightclub, Corporation Road, Middlesbrough, as we believe that The Empire has failed to uphold all four of the Licensing Objectives, Crime & Disorder,

Signature **PC894 A Thorpe**

Signature Witnessed by _____

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Prevention of Public Nuisance, Public Safety and Prevention of Harm to Children.

The Empire is a nightclub and its premise licence allows the premise to carry out licensable activity, particularly the sale of alcohol, until 03:30 am with a closing time of 04:00 hours Monday to Sunday. They do have an extension to these hours on Boxing Day and New Year's Eve with licensable activity until 05:30 hours and a closing time of 06:00 hours. The Empire puts on a number of regular events during the year and also puts on live acts which are usually ticketed events.

Due to the recent and ongoing Coronavirus Pandemic, premises such as The Empire were forced to close their doors to customers when lockdown and preventative measures were implemented. Unlike other licensed establishments The Empire was one of a few premises which were only allowed to re-open in July 2021 after 16 months of not being able to trade. The Empire has always been one of the more popular venues in Middlesbrough Town Centre and has been a consistent part of Middlesbrough's Night Time Economy.

Unfortunately, the club has suffered from a number of violent incidents recently, more worryingly, some of these incidents have involved persons under the age of 18 years. Cleveland Police have also received a number of intelligence reports that include information around person(s) under the age of 18 years being allowed entry to the premises for the purpose of purchasing and consuming alcohol. The intelligence suggests that the club is well known to underage drinkers and comments on social media seem to confirm this.

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Representatives of The Empire have been contacted by Cleveland Police and Middlesbrough Council Licensing officer's regarding the intelligence received, bringing these issues to the attention of the Premises licence holder and Designated Premises Supervisor, raising concerns around such behaviour in an attempt to alleviate these problems and concerns. Unfortunately things have not improved and the intelligence around underage drinking at The Empire has continued. This has culminated in a number of serious assaults occurring at the premise, the last incident involving underage drinkers and a victim of assault who sustained significant injury and hospitalization.

Having reviewed the incidents/intelligence reports and for the Empire I have put together a synopsis that provides details of those occurring between December 2021 and June 2022. I have exhibited this synopsis as exhibit ref AT/1.

Whilst none of the incidents described are acceptable, the incidents involving underage drinkers are particularly concerning. There is very clear legislation around the sale of alcohol to persons under the age of 18 and that the consequences of one such sale to a premises could result a maximum fine of £5000 at Magistrates court. But for persistently selling (selling on 2 or more occasions within 3 months) the maximum fine at magistrate's court rises to £20,000 and the premises licence can be suspended for up to 3 months. Although there is no definitive evidence that there have been breaches the information received and reports made especially the two assaults involving underage drinkers clearly indicates that there is reasonable suspicion that it is happening.

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As adults, people can easily become vulnerable due to having consumed excess alcohol. This applies more so to underage drinkers who are, purely by their age, already deemed as being vulnerable. In my experience, the consumption of alcohol by children often leads to them being left in extremely vulnerable and dangerous situations, resulting in them becoming a victim of crime and/or becoming aggressors in violent assaults. At least two of these incidents could have been avoided if these underage drinkers had been turned away at the door, and one victim spared serious injury.

Allegations have also been made regarding the door staff operating at these premises. Information received alleges that on at least two occasions door staff are allowing person(s) under the age of 18 into the premises knowingly and are clearly not taking action to remove those identified as being underage once they are inside the premises.

Cleveland Police have received correspondence from concerned parents whose child aged 17 years and her 16 year old friend were on a number of occasions allowed entry to the premises and to purchase and consume alcohol. Details of a social media exchange and a picture of the daughter holding a cocktail outside of The Empire were shared with Police (Exhibit reference AT/2). A further picture was sent and received of the same female and her two 16 year old friends inside The Empire on Saturday 26th March 2022 (Exhibit ref AT/3) and then again another picture of their daughter and her 16 year old friend who had

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their picture taken with the manager Peter Hope on Thursday 5th May 2022 (Exhibit ref AT/4) along with video footage of the same night (exhibit ref AT/5).

Such evidence calls in to question the identification procedures undertaken at the point of entry to the club to prevent persons that are underage gaining access into the premises.

Cleveland Police analysts have produced a report regarding violent incidents reported to the police and incidents involving underage drinkers for two specific periods, first one being between July 2019 to February 2020 which is the period just before the Covid-19 pandemic when licensed premises were requested to close and July 2021 to February 2022 which is when Night Clubs re-opened. There is a clear disparity between incidents of violence recorded between July 2019 to February 2020 (12 reported incidents) and July 2021 to February 2022, (57 reported incidents). There is a considerable increase of nearly 5 times the number incidents. With incidents involving underage drinkers we also found a similar disparity. For the period July 2019 to February 2020 (No reported incidents) and July 2021 to February 2022 (8 reported incidents). It is clear that the premises is struggling with both types of incidents.

My role as a Police Licensing officer involves working with premises licence operators especially where there has been a significant amount of issues identified and where there are a number of concerns. In this case, representatives from the premises have been spoken to on a number of occasions raising concerns about people under the age of 18 being allowed access to the premises, purchasing and drinking alcohol. I am also aware

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that officers from Middlesbrough Council's Licensing Authority and Public Health have also spoken to them about the same concerns. I believe that with more affirmative action taken by representatives at the premises, a number of incidents could have been prevented.

Having researched some of the media attention that such incidents have raised it is clear from comments made by the public on social media that a considerable amount of the public are aware of the issues relating to underage drinkers, door staff and the levels of violence at the premises.

Since Cleveland Police made the application to review The Empire's premises licence, representatives of the premises have installed an ID scanning machine to help them prevent those under the age of 18 years gaining access to the premises and purchasing and consuming alcohol. Whilst this is a good step forward, it has drawn a lot of attention on social media with a number of negative comments being voiced, not about the steps taken, but about how late this was at being introduced. A screen shot of the post and the comments made by social media users has been taken, exhibit AT/6. An article in the Evening Gazette was written about the review and again resulted in a number of comments from members of the public reading the article being made Exhibit AT/7.

In 2021, there was a number of concerns around the levels of spiking occurring, not only in Middlesbrough but Nationally. The Empire was named as being one of the premises effected by issues of spiking (drugs being unwittingly administered to customers), with The Empire being one of the hardest hit. The Empire came up with strategies and implemented

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a national campaign which involved the use of drinks covers and bottle stoppers to customers at the venues. While not eradicating the problem, it did have a positive impact on the number of spiking reports for The Empire.

The decision to apply for any review of a premises licence is always a last resort for Cleveland Police as we do try and work with all premises licence operators to avoid such action from being taken. Due to the severity of the latest incident and the serious concerns that Cleveland Police have around vulnerable persons, namely those under the age of 18 years, being allowed access into the club and to purchase and consume alcohol we felt that there was no other alternative other than to apply for review and needed to act before any further serious incidents occurred especially those involving underage drinkers.

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Incident 1: Saturday 11th December 2021 between midnight and 01:00 hours the following morning a female was in the venue with her friends when a man she did not know started hassling the group. The female asked him to leave them alone. Without warning the man has punched the female victim in the face. The female has sustained a large bruise on her face.

Incident 2: In the early hours of Sunday 19th December 2021 and around 00:04 hours, Cleveland Police received a report that there were six males fighting inside The Empire. On attending they found three victims of assault and one of the victims had also been the subject of a theft.

Incident 3: During the early hours of Friday 24th December 2021 at around 02:29 hours the victim contacted Cleveland Police stating that the door staff at The Empire had grabbed him and dragged him out of the venue where he was assaulted by an unknown male. The victim sustained a swollen face along with marks on his face sustained from dragging. His clothes were also ripped in the fracas.

Incident 4: On Saturday 8th January 2022 at 17:05 hours a report was made that at approximately 02:30 hours that morning the injured party entered the toilets in The Empire when he was attacked by a group of males. The injured party did seek medical attention and the cut above his eye was treated and closed with steri-strips. The victim also sustained bruising and a black eye as a result of the attack. He could not identify his attackers.

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Incident 5: On Saturday 22nd January 2022 at 16:42 hours a female victim reported to police that she had been hit over the head with a bottle, sustaining a cut above her eye which required medical attention. The victim was dancing with her friends in The Empire when she felt the bottle strike her. The cut had to be glued and closed with steri-strips by the hospital.

Incident 6: Late on Thursday 27th January 2022 at around 23:46 hours, staff at The Empire contacted police stating that they believed that a male in the smoking area had a knife on him. Staff had been having issues with the male for the past hour. It transpired that this was part of another incident where a male victim was on the dance-floor with friends when a male has barged in to him pulling on his shirt. The victim turned around to see who was pulling on his shirt when the assailant has head-butted him in the face causing severe pain and his nose to bleed and the victim has fallen to the floor. Police attended the venue and the assailant was pointed out by the victim and arrested by police. The victim sustained a broken nose as a result of the attack and was attended to at James Cook Hospital.

Incident 7: During the early hours of Sunday 6th February 2022, a female reported to the police at 03:23 hours that her boyfriend had been assaulted and was on the floor with ambulance in attendance. The female stated that the victim had been ejected from The Empire by door staff when a group of males have attacked him outside punching him in the head.

Incident 8: A female contacted the police at 14:07 hours on 6th February 2022 the following day after a night in The Empire. She reported that as she walked past the

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DJ booth a male started to be abusive to the caller's friend and pushed the caller.

The caller reacted and the male responded by hitting the female victim with a bottle on the head. The female victim fell to the floor and the male hit her again with the bottle and then again. The caller attended the hospital with a head injury which was glued together at hospital.

Incident 9: A report was received at 01:17 hours on Friday 11th February 2022 that there was a fight ongoing at The Empire between 4 door staff and a male. Middlesbrough CCTV reported that a male was bleeding from the head. The male kept going back to the door staff at The Empire gesticulating and taking his shirt off. Police attend and arrest the male for assault on the door staff.

Incident 10: Police received a call at 03:23 hours on Saturday 18th February 2022 reporting a fight at The Empire, reports that a male had been assaulted and the possible sighting of a knife. On arrival of police it was found that 3 to 4 males had been fighting. One male had sustained a broken nose but no knife was found.

Incident 11: On Sunday 20th February 2022 at 03:25 hours lead in on from a Saturday night, it was reported that a male had been assaulted and had sustained a head wound which was bleeding. The incident had happened outside The Empire, and ambulance had also been contacted. When police arrived they were directed to the suspects who were arrested at the scene. The victim sustained a head injury, a broken collar bone and had a foot print on his face.

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Incident 12: A call to the police was received on Saturday 26th February 2022 at 01:35 hours stating that his friend had been assaulted badly by one of the door staff and that he was bleeding from one of his eyes. One male was arrested for disorder and a crime was recorded for assault.

Incident 13: At 14:32 hours on Sunday 27th February 2022 a parent reported that her daughter had been assaulted at The Empire at around 23:30 hours on Saturday 26th February 2022. A female approached her daughter and threw a drink over her, the victim asked what she was doing and the assailant punched her in the nose which started to bleed immediately. The female victim attended hospital where the injury was glued and due to the swelling the hospital believed it could be broken.

Incident 14: During the early hours of Sunday 6th March 2022 between 01:30 hours and 02:00 hours the male victim was in the licensed premises. While he was on the dance floor a glass bottle was thrown across hitting the male victim on the head knocking the victim unconscious and causing a cut to his head. The male victim required hospital treatment.

Incident 15: On Thursday 17th March 2022 between 23:30 and 00:00 hours, the male victim was in The Empire with a group of friends. The male was on the dance floor dancing when he was approached by a member of door staff made comment about his dancing and his sexuality offending the male. The door staff also made threats to the male grabbing hold of the victim on three occasions. The victim spoke to the manager after the incident but the venue did not report the incident to police. The victim reported the incident himself later that day.

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Incident 16: This incident also happened between Thursday 17th March 2022 and the early hours of Friday 18th March 2022. The male victim was out with friends and was in The Empire, he has had a lot to drink and his friends have placed him on a sofa to the right of the entrance, at this time he has had no injuries. When they returned they saw door staff dragging the male out of the venue. When they catch up to the male he has sustained injuries, a badly swollen and blood shot eye, two cuts above his eyebrow, a two inch scratch on the skin over his collar bone and bruising under his arms.

Incident 17: During the early hours of Saturday 19th March 2022 at around 02:25 hours the venue has contacted police regarding a group of males who have been refused entry and are becoming aggressive with door staff. The males are becoming more aggressive. They have walked away but come back to confront door staff again. Police attend and arrest one of the males for being drunk and disorderly.

Incident 18: A report was made to the police on Saturday 2nd April 2022 10:26 hours stating that a male had been assaulted by the door staff, he was treated at the time by ambulance who also reported the incident earlier that morning 03:18 hours. Both reports allude to an attack on the male by door staff. The victim sustained a swollen and cut lip, and bruising/soreness around the rib area.

Incident 19: A concerned parent contacted Cleveland Police on 3rd April 2022 at 12:50 hours to state that her 15 and 16 year old children had both managed to get

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in to the venue (The Empire). The caller stated she is aware of 7 underage children who have managed to get in to The Empire. The caller stated that her children presented as extremely drunk when they returned home.

Incident 20: A parent contacted Cleveland Police to report her 16 year old son has been assaulted while he had been out on Saturday 3rd April 2022 at around 11:30 hours. At first her 16 year old son told her it was a house party, when challenged he has admitted he had gained entry to The Empire where he had been at 03:30 hours on Sunday 3rd April 2022, and was assaulted when he was outside the premises. The victim has had one of his top teeth dislodged and a split lip. The victim has clearly stated in his report to police that he has gained access to The Empire without being asked for ID and then later in night left The Empire and has then been involved in a fight.

Incident 21: On 5th April 2022 Intelligence has been received from a source that The Empire is allowing underage drinkers in to the venue without asking for ID to be produced.

Incident 22: The caller was at The Empire night club during the early hours of Friday 8th April 2022 with friends. A member of door staff has tried to eject the male caller and has used a homophobic slur against the male. Another member of door staff has tried to diffuse the situation but the original member of door staff has grabbed the male victim pinning him to the floor and hitting him.

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Incident 23: Middlesbrough CCTV centre have contacted police during the early hours of **Sunday 10th April 2022 at around 03:48 hours**, advising there were females fighting outside The Empire. Ambulance have attended and found an injured male, the side of his face is swollen. **Ambulance have identified that the male has a broken nose and take him to Accident and Emergency**. On leaving The Empire the male has been attacked by unknown males, one has hit the male to the face causing the resulting injuries.

Incident 24: Middlesbrough Council CCTV have contacted the police on **Friday 22nd April 2022 at 03:35 hours**, there is a male laid out who has been in a fight and have requested ambulance to attend for the male. The male has allegedly been attacked by door staff at The Empire causing injury to him. The male **refused assistance from the ambulance but was persuaded to go to hospital and taken there by police**.

Incident 25: On Saturday 23rd April 2022 at 00:39 hours a caller reported that there was a disturbance ongoing. A further report from the victim on 27th April 2022 stated he had spent two days in hospital, and that he believed he was assaulted by a member of door staff from the Empire and a further 7 persons. He sustained a deep cut to the chin which required stitches and sustained injuries to his legs. The group the victim was with have all been ejected by the door staff. The group have tried to get back in and there has been a confrontation between the door staff and the group, resulting in the male sustaining injuries.

Incident 26: During the early hours of Sunday 24th April 2022 at around 01:37 hours the victim contacted Cleveland Police to advise that he had been assaulted by a

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male known to him inside The Empire. The aggressor had struck the victim in the side of the face resulting in a cut above the victims left eye which required treatment.

Incident 27: An adult female victim contacted Cleveland Police during the early hours of Friday 29th April 2022 at around 03:10 hours stating that while she was in the queue for the Empire a male groped her bottom. Once inside The Empire a group of males started to hassle her and her friends, the group included the male she believed had groped. The door staff have ejected the female victim and her group and have ignored her complaint when she has tried to give her account. The female victim has made a complaint of sexual assault by touching to the police and expressed her disappointment at how the door staff dealt with the issue.

Incident 28: During the early hours of Saturday 30th April 2022 at approximately 01:50 hours a caller reported a male being aggressive with the door staff and requested CCTV coverage. Further reports indicate that there is fighting inside the premise when police arrive at the venue. Officers report that a male has been punched and knocked unconscious but is breathing. Other males causing issues resulted in one male being arrested for public disorder offences.

Incident 29: After a busy Saturday night into Sunday morning Police received an urgent call on **Sunday 1st May 2022 at 02:17 hours** from a male whose friend had been stabbed while inside The Empire. The male victim had a puncture wound to his back and was bleeding and **had to be taken to hospital for urgent treatment. The victim sustained internal bleeding with blood on his lungs.** The victim had a verbal altercation with a group of young males inside The Empire and when he walked

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away he had felt a sharp pain to his back. Three of the males arrested and interviewed by police are underage, two were 16 years old and one was 15 years old, they were inside The Empire and had been drinking alcohol. This is an ongoing investigation in to a serious assault.

Incident 30: Late on Saturday 28th May 2022 at around 23:57 hours the police control room received a call stating that a male was being violent with the door staff who have ejected him for issues inside the venue. He had been ejected half an hour before and was still causing issues with the door staff trying to fight them. The male left prior to police arriving.

Incident 31: In the early hours of Sunday 29th May 2022 at around 03:50 hours leading on from a busy Saturday night, the police received a report of a male with a possible machete at the side of The Empire. When police arrive they speak to the victim who was attacked inside the venue by an unknown male who had punched him in the back of the head. When the victim left the venue the same male has been outside and has again punched him in the back of the head. Fortunately the victim did not sustain any serious injuries. The male was arrested and interviewed

Incident 32: A report was made to the police on the morning of 2nd June 2022 at 09:32 hours, detailing that he had been in The Empire on the Wednesday night (1st June 2022). He had been upstairs with his girlfriend when a bouncer had come up to them and asked the male for his wristband without explanation. The male refused and the member of door staff got the male to the floor and started to punch him in the face. The male sustained a cut to his cheek and a black eye as a result of the

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incident. The male stated that the manager of The Empire had intervened, apologised and paid for the male's taxi home. He also stated the manager contacted him later and told him that the member of door staff had been sacked.

Incident 33: This incident again was reported on 2nd June 2022 and took place on the Wednesday night (1st June 2022) leading in to the Thursday morning (2nd June 2022) and was reported by a third party. The third party reported seeing a member of door staff confront a male and female on the upper dance floor shining a torch on the male. They saw the door staff asking the male to leave and the male and female ask the door staff what they have done. The member of door staff grabs the male and drags him down the stairs off the dance floor, then dragged bodily down another two flights of stairs, ripping the males t-shirt in the process and the male also lost a shoe. The reporting person notes that the male had bruising and red scratches to the right side of his cheek.

Incident 34: In the early hours of Sunday 12th June 2022 at around 01:59 hours a report came in to police of 2 females fighting with staff at The Empire. The two females had been ejected for their drunkenness and had tried to get back under the barriers when they were stopped by door staff. The females have become aggressive both verbally and physically.

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