

## LICENSING SUB COMMITTEE B

<b>Date:</b> Wednesday 24th April, 2024
<b>Time:</b> 10.00 am
<b>Venue:</b> Council Chamber

### AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Licensing Act 2003: Application for Review of Premises Licence - The Middlesbrough Empire, 2 Corporation Road, Middlesbrough, TS1 2RT 3 - 252
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  
Tuesday, 16 April 2024

### MEMBERSHIP

Councillors S Hill (Chair), J Cooke and T Livingstone

### **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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**COMMITTEE REPORT**

**LICENSING COMMITTEE**

**24 APRIL 2024**

**REPORT OF THE DIRECTOR OF ENVIRONMENT & COMMERCIAL SERVICES**

**Applicant:** Cleveland Police

**Ref.No.** PR0139

**Premises:** The Empire, Corporation Road, Middlesbrough, TS12RT

**Premises Licence Holder:** The Middlesbrough Empire 2008 Limited

**Designated Premises Supervisor:** Ashley Wem

**Application received:** 27 March 2024

**Summary of Current Licensable Activities:**

Live music, recorded music, films, plays, performances of dance, sale of alcohol

**Hours for Licensable Activities:**

Monday to Sunday : 11am to 3.30am                      Sale of Alcohol

Boxing Day : 11am to 5.30am

New Years Eve : 11am to 5.30am

Monday to Sunday : 11am to 4am                      All other licensable activities

Boxing Day : 11am to 6am

New Years Eve : 11am to 6am

**1. Summary of Application:**

Members will recall that at it's meeting held on 28 March 2024, the Licensing Sub-Committee considered an application for a summary review of the premises licence for The Empire following a submission made by Cleveland Police.

A copy of the application made by Cleveland Police is attached at Appendix 1, and a copy of the existing premises licence for The Empire is attached at Appendix 2.

Having considered the summary review application at the above meeting, the Licensing Sub-Committee decided to suspend the Premises Licence as an interim step pending a full review hearing. The full decision and reasons are as follows:-

- 1. The Committee considered an application from the Police for a summary review of a Premises Licence in respect of the Empire, Corporation Road Middlesbrough which operates as a nightclub 11.00am until 4.00am daily.*
- 2. Under Section 53A(2)(a) of Act, on receipt of such an application, the relevant licensing authority must within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence.*
- 3. Under Section 53B(3) The interim steps the committee must consider taking are– (a) the modification of the conditions of the premises licence; (b) the exclusion of the sale of alcohol by retail from the scope of the licence; (c) the removal of the designated premises supervisor from the licence; (d) the suspension of the licence.*
- 4. Section 53B(2) states the consideration of interim steps may take place without the holder of the premises licence having been given the opportunity to make representations, however, to ensure fairness, the premises licence holder was given the opportunity to make representations at this stage.*
- 5. The Committee carefully considered the application, certificate and representations of the police and the representations and information provided by the Premises Licence Holder and its representatives.*

### **Decision**

- 6. The Committee decided that the suspension of the licence is a necessary interim step to alleviate the risk and to promote public safety and prevention of crime and disorder.*
- 7. It did not consider that conditions proposed by the PLH or any additional conditions would immediately resolve the risk.*
- 8. A very serious incident occurred at the premises, it was considered just luck that the customer did not suffer very serious injury if not worse. The perpetrator was the head door supervisor leading a team. A person in that position, whilst in his position of trust, forcibly threw a customer onto his head.*
- 9. The Committee does not accept the PLH's representations that the management had no role, that it was fully compliant and it was only down to an unexpected out of character incident.*
- 10. The premises was suspended after a full review in September 2022, the reasons included violent incidents in the premises as result of management failings and some involved door staff, there has been a subsequent violent incident in December 2023 where a door supervisor was arrested.*

11. After this violent incident, the footage showed the head door supervisor and other door supervisors manhandling the customer from the road who appeared to be unconscious, which was dangerous, the perpetrator appeared to go back and forth, he did not appear to be challenged by staff. There appeared to be no system for aftercare, despite supervisors being first aid trained.

12. The DPS and business owner did not act appropriately, he was shown to come out twice but failed to intervene, take control, and appropriately manage the situation. This appears to be a pattern as shown in the previous review.

13. The incident record was severely lacking, it was not a true account, it did not have details of the assault or any aftercare, or signed and stated police action was not required.

14. The Committee did not accept the conditions proposed, It did not accept that a condition simply removing Hyena who have ran the security prior to the original review and up to a day or so before this hearing would immediately resolve the risk. There appeared to be no plan in any detail regarding how the operation will be ran in light of the incident, for this weekend.

15. The only material change is that Mr xxxxxx would replace the owner of Hyena with the same door staff remaining to provide security for the weekend, Mr xxxxxx actually consulted for Hyena in May 2022 which was a few months prior to the premises having to be reviewed in September 2022.

16. The Committee considers that a proposed condition to say Mr X will not be deployed at the premises to provide security is simply not sufficient. Nor was it clear what formal action (if any) was taken regarding Mr X immediately after the incident.

17. The Committee considered that having the DPS in the vicinity of the front of the premises would have little impact given he failed to act properly and take control on the night of the incident and that it appears the problems at the premises are management issues.

18. The Committee considered that no other conditions would be possible to reduce the risk.

19. The Committee did carefully consider the detriment to the operation but have decided to remove the risk to public safety and promote the prevention of crime and disorder by suspending the licence.

## **2. 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.

The Licensing Act 2003 provides a procedure for a summary review of a premises licence by the Police for an expedited or 'fast track' review of a premises licence which authorises the sale of alcohol in cases where a senior police officer of the rank of superintendent or above gives a certificate indicating that in his/her opinion the premises are associated with serious crime and disorder or both. The procedure allows the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.

Should interim steps be imposed by the Licensing Authority the Licensing Act 2003 provides that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. In this instance the premises licence holder has not made any further representations in respect of the interim steps taken to suspend the premises licence and the premises has remained closed since the hearing on 28 March 2024.

The Licensing Act also provides that the Licensing Authority must hold a full review of the premises licence and determine the review within 28 days after the day of the application for Summary Review made by the Police.

### **3. 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 publication of the notice on 27 March 2024, 2 further representations were received.

On 4 April 2024 a representation was received from Fiona Helyer, Public Health Officer from Middlesbrough Council (Appendix 3).

On 3 April 2024 a representation was received from Jason Arbuckle, Licensing Enforcement Officer from Middlesbrough Council (Appendix 4).

Cleveland Police, Public Health and Middlesbrough Council Licensing have indicated that further evidence in support of their representation will follow shortly.

### **4. Background**

These premises operate as a popular night club situated in Middlesbrough Town Centre in the hub of the night time economy. The premises have had the benefit of a premises licence under the provisions of the Licensing Act 2003 since 2005 and a Justices Licence and Public Entertainment Licence for many

years prior to that date.

On 05 May 2022 Cleveland Police submitted an application for Review of the Premises Licence following concerns in relation crime and disorder and underage sales at the premises.

Between 15 and 16 September 2022 the Licensing Committee considered the application, along with representations from a number of other Responsible Authorities and interested parties before deciding to suspend the premises licence for a period of 4 weeks with the addition of a number of additional conditions.

The Premises Licence holder subsequently appealed this decision to Teesside Magistrates Court, however, on 10 February 2023 a consent order was agreed between the Premises Licence holder and the Council which resulted in the premises licence being suspended for a period of 4 weeks with the addition of conditions. These conditions are detailed in the Premises Licence at Annex 3 (Appendix 2).

## **5. The Licensing Policy**

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

Prevention of Crime & Disorder	Pages 20-24
Reviews	Pages 47-50

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

## **6. 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
Summary Reviews	Starting at Paragraph 12.1

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

## **7. Members' Options**

Members may consider the following options:

- To modify the conditions of the licence.
- To exclude a licensable activity from the scope of the licence.
- To remove the Designated Premises Supervisor
- To suspend the licence for a period of not exceeding 3 months.
- To revoke the licence.

- 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: Tim Hodgkinson  
Public Protection Manager (Licensing & Trading Standards)  
Tel. 01642 728720

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Middlesbrough Borough Council

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

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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 the 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.**

I Sgt 417 Glyn Bavin [on behalf of] the chief officer of police for the Cleveland police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**2 Corporation Rd,**

Post town: Middlesbrough

Post code (if known): **TS1 2RT**

**2. Premises licence details:**

Name of premises licence holder (if known): The Middlesbrough Empire 2008 Ltd

Number of premises licence holder (if known): MBRO/PR0139/019085

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003** [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

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(Please tick the box to confirm)

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

**The Police are asking for an Expedited Review following an incident on Saturday 23<sup>rd</sup> March 2024 at approximately 23:20 hours.**

**Police received information from the ambulance service, from a concerned member of the public who had witnessed a member of door staff from the Empire 'pick up a customer and throw him to the ground on his head resulting in him starting to fit'.**

**Subsequently CCTV footage of the incident has been circulated via social media showing the incident.**

**The footage clearly shows the door supervisor picking up the male and throwing him to the ground on his head.**

**It is concerning that the male appears to be unconscious and is given no aftercare. The footage shows the male being dragged off the road by two door supervisors without any regard for potential significant injuries.**

**A door supervisor from the premises has subsequently been arrested for the offence of Section 18, intent to cause grievous bodily harm (GBH), and is on police bail.**

**This is not an isolated incident. There have been previous incidents involving serious crime and disorder at the premise, some involving staff members. In September 2022 the premises licence was reviewed by Middlesbrough Council following concerns in relation to serious violence at the premises.**

**This latest incident constitutes both serious crime and serious disorder. Cleveland Police does not believe it is appropriate to address these issues through the standard review process as the incident is serious and involves a staff member, and any delay as a result of such a process being followed, would be disproportionate to the risk of another victim being seriously harmed. Cleveland Police believe that Immediate Action is required to prevent further risk to the community.**

Signature of applicant: Sergeant Glyn Bavin

Date: 26.03.2024

Capacity: Police Licensing Sergeant

**Contact details for matters concerning this application:**

**Address: Middlesbrough Police HQ, Bridge Street West, Middlesbrough, TS2  
1AB**

Telephone number(s): 01642 302361

Email: glyn.bavin@cleveland.police.uk

**Notes for guidance:**

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

**ANNEX B**

[Chief Constable of Cleveland Police  
c/o Sgt 417 Bavin  
Bridge Street West  
Middlesbrough]

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

*Premises*<sup>2</sup>:

THE EMPIRE  
2 Corporation Rd,  
Middlesbrough  
TS1 2RT

Premises licence number (if known): MBRO/PR0139/019085

Name of premises supervisor (if known): Ashley WEM

I am a Chief Superintendent <sup>3</sup> in the Cleveland police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

An incident occurring at the premises around 2320hrs on Saturday 23rd March 2024 was serious in nature and is being investigated by Cleveland Police as an offence of Grievous Bodily Harm under Section 18 of the Offences Against the Person Act 1861.

Information received by Cleveland Police suggests that a door supervisor at The Empire picked up a customer and threw him to the ground on his head resulting in a seizure.

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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.



**ANNEX B**

[Chief Constable of Cleveland Police  
c/o Sgt 417 Bavin  
Bridge Street West  
Middlesbrough]

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2 Corporation Rd,  
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<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

The suspect for this offence is a member of door staff employed at the premises. They are on bail pending further enquiries by Police.

This is not an isolated incident. There have been previous incidents of serious crime and disorder at the premises, some involving staff. In September 2022 the premises licence was reviewed by Middlesbrough Council following concerns in relation to Serious Violence.

This latest incident has attracted significant public concern on social media. Cleveland Police believes it is necessary to work in partnership with others, working on prevention and early intervention to reduce Serious Violence and the harm it causes to communities under its obligations within the Serious Violence Duty.

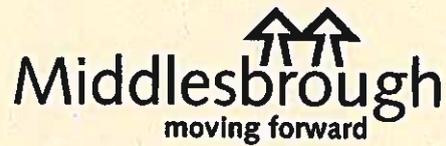
Cleveland Police does not believe it is appropriate to address these issues through the standard review process as the incident is serious and involves a staff member, and any delay as a result of such a process being followed, would be disproportionate to the risk of another victim being seriously harmed. Cleveland Police believe that Immediate Action is required to prevent further risk to the community.

*G M C G / a a d g* 26.3.24.  
-----  
(Signed) *C / Supt 3236.* (Date)

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# Appendix 2

Middlesbrough  
Council



## 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**

Middlesbrough Empire  
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  
  
253553

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

06498135

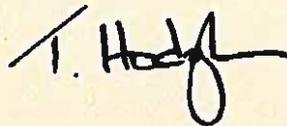
**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Ashley Stephen Wem  
[REDACTED]  
[REDACTED]  
[REDACTED]

**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 issued by Middlesbrough Borough Council

Granted on 10 February 2023



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: 1/2 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**

**LICENSING OBJECTIVES**

**GENERAL - ALL FOUR LICENSING OBJECTIVES**

See Annex 3

**THE PREVENTION OF CRIME AND DISORDER**

See Annex 3

**PUBLIC SAFETY**

See Annex 3

**THE PREVENTION OF PUBLIC NUISANCE**

See Annex 3

**THE PROTECTION OF CHILDREN FROM HARM**

See Annex 3

**Annex 3 - Conditions attached by a Consent Order between Middlesbrough Council and Middlesbrough Empire 2008 ordered by Teesside Magistrates Court on 10 February 2023.**

<b>No.</b>	<b>Description</b>	<b>Condition</b>
	<b>CCTV</b>	
1.	<b>CCTV SYSTEM</b>	<p>A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped:</p> <ul style="list-style-type: none"><li>• the system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed;</li><li>• CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition;</li><li>• cameras will encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol occurs and all outside areas;</li><li>• CCTV cameras will cover the entrance areas and queuing areas</li><li>• the system will record and retain CCTV footage for a minimum of 28 days;</li><li>• the system will record for from opening until close of the premises;</li><li>• the system will incorporate a means of transferring images from the hard-drive to a format that can be played back on a compatible computer;</li><li>• the Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images;</li><li>• there will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment;</li><li>• upon receipt of a lawful request for a copy of CCTV footage from Police, Licensing Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime;</li><li>• CCTV footage must be made available to be viewed by the Police, Licensing Officers or other Responsible Authorities on lawful request during an inspection of or visit to the Premises.</li></ul>
2.	<b>CCTV Monitored</b>	<p>A member of staff will be designated to monitor the CCTV screens. They shall have the ability to contact and liaise</p>

with both staff and the door security team.

3. CCTV screen at Reception  
A TV screen will be installed in reception, above the pay desk. The screen will show a picture of the reception area focusing on facial recognition of customers entering the premises, so that customers' attention is drawn to the fact that they are on CCTV.
4. Entrance Area and queuing area lit  
The entrance area and any queuing areas will be sufficiently lit to enable the areas to be clearly visible to staff and for CCTV to capture clear footage.
5. Outside Lighting  
Adequate lighting will be installed on the exterior of the premises to ensure the area is sufficiently illuminated to be able to be visible to staff and for CCTV to capture clear footage covering those areas.
6. Cleaning the outside area  
The area immediately outside of the premises will be cleaned regularly.
7. Removing Disorderly Customers  
The premises licence holder will ensure that individuals who are drunk, disorderly or both will not be permitted to access to the premises.  
  
Any person who is drunk or disorderly within the premises will be removed from the premises.
8. Door Supervisor Register  
The premises licence holder is to maintain a door supervisor register. This will contain name, address, SIA badge numbers. Door staff will sign on duty at the start of the shift and off duty when they leave.
9. Door Supervisor Numbers  
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.
10. Body cameras  
When the premises is open, a body camera device will be worn by at least 5 door supervisors or worn by 50 % of the number of door supervisors on duty at the time, whichever is the greater. The head door supervisor will be one of the door supervisors who wears a body camera device.  
  
If an event requires less than five door supervisors on duty then all door supervisors on duty at that event shall wear a body camera device.

- |     |   |  |
|-----|---|--|
| 11. | <b>Manager and Door Team Communications</b> | The premises manager is to be connected to the door team at all times on the premises radio system.                        |
| 12. | <b>Containers</b>                           | Patrons or customers will not be permitted to enter or leave the premises with any glass bottle or other open container    |
| 13. | <b>First Aid</b>                            | A fully qualified first aider will be on the premises during the hours of operation.                                       |
| 14. | <b>Street Marshalls</b>                     | Door Supervisors and the Management Team shall work with Street Marshalls when they are deployed adjacent to the premises. |
| 15. | <b>Leave quietly</b>                        | Prominent notices will be displayed asking customers to leave the premises quietly.  |

**TRAINING**

- |     |                                     |  |
|-----|-------------------------------------|--|
| 16. | <b>Training of All Staff</b>        | <p>Training must be provided to and undertaken by all staff before they commence their duties and at least every six months thereafter.</p> <p>Training should include but is not limited to the following areas:</p> <ul style="list-style-type: none"> <li>Promotion of the Licensing Objectives</li> <li>Challenge 25, underage sales and the protection of children and young people</li> <li>Drunkenness</li> <li>Recognising vulnerability in customers and Safeguarding</li> <li>The Premises' Risk Assessment</li> <li>The Premises' Policies on</li> <li>Staff communication and Reporting</li> <li>The conditions on the Premises Licence</li> <li>General vigilance in all aspects of the job</li> <li>Health and Safety</li> </ul> |
| 17. | <b>Training Record</b>              | <p>A training record of all members of staff will be maintained and capable of being produced immediately to any Responsible Authority.</p> <p>The Training Record must include the name of the member of staff, date time and content of the training and signed by the member of staff receiving the training and the manager of the premises</p>  |
| 18. | <b>Training of Door Supervisors</b> | In addition to the training in condition 16 above, and training provided as part of the SIA Licence, Door Supervisors must receive training on the use of hand held metal detectors, the Scannet system, searching and the   |

implementation and operation of the Premises Licences Policies.

That training should be updated and carried out every six months

The Training should be documented to include the name of the door supervisor, date time and content of the training, signed by the door supervisor and the trainer and made available to the Police or Licensing Officers on request or during an inspection.

**19. Incident Book**

An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times, and will record the following:

- time date and details of all incidents/complaints of crime and disorder or anti-social behaviour;
- all crimes reported to the venue;
- all ejections of patrons;
- all seizures of drugs or offensive weapons;
- any faults in the CCTV system, searching equipment or scanning equipment;
- any visit by a relevant authority or emergency service.

The incident book must be made available to Police, Licensing Officers and all other Responsible Authorities on request or during an inspection.

**20. Fire Risk Safety Assessment**

The premises licence holder will undertake a fire risk assessment which will be shared with the fire department and Cleveland Police. The fire risk assessment will be made available to any responsible authority immediately on request.

Any use of pyrotechnics must be included within the relevant fire risk assessment and shared with the Fire authority if requested.

**21. Minimum of Two Personal Licence Holders**

A minimum of 2 personal licence holders will be on the premises when the premises operates.

**22. Provision of a Weekly Report to the Police**

The premises will email to the police a weekly report of incidents, proposed bans, door staff employed and customer numbers, so that the police can easily gauge whether there is an escalation in crime and disorder associated with the premises. This will continue until the police confirm it is no longer required. It can then be re-implemented upon police request.

Debrief at the end of each

There shall be a debrief at the end of each trading period

23. trading period

between a manager and the head doorman. Such debriefs will be documented and used to inform the weekly report provided to the police.

24. 14+ Events

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.

1. 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 contact 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.

3. In addition to the above conditions regarding under 18 nights:

- i. 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:

- all customers will be given a secure wristband of differing colours, differentiating under 18's from over 18's;
- the theme of the night will be live music event;
- all drinks will be served in plastic glasses.
- a First Aider will be on the premises throughout the night;
- 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.

- ii. The management will not turn away patrons without ensuring they are safe and are able to be collected by a parent or guardian

25. Challenge 25

The premises licence holder shall adopt a Challenge 25 scheme.

Appropriate signage will be placed at the entrance to the premises and adjacent to any bar servery.

Any person attempting to buy alcohol or attempting to gain entry to the premises who appears to be under the age of 25 shall be required to provide ID for staff or door supervisors to verify the person is over 18 before entry to the premises is permitted or a sale of alcohol is made. The only acceptable ID is a current ten year passport, photo card driving licence or PASS Hologram identity card.

26. Scannet

The premises will operate a Scannet ID system (or similar) at all times the premises is open to the public. The system will be used in accordance with Challenge 25 scheme, and anybody providing ID in accordance with Challenge 25 will do so in conjunction with the machine. If the machine malfunctions the premises will notify the Licensing Authority and the system will be fixed or replaced within 28 days.

27. Refusals Record  
A record of the number of refused entries to the premises should be maintained showing the date time and reason.  
  
The record shall be accessible at the Premises and shall be made available to the Police and Licensing Officers on request or during an inspection
28. Hand Held Metal Detectors  
The Premises shall use hand held metal detectors commonly known as "wands" and will carry out searches in accordance with its Search Policy
29. Magnetic Locks  
Magnetic Locks for external fire doors other than the main entrance doors and the external door leading to designated smoking area will be installed and maintained at the Premises subject to the fire authority's approval.
30. Polycarbonate containers  
All glasses should be made from polycarbonate or other similar safety material
- POLICIES**
31. Risk Assessment  
The Premises Licence Holder must carry out a Risk Assessment in relation to the operation of the premises which shall be kept under continuous review  
The Premises Licence Holder's duty of care to protect children and young people, its customers and staff to be at the forefront of risk assessments carried out
32. Lost and Found Policy  
The premises will have a documented lost and found policy.
33. Drugs Policy  
The premises shall have in place and operate a drug policy, drug register and drug box in which to place prohibited substances. The drug box is located in the reception area of the premises which is monitored by CCTV.  
  
The Policy must be prior approved by the Police and that approval shall not be unreasonably withheld
34. Entry and Queuing Policy  
The premises licence holder will have in place and operate a queuing/entry policy. This will include having queues form down the right hand side of the premises.  
  
The Policy must be prior approved by the Police and that approval shall not be unreasonably withheld
35. Search Policy  
The premises shall have in place and operate a search policy which shall include but not be limited to the use and operation of hand held metal detectors (wands) and

pat downs

The Policy must be prior approved by the Police and that approval shall not be unreasonably withheld

36. Dispersal Policy

The premise shall have in place and operate a dispersal policy setting out the dispersal procedure

The Policy must be prior approved by the Police and that approval shall not be unreasonably withheld

37. Management of the Smoking Area Policy

The premises shall have in place and operate a policy regarding the management and operation of a designated smoking area including but not limited to door supervision, cctv coverage, search requirements and any risk of weapons drugs etc being passed to users of the smoking area

The Policy must be prior approved by the Police and that approval shall not be unreasonably withheld

38. Refusal Ejection and Removal Policy

The premises shall have and implement a policy on managing the refusal, ejection or removal of customers and patrons from the Premises

The Policy must be prior approved by the Police and that approval shall not be unreasonably withheld

39. Access to paperwork

All policies and procedures will be accessible to all responsible authorities when requested.

**Annex 4 - Plans**

Attached

**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 Middlesbrough Empire

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 Middlesbrough Empire.

The Middlesbrough 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.

In September 2022 a Licensing Sub Committee was held following a number of serious incidents occurring at the premises including a stabbing of a 19-year-old male. Person(s) arrested were found to be all under the age of 18 years. There were also concerns around persons under the age of 18 years being allowed to frequent these premises for the purpose of consuming alcohol and concerns around the doorstaff operating at the premises.

Middlesbrough Council's Licensing Committee heard evidence from Cleveland Police, Public Health, and Licensing representatives as to their concerns. Following this, a full committee report was produced which included the outcome of the hearing (Exhibit Ref FMH/1).

On 26 March 2024, Cleveland Police applied for an expedited review following a further serious incident that occurred at the premises on Saturday 23 March 2024 involving a member of the doorstaff team. During this incident the member of doorstaff was seen to pick up a young male, placing him in the upside-down position before forcibly throwing him to the ground on his head. Members of the doorstaff team were then seen to drag the young male by his clothing whilst he was clearly unconscious, placing him onto the pavement before walking away.

Members of the doorstaff and management team failed to provide any immediate first aid and care to the injured male and/or contact emergency services for help.

On 22 March 2024, I along with a member of Cleveland Police had cause to attend Middlesbrough Empire to carry out follow up enquiries for a further incident that had occurred during a 14+ Bad Boy Chiller Crew event that had been held at the premises on Saturday 16 March 2024. As this was a 14+ event, children aged 14-18 years were allowed entry to the premises.

During this event a young 16 year old male who had been drinking at the premises and was intoxicated, assaulted another young customer before leaving the premises. When outside of the premises the same male hit the window of a passing taxi that was transporting passengers, causing the glass window to smash, showering the passengers in glass. He then went on to damage an ambulance that had been called to the premises to help another young customer inside of the premises before assaulting a Police Officer.

On 15 December 2024 I was in attendance at the front door of the premises with Police and Community Safety Officers when a fight spilled out onto the street from inside of the venue. This incident left the injured party needing hospital treatment for missing teeth and a suspected broken nose and jaw bones.

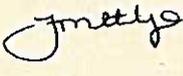
Such incidents impact massively on all blue light services including Ambulance, Police and local Accident and Emergency departments.

Data received from Middlesbrough Council's Safe Haven Service indicates that the medical team have tended to several incidents of alcohol related violence, intoxication and/or substance misuse that have taken place at The Empire.

It is apparent that there are still ongoing issues at these premises since the last review and that the safety of the public is being put at risk. The information provided above 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, all of which raise serious concerns.

It is the responsibility of the Premises Licence Holders/Designated Premises Supervisors and all staff working at the premises including doorstaff to ensure that they uphold the law and the licensing objectives and provide a duty of care to anyone visiting the premises. It is clear from the latest serious incident that the licensing objectives have been undermined and that there is a clear lack of control at these premises.

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

Signed: 

Dated 4 April 2024

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

**On behalf of Middlesbrough Council Licensing**

**Name of RA Representative: Jason Arbuckle, Licensing Enforcement Officer, Public Protection Service, Licensing**

**Address: Public Protection Service, Fountain Court, Middlesbrough**

**Email address, Jason\_Arbuckle@middlesbrough.gov.uk Tel 01642 728707**

**Licence holder details**

Name and Address of Premises  
The Middlesbrough Empire  
2 Corporation Road  
Middlesbrough  
TS1 2RT

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

Premise's Licence Holder-The Middlesbrough Empire 2008 Limited

DPS- Ashely Wern

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:

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

Grounds for representation (including details of any previous representations)

I make this representation as the Responsible Authority for Middlesbrough Council Licensing Service in support of the application for a Summary Review of the Premises Licence submitted by Cleveland Police on the 27<sup>th</sup> of March 2023 in respect of The Middlesbrough Empire, Middlesbrough, TS1 2RT

This representation is made in relation to all four Licensing Objectives.

These premises are situated in Middlesbrough Town Centre which has a high density of licensed premises and already suffers from high levels of alcohol related crime and disorder and anti-social behaviour.

Middlesbrough Council Licensing Unit have serious concerns in relation to the operation and management of these premises. We have concerns regarding the incidents of violence that occurring in and around the premise some involving members of door staff which places others at serious risk of harm.

The incident on the 23<sup>rd</sup> of March 2024 which prompted Cleveland Police to instigate a summary review of the premises licence is of great concern as it shows excessive violence and a clear lack of control and restraint from the Door Supervisor in question. CCTV evidence also shows a complete lack of aftercare given to the victim by both Door Supervisors and management of the premise.

These premises were previously subject to a Review hearing in September 2022 following concerns in relation to violence and the admission and sale of alcohol to persons under 18.

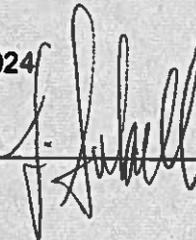
Since the Review of the premises License in 2022, Middlesbrough Council have received further reports from a number of sources which suggest that children are still attending the premise.

Middlesbrough Council are also concerned about the continued poor management of the premises. and the management of staff at the Premise.

Further information in support of this representation will be presented in due course.

Signed   
Jason Arbuckle  
Licensing Enforcement Officer (Licensing)

APRIL  
Date: 3<sup>rd</sup> March 2024



By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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