

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 than 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