

**AGENDA ITEM 3**

**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 15 SEPTEMBER 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**

This matter was due to be considered by Members at a hearing on 8 July 2022.

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 in order for the panel to be convened to consider the representations of all parties.

**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**.

Since the adjournment of the hearing on 8 July 2022 additional evidence has been produced by all parties as follows:

- Appendix 10** – Evening Gazette article plus comments
- Appendix 10a** – Photo (exempt)
- Appendix 10b** – Photo (exempt)
- Appendix 10c** – Photo (exempt)
- Appendix 11** – Police Incidents
- Appendix 12** – Additional Evidence Public Health
- Appendix 12a** – Medics UK Incidents
- Appendix 13** – Statement of PC Thorpe 2 Sept 2022
- Appendix 14** – Additional Evidence Public Health
- Appendix 14a** – Safe Haven Incidents 19 June to 29 Aug 2022
- Appendix 14b** - Medics UK Incidents 19 June to 29 Aug 2022
- Appendix 15** – Additional Evidence Public Health
- Appendix 16** – Medics UK Spreadsheet 19 June to 29 Aug 2022
- Appendix 17** – Synopsis of Safe Haven Incidents 16 July to 30 July 2022
- Appendix 18** – Police Incidents
- Appendix 19** - Police Incidents
- Appendix 20** – Additional Evidence Safe Haven Service
- Appendix 21** – Medics UK Spreadsheet 30 July 2021 to 18 June 2022
- Appendix 22** – Further Incidents
- Appendix 23** – Statement of PC Thorpe Aug 2022
- Appendix 24** – Additional Evidence T Hodgkinson
- Appendix 25** – Letter from Fire Service 2 July 2022
- Appendix 26** – Email from A Wem re vary DPS
- Appendix 27** – Statement of A Wem
- Appendix 28** – Statement of D Hoyle
- Appendix 29** – Statement of P Fyfe

## **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

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.

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