

**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 26<sup>th</sup> 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 5<sup>th</sup> 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.