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## Witness Statement

(Criminal Justice Act 1967, Sect 9; Magistrates' Court Act 1980, ss.5A (3) (a) and 5B; M.C. Rules, 1981, r.70)

### Statement of Denis Hoyle

**Age if under 18: Over 18**  
**Director**

**Occupation: Company**

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This statement (consisting of: 7 pages) 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 which I know to be false or do not believe to be true.

1. My name is Denny Hoyle, I am the sole Director of Hyena Security, and I make this statement in connection with the Empire nightclub, and a review of the premises licence which has been brought by Cleveland Police.
2. I am employed by The Empire to provide security in the form of Door Supervisors on a Thursday, Friday and Saturday. I have worked in the security industry for over 40 years. I have worked in the North East for that entire period. I started working for Higgins security in the 1980's as sub-contractors, when I worked with Eddie Ellwood. Eddie was my business partner for a long time. Our first security venue was the Tuxedo Royale which was a floating nightclub situated on the Tyne, operated by Michael Quadrini. At that time, we operated a small security company called EDENCO Security Limited. When we stopped working with Higgins Security we took over a lot of their venues in the North East employing about 100 people. At our peak, in the mid/late 90's we operated with 350 staff. From E Den we set up Ellwood and Hoyle Security which we operated for 35 years. We covered the whole of the North East, so ran doors in Middlesbrough, Stockton, Hartlepool, Billingham, South Shields, North shields, Sunderland, Durham and Darlington.
3. I stopped working with Eddie in 2019, which is when I set up Hyena Security. I am the sole director, but I run the company with my wife Jillian. We currently employ about 35 people, which is half of the number we employed in 2019, and before the pandemic.
4. I currently supply door supervisors in Billingham, Norton, Stockton, Middlesbrough and Redcar. We operate Thursday through to Sunday. We operate in one nightclub, The Empire, but various other late night venues with similar hours and challenges. In Middlesbrough I run the doors on Barracuda and The Empire.
5. Our compliance is ran by Richard Hughes, whose job title is Compliance and Close Protection officer. Richards qualifications are holds close protection licence with the SIA, is an electrical engineer, so can install various security measures, he is a certificated bailiff and is an in house trainer and is variously qualified in self-defence and the martial arts. He also holds various qualifications around covid, Health and Safety, crowd management, Emergency First Person on Scene medicine.

6. Richard was employed by me in mid-May to make improvements in our policies and procedures. The issues that we had, which I wanted Richard to resolve, were that we had door supervisors who were SIA qualified, but we were not meeting the standards which we required for the work that we do. This is an issue created entirely by covid, because we have lost so many experienced staff. I have known Richard for 20 + years, and met through security work. Richard operates his own security company which is called 'Abacus 365 Solutions', who provide close protection, surveillance, counter surveillance and anti-surveillance and CCTV. He has worked with various government agencies across the world, including police forces and embassies. So he has been heavily involved in compliance, policies and procedures. That is the reason I have brought him into the business. He spends approximately 40% of his time in the role.
7. Richard has come in access our polices and procedures and our training. He has implemented and advised on the new 'wands' (metal detectors) which are in place at The Empire. Previously the premises had one wand on reception. The situation now is that we have 6 wands which all staff are trained how to use. They are in place on reception, inside the club and on the smoking area. The wands are now small enough to fit in an inside jacket pocket, and for discreet operation can be inaudible. These devices can also change the indication that is given to reflect different articles, for example coins, belt buckles or weapons. So would be louder or vibrate stronger for a larger metal object.
8. Customers coming into the premises now will see our trained door supervisors operating wands at the front door and in the queue. They will also see this in the smoking areas prior to re-entry. We see this as an important preventative measure. It tells customers that they could be searched and stopped, and if they have a knife they would be detained for the Police. We have never found a knife on anybody as a result of the searches we have conducted for customers entering the club. We have more recently updated our training to include advanced techniques in dealing with a knife attack or a weapon. Richard Hughes has implemented this training.
9. Wands are the best solution for dealing with the detection of concealed weapons. These can be used outside in the queue, so we can vet customers in the queue with pre-checks, we can carry them around the club, use them for re-entry through the smoking area. They are more discreet and less confrontational. I am aware that that there has been some suggestion that the premises might install a knife arch. I have worked at The Empire for 25 years and in that time this is the only such wounding we have ever had in the club. I have never worked on a premises with a knife arch and all of the people I have asked about them within the sector have stated that they are not fit for purpose or in any way practical for application in the night time economy.
10. We implemented a condition of entry that everyone consents to a search before they enter. He has advised that we have an additional member of staff who monitors the queue, and I have personally taken on that role. If I am not available to go out to a premises, then Richard is able to take over that role, for example providing holiday cover. He delivers in-house, on site specific training to our staff. This involves building on conflict management skills and deescalating situations. This is a skill that has been lost. We deliver scenario based training, and all staff who start shadow either myself or Richard for their first shift. After that they are integrated into the team, if they make it past the first shift. This has helped to build a good team at the empire and vastly improved morale.

11. The premises has previously operated a bodycam on the head doorman. The value of this is that customers creating issues can be told they are being recorded, as is their speech, and this can have the affect of de-escalating the situation. It is also retained for evidential purposes. The bodycam we had was a little dated, and we are implementing new bodycams at the premises. There will be at least one bodycam at the premises on the front door at all times the premises is trading. Evidentially recording what is being said is very valuable in terms of prosecutions, but also in the defence of our actions, as being reasonable in the circumstances.
12. Prior to covid, and in all the time I have operated in security, we have never had a problem in recruiting experienced members of staff. For the most part I have worked with the same group of people throughout my career. At The Empire we had a regular door team. The same staff would work every week, and most staff had in excess of 10 years' experience, in some cases a lot more. I have worked with my current head doorman, Brian Kennedy, for over 25 years. Brian has been working for me for 35 years.
13. Following the pandemic and closures of licensed premises we started to approach staff to work in premises. At that point, I soon realised that we had a problem since the majority of staff had no intention of returning to the security sector. We have lost approximately 75% of our staff during the pandemic. These were my most experienced members of staff. Speaking to my staff, I was told very similar stories. They had, during covid, taken other employment and had decided not to return to the anti-social hours that we are forced to work in the nighttime economy. For the most part this was a quality of life decision as it is better for their family.
14. When we reopened The Empire we had two weeks' notice to build a new door team. I had 3 members of staff, including Brian, but not including me. I had to recruit the rest. At the time our solution to this was to use other existing staff we had access to and to recruit from other companies and premises, and also to recruit newly qualified members of staff. The newly qualified members of staff did not work out, since their level of experience was around retail and festival security. This is the reason why in the initial 12 months we went through so many staff. Some staff had to be replaced mid-shift. During the 12 month period we replaced about 20 members of staff. There were various reasons. Some staff were too inexperienced to handle the type of work, which is at times confrontational and forward facing. Some staff do not understand the duty of care aspect of the role that we are there to look after customers. Some staff were involved in assaults and some just didn't deal with incident in a professional manner. I will comment upon this later in regard to specific incidents which mention door supervisors.
15. Following reopening we noticed a massive change in customer behaviour. We had a mixture of people who went a little crazy having been let out of their house for the first time in 2 years and also customers who turned 18 during covid and had never been to a nightclub. You could see this in the queue, as sometimes it was like a frenzy. The Police were aware of this because they even brought in a mobile cell for detention to hold people. They would hold people for a few hours and release them when they calmed down. There were also ambulances stationed around town and a high number of Street Marshalls. We worked with the Police and Street Marshalls during this time. This resulted in a lot more incidents. People were partying in the queue and we struggled to calm them down. There was singing in the queue and every night was

like New Years Eve. This resulted in loads of refusals at the door and confrontation. These new customers just did not understand how to behave.

16. Our record keeping prior to covid had been very good, but it did slip when we reopened and we weren't recording incidents and refusals as we had before. This was partially down to the appointment of new staff, but in truth we just could have been better. Obviously now we have addressed this and made significant changes and improvements. We were carrying out searches, but they were not being recorded. We still had the best CCTV system in town and cooperated with the Police in providing footage via Paul Fyfe.
17. How we deal with disciplinary issues very much depends upon what has happened. Discrimination of any kind is not tolerated and is an immediate dismissal. We do have verbal warnings, written warnings and final written warnings but sometimes it's just a dismissal. How we deal with incidents of violence very much depends on what has happened and who the violence was towards. Violence against staff is a dismissal, it has to be because it erodes trust. The use of any force has to be minimal, but it also has to be reasonably necessary and appropriate to have the effect it requires to deal with a specific threat. This is something staff are now trained on specifically. We have a duty of care towards customers as our staff work in a forward facing public role. However, we also have a duty of care in protecting other customers and our staff. If there is any doubt about the action that has been taken by a door supervisor then that person will be taken out of the situation, and we will go and watch the incident on the CCTV together and a decision will be made about whether to send the door supervisor home or whether they can continue working. This doesn't happen very often now, but during the first 12 months after reopening it happened more regularly. This was because inexperienced staff could not handle the confrontation, were scared and at times lashed out.
18. I have not been contacted by the Police in regard to any of the incidents listed by the Police in their review evidence, and particularly none which level accusations at door supervisors. I note that a number of the incidents listed have occurred after we have closed because last orders is at 03:00 and in many cases we are closed before 4am, sometimes 03:30.
19. I have the following comments in regard to incidents which mention door supervisors.
  - a. Incident 3 – The individual has been removed from the venue due to his behaviour.
  - b. Incident 9 – the assault was on the door supervisors. This is the type of customer that we are paid to keep out of the premises for the safety of others.
  - c. Incident 12 – We reported this incident and called the Police.
  - d. Incident 15 – This was investigated by us and The Empire. The member of staff was dismissed for inappropriate behaviour. The Police never contacted me in regard to this.
  - e. Incident 16 – We never heard anything about this at the time. The sofa is very close to the front door of the premises. We have never been asked about this.

- f. Incident 18 – The Police have never been in touch about this. The whole area is covered by premises CCTV and council CCTV. If there were any substance to this, we would have been contacted.
- g. Incident 22 – the Police haven't contacted us about this. There are a number of staff members at the venue who are gay, so this type of behaviour is definitely not tolerated at all. The description doesn't match any of the door supervisors from the venue, and is a little confused. If there was video, there would certainly be a prosecution. Without evidence, we cannot take any action.
- h. Incident 24 – If there was CCTV for this incident and it showed a door supervisor assaulting somebody then why haven't the Police contacted us about this. We want to deal with issues and allegations just as much as the Police. Sadly, there isn't any evidence here to comment further on.
- i. Incident 25 – This is an example of our door supervisors removing people from the premises for good reason. We are duty bound to prevent them from getting back in the premises, because we are protecting customers and staff. The Police have not contacted us about this incident.
- j. Incident 27 – We do provide safeguarding for customers. This report is contrary to our policy. In a recent incident reported by us to the Police we worked with the victim of a sexual assault and Paul Fyfe provided the Police with a dossier. This showed the incident, we linked this with his ID and have provided all of these details to the Police. We would have done exactly the same for this incident had the victim requested it. We note that in these circumstances the purported victim and her friends were ejected from the premises.
- k. Incident 29 – Obviously, we know that this took place. We have worked with the Police to review CCTV footage. CCTV did cover the area, but the incident was blocked by bodies who were between the camera and the incident. Door staff have assisted the male when he left the premises and realised he had been stabbed. This has never occurred before in the venue in the 25 years I have ran the door. We have cooperated completely with the Police, and this incident (as already mentioned) led to a review of our policies and procedures. Subsequently search improvements have been made.
- l. Incident 32 and 33 – These are the same incident reported by two different parties. The investigated this. The door supervisor was immediately suspended, the CCTV was reviewed and he was later dismissed. We were told after his dismissal that the female involved was the door supervisor's ex-girlfriend and this has been a domestic issue.
- m. Incident 34 – This is an example of our door team once again preventing people who are deemed to be acting inappropriately from being in the venue. One of our supervisors was assaulted and bitten. He was advised by the Police attending that since the skin was not broken that pursuing a charge was a waste of time. Accordingly, nothing further happened.

22. An issue has been raised in the review evidence that a member of door staff was taking 'back handers' to let people in the premises. This did occur, but it was actually carried out by a 'side door employee' of the venue. Their role was to prevent access to the side doors via the fire door. They were there to stop people opening the fire doors from inside for friends and letting them in. When we found out about this, I took the action of telling them they were sacked, but they were not actually employed by me. I took the action because I viewed it as a security problem. I liaised with Ashley Wem at the time, although the person involved denied this took place. CCTV showed otherwise.
23. Underage persons accessing the premises has obviously been a problem. We have come back from lockdown and the standard of fake ID's available is unbelievable. It's so hard to check some of the ID because it looks so real. This was something that Tim Robson identified with us when he visited the premises. He showed us the best fake ID he had and tested them on the machine. None of them got past the machine. The use of the Scannet machine here is essential because it removes the element of human error which has been present since we reopened. I will provide some examples of fake ID's for the hearing.
24. The process for entry to the premises has been changed to incorporate more rigorous searching. It is as follows. Customers are queued to the right hand side of the premises. Since the incident on the 30<sup>th</sup> April /1<sup>st</sup> May I have personally been monitoring the queue, and training other staff on how to do that. This is done so that I can take people out of the queue who look over 25, since they don't need to access the Scannet machine. This also allows me to interact with people to assess whether they are too drunk, too loud or aggressive. We can then remove those people, which reduces confrontation at the door. If they look under 25 they are asked for ID and are processed. They must produce suitable and acceptable forms of ID, it will be scanned by the Scannet machine and fake ID's are identified and refusals made where necessary. Whilst customers might have been 'wanded' in the queue, the process continues on the door. After they are allowed in then they must consent to a search just after they have paid for entry. If they refuse to be searched they are given their money back and are refused entry. When they move inside the premises then there could be a further opportunity to search. This is at the discretion of the staff.
25. The area around the premises attracts people other than customers of The Empire. This is because there are cars parked outside the premises, watching the premises and the girls in the queue. These are on the opposite side of the road. There is a taxi rank for 20 cars, a bus stop, a convenience store and further down there is a takeaway. Directly across the road in the Central Pub which is open late. They have a large number of incidents. The Town Hall is next door. There are 4 or 5 cash machines near the premises, and the next nearest cash machines are quite a distance away. So, the area attracts lots of people. There are lots of incidents in the area that have nothing to do with the Empire. Often The Empire is used as a reference point to tag incidents.
26. I have recently met with the SIA. We had arranged a meeting and they visited my home to discuss a number of things. I was told it was to discuss training new staff. The reason for the visit has obviously had something to do with the incident on the 30<sup>th</sup> April / 1<sup>st</sup> May. Prior to the meeting they had just been in a meeting with Cleveland Police. When they came to my house they wanted to talk about a

number of issues and one of those was this incident at the Empire. I explained what had happened, I also explained about the improvements I had made in conjunction with the venue. I explained about the new camera system, the facial recognition, the wands and the Scannet Machine. Having just spent time discussing this with the Police, they had no idea about the improvements that had been made, which I found a bit strange. They were gob smacked by the improvements and the quality of the CCTV installation. I had also mentioned the involvement of Tim Robson as a licensing consultant and explained he had carried out a report. They knew Tim and were happy that a report had been done and the results were positive.

27. Following my meeting with the Nicola Miller from the SIA, she sent my wife Jillian an email to confirm the outcome of our meeting. She confirmed tat the SIA was happy with the response from the company to rectify any problems. The email from SIA is attached at Appendix 1.

28. Following our recent meeting with the SIA, the SIA and the Police have also asked if we will be the flagship premises for the Middlesbrough for the implementation of 'smart water'. Smart water is a DNA based clear water product usually deployed in a spray/vapour. This is in the form of a jet spray that can be used by staff where they are being threatened or an incident has occurred. It would allow the Police to later on identify a perpetrator of an assault or similar. We are currently considering the use of this, and the premises is liaising with the insurers. We have a date to meet with the SIA and Cleveland Police Licensing Team to discuss this. I will be attending with Richard and Ashley Wem.

29. This statement is true. I have made it of my own free will.

Signed.....

Dated.....



From: >  
To:  
Subject: 23 August 2022, 10:36 +0100  
FW: SIA meeting

Hello Jillian

Thank you so much for your time last week meeting myself and Ivan. Apologies again for being late.

As discussed there were some issues at Empire but it appears you have worked hard to implement several methods of ensuring risk of under age customers will be prevented. Much of the equipment you have invested in appears to be state of the art and something new in our area. I will be interested to see how it goes and the difference it makes to the already difficult job of the door supervisors.

I have written up a report with details of all you have told me and am happy the with the response you have made as a company to rectify any problems.

In the meanwhile if there is anything I can do to assist please do not hesitate to contact me.

Lovely to meet you both.

Many thanks

Nicola

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