

COMMITTEE REPORT

LICENSING COMMITTEE

28 MARCH 2024

REPORT OF THE DIRECTOR OF ENVIRONMENT & COMMERCIAL SERVICES

NOT FOR PUBLICATION BY VIRTUE OF
PARAGRAPH 7 OF PART 1 OF SCHEDULE
12A OF THE LOCAL GOVERNMENT ACT
1972

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

The purpose of this report is for Members to consider an application for a summary review of the premises licence for The Empire made by Cleveland Police on 27 March 2024 under Section 53A of the Licensing Act 2003.

A copy of the application from Cleveland Police, is attached at Appendix 1, and a copy of the existing premises licence is attached at Appendix 2.

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.

3. Notification to Responsible Authorities and the Premises Licence Holder

A copy of the application has been served on the Responsible Authorities and the Premises Licence Holder.

4. Application advertised by the licensing authority: 27 March 2024

5. 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).

6. 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.

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
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Summary Reviews	Starting at Paragraph 12.1
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And any other sections of the Guidance which Members consider to be relevant.

8. Members' Options

The interim steps that Members must consider taking are:

- The modification of the conditions of the premises licence
- The exclusion of the sale of alcohol from the scope of the licence
- The removal of the designated premises supervisor from the licence
- The suspension of the licence

If Members decide to take any steps at the interim stage then the decision takes immediate effect pending the full review hearing.

Should the Premises Licence Holder wish to make further representations to Members against any interim steps imposed at this hearing, the Premises Licence Holder may do so at any time prior to the full review hearing. If any such representations are received a further hearing will be arranged within 48 hours to allow for these representations to be heard.

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