

# Appendix 1

ANNEX C

## FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Middlesbrough Borough Council

### **Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

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#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Sgt 417 Glyn Bavin [on behalf of] the chief officer of police for the Cleveland police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

#### **1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**2 Corporation Rd,**

Post town: Middlesbrough

Post code (if known): **TS1 2RT**

#### **2. Premises licence details:**

Name of premises licence holder (if known): The Middlesbrough Empire 2008 Ltd

Number of premises licence holder (if known): MBRO/PR0139/019085

#### **3. Certificate under section 53A(1)(b) of the Licensing Act 2003** [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

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(Please tick the box to confirm)

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

**The Police are asking for an Expedited Review following an incident on Saturday 23<sup>rd</sup> March 2024 at approximately 23:20 hours.**

**Police received information from the ambulance service, from a concerned member of the public who had witnessed a member of door staff from the Empire 'pick up a customer and throw him to the ground on his head resulting in him starting to fit'.**

**Subsequently CCTV footage of the incident has been circulated via social media showing the incident.**

**The footage clearly shows the door supervisor picking up the male and throwing him to the ground on his head.**

**It is concerning that the male appears to be unconscious and is given no aftercare. The footage shows the male being dragged off the road by two door supervisors without any regard for potential significant injuries.**

**A door supervisor from the premises has subsequently been arrested for the offence of Section 18, intent to cause grievous bodily harm (GBH), and is on police bail.**

**This is not an isolated incident. There have been previous incidents involving serious crime and disorder at the premise, some involving staff members. In September 2022 the premises licence was reviewed by Middlesbrough Council following concerns in relation to serious violence at the premises.**

**This latest incident constitutes both serious crime and serious disorder. Cleveland Police does not believe it is appropriate to address these issues through the standard review process as the incident is serious and involves a staff member, and any delay as a result of such a process being followed, would be disproportionate to the risk of another victim being seriously harmed. Cleveland Police believe that Immediate Action is required to prevent further risk to the community.**

Signature of applicant: Sergeant Glyn Bavin

Date: 26.03.2024

Capacity: Police Licensing Sergeant



**Contact details for matters concerning this application:**

**Address: Middlesbrough Police HQ, Bridge Street West, Middlesbrough, TS2  
1AB**

Telephone number(s): 01642 302361

Email: glyn.bavin@cleveland.police.uk

**Notes for guidance:**

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

**ANNEX B**

[Chief Constable of Cleveland Police  
c/o Sgt 417 Bavin  
Bridge Street West  
Middlesbrough]

**CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder<sup>1</sup>.

*Premises*<sup>2</sup>:

THE EMPIRE  
2 Corporation Rd,  
Middlesbrough  
TS1 2RT

Premises licence number (if known): MBRO/PR0139/019085

Name of premises supervisor (if known): Ashley WEM

I am a Chief Superintendent <sup>3</sup> in the Cleveland police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because<sup>4</sup>:

An incident occurring at the premises around 2320hrs on Saturday 23rd March 2024 was serious in nature and is being investigated by Cleveland Police as an offence of Grievous Bodily Harm under Section 18 of the Offences Against the Person Act 1861.

Information received by Cleveland Police suggests that a door supervisor at The Empire picked up a customer and threw him to the ground on his head resulting in a seizure.

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<sup>1</sup> Delete as applicable.

<sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>4</sup> Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.





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c/o Sgt 417 Bavin  
Bridge Street West  
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The suspect for this offence is a member of door staff employed at the premises. They are on bail pending further enquiries by Police.

This is not an isolated incident. There have been previous incidents of serious crime and disorder at the premises, some involving staff. In September 2022 the premises licence was reviewed by Middlesbrough Council following concerns in relation to Serious Violence.

This latest incident has attracted significant public concern on social media. Cleveland Police believes it is necessary to work in partnership with others, working on prevention and early intervention to reduce Serious Violence and the harm it causes to communities under its obligations within the Serious Violence Duty.

Cleveland Police does not believe it is appropriate to address these issues through the standard review process as the incident is serious and involves a staff member, and any delay as a result of such a process being followed, would be disproportionate to the risk of another victim being seriously harmed. Cleveland Police believe that Immediate Action is required to prevent further risk to the community.

*G M C G / a a d g s* *26.3.24.*  
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(Signed) *C/Sept 3236.* (Date)