

## PREMISES LICENCE

### Part A

Premises licence number MBRO/PR0139/019085

#### Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>  The Empire Corporation Road	
<b>Post town</b> Middlesbrough	<b>Post code</b> TS1 2RT
<b>Telephone number</b> 01642 253553	

<b>Where the licence is time limited the dates</b> N/A
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<b>Licensable activities authorised by the licence</b>  Plays Films Live Music Recorded Music Performances of Dance Sale of Alcohol
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<b>The times the licence authorises the carrying out of licensable activities</b>  <b>PLAYS, FILMS, LIVE MUSIC, RECORDED MUSIC, PERFORMANCES OF DANCE</b> Monday to Sunday : 11am to 4am Boxing Day : 11am to 6am New Years Eve : 11am to 6am  <b>SALE OF ALCOHOL ON PREMISES</b> Monday to Sunday : 11am to 3.30am Boxing Day : 11am to 5.30am New Years Eve : 11am to 5.30am
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<b>The opening hours of the premises</b>  Monday to Sunday : 11am to 4am Boxing Day : 11am to 6am New Years Eve : 11am to 6am
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**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol sales permitted ON the premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

The Middlesbrough Empire 2008 Limited  
The Empire Theatre  
Corporation Road  
Middlesbrough  
TS1 2RT

01642 253553

**Registered number of holder, for example company number, charity number (where applicable)**

06498135

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Ashley Stephen Wem  
8 Vinovia Place  
Ingleby Barwick  
Stockton on Tees  
TS17 5LU

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

MBRO/PL0173/019242 Middlesbrough Borough Council

**Granted on 10 August 2016**



**Authorised Officer**

## Annex 1 - Mandatory conditions

### Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Exhibition of Films

3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

4. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

5. Where-

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

6. In this section "Children" - means persons aged under 18; and "Film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

### Door Supervision

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, that licence must include a condition that each such individual must:

(a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;

(b) Be entitled to carry out activity by virtue of section 4 of the Act.

8. But nothing in subsection (1) requires such a condition to be imposed:

(a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films); or

(b) In respect of premises in relation to:

(i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

9. For the purposes of this section:

(a) "Security activity" means an activity to which paragraph 2(1) (a) of that Schedule applies, and which is licensable conduct for the

purposes of that Act.

(b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

#### Age Verification

10. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

11. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

12. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

#### Permitted Price

13. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

14. For the purpose of this condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where:

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

15. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

16. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Irresponsible Drink Promotions (applicable to 'on' & 'off' sales)

17. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

18. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise).

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

19. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Alcoholic Drink Measures

20. The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

## Annex 2 - Conditions consistent with the operating Schedule

### Embedded Restrictions and Benefits

#### ON LICENCES

Alcohol shall not be sold or supplied except during permitted hours.  
In this condition, permitted hours means:

Monday to Sunday : 11am to 3.30am

Boxing Day : 11am to 5.30am

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day

The above restrictions do not prohibit:

- a) During the first 20 minutes after the above hours the consumption of the alcohol on the premises;
- b) During the first 20 minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) During the first 30 minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- d) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) The taking of alcohol from the premises by a person residing there; or
- i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises

#### CHILDREN

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence
- (2) He resides in the premises, but is not employed there
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition 'bar' includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an

ancillary to their table meals.

PUBLIC ENTERTAINMENT LICENCE CONDITIONS MADE BY THE MIDDLESBROUGH BOROUGH COUNCIL ("THE COUNCIL") BY RESOLUTION ON 18 NOVEMBER 1998 UNDER THE POWERS CONFERRED BY THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982.

1. The number of persons allowed on the premises during the performance of public entertainment shall not exceed:  
Using Stage - 1215  
Not Using Stage - 1115
2. A minimum entry charge of £1 shall be levied Monday to Sunday
3. An acoustic report from a reputable Noise Consultant must be submitted and approved by the Council's Environmental Protection Team. The recommendations made in the approved report must be implemented prior to any extension beyond 2am of the terminal hour.
4. All necessary precautions shall be taken to prevent persons in the neighbourhood of the premises being disturbed by noise.
5. That the Licensee will implement a drugs policy to the satisfaction of the Council and Cleveland Police in respect of the premises to be licensed.
6. The Licensee must ensure that there will be a secure drugs deposit box approved by Cleveland Police, on all liquor licensed premises which are also licensed for Public Entertainment beyond 11.00pm which will be used along with a hard bound Drugs Register, in accordance with the guidelines laid down by Cleveland Police.
7. The Licensee shall ensure that free potable drinking water is to be made available other than in sanitary facilities and such availability is prominently advertised to patrons.
8. The Licensee shall ensure that a minimum of one qualified first aider is present at all premises licensed for Public Entertainment beyond 11.00pm.

As the provisions of the Private Places of Entertainment (Licensing) Act 1967 was previously adopted and applied throughout the Borough of Middlesbrough, private entertainment for gain may be provided throughout the premises by virtue of the previous Justices' Licence/Public Entertainment Licence.

The sale of hot food and drink may be provided for up to 30 minutes after the end of permitted hours by virtue of the previous Justices' Licence.



## LICENSING OBJECTIVES

### GENERAL - ALL FOUR LICENSING OBJECTIVES

The premises will participate in relevant training and campaigns for the promotion of the Licensing objectives at the request of any of the responsible authorities.

### THE PREVENTION OF CRIME AND DISORDER

1. The interior and exterior of the premises shall be covered by CCTV. All CCTV footage recorded will be kept for a minimum of 31 days and will be kept in a locked and secure cabinet.
2. All glasses should be made from toughened glass.
3. Staff should endeavour to prevent patrons entering or leaving the premises with any glass, bottle or other open container.
4. The premises will have in place adequate SIA registered security for evenings when open to the public, to an approximate ratio of 1 door supervisor to 100 patrons.
5. A search policy will be used upon entry to the premises where deemed appropriate.
6. Recognised proof of age documentation will be requested where deemed appropriate.
7. The management will not promote cheap drinks or alcohol abuse via drinks promotions
8. A metal detector is available for use where deemed necessary
9. An up to date incident book in which to record incidents of crime and disorder will be kept on the premises.
10. The DPS or their representative will continue to actively support the Pubwatch scheme
11. The shall have a drug policy, drug register and drug box in which to place prohibited substances. The drugs box is located in the reception area of the premises which is monitored by CCTV

### PUBLIC SAFETY

1. Staff will receive appropriate training in relation to Health and Safety at work. Records of this training will be retained.
2. Hand held counting devices will be used to ensure that the maximum capacity for the premises is not exceeded
3. An appropriate 'cool' room is provided with seating and ventilation and a quieter ambience
4. A fully qualified first aider will be on the premises during hours of operation.

### THE PREVENTION OF PUBLIC NUISANCE

1. All rubbish, bins etc are stored within the premises to prevent noise from bins being an issue
2. Prominent notices will be displayed asking customers to leave the premises quietly and PA's are made to that effect.
3. Local taxi firms will be informed if the premises are to open later than usual
4. Patrons who persistently leave in a noisy manner will be banned from the premises
5. If queues form at the premises, they shall be formed down the right hand side of the premises, deemed furthest away from residential accommodation
6. Adequate lighting is installed on the exterior of the premises
7. The outside of the premises will be cleaned regularly to ensure that discarded litter is disposed of correctly

## **THE PROTECTION OF CHILDREN FROM HARM**

1. Persons under 18 years of age are not allowed on the premises other than at an under 18s event or on Middlesbrough Football Club matchdays.

In the case of Middlesbrough Football Club matchdays-

- i. All children must be accompanied by an adult and,
- ii. Must leave the premises by 8pm.

2. In the case of an under 18's event-

- i. The event will take place between 12 Noon and 10pm
- ii. A fully qualified paramedic shall be on the premises
- iii. The age range of patrons shall be limited to 14 to 17 year olds only.
- iv. Only soft and non alcoholic drinks shall be sold or be on display
- v. If any patron is found to be under the influence of drugs or alcohol then their parents or guardian shall be contacted and asked to collect the child or children. The management will not turn away patrons without ensuring they are safe and are able to be collected by a parent or guardian
- vi. Random searches are made of any patron wishing to gain access to an Empire under 18 event. Refusal to allow search will result in refusal of entry.
- vii. Any patrons found to be intimidating other patrons, pushing or shoving or attempting to jump the queue will not gain entry. Any patron found fighting or using bad language will be escorted out of the venue and a parent or guardian called to pick them up.
- viii. Patrons will be allowed into the premises with cigarettes if they are over 16 (and have proof of age) Cigarettes are not sold at the event and any cigarette machines are turned off for the event
- ix. A professional registered security team all having had criminal records check for suitability, will be on hand to assist anyone at all times and Empire Security will also be available to assist and answer any questions.

In addition to the above conditions regarding under 18 nights:

On any Sunday, Monday, Tuesday, Wednesday or Thursday over 14's will be admitted to the premises, they will also be admitted on 4 occasions throughout the year to events held on Fridays or Saturdays, with prior consultation with Cleveland Police, providing the following additional conditions apply:

1. All customers will be given a secure wristband of differing colours, differentiating under 18's from over 18's.
2. The theme of the night will be live music event.
3. All drinks will be served in plastic glasses.
4. A first aider will be on the premises throughout the night.
5. If any patron is found to be under the influence of drugs or alcohol then their parents or guardian shall be contacted and asked to collect the child or children. The management will not turn away patrons without ensuring they are safe and are able to be collected by a parent or guardian

**Annex 3 - Conditions attached after a hearing by the licensing authority**

Not Applicable

## **Annex 4 - Plans**

Attached