

Application to vary a premises licence under the Licensing Act 2003

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 this 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.

You may wish to keep a copy of the completed form for your records.

We Stonegate Pub Company Limited

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL0431
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Duke of York 124 Church Street			
Post town	Whitby	Post code	YO22 4DE

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£70,700

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current residential address if different from premises address	3 Monkspath Hall Road		
Post Town	Solihull	Postcode	B90 4SJ

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not, from what date do you want the variation to take effect?

To take effect upon completion of works as notified to the Licensing Authority in writing

Day	Month	Year

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please read guidance note 2)

1. To vary the layout of the premises in accordance with plans supplied by the applicant to show the basement floor and license the bar servery shown on the basement plan to permit the sale of alcohol from that area.
2. To add conditions to the Premises Licence including restricting operation of basement bar servery between the hours of 10:00 and 22:00 each day and other conditions in terms of management, as stated in the application.
Such variation to have effect upon completion of works as notified to the Licensing Authority in writing. See application and licensing plans submitted to the council for full details. The permitted hours for licensable activities and opening hours to remain as existing.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please read guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)	
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	
Fri				
Sat				
Sun				

E- No Change

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

F- No Change

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

H– No Change

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue				Both	<input type="checkbox"/>
Wed				<u>Please give further details here</u> (please read guidance note 5)	
Thur					
Fri					
Sat			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Sun					
			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

J – No Change

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>As existing, no change.</p>
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L- No Change

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
 None.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
 N/A

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

[The information provided in this box is solely for information only and not intended to be converted into conditions on the licence.]

We have considered the impact of the proposed variation which seeks to vary the layout of the premises to show the basement and license a bar servery within the basement which will be used to service the external area. We are not seeking any extension to permitted hours for licensable activities or opening hours.

The external area is owned by the council and permission for the applicant to use it is by way of a separate licence including the placing of tables and chairs for customer use and consumption of food and drink including alcohol within the area.

Steps have been taken to ensure that the application and proposed operation will continue to promote the licensing objectives, and in particular we have undertaken consultation regarding the licensing of the basement servery with the Licensing Authority Officer prior to submission and pre application consultation comments have been taken into account in considering and submitting this application.

Furthermore, conditions have been offered *within the application* as measures to ensure continued promotion of the licensing objectives:

- *The operation of the basement servery shall be limited to between 10:00 and 22:00 hours each day.*
- *Whilst the basement bar servery is operating appropriate staff will be deployed for the purposes of floor walking to monitor the external area.*
- *At all times the basement bar servery is in operation there should be a minimum of one member of staff on duty at the bar linked to the premises radio/ contact system.*
- *The premises will implement an external area management plan for use when the basement bar servery is in operation.*

Given the basement bar servery will be manned at all times it is in operation this will further assist in monitoring the existing external area alongside CCTV in place that covers the external area. Also, capacity via maximum number of covers is already limited under the licence permission granted by the council for use of the external area.

The applicant can further assure you that it has extensive experience in operating such external seating areas across the country, in many areas, in close proximity to residents and are committed to working in partnership with their local community. The applicant has management policies in place adapted at site level as appropriate which assist in managing nuisance in such external areas and monitoring customer behavior.

If the application is granted the existing licence conditions, policies and internal measures in place will continue to apply, including training staff to sell alcohol responsibly and in accordance with licensing law, alongside the additional condition as to restricting use of the basement servery, as a result, it is submitted that variation is unlikely to add to issues in the area or undermine the promotion of the licensing objectives.

b) The prevention of crime and disorder

See a) above. Also in the event the application is granted as applied for the following condition is proposed to be added to the licence:

- *The operation of the basement servery shall be limited to between 10:00 and 22:00 hours each day.*

- Whilst the basement bar servery is operating appropriate staff will be deployed for the purposes of floor walking to monitor the external area.
- At all times the basement bar servery is in operation there should be a minimum of one member of staff on duty at the bar linked to the premises radio/ contact system.
- The premises will implement an external area management plan for use when the basement bar servery is in operation.

c) Public safety

See a) above.

d) The prevention of public nuisance

See a) above.

e) The protection of children from harm

See a) above.


Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	20/02/2024
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Suraj Desor Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) [REDACTED]			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

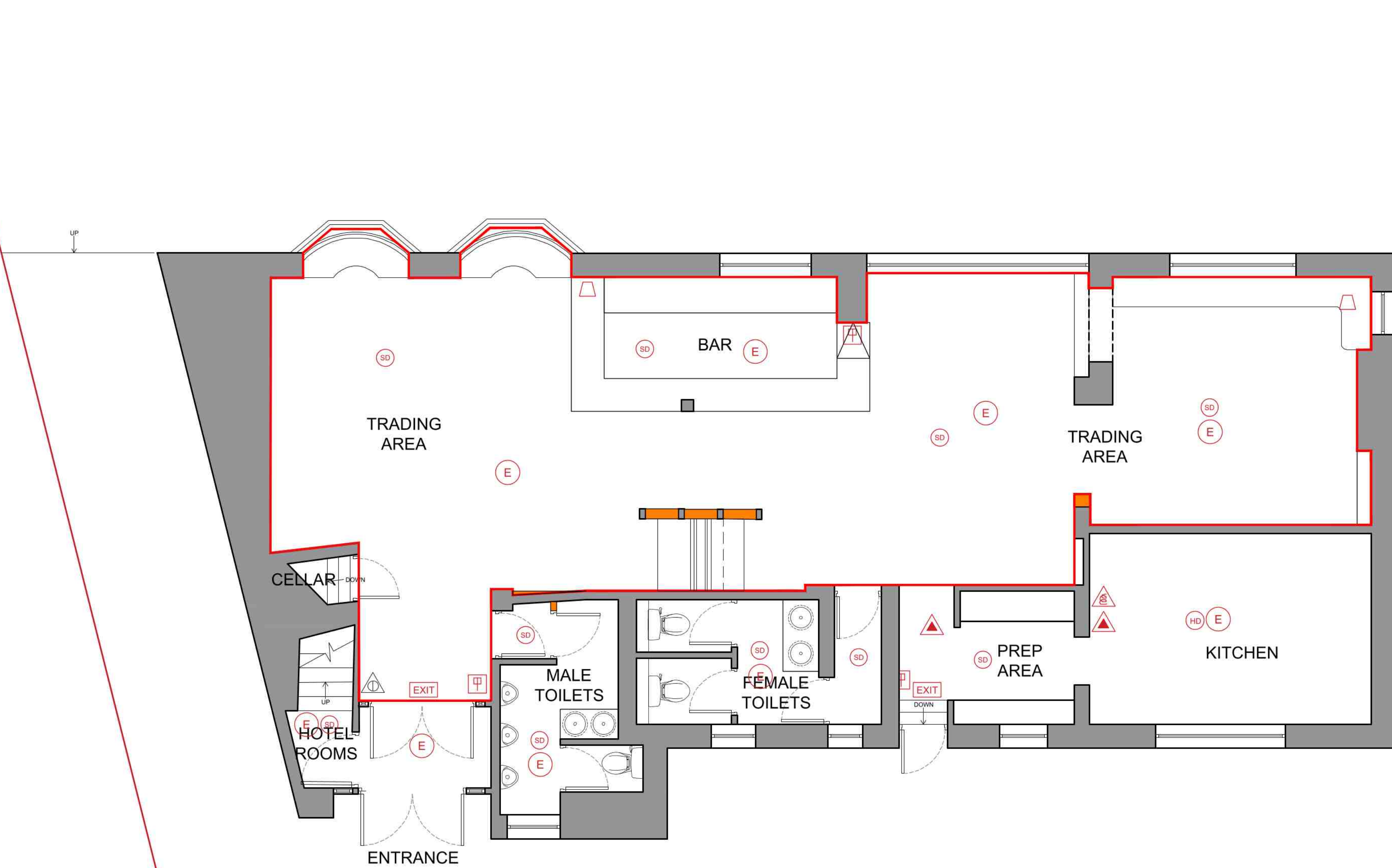
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.
 - 16.

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REVISIONS			
-	FIRST ISSUE	20.07.2022	RG
A	REVISED LAYOUT WITH ROOM LABELS	21.07.2022	RG
B	REVISED LAYOUT	26.07.2022	RG



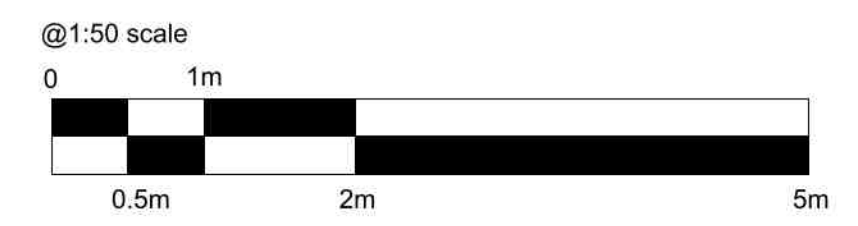
GROUND FLOOR PLAN - PUB
SCALE 1:50

FIRE AUTHORITY REQUIREMENTS

- VP VISION PANEL
- PB PANIC BOLT
- SC SELF-CLOSING
- EXIT** SELF CONTAINED MAINTAINED DIRECTIONAL EMERGENCY EXIT SIGN ILLUMINATED SUSPENDED *FIRE EXIT* SIGN 75mm LETTERS
- E** AREA COVERED BY MAINTAINED EMERGENCY LIGHT FITTING TO BS.5266, PART 1
- HD** AREA COVERED BY HEAT DETECTORS
- SD** AREA COVERED BY SMOKE DETECTORS
- FP** FIRE ALARM CALL POINT
- FAIP** FIRE ALARM INDICATOR PANEL
- ▲** FIRE BLANKET IN CONTAINER
- ▲** CARBON DIOXIDE FIRE EXTINGUISHER
- ▲** 9 LITRE WATER EXTINGUISHER
- ▲** DRY POWDER EXTINGUISHER
- ▲** FOAM FIRE EXTINGUISHER
- ▲** ALARM WARNING DEVICE (voice type in Customer Areas) music sound system to be de-activated.

▭ LICENSABLE ACTIVITIES

NOTES:
ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLAN REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY AND **DOES NOT** FORM PART OF THE PREMISES LICENCE.
THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS AT PRESENT. THIS MAY VARY FROM TIME TO TIME WITH THE ARRANGEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT.

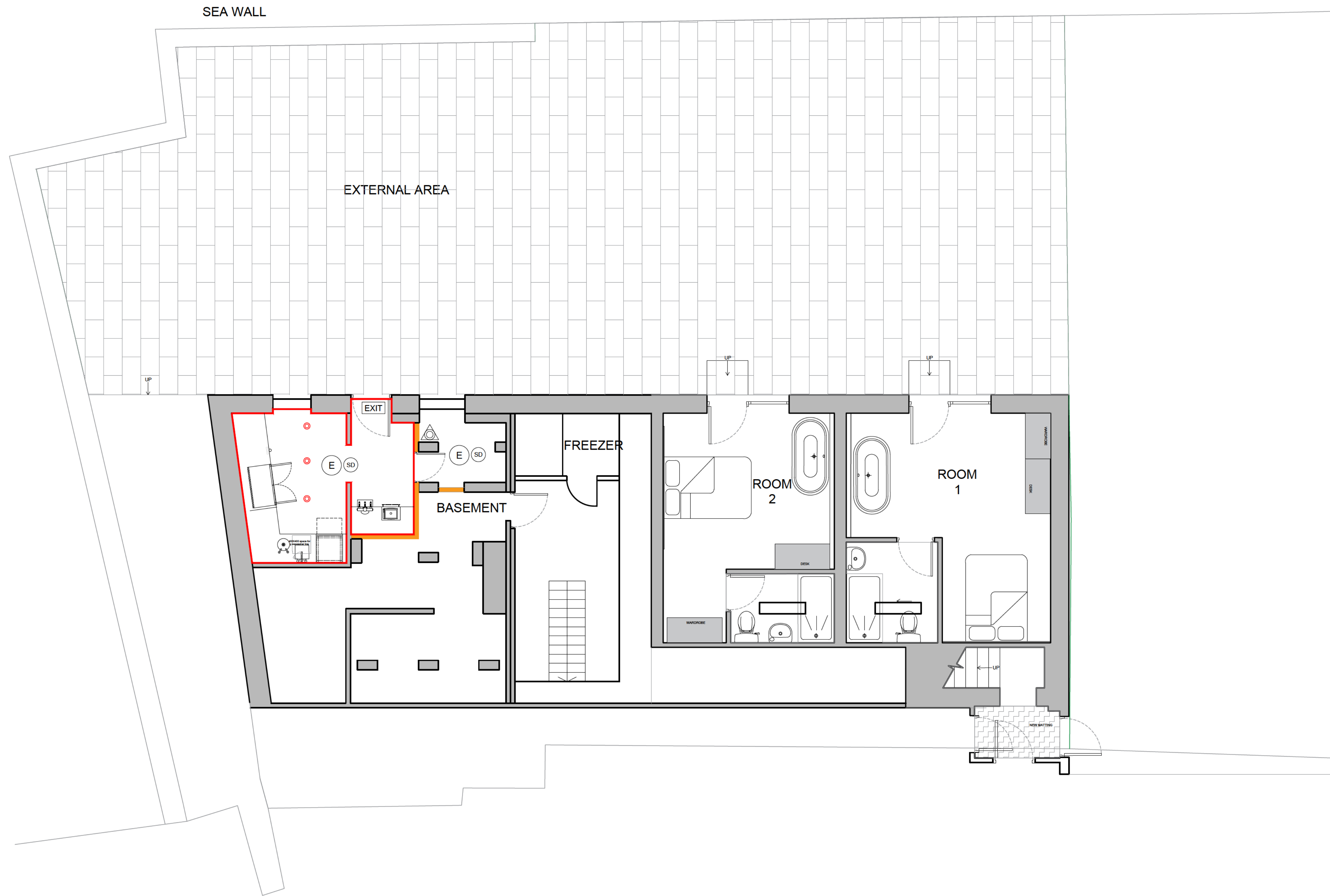


HARRISON INCE ARCHITECTS INTERIOR DESIGNERS	
CLIENT STONEGATE PUB COMPANY	
PROJECT DUKE OF YORK, 124 CHURCH STREET, WHITBY, YO22 4DE	
TITLE PROPOSED GROUND FLOOR LICENSING PLAN	
DATE JULY 2022	SCALE 1:50 @ A1
JOB NO. ST158	DWG. NO. AM01 B
DRAWN CAD/RG	CHECKED

SUN HOUSE
24 LITTLE PETER STREET
KNOTT MILL
MANCHESTER
M15 4PS
TEL: 0161 236 3650
EMAIL: enquiries@harrison-ince.co.uk

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 All discrepancies to be brought to the attention of the architect immediately.
 This drawing is to be read in conjunction with the specification / bill of quantities and related drawings.

REVISIONS			
-	FIRST ISSUE	09.02.2024	MSM
A	EXTERNAL AREA HIGHLIGHTED IN RED	19.02.2024	LB
B	RED LINE REMOVED	20.02.2024	LB

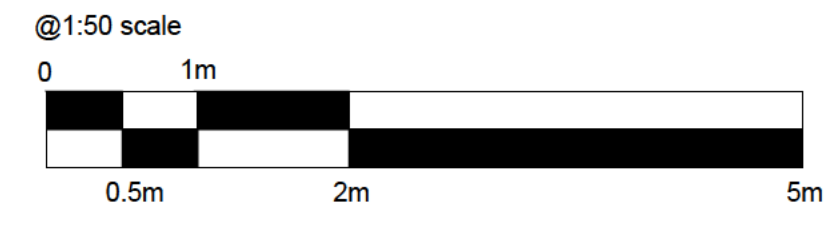


FIRE AUTHORITY REQUIREMENTS

- VP VISION PANEL
- PB PANIC BOLT
- SC SELF-CLOSING
- EXIT** SELF CONTAINED MAINTAINED DIRECTIONAL EMERGENCY EXIT SIGN ILLUMINATED SUSPENDED "FIRE EXIT" SIGN 75mm LETTERS
- E** AREA COVERED BY MAINTAINED EMERGENCY LIGHT FITTING TO BS 5266, PART 1
- HD** AREA COVERED BY HEAT DETECTORS
- SD** AREA COVERED BY SMOKE DETECTORS
- FACP** FIRE ALARM CALL POINT
- FAIP** FIRE ALARM INDICATOR PANEL
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LICENSABLE ACTIVITIES

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BASEMENT FLOOR PLAN
SCALE 1:50

HARRISON INCE
 ARCHITECTS INTERIOR DESIGNERS

CLIENT **STONEGATE GROUP**

PROJECT **DUKE OF YORK,
 124 CHURCH STREET, WHITBY, YO22 4DE**

TITLE **PROPOSED LICENSING PLAN - BASEMENT**

DATE	FEB 2024	SCALE	1:50 @ A1
JOB NO.	ST158	DWG. NO.	AM01 B
DRAWN	CAD/MSM	CHECKED	

SUN HOUSE
 24 LITTLE PETER STREET
 MANCHESTER
 M15 4PS
 TEL: 0161 236 3650
 EMAIL: enquiries@harrison-ince.co.uk