



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: WEDNESDAY, 2 JULY 2025 at 10:00 am

P R E S E N T:

Councillor Pickering (Chair)

Councillor Bonham

Councillor Cank

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1. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

That the minutes of the previous meetings held on 26th March 2025 and 20th May 2025 be confirmed as a correct record.

**5. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE -
MOONSHINE, 91 HIGH STREET, LEICESTER**

The Director of Neighbourhood and Environmental Services submitted a report for an application for a variation to an existing licence for Moonshine, 91 High Street, Leicester.

The applicant Mr Danny Nyszczoła, and Ms Janet Gillbanks, the director of the premises, were present. Also present were the Service Manager (Regulatory Services) and the Legal Adviser to the Sub-Committee.

The Service Manager (Regulatory Services) presented the report and outlined

details of the application.

A representation was received on 10 June 2025 from a member of the public. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee was concerned that allowing the outside area a licence until midnight seven days a week would disrupt the residents who lived within the vicinity. They were also concerned that there may be an increase in people who were drunk and using drugs.

A further representation was received from the same member of the public. The representee was concerned that the noise and anti-social behaviour would escalate and lead to further public nuisance. They also mentioned four incidents regarding parking at the Freeschool Lane entrance to Moonshine, and the bins being left on the pavement area for days.

The representees were not present. Their written representations were submitted to the Members prior the meeting and taken into considerations by the Sub-Committee.

Mr Nyszczota and Ms Gillbanks were given the opportunity to address the Sub-Committee and answered questions from the Members and officers.

All parties present were then given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making their decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decision and reasons would be announced in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

The Sub-Committee's decision is that it is appropriate for the promotion of the licensing objectives to **VARY** the Premises Licence as follows:

The outside area adjacent to Moonshine shall be added to the existing Premises Licence and shall be subject to the existing licensing conditions and existing licensable activities. These are the sale of alcohol; performance of live music; playing of recorded music and the provision of late-night refreshment.

Moonshine is subject to existing licensing hours. The current times are Monday to Sunday, 12pm until 04.30am.

The outside area shall operate separate licensing hours. The licensable activities for this area shall be authorised from Mondays to Fridays, 12pm until 00.00am.

[The outside area is detailed as the 'outside area' on the premises plan attached to the licence. The outside area can be accessed from within Moonshine and Freeschool Lane.]

. **Additionally, The Sub-Committee has requested a copy of the fire-risk assessment for forwarded for the attention of the Licensing Department within 14 days of receiving the decision**

REASONS

In considering the application by Danny Nyszczota for variation of the Premises Licence he holds for Moonshine at 91 High Street, Leicester, the Sub-Committee has considered the Licensing Officer's Report and all the relevant representations, both written and oral. The Sub-Committee has taken account of all relevant legislation including section 35 of the Licensing Act 2003, the Statutory Guidance, the Regulators' Code, and the Council's Licensing Policy. The Sub-Committee has had regard in its deliberations to the steps appropriate to promote the licensing objectives in the overall interest of the local community and has decided the matter on its merits on the evidence presented to it. The Sub-Committee has had regard to the public sector equality duty detailed in section 149 the Equality Act 2010 and has taken a risk based approach to its decision which has been made on the balance of probability. The Sub-Committee has, as it is required to do, limited its deliberation to the promotion of the licensing objectives (with each licensing objective being of equal importance) and nothing outside of those parameters.

Moonshine is located at 91 High Street, Leicester. There is an outside area which can be accessed from within Moonshine and Freeschool Lane. The outside area is labelled as 'outside area' on the Moonshine plan. The surrounding area consists of a mixture of businesses and residential properties.

Mr Nyszczota holds the Premises Licence, which was issued on 09/07/24. Mr Nyszczota is also the Designated Premises Supervisor. The Premises Licence authorises the performance of live music (indoors), the playing of recorded music (indoors), and the supply of alcohol (for consumption on the premises) 7 days a week from 12pm to 04.30am. It is also licensed for the provision of late-night refreshment (indoors) 7 days a week from 11pm to 04.30am. The

intention is to serve alcohol from an outside bar.

The director of Moonshine is Ms Janet Gillbanks, who was also present at the Sub-Committee hearing.

The application for a variation of the current licence:

1. To vary the existing licensed area to include the outside area as shown on the plan attached to the licence.
2. To vary the current Premises Licence to authorise the sale of alcohol (off the premises), play live music (off the premises), play recorded music (off the premises) and late-night refreshment (off the premises) to take place in the outside area. The proposed timings were 7 days a week 12pm until midnight. The application asked for the existing licence conditions and timings to remain the same for the inside of the premises.

The existing licensing conditions would extend to the outside area.

Representations were received in opposition to the variation application from a member of the public. Their representation engaged all 4 of the licensing objectives.

The member of the public who made the written representation did not attend the hearing. The Sub-Committee did consider their concerns.

The written representation was received on the 10th June 2025. Their representation explains that there are residential apartments where children, adults and the elderly live. They describe the application to allow licensable activities to take place in the outside area as 'shocking.' They refer to another licensed premises called The Tree, who plays loud music twice a year and as a result, results in people under the influence of drugs and alcohol in the area at night. They say that this causes disruption to their evenings, especially to people who work for a living, and some have to be awake for 6am. They state people urinate and swear throughout the night. By allowing the licensable activities to extend to the outside area, this would cause the member of the public to feel unsafe and 'even more of a living hell.' The member of the public explains that they are trying to sell their property due the violence and alcohol issues within the area. They say drug abuse is becoming worse in the city centre. They say the majority of people are scared to leave their apartments after a certain time. Noise echoes from outside. They say as a result of the nearby 'The Tree' having a garden party – this had caused their apartment doors to shake as the music was so loud. They describe on one occasion there were gangs of people throwing barricades around after the garden party also. They state they have complained a number of times to the Noise and pollution control team, who had entered into their residence in order to conduct noise monitoring. It is unclear what the results were/not mentioned. The noise has caused the member of the public to suffer from high anxiety and lack of sleep. They describe they have become ill as a result.

A further representation was received from the same member of the public. They say they are unable to attend Sub-Committee hearing due to starting new employment. They mention 2 other residents who are unwilling to attend the

hearing as they do not feel comfortable attending as they could be seen by the Moonshine representatives and do not want to be caught in any future conflicts. No written reps have been received from the other residents. The member of the public mentions 4 incidents regarding parking at the Freeschool Lane entrance to Moonshine. They describe behaviour by others as very scary for the residents. They again re-iterate that the application should not be granted. They say they feel as if they are being pushed out of their homes. The area is becoming dangerous with drugs and alcohol and describe there being no security for them at all. They describe lack of action from the council's Noise team. They mention that the issues have left them with no alternative and they have now placed their property for sale. They say Moonshine should not be able to serve alcohol and have music in the garden. They have submitted a photograph of Moonshine's bins, and state the bins are left on the pavement area for days, where they end up on the road on windy days. This brings the area down.

The Sub-Committee heard from the applicant and the director of Moonshine. The Premises licence holder had provided a written response to the representation received from the member of the public. The applicant says a lot of the issues raised by the member of the public is based on assumption, rather than evidence. They say there appears to be a lack of understanding in respect of the intentions for the outside drinking area and feel their application is being affected by the actions of other venues in the area.

It was described it as 'disappointing' that the objector is not attending. The applicant notes there has been no representations received from others the objector has referred to. They say there is a lack of evidence in relation to some of the incidents of antisocial behaviour mentioned.

The applicant describes the owner of the venue as being part of Leicester's hospitality scene for over 50 years. The PL holder has over 20 years of experience. They describe as having maintained strong and positive relationships with both the council and the police during this time. They state they have not had any major incidents. In respect of the venue, they say Moonshine is a unique venue and is different to others within the city, which appeals to a more mature and sophisticated audience who have an appreciation for live jazz. Moonshine provides a platform for emerging artists. Future plans include hosting inclusive events for disabled adults, which is in addition to events previously for children; daytime swing and jazz sessions; gaming tournaments; street food events and festive community markets. The applicant says this will enrich the city's cultural life and not diminish it.

In relation to the parking incidents mentioned, the premises has double yellow lines situated outside of the premises and describe the objector's claims of noise nuisance and parking incidents as 'puzzling.' The applicant stated that if noise is already occurring, then their proposed changes will not be introducing it.

In relation to waste management, they say their bins are collected and returned responsibly. When the bins are placed on the pavement, they do not cause an

obstruction and are returned after collection. The rubbish bag is not theirs and suspect that to be as a result of fly-tipping.

In relation to the issue of the application contributing to drug abuse in the area, the applicant says this is unfounded. The venue operates a zero tolerance policy and details a spot check where there was a 0% outcome for drug activity at the venue. The applicant states this is as a result of the professionalism and safety standards that they maintain.

The applicant states that the application would not be detrimental to the area, and the objector's claim is unsubstantiated. They say if the application is not approved, then they may be forced to consider moving outside of Leicester, which would result in a loss to Leicester's evolving cultural and nightlife scene.

The application is for licensable activities to take place in the outside area until midnight only – which the applicant describes as a modest and reasonable request, compared to other venues in the area who operate for longer. They say the area is currently being used as an area for smokers and describe being encouraged by the police, to make use of the space in a managed and responsible way. The applicant states they are fully committed to providing a safe, inclusive and professionally run venue that benefits the city and communities.

The applicant provided photographs of the proposed plans for the outdoor area after obtaining consent from the Sub-Committee. The Sub-committee accepted these photos although the photos had not been submitted in advance of the hearing and required timeframes.

The Sub-Committee heard from the applicant and the director. Moonshine was described as being unique, different and nice. The applicant stated the premises provided an opportunity for new and established artists to perform different genres of music, including jazz and swing. The intention was to use the outside area for events including craft fairs and parties for disabled children and adults, which they had hosted on previous occasions in conjunction with the charity, Mencap. The applicant stated the variation, if granted, would be beneficial to Leicester and maintained to high standards. The applicant confirmed a fire-risk assessment had been completed which included the outside area, and confirmed the maximum capacity for the outside area was 200 people. The director explained to the Sub-Committee that she operated the outside area, which also served as a car park to 5 local businesses and ensured on the days when events were due to take place, the car park would not be in use. The outside area could be accessed from Freeschool Lane and included a disabled ramp.

The Sub-Committee noted that no representations had been received from any of the Responsible Authorities or local businesses.

The Sub-Committee believes the conditions on the existing Premises Licence deal with the representations which have been made.

The conditions are appropriate for the promotion of the licensing objectives and they are proportionate.

6. ANY OTHER URGENT BUSINESS

With there being no further business, the meeting closed at 11:00am.