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# **Application for a variation of an existing premises licence**

Licensing (Hearings) Sub-Committee

Decision to be taken by: Licensing (Hearings)  
Sub-Committee

Decision to be taken on/Date of meeting: 02 July 2025

Lead director/officer: Tj Mavani

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## Useful information

- Ward(s) affected: Castle
- Report author: Amy Day
- Author contact details: 0116 454 3054
- Report version number: 1

### 1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for variation to an existing licence for Moonshine, 91 High Street, Leicester and summarises the representations received. It also highlights the licensing objectives and the relevant parts of both the statutory guidance and the Licensing Authority's Licensing Policy.

### 2. Determination to be made

- 2.1 Having considered the application and representation, Members must consider whether to
- Grant the licence without modification
  - Modify the conditions of the licence
  - Reject the whole application

### 3. Application and promotion of the licensing objectives

- 3.1 An application was received on 20 May 2025 for a variation of an existing premises licence for Moonshine, 91 High Street, Leicester. The licence holder would like to add the outside area of the premises to the existing licence. A copy of the application is attached at Appendix A.

- 3.2 The existing premises licence is as follows:

Licensable activity	Current hours
Live music (indoors)	Mon to Sun 12.00 - 04.30
Recorded music (indoors)	Mon to Sun 12.00 - 04.30
Late night refreshment (indoors)	Mon to Sun 23.00 - 04.30
Supply of alcohol on the premises	Mon to Sun 12.00 - 04.30
Opening hours	Mon to Sun 12.00 – 05.00

- 3.3 The variation for the outside area is as follows:

Licensable activity	Proposed hours
Live music (outdoors)	Mon to Sun 12.00 – 00.00
Recorded music (outdoors)	Mon to Sun 12.00 – 00.00
Late night refreshment (outdoors)	Mon to Sun 23.00 – 00.00
Supply of alcohol on the premises	Mon to Sun 12.00 – 00.00(outdoor area only – inside to remain as existing times)

- 3.4 The steps the applicant proposes to take to promote the licensing objectives are set out in the operating schedule (see section M of Appendix A).

3.5 The existing licence is attached at Appendix B.

3.6 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

### 3.7 Location Plan



## 4. Representations

4.1 A representation was received on 10 June 2025 from a member of the public. The representation relates to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The representee is concerned that allowing the outside area a licence until midnight seven days a week will disrupt the residents who live within the vicinity. They are also concerned that there may be an increase in people who are drunk and using drugs. A copy of the representation is attached at Appendix C1.

## 5. Conditions

5.1 The conditions that are consistent with the application are attached at Appendix D.

- 5.2 The Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 amended the Licensing Act 2003 in relation to the provision of regulated entertainment. Certain entertainment does not require a licence subject to audience limits, between 08.00 and 23.00 hours each day. These exemptions may affect the application under consideration because conditions may not be imposed at this stage to control live or recorded music that is unregulated. However, if problems do occur as a result of that entertainment then conditions may be imposed to control such music in the future after a formal review.

## 6. Statutory guidance and statement of licensing policy

- 6.1 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
1.2 – 1.5	Licensing objectives and aims
1.15 – 1.16	General Principles
1.17	Each application on its own merits
2.1 – 2.6	Crime & Disorder
2.7 – 2.14	Public Safety
2.15 – 2.21	Public nuisance
2.22 – 2.31	Protection of children from harm
3.12 – 3.20	Late night refreshment
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.31 – 9.41	Hearings
9.42 – 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.10	Proportionality
10.13 - 10.15	Hours of trading
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
13.10 – 13.11	Giving reasons for decisions
14.51 – 14.52	Licensing Hours
16.1 – 16.69	Regulated entertainment

Section	Heading
4	Promotion of the licensing objectives
5	General Principles
6	Premises Licences and Club Premises Certificates
8	Areas of Specific Interest and Consultation

## 7. Points for clarification

- 7.1 The applicant and the parties making the representations have been asked to clarify certain points at the hearing, as follows:

*By the applicant*

1. Whether the applicant considers that the concerns outlined in the representation(s) are valid, and if not why not.
2. In the light of the representations made, whether the applicant wishes to propose any additional steps for the promotion of the licensing objectives.

*By the party/ parties making the representation(s)*

1. Whether they have any additional information to support the representation they have made.
2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives.

## **8. Financial, legal, equalities, climate emergency and other implications**

### 8.1 Financial implications

There are no significant financial implications arising from the contents of this report.  
Jade Draper Principal Accountant  
16<sup>th</sup> June 2025

### 8.2 Legal implications

Legal advice specific to the application will be provided at the meeting by Legal Officers.

### 8.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

There are no direct equalities implications arising from the report. However it is important to consider issues of accessibility to the application process and its associated activities (such as lodging an appeal); The criteria used during determination of an application and its associated activities (such as lodging an appeal).

Signed: Surinder Singh, Equalities Officer  
16<sup>th</sup> June 2025

### 8.4 Climate Emergency implications

There are unlikely to be any significant climate emergency implications directly associated with this report and the licensing process.  
Duncan Bell, Change Manager.

### 8.5 Other implications

None

**9. Background information and other papers:**

None

**10. Summary of appendices:**

Appendix A – Application

Appendix B – Existing licence

Appendix C – Representation

Appendix D – Conditions consistent with the application

**11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

**12. Is this a “key decision”? If so, why?**

No