
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: 08 January
2025

Lead director/officer: Deborah Bragg

Useful information

- Ward affected: Castle
- Report author: Victoria Marshall
- Author contact details: 0116 454 3048
- Report version number: 1

1. Summary

- 1.1 This report outlines an application under the Licensing Act 2003 for a variation to an existing premises licence for Donkey, 203 Welford Road, Leicester, LE2 6BH, 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 representations, 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 11 November 2024 for a variation of an existing premises licence for Donkey, 203 Welford Road, Leicester. A copy of the application is attached at Appendix A.

- 3.2 The variation application is as follows:

Licensable activity	Current hours	Proposed hours
Live Music	Mon-Weds 09:00-00:30 Thurs-Sat 09:00-01:30 Sunday 09:00- 00:00	Mon-Tues 09:00-02:00 Weds- Thurs 09:00-04:00 Fri-Sat 09:00-05:00 Sunday no change
Recorded Music	Mon-Weds 09:00-01:00 Thurs-Sat 09:00-02:00 Sunday 09:00- 00:30	Mon-Tues 09:00-02:00 Weds-Thurs 09:00- 04:00 Fri-Sat 09:00-05:00 Sunday no change
Late night refreshment	Mon-Weds 09:00-01:00 Thurs-Sat 09:00-02:00 Sunday 09:00- 00:30	No change
Sale of alcohol	Mon-Weds 09:00-01:00 Thurs-Sat 09:00-02:00 Sunday 09:00- 00:30	Mon-Tues 09:00-02:00 Weds- Thurs 09:00-04:00 Fri-Sat 09:00-05:00 Sunday no change

Opening hours	Mon-Weds 09:00-01:30 Thurs-Sat 09:00-02:30 Sunday 09:00- 01:00	Mon-Tues 09:00-02:30 Weds-Thurs 09:00-04:30 Fri-Sat 09:00-05:30 Sun No change
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Non standard hours:

Currently – Activities and opening hours until 02:30 on Christmas Eve, Boxing Day and New Years Eve, except late night refreshment finishing at 02:00.

The variation requests for opening hours and all permitted activities:

An additional hour to the terminal hour on Christmas Eve, Boxing Day, and Bank Holiday Sunday.

New Year's Eve permitted hours from commencement of opening hours on New Year's Eve to the close of opening hours on New Year's Day.

- 3.3 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).
- 3.4 The existing licence is attached at Appendix B.
- 3.5 In arriving at its decision on the application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.
- 3.6 Location Plan



4. Representations

- 4.1 A representation was received on 06 December 2024 from the Noise team. The representation relates to the prevention of public nuisance. The Noise Team are concerned that sound from regulated entertainment may travel across a wide area and customers at the premises may cause disruption to surrounding properties. A copy of the representation is attached at Appendix C1.
- 4.2 A representation was received on 04 December 2024 from the Licensing Enforcement team. The representation relates to the prevention of crime and disorder and the protection of children from harm. The Licensing Enforcement Team is concerned that the conditions on the application may not be sufficient to uphold these licensing objectives. A copy of the representation is attached at Appendix C2.
- 4.3 A representation was received on 09 December 2024 from a Castle ward councillor. The representation relates to the prevention of crime and disorder and the prevention of public nuisance. The representee is concerned that opening later will cause nuisance to residents. A copy of the representation is attached at Appendix C3.
- 4.4 Fifty-six representations were received throughout the representation period from members of the public. The representations relate to one or more of the licensing objectives. The representees are concerned that the hours proposed are not appropriate in a residential area and they have previously been disturbed by music emanating from the premises. Many are also concerned that later timings could result in more anti-social and criminal behaviour in the vicinity of the premises. Copies of the representations are attached at Appendix C4-C59.

5. Conditions

- 5.1 The conditions that are consistent with the application and the representations 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 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the government has issued guidance under section 182 of the Licensing Act 2003. The parts of the guidance that are particularly relevant in this case are as follows:

6.2

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
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.13 – 9.19	Licensing Authorities acting as responsible authorities
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

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

Section	Heading
4	Promotion of the Licensing Objectives
5	General Principles
6	Premises Licences and Club Premises Certificates

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 representations 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 parties making the representations

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.

Signed: Jade Draper

Dated: 17 December 2024

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

Dated: 17 December 2024

8.4 Climate Emergency implications

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

Signed: Aidan Davis, Sustainability Officer

Dated: 17 December 2024

8.5 Other implications

Crime and Disorder – see paragraph 4.

9. Background information and other papers:

None

10. Summary of appendices:

Appendix A – Application

Appendix B – Existing licence

Appendix C – Representations

Appendix D – Conditions consistent with the application and representations

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.