

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

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Email: jenny.bryce-chan@kirklees.gov.uk

Monday 9 March 2026

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **9.30 am** on **Tuesday 17 March 2026**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "S Lawton".

Samantha Lawton

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Licensing Panel members are:-

Member

Councillor Eric Firth (Chair)

Councillor Mohan Sokhal

Councillor Alex Vickers

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Panel

To receive apologies for absence from those Members who are unable to attend the meeting.

2: Minutes of Previous Meeting

1 - 2

To approve the Minutes of the meeting of the Panel held on the 2nd March 2026.

3: Declaration of Interests

3 - 4

Members will be asked to say if there are any items on the Agenda in which they have any disclosable pecuniary interests or any other interests, which may prevent them from participating in any discussion of the items or participating in any vote upon the items.

4: Admission of the Public

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Panel.

5: Deputations/Petitions

The Panel will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the

Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

**6: Licensing Act 2003 - Application for Velora Desserts,
717 Huddersfield Road, Dewsbury, WF13 3LQ**

5 - 26

To consider the Licensing application at 9:30am.

Contact – Steve Mycroft, Licensing Officer – 01484 221000

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

LICENSING PANEL

Monday 2nd March 2026

Present: Councillor Eric Firth (Chair)
Councillor Donna Bellamy
Councillor Charles Greaves

In attendance: Jordan Barrett, Licensing Officer
Tahir Hanif, Legal Advisor to the Panel
Mike Skelton, Senior Licensing Officer
Richard Woodhead, West Yorkshire Police

54 Membership of the Panel
No apologies were received.

55 Minutes of Previous Meeting
RESOLVED –

That the Minutes of the meetings held on 6th November 2025 be approved as a correct record.

56 Declaration of Interests
No interests were declared.

57 Admission of the Public
It was noted that the agenda item relating to agenda item 8 (Minute No. 61 refers) contained exempt information by virtue of paragraph 1 (information relating to an individual) of Part 1 of Schedule 12A of the Local Government Act 1972.

58 Deputations/Petitions
No deputations or petitions were received.

59 Public Question Time
No public questions were received.

60 Exclusion of the Public
RESOLVED - That acting under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the undermentioned minute.

61 Licensing Act 2003 – Application for the Grant of a Personal Licence

The Panel considered a report which outlined an application for the Grant of a Personal Licence.

The appellant presented the case in support of their licence application. West Yorkshire Police Licensing Officer made representations objecting to the granting of the licence on the grounds that the applicant had an unspent conviction.

In reaching a decision the Panel had due regard to the provisions of the Licensing Act 2003, the statutory guidance issued under section 182 of the Act, the Councils Statement of Licensing Policy and the relevant provisions of the Human Rights Act.

Having considered all the information presented the Panel made their decision for the following reasons:

- Aggravating factors were involved.
- The behaviour involved in the offence was highly relevant to the responsibilities of a personal licence holder.
- The conviction was recent and insufficient time had passed to demonstrate rehabilitation.
- Granting the licence would undermine the crime and prevention licensing objective.

RESOLVED –

That the application for the grant of a personal licence be refused.

| KIRKLEES COUNCIL | | | | |
|---|---|---|------------------------------------|--|
| COUNCIL/CABINET/COMMITTEE MEETINGS ETC | | | | |
| DECLARATION OF INTERESTS | | | | |
| Licensing Panel | | | | |
| Name of Councillor | | | | |
| Item in which you have an interest | Type of interest (eg a disclosable pecuniary interest or an "Other Interest") | Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N] | Brief description of your interest | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



REPORT TITLE:

Licensing Act 2003 – Application for Velora Desserts, 717 Huddersfield Road, Dewsbury,
WF13 3LQ

| | |
|--|---|
| Meeting: | Licensing Panel |
| Date: | 9.30am on Tuesday 17 th March 2026 |
| Cabinet Member (if applicable) | Cllr Amanda Pinnock |
| Key Decision Eligible for Call In | No No |
| Purpose of Report To determine the application | |
| <p>Recommendations</p> <ul style="list-style-type: none"> Members of the panel are requested to determine the application <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> In accordance with the requirements as set out in the Licensing Act 2003, where relevant representations are received by either a responsible authority or any other person, the matter is referred to the panel for a decision. | |
| <p>Resource Implications: There are no resource implications.</p> | |
| Date signed off by <u>Executive Director</u> & name | Fiona Goldsmith – on behalf of David Shepherd, Strategic Director for Place, Growth and Regeneration |
| Is it also signed off by the Service Director for Finance? | Not applicable |
| Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)? | Not applicable |

Electoral wards affected: Dewsbury West

Ward councillors consulted: Yes

Public or private: Report to be heard in Public

Has GDPR been considered? GDPR has been considered and appropriate sections of the report and supporting documents have been amended.

1. Executive Summary

1.1 The purpose of the report is to inform members of an application for the Grant of a premises licence. One representation has been received and is therefore referred to this panel for determination.

2. Information required to take a decision

2.1 Application

2.1.1 On 29th January 2026, the Licensing Department received an application for the Grant of a New premises licence for Velora Desserts, 717 Huddersfield Road, Dewsbury, WF13 3LQ.

2.1.2 A copy of this application and a location map can be seen at **Appendix A**.

2.1.3 The premises has not previously been licensed with Kirklees Council.

2.1.4 The licensable activities applied for by the applicant are as follows, the days and times were altered to be extended by email from the applicant. The email can be seen attached to the end of the application form at Appendix A.

Provision of Late-Night Refreshments

Monday to Thursday 7pm to 2am the following day

Friday to Sunday 7pm to 3am the following day

Although the applicant has applied for the above times, the provision of late-night refreshment is only licensable between the hours of 11pm and 5am.

2.1.5 During the consultation period a representation from Environmental Health has been submitted.

2.1.6 The representation that was received consider that the following licensing objectives would not be met should this licence be granted:

- Prevention of public nuisance.

A copy of the representation may be seen at **Appendix B**.

2.2 Licensing Policy

Members considering the application must take note of the Authority's Statement of Licensing Policy, which provides the following guidance on how members should approach the application and representation(s).

Executive Summary

In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy

statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly.

The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

Purpose

The Licensing Authority will carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives contained in the Act and each has equal weight.

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Policy has four main purposes:

- To provide the basis for elected Members to make decisions on applications.
- To inform licence applicants of the basis on which decisions will be taken and therefore give some indication of how they will be able to operate.
- To inform the wider community of the basis on which decisions will be taken and therefore how their needs will be addressed.
- To inform the Courts how decisions have been made and to support those decisions.

The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing Authority to impose conditions on a licence other than those proposed within an application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. If an application is lawfully made and no relevant representations are made in respect of an application, the Licensing Authority is under a duty to grant the licence on the terms sought. Only if relevant representations are made will the Council's discretion be engaged.

2.3 Secretary of State Guidance

Members also need to consider the statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representation relates to one (1) of the licensing objectives. Member's attention is drawn to this guidance, the relevant parts may be found at **Appendix C**.

3. Implications for the Council

3.1 Council Plan

The Licensing Service and its Statement of Licensing Policy balance the objective of improving the local economy, improving health and wellbeing and tackling health inequalities and cultural development against noise, nuisance, safeguarding and crime and disorder.

3.2 Financial Implications

There are no financial implications in relation to this report.

3.3 Legal Implications

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State Guidance. The applicant or any other person who made relevant representations in relation to the application have the right of appeal to the Magistrates Court.

3.4 Climate Change and Air Quality

There are no climate change or air quality implications contained in this report.

3.5 Other (eg Risk, Integrated Impact Assessment or Human Resources)

Under the provisions of the Licensing Act 2003 there is no requirement for an Integrated Impact Assessment, while licence conditions should not duplicate other statutory provisions, members should be mindful of requirements and responsibilities placed on them by other legislation, which may include:

- The Gambling Act 2005
- The Environment Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

4. Consultation

4.1 Consultation has taken place in accordance with the requirements set out in the Licensing Act 2003; One representation has been received from a Responsible Authority as detailed above.

5. Engagement

5.1 Engagement is not a requirement as set out in the Licensing Act 2003.

6. Options

6.1 Options considered

Members of the Panel are requested to determine the application.

6.2 Reasons for recommended option

In accordance with the requirements as set out in the Licensing Act 2003, where relevant representations are received by either a responsible authority or any other person, the matter is referred to the panel for a decision.

7. Next steps and timelines

7.1 When determining the application Members, having regard to the representation, may take such steps as they consider appropriate for the promotion of the licensing objectives. These steps are:

- Grant the Premises Licence application
- Grant the Premises Licence application with appropriate conditions
- Exclude from the scope of the licence any of the licensable activities which relate to this application, or
- Reject the Grant of the premises licence application

7.2 Findings on any issues of fact should be on the balance of probability.

7.3 In arriving at a decision Members must have regard to the relevant provisions of the statutory guidance and the licensing policy statement and reasons must be given for any departure.

7.4 The decision should be based on the individual merits of the application.

8. Contact officer

Steve Mycroft, Licensing Officer,
Licensing Service
Tel: 01484 221000 ext. 74196
Email: steve.mycroft@kirklees.gov.uk

9. Background Papers and History of Decisions

Licensing Act 2003 Statement of Licensing Policy - [Licensing Policy](#)

Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK
(www.gov.uk)

10. Appendices

Appendix A – Application and Location Map for the grant of a premises licence Velora Desserts, 717 Huddersfield Road, Dewsbury, WF13 3LQ.

Appendix B – Representation from Environmental Health

Appendix C – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

11. Service Director responsible

Katherine Armitage
Service Director – Environmental Strategy and Climate Change

Tel: 01484 221000

Email: Katherine.armitage@kirklees.gov.uk

Appendix A

New Premises Licence

Premises Details

Business/Premises Name *

Velora Desserts

Premises Address *

717 Huddersfield Road Dewsbury Dewbsury WF13 3LQ

Telephone number at premises (if any)

[REDACTED]

Non-domestic value of premises. *

[REDACTED]

Applicant Details

I/We apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Please state whether you are applying for a premises licence as:

a person other than an individual -as a limited company/
limited liability partnership

Applicant Details

If you are applying as a person described in one of the above please confirm: *

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

Other Applicant (Non Individual)

Name *

[REDACTED]

Registered Address *

[REDACTED]

Address line 2

[REDACTED]

Address line 3

[REDACTED]

Other Applicant (Non Individual)

| | |
|--|-------------------------------|
| Town/City * | <input type="text" value=""/> |
| County | <input type="text" value=""/> |
| Postcode * | <input type="text" value=""/> |
| Registered Number (where applicable) | <input type="text" value=""/> |
| Description of applicant (for example partnership, company, unincorporated association, etc) * | <input type="text" value=""/> |
| Telephone Number * | <input type="text" value=""/> |
| Email * | <input type="text" value=""/> |

Operating Schedule

| | |
|--|--|
| When do you want the premises licence to start? * | <input type="text" value="27/02/2026"/> |
| If you wish the licence to be valid only for a limited period, when do you want it to end? | <input type="text" value=""/> |
| Please give a general description of the premises. * | <input type="text" value="Dessert shop selling waffles, cookie doughs, milkshakes, cakes and many more desserts, we only offer take out and deliveries there is no eating inside."/> |
| If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. | <input type="text" value=""/> |

Operating Schedule

What licensable activities do you intend to carry on from the premises? * (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment, late night refreshment or supply of alcohol (please read guidance note 2) *

- a) Plays
- b) Films
- c) Indoor Sporting Events

Operating Schedule

- d) Boxing or Wrestling
- e) Live Music
- f) Recorded Music
- g) Performances of Dance
- h) Anything of a similar description falling under Music or Dance
- i) Provision of Late Night Refreshment
- j) Supply of Alcohol

i) Provision of Late Night Refreshment Standard Times

Standard days and timings, where you intend to use the premises for late night refreshment.(please read guidance note 7) *
Please enter times in 24hr format (HH:MM)

Day *

Wednesday

19:00

02:00

i) Provision of Late Night Refreshment Standard Times

Standard days and timings, where you intend to use the premises for late night refreshment.(please read guidance note 7) *
Please enter times in 24hr format (HH:MM)

Day *

Thursday

19:00

02:00

i) Provision of Late Night Refreshment Standard Times

Standard days and timings, where you intend to use the premises for late night refreshment.(please read guidance note 7) *
Please enter times in 24hr format (HH:MM)

Day *

Friday

19:00

03:00

i) Provision of Late Night Refreshment Standard Times

Standard days and timings, where you intend to use the premises for late night refreshment.(please read guidance note 7) *
Please enter times in 24hr format (HH:MM)

Day *

Saturday

19:00

03:00

i) Provision of Late Night Refreshment Standard Times

Standard days and timings, where you intend to use the premises for late night refreshment.(please read guidance note 7) *
Please enter times in 24hr format (HH:MM)

Day *

Sunday

19:00

03:00

i) Provision of Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? (please read guidance note 3) *

Indoors

Please provide further details.(please read guidance note 4)

We make our desserts inside the shop

State any seasonal variations for the provision of late night refreshment.(please read guidance note 5)

i) Provision of Late Night Refreshment

Please state any non-standard timings, where you intend to use the premises for late night refreshment at different times from the Standard days and times listed?(please read guidance note 6)

Adult Entertainment

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 9). *

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Opening Hours Standard Times

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Opening Hours

State any seasonal variations. (please read guidance note 5)

Please state any Non-standard timings, where you intend the premises to be open to the public at different times from the Standard days and times listed? (please read guidance note 6)

Licensing Objectives

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

Licensing Objectives

| | |
|--|--|
| | <p>promote public safety, prevent crime and disorder, minimise public nuisance and protect children from harm. Staff will be trained to follow all policies and procedures, and the premises will be monitored at all times during opening hours.</p> |
| <p>b) The prevention of crime and disorder *</p> | <p>The premises will have CCTV installed covering the service area and entrance, with footage retained for an appropriate period. Staff will be present at all times during opening hours and trained to deal with any incidents calmly and professionally. The premises will operate as a takeaway only, reducing the likelihood of disorder. Any anti-social behaviour will be refused service and, if necessary, reported to the appropriate authorities.</p> |
| <p>c) Public safety *</p> | <p>premises will comply with all health and safety regulations, including fire safety requirements. Equipment will be maintained in good working order and staff will be trained in safe working practices. As there is no seating or eating-in, customer numbers inside the premises at any one time will be limited, reducing risks to public safety.</p> |
| <p>d) The prevention of public nuisance *</p> | <p>The premises will operate as a takeaway and delivery-only business, minimising noise and disturbance. Customers will be encouraged to leave the area quietly. Deliveries and collections will be managed to avoid congestion, and waste will be stored and disposed of responsibly to prevent litter or odours.</p> |
| <p>e) The protection of children from harm *</p> | <p>The premises does not sell alcohol and operates solely as a dessert takeaway. Children will not be permitted to remain unsupervised on the premises. Staff will be trained to ensure the safety of all customers, and any concerns regarding the welfare of children will be dealt with appropriately.</p> |

Declarations

| | |
|---------------------------|---|
| <p>Declaration Type *</p> | <p>Sole Applicant - Individual or Other</p> |
|---------------------------|---|

Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected. Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15)

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 'IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY

Declarations

UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Signature/Declaration of applicant or applicant's solicitor or other duly authorised agent (see Guidance Note 11 & 12). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Full Name *

Date *

Capacity *

Declaration made

Do you wish to provide alternative correspondence details? *

Email confirmation

On submission an email confirmation will be sent using the details below

Forename

Surname /Company Name

Email *

Telephone

Excerpt from email

On 30 Jan 2026, at 9:03 am, [REDACTED] > wrote:
Hi,

The timings will be from 7pm - 2am Monday - Thursday and 7pm - 3am Friday - Sunday

Thank you

Sent from my iPhone

Appendix B

**Licensing Act 2003
Response to Building Control & Licensing Service
From Environmental Health**

| | |
|-------------------|--|
| Reference: | WK/202603373 |
| Premises: | Velora Desserts, 717 Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3LQ |

| Licensable Activity (place X in relevant box) | | | |
|---|--|--------------------------------------|----------|
| Sale by retail of Alcohol | | Provision of regulated entertainment | |
| Provision of entertainment facilities (music, dancing, etc) | | Provision of late night refreshment | X |

| OBSERVATIONS | | | |
|--------------------------------------|--|---|--|
| Public Safety | | | |
| Date: | | Officer/Ext: | |
| Prevention of Public Nuisance | | <p>I have reviewed the Licence application and the location of the premises which is in close proximity to residential premises (both above the premises at 717A Huddersfield Road and attached at 719 Huddersfield Road).</p> <p>I believe that the proposed hours of operation until 2am on Wednesdays and Thursdays, and 3am on Fridays, Saturdays and Sundays would have the potential to cause excessive noise and disturbance to the nearby residents from customers and delivery drivers arriving and leaving. This would detrimentally affect the use and enjoyment of their homes and cause a public nuisance.</p> <p>I therefore recommend <u>refusal</u> of the application.</p> <p>I am aware that the Licensing and the Planning regimes are completely separate however I feel it is relevant to highlight that the premises do not have Planning Permission to</p> | |

| | | | |
|--------------|------------------|---|---|
| | | <p>operate at these times. A previous application to extend the hours of operation to 23:30 resulted in the Planning Inspectorate placing the following condition relating to hours of use on the premises based on the close proximity of noise sensitive premises:</p> <p>“Activities carried out on the premises, including deliveries to or dispatches from the premises, shall take place only between 0800 hours and 2000 hours on Mondays to Saturdays, and between 0800 hours and 1800 hours on Sundays.”</p> | |
| Date: | 25 February 2026 | Officer/Ext: | Alexandra Garry ████████████████████ |

Appendix C

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the

most sensitive period for people being disturbed by unreasonably loud music is at night and into the morning.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.