

## **LICENSING SUB-COMMITTEE**

**Friday, 15 May, 2009 at 10.00 a.m.**

**Conference Room at the Council House, Walsall**

### **Present**

Councillor P. Hughes  
Councillor Rochelle  
Councillor Tweddle

### **Appointment of Chairman**

#### **Resolved**

That Councillor Rochelle be appointed Chairman of the Sub-Committee for this meeting only.

### **Councillor Rochelle in the Chair**

### **Welcome**

The Chairman extended a welcome to all persons present at the Sub-Committee which had been established under the Licensing Act, 2003.

### **Apologies**

There were no apologies submitted for non-attendance.

### **Declarations of Interest**

There were no declarations of interest.

### **Licensing Hearing**

**Application for a Premises Licence under Section 17 of the Licensing Act, 2003  
– Oregano Pizza & Pasta, 170 Wolverhampton Road, Walsall, WS2 8RQ**

The report of the Head of Public Protection was submitted:-

(see annexed)

The following persons were present:-

For the applicant:-

Mrs. P.M. Nejadi – Applicant  
Mr. Nejadi – Applicants Husband and Representative

For the objectors:-

PC Brian Doyle – West Midlands Police

Also present were:-

Mr. D. Patouchas – Legal Services, Walsall MBC  
Mr Steven Knapper – Principal Licensing Officer, Walsall MBC

Mr. Knapper outlined the report and referred to a faxed letter he had received from a local resident stating that they did not have any objection to the applicant on the grounds of public nuisance. A copy of the letter was circulated. There were no questions to Mr. Knapper from Mr. Nejadi. In answer to a question from Councillor Hughes, Mr. Knapper explained that the premises did not have a licence at the present but were existing traders and would require one because of their intention to trade after 11.00 p.m.

P.C. Doyle was then invited to address the Sub-Committee and drew Members attention to Appendix 3 to the report. He had two concerns although the main concern was public nuisance and the possible effect on the lives of local residents. He was aware of the letter to which Mr. Knapper referred and suggested that if the Sub-Committee was minded to approve the application, the Police would ask for a condition requiring CCTV to be installed. There were no questions to P.C. Doyle from Mr. Nejadi. P.C. Doyle then responded to questions from Members. Councillor Hughes referred to the letter received from a resident and confirmed that the resident lived in the property adjoining the car park at the side of the applicants premises. He asked whether the installation of CCTV had been agreed by the applicant. P.C. Doyle confirmed that Mrs. Nejadi had agreed to the CCTV and this would form part of the licence.

The Chairman referred to the Red Route along Wolverhampton Road and asked what implications this would have. P.C. Doyle explained that the effect of this would be a clear road with no parking or loading / unloading. He went on to say that there had been one or two minor problems in the area but nothing to impact on the current application. He could not remember whether the existing traders had been involved.

Councillor Tweddle asked, if the Sub-Committee were minded to approve the application, would the police inspect the CCTV installation prior to the premises opening. P.C. Doyle suggested the licence could be issued with that proviso. Mr. Knapper confirmed that it could be a condition of the licence.

By way of explanation, Mr. Patouchas advised that, when imposing conditions, there needed to be evidence of a problem. He suggested that there was no evidence to suggest that CCTV was required. In reply P.C. Doyle explained that although there

was no evidence of nuisance, he experience was that where premises opened later there was always potential for nuisance.

Mr. Nejadi was then invited to address the Sub-Committee. In doing so he pointed out that there was custom for opening after 11 p.m. He and his wife had operated the premises for six years. There had been minor problems in the vicinity of the premises but it was they who had called the police. He indicated that, if it helped, he could get a petition of between 2 and 3 thousand signatures in support of the application. With regard to problems on the highway outside the premises, there was a car park adjoining the premises so there should be no problems. He expressed the view that CCTV was important, safer for both staff and customers. CCTV was already installed and had been inspected by the police who were happy with the installation but a part was awaited which would show the date and time on CCTV footage. He indicated that he had done everything that the Council and the police had asked for and asked the Sub-Committee to grant the licence.

P.C. Doyle confirmed Mr. Nejadi's comments regarding the CCTV.

The Chairman suggested that notices should be displayed at the premises asking customers to leave the premises quietly.

Both parties were then invited to make a final statement.

P.C. Doyle asked the Sub-Committee to consider the comments he had made previously.

Mr. Nejadi declined to make a final statement.

Both parties withdrew from the meeting at 10.33 a.m. following which the Sub-Committee carefully considered all the written evidence submitted and all representations made at the meeting and it was:-

### **Resolved**

That the application be granted subject to police approval of the CCTV installation and to the display of notices at the premises requesting patrons to leave the premises in a quiet and orderly manner.

Both parties were readmitted to the meeting at 10.47 a.m. and advised of the decision.

Both parties were advised of their right of appeal the decision. The appeal lies to the Magistrates' Court and must be commenced by notice of appeal within the period of 21 days beginning with the day on which they are notified by the Licensing Authority of the decision appealed against.

**Termination of meeting**

The meeting terminated at 10.48 a.m.

Chairman .....

Date .....