

## **LICENSING PANEL**

**WEDNESDAY, 27 MAY 2015**

PRESENT:- Councillors John Ballman, Michael Bray and Vera Tomlinson

### **1. Appointment of Chair**

Resolved – That Councillor Mick Bray be Chair of this Panel meeting.  
(Councillor Bray took the Chair.)

### **2. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### **3. Application to Review a Premises Licence in respect of Abbys, 147 Manchester Road, Swindon, SN1 2AF**

The Panel considered a request by Navaratham Raveendran (Premise Licence Holder) for an adjournment of the hearing in order to allow him to have legal representation during the appeal. Mr Raveendran confirmed that he had instructed lawyers to represent him but he had not yet been able to meet with them to prepare his defence. He requested that the review be deferred until after Thursday 18<sup>th</sup> June 2015 in order that his newly appointed solicitors may attend to represent him.

Mr Madhura from Lexus confirmed that his firm was no longer engaged by Mr Raveendran and that he was therefore not in a position to represent him at the hearing.

Wiltshire Police opposed the application for adjournment and argued that it was in the public interest to proceed with the hearing. The Police also argued that proper notice of the hearing had been provided. The Police further drew the Panel's attention to the drawn out nature of the application and argued that Mr Raveendran had ample opportunity to engage solicitors to represent him.

Resolved – That the hearing in respect of Review of a Premises Licence in respect of Abbys, 147 Manchester Road, Swindon, SN1 2AF be deferred until Tuesday 23<sup>rd</sup> June 2015 at 12:00 noon.

### Reasons

1. Wiltshire Police confirmed that there was no additional evidence to present to the Panel apart from the papers already circulated as part of their case. The Panel took into account that there were no major new issues that required the case to be determined immediately.

2. The Panel was conscious of its duty to ensure a fair hearing for both parties and therefore determined that the public interest was not served by proceeding with the Licensee where the Licensee had indicated that he needed legal representation.

3. The Panel took into account the submission of the Police that there was a need to proceed with the case on the grounds of public and its duty to weigh this against the public interest in ensuring a fair hearing. The Panel determined that there was no apparent overriding case to deal with the matter immediately and that it had an obligation to ensure that the Licensee was not denied his right to a fair hearing. If the case proceeded the Licensee would be denied his legal representation and this could result in prejudice to his right to a fair hearing.

4. The Panel heard that there was no evidence that a delay of four weeks would result in the undermining of the Licensing Objections.

5. The Panel heard evidence from officers and the Police regarding the time period that had elapsed in bringing the review to a hearing and determined that a further four week period to ensure a fair hearing was not unreasonable.