

BOROUGH OF REIGATE AND BANSTEAD

LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held at the Town Hall, Reigate at 2.20 pm on Thursday 21 February 2013.

Present: Councillor Mrs. C Poulter (Chairman); Councillors S Farrer and F Kelly.

31. **APOLOGIES FOR ABSENCE AND RECONSTITUTION OF THE SUB-COMMITTEE**

There were no apologies for absence and membership of the Sub-Committee was as set out in the agenda.

32. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

33. **LICENSING HEARING PROCEDURE NOTE**

RESOLVED, that it be noted that the hearing would follow the procedure as set out in the procedure note, and at the discretion of the Chairman.

34. **APPLICATION FOR A REVIEW OF THE PREMISES LICENCE: FLIRTS NIGHTCLUB, CONSORT WAY, HORLEY**

At the commencement of the hearing, the licence-holder made representations asking for the meeting to be held in private.

The licence-holder's grounds for doing so related to a related criminal court case pending against him. It was his assertion that, should the hearing be held in public, the matters discussed would prejudice any subsequent trial and potentially be grounds for citing contempt of court.

The barrister representing the applicant, Surrey Police, supported the licence-holder's request. Reference was made to paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005 whereby the Licensing Authority '*may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public*'.

*The Sub-Committee adjourned to take legal advice at 2.25 pm
and resumed at 3.04 pm*

The Chairman invited the member of the press attending the hearing to comment upon the request for the hearing to be held in public, so that all views could be considered.

The member of the press stated that licensing hearings were commonly held

in public because of the public interest. Other legislation existed to control the press and prevent it from disclosing information likely to be used in a court case.

*(The Sub-Committee adjourned to deliberate at 3.06 pm
and resumed at 3.22 pm.)*

RESOLVED, that the hearing be adjourned to a later date, after the criminal case had been resolved.

Reasons for the Decision

The Sub Committee took into consideration the statements made by both parties and by the press, about whether the hearing should be held in private or in public.

It had regard to its own hearing procedures and to Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

In particular the Sub Committee:

- noted that all the agenda papers were publicly available,
- recognised that there was a risk of new information being disclosed during the hearing which may prejudice the criminal trial if made public,
- equally recognised that any new information introduced by the licence holder, whether in public or in private, may be used as evidence in the court case against him,
- was concerned that the licence-holder was not being legally represented at the hearing, and
- noted that the court case would be held in public.

In conclusion, the Sub Committee considered that there were insufficient grounds of urgency to justify holding the licensing hearing in private before the public criminal trial, and that the public interest in attending the hearing should take precedence but without wishing to prejudice the criminal case.

The meeting closed at 3.26 pm