

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

24 JANUARY 2013

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Report prepared by Neil Harris

1 SEXUAL ENTERTAINMENT VENUE 87-88 BANK STREET

- 1.1 On 22 October 2012 the Committee considered an application by Century Buildings (Rochester) Ltd, for a Sexual Entertainment Venue licence for part of premises at 87-88, Bank Street, Maidstone, a copy of the minutes of that meeting are attached on the agenda. The application was refused on grounds from which the only method of appeal is by way of judicial review.
- 1.1.1 On 19 November 2012 an email was received sent on behalf of the applicant, which is attached to this report. It was requested that the Committee reconsider their decision and grant the application, on the basis that possibly, "there was a lack of clarity to the proposed location of the SEL on the first floor within the property and the access to this area". It was indicated that the applicant had instructed Philip Kolvin Q.C. and was considering whether to proceed to judicial review but was seeking reconsideration before incurring the costs and time involved in that process.
- 1.1.2 It was the view of the Committee's legal adviser that there is no power for the Committee to reconsider such a decision once made and issued. A further opinion was sought from Counsel and it was confirmed that this is the case, once a statutory decision is completed there is no power within this Act for reconsideration and that course would be unlawful and contrary to the proper administration of local authority regulatory decision making . A response indicating this was sent to the applicant is attached to this report. The applicant was informed that the Committee would be advised of his request and its rejection.
- 1.2 **RECOMMENDED:**
- 1.2.1 That the report be noted.