

SEV Application, 87-88, Bank Street – Century Buildings (Rochester) Ltd.

Dear Mr. Hutchins,

Further to your email of 19, November 2012, on behalf of Century Buildings (Rochester) Ltd, I have now had the opportunity to consider the points raised.

(i) Location Point

I have carefully read your application, the agenda report and appendices, the minutes and the decision notice. I cannot see any evidence of a possible, “lack of clarity to the proposed location of the SEL on the first floor within the property and the access to this area”.

The decision notice is clear; members were aware of the specific location and entrance to your premises and took this into particular account in their determination. Indeed, when considering the character of the vicinity members took note of the particular circumstances of your premises noting: “even one [SEV] on the first floor, with a side entrance.”

Equally it appears that your location point was made very clear on multiple occasions and certainly covered fully by yourself and counsel at the hearing in opening and summing up your case.

(ii) Reconsideration of Decision

I am surprised that Counsel has advised you to request that the decision be reconsidered by the licensing committee – I too have sought preliminary advise from Counsel. The Local Government (Miscellaneous Provisions) Act 1982 makes no provision for the reconsideration of a decision as you suggest in your e-mail.

The committee has made a final and conclusive determination of your application. This determination has been communicated to yourself, the police authority and local objectors in a final and conclusive form. It has also been reported as such in the local press. It is self-evident that your request seeks to undermine the principle of legal and administrative certainty.

The local authority has made a proper and final determination on your application; this determination is valid vis-à-vis all the parties and also upon the decision maker itself.

(iii) Report to Committee

The next meeting of the Licensing Committee is on 24, January 2013. The licensing committee will be informed of your request. They will be advised that the course you suggest to them is unlawful and contrary to the proper administration of local authority regulatory decision making and that, upon legal advice, it has been rejected.

(iv) Costs & Judicial Review

The Licensing Authority is aware of the time and costs involved in defending a Judicial Review. Like yourself, we are committed to avoiding unnecessary costs, both in time and expenditure, where this is possible. In the event that these matters (Location & Reconsideration) are raised in subsequent proceedings, we expressly reserve the right to refer the courts to this correspondence in respect of such future costs or as may be otherwise appropriate.

Yours sincerely

Jayne Bolas