



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: CO/2340/2008

In the matter of an application for Judicial Review

The Queen on the application of VIMAC LEISURE LIMITED

versus

THE NORTH DURHAM MAGISTRATES' COURT

**Application for permission to apply for Judicial Review
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the Claimants and the Acknowledgements of Service filed by the Defendant and Interested Parties

Order by SIR GEORGE NEWMAN

Permission is hereby refused.

Observations:

1. The Magistrates provided full and clear reasons for their decision. They carefully addressed the statutory objectives. There was ample material to support their conclusions on each.
2. The grounds fail, despite careful drafting, to establish any arguable challenge to the legality of the decision. The suggestion that disproportionate weight was attached to certain evidence is in truth the expression of disagreement with a conclusion on the evidence. Statistics as to falling crime were relevant but they were not ignored. There was other evidence to which the Magistrates were entitled to accord weight.
3. The case for decision fell squarely with Parliament's intention of leaving matters to resolution by Magistrates taking account of local community interests. There was ample evidence.
4. It is absurd to suggest that a tabling dancing club, with booth dancing, will not impact upon a neighbourhood (see the reasons from the local MP).
5. Black J's decision provides no support for the claimant's case. There was no failure in this case to further the objectives. The objectives were implemented.

Case suitable for hearing by a Deputy High Court Judge**

Criminal case suitable for hearing by a Single Judge**

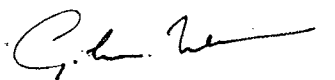
Hearing to be expedited**

Case is considered to be totally without merit**

Directions as to expedition or other matters:

**Tick if applicable

16 JUN 2008

Signed 

Where permission to apply has been granted, claimants and their legal advisers are reminded of their obligation to reconsider the merits of their application in the light of the defendant's evidence.

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):

Solicitors: WALKER MORRIS
Ref No.