

Bernadette McCully
Horseshoe Bar
1 Muir Street
Motherwell ML1 1BH

Our ref: SG/MM

Your ref: atf/FCC/Green

Date: 28 February 2013

Dear Madam

Valuation Appeal Hearing: 5 December 2012

Subjects: Public House, Horseshoe Bar, 1 Muir Street, Motherwell ML1 1BH

Further to my letter of 11 February, a Committee of Lanarkshire Valuation Appeal Panel considered your application for recall of the dismissal of the above appeal on 27 February 2013.

Your application was opposed by the Assessor.

After giving careful consideration to the position, the Committee refused your application.

The Committee decided your application should be considered by the Committee even although it had been received outwith the time-limit allowed for this. It reached this decision because it considered there were special circumstances which justified this arising from the fact that you had written the letter on 18 December 2013 but had inadvertently sent this to the Assessor rather than the Panel Secretary and this had then been delayed in the Christmas post.

It did not however consider that you had put forward reasonable excuse for your failure to comply or for your failure to attend. You did not instruct an agent to represent you until after the last date for furnishing grounds and an alternative valuation had passed. You did not offer any explanation for this. The Assessor had not been notified that you had instructed an agent. The hearing date had been properly intimated to you and arrangements had been made both by the Assessor and the Valuation Appeal Panel to hear the appeal. You should accordingly have made appropriate arrangements to attend or be represented at the hearing on 5 December 2012. The Committee noted you were currently seeking legal redress against your agent for non performance of your contract but considered this was a matter for you. It did not consider that on the evidence put forward you had demonstrated reasonable excuse for your failure to attend.

The Committee accordingly dismissed your application.

Yours faithfully

Stewart Graham
Secretary