

BABERGH DISTRICT COUNCIL

ACTION FOR WHICH THE SOLICITOR TO THE COUNCIL HAS DELEGATED POWERS SUBJECT TO CONSULTATION WITH THE CORPORATE DIRECTORS, CHAIRMAN & VICE-CHAIRMAN OF THE COUNCIL

SERIAL NO.....

SUBJECT MATTER: SETTLEMENT OF COSTS AWARD TO ATKINS FULFORD LTD –
PLANNING APPEAL RELATING TO LAND AT EDGWORTH ROAD, SUDBURY

COMMITTEE TO WHICH MATTER RELATES: COUNCIL

REASON FOR ACTION BEING TAKEN OUT OF MEETING:

The Solicitor to the Council has delegated authority to settle proceedings of any description including claims for legal costs where the claim is in excess of £15,000 (and below £50,000) subject to consultation with the Corporate Directors, the Chairman and Vice-Chairman of the Council and the action being reported to the next meeting of Council.

A situation arose in which legal proceedings were commenced against the Council in the High Court to recover costs awarded in a Planning Inquiry. Urgent authority was required to make offer of settlement.

BACKGROUND:

On 31 January 2005, the Secretary of State awarded costs against the Council in respect of a planning appeal for 37 sheltered housing units and 23 dwellings at the Atkins Fulford site, Edgworth Road, Sudbury.

The Council disputed the bill of costs, which at its highest amounted to £53,508. This was eventually reduced to £22,800 and settlement was made for £17,500 on 15 July 2008.

FINANCIAL IMPLICATIONS (IF ANY):

£17,500 settlement of the claim and £657 fees for the Council's law costs draftsman.

ACTION AUTHORISED:

Settlement of the costs claim

DATE ACTION AUTHORISED:

Corporate Directors: 7 July 2008

Chairman: 2 July 2008

Vice-Chairman: 30 June 2008