

17 October 2017 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks



Legal & Democratic Services Advisory Committee

At the above stated meeting the attached document was tabled for the following item

4. **Update from Portfolio Holder** (Pages 1 - 4) Cllr. Firth

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LEGAL SUCCESSES

DATE	LEGAL ACTION	RESULTS	FINANCIAL IMPLICATIONS	FOLLOW-UP
September 2017	Maple Farm Ltd non-payment of rates	<p>The applicants had refused to pay rates over many years. Legal action encouraged them to pay the Council in Summer 2017.</p> <p>The applicants have since received a successful appeal on their ratings valuation.</p> <p>A small refund has now been made to the owners but the Council's legal costs and disbursements were recovered for their unreasonable actions.</p>	£4,700 plus disbursements	None
29 September 2017	Renewal lease for Holly Bush All Weather Pitch	Completed	£250 Legal; £500 surveyor costs paid	None
28 September 2017	Environmental Health prosecution against UK Chicken Doner & Poultry Ltd and Sukru Ahmet	<p>Sukru Ahmet - 4 months custodial sentence, Hygiene Prohibition Order (indefinite prohibition from managing a food business) and ½ costs</p> <p>UK Chicken Doner - £30,000 fine and ½ costs</p>	Full costs were awarded at £23,760. The half of costs imposed on the company are not likely to be recovered.	<p>His son has business on same site which is fully compliant.</p> <p>No further actions being taken.</p>
6 October 2017	Environmental Health	Defendant pleaded Not Guilty	Investigation and legal	Monitor breaches of

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	Prosecution against Mr William Cook (Jnr) of Oakview Stud Farm, Horton Kirby (fires on site)	<p>at first hearing; changed his plea to Guilty on 4 October (date set down for trial).</p> <p>Sentence: £4,000 fine + victim surcharge + costs</p> <p>Total to pay £12,600</p> <p>Criminal Behaviour Order also granted by the court - breach of the Order is an imprisonable offence. Order restricts any fires on site.</p>	<p>costs of £8,500 awarded against the Defendant.</p> <p>Defendant has agreed to pay monthly instalments of £400, 1st payment on 31.10.17</p>	<p>the CBO (fires on site).</p> <p>Obtain police assistance in those matters for arrest to secure attendance at court on breach of the order.</p>
6 October 2017	Planning Prosecution against Mrs Wenham and Mr Arnold of Land at Hopgarden Farm, Otford (stationing of a caravan for residential use)	Matter was adjourned until 5 January 2018 to allow for the Planning Inspectorate to consider an appeal against the refusal of planning permission.	Investigation/legal costs will ultimately be applied for if the case proceeds. If the appeal is allowed, no further action will be taken on the prosecution (costs saving)	Await outcome of appeal.
5 May 2017 (previously unreported)	United House, Swanley - Section 106A Deed of Variation to exclude mortgagees in possession from liability (standard request from Registered Providers)	Agreement and completion of Deed of Variation	Legal income received £500	
6 October 2017	Section 106A Deed of Variation - Land to the rear of	Agreement and completion of	Legal income received	

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	High Trees, Wilderness Avenue - to be completed w/c 9 Oct	Deed of Variation	£250	
6 October 2017	Section 106A Deed of Variation - Powder Mill Lane - to be completed w/c 9 Oct	Agreement and completion of Deed of Variation	Legal income received £1,000	
6 October 2017	Legal agreement for the securing of Affordable Housing contributions on Buckhurst 2 Car Park	Arrangement with Tonbridge & Malling Borough Council to act as the enforcing authority on the contributions	Legal fees of TMBC to be paid by SDC - yet to be assessed.	

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