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West Berkshire Council declines Lambourn builder's FOI request for CIL data

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A LAMBOURN builder's bid to force disclosure of West Berkshire Council's deliberations over a disputed Community Infrastructure Levy (CIL) charge has failed.

The internal machinations over the issue are now likely to remain under wraps after the district council rejected the request as "manifestly unreasonable."

The issue was first raised by this newspaper in 2019 when former district council leader Gordon Lundie accused his own authority of allowing Roger McCabe to unwittingly face financial ruin.



The Malt Shovel (46644706)

Mr McCabe, the developer of the former Malt Shovel pub in the village, was exempt from having to pay a £60,000 Community Infrastructure Levy (CIL) to the council – so long as he filled in the right forms before a deadline.

But the council never warned he was about to become liable by default.

That left Mr McCabe legally obliged to pay the council the sum or risk going to prison if he couldn't.

In a similar instance, Maria Dobson built an extension to her Kintbury home and would have been exempt from a CIL payment if she had known how to fill in the forms correctly.

She ticked the exemption box, but failed to do the rest of the paperwork correctly – and consequently received a £20,000 bill from West Berkshire Council.

The council has said it has "no obligation... to undertake a review of a liability notice" adding that "the decision has been reached due to the extensive scrutiny this matter has already undergone, including a review by the Local Government Ombudsman".

Mr McCabe then sent a Freedom of Information Act (FoIA) request to West Berkshire Council.

He requested disclosure of "internal emails exchanged between council directors, leaders and council officers, and minutes from internal meetings, in relation to the CIL payment for the Malt Shovel development".

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Mr McCabe has received the following response from the council's FoIA officer: "I can now confirm that the council is refusing your request... as it is manifestly unreasonable."

It adds: "This case has required the involvement of several council employees and... we have determined that there is in excess of 3,600 emails held across several mailboxes, some of which may be duplicates.

"The work required to collate this information will greatly exceed the appropriate limit (18 hours) of staff time and will place a disproportionate burden on the authority."

The response goes on: "I have also taken into account the public interest in the council dedicating the resources required to collate and respond to your request.

"In my opinion, I do not believe that the public interest outweighs the burden that would be placed on the authority by having to comply with the request, as it is worded."

Finally, the officer offers to reconsider "if you were able to highlight a specific document(s) that you are interested in".

Hungerford Newbury John Garvey

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