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West Berkshire Council's long-running Community Infrastructure Levy problem: a solution at last



This is a subject we've mentioned many times before and I'm delighted to report that in August 2024 it was brought to a happy conclusion.

In summary, some years ago it became increasingly clear that West Berkshire Council (WBC) was being over-zealous in the way it was handling some cases of Community Infrastructure Levies (CIL), which are charged on some but not all developments. The problem was that those claiming exemptions were sometimes confused by the paperwork. It was alleged that the Council was adopting a policy described by a former Leader as one of "gotcha" – not alerting applicants to oversights but waiting until a key point had been reached before slapping in a bill.

These were often for life-changing sums and were applied even if the development should have been exempt. This would then be followed by some fairly brutal enforcement and threats of legal action.

It wasn't a good look (and it got worse). I'm not blaming any one person for starting this, though some could have stopped it. This happens with organisations. Something is done; there's push-back; you double down to defend your position; and, before you know it, you've painted yourself into a corner from which retreat with grace becomes increasingly difficult. Happens all the time. The trick is how you deal with it.

In December 2020 I wrote this article on the subject. To be honest, I was a little nervous after publishing it. This was an area I hadn't explored before and I was relying on web researches and a few conversations with people, most of whom had skin in the game. None the less, something smelled wrong. This wasn't, I felt, how councils ought to be treating their residents. Something had slipped anchor.

All my misgivings were dispelled the following day when I received a coruscating email from someone whom I shall in no way identify, telling me that they would never again trust anything we wrote and, without giving any reasons why I was incorrect, lambasted me. This more than anything else convinced me I was on the right track. There was something wrong. So, however inadvertently, many thanks for that.

Wind forward to 2023 and Jeff Brooks, now the leader of WBC, made good on his party's manifesto pledge to sort the problem out. Looking at all the issues and ensuring that the proverbial level playing field was in place took some time, but on 14 March 2024 he was able to make an uncompromising statement on the matter at the start of the WBC Full Council meeting which set out exactly what the problems were and how he would address them.

He was as good as his word. Applications are now open for the discretionary review of historical CIL payments – click on the link to see the Discretionary CIL Householder Review Scheme application form. You will also find information on the eligibility criteria and how applications will be assessed on that page. If you have any questions or difficulty completing the form please email cilreview@westberks.gov.uk for assistance.

Even better news is that within the last few days, promises of repayments have started to be made.

"Finally, after nine long years of battling with West Berkshire Council over CIL charges, justice has been served," Maria Dobson from Kintbury told us. "On 2 August, WBC agreed to refund the charges it imposed on us, despite our exemption. This journey has been arduous and marked by many tears, but I am overjoyed to announce that a refund is on its way. I'm pleased to report that others have also received confirmation that their refunds are forthcoming.

"Brian Quinn of Penny Post has been instrumental in my campaign, providing a platform for my story and encouraging others in similar situations to come forward. What a fantastic person and journalist you are, thank you so much.

"This victory would not have been possible without the unwavering support of former Conservative councillor Claire Rowles and current Council Leader Jeff Brooks. Their relentless efforts to rectify this injustice have been invaluable. I am deeply grateful to them and to former WBC Councillor James Cole, whose contributions were also significant. Unfortunately, Claire and James's support for my campaign came at a personal cost, leading to their temporary (I hope) departure from WBC. This is a great loss, as the residents of West Berkshire need advocates like Claire and James fighting for justice.

"I cannot thank Jeff Brooks enough for his steadfast support. Even when his party was in opposition, he fought for me and, as leader, he has fulfilled the promises made in the Liberal Democrats' manifesto. His dedication has been crucial to this outcome. A massive thank you to everyone who has supported me. This has made all the difference."

Mark Rogers of East Garston said that "your regular commentary in Penny Post regarding the issue has brought added impetus to our arguments against WBC in trying to claim back the CIL charge and highlighted this as a real issue. Penny Post's constant pressure has made a good number of people listen to our cause.

"In addition, the championing of this cause by Jeff Brooks, against some internal opposition within WBC, is to be praised: he saw a 'wrong' committed by WBC and wanted to address and right it. I thank both you and Jeff for giving this CIL issue so much air time and I am very glad that this has now been properly concluded."

"I'm absolutely delighted that West Berkshire Council has refunded the CIL monies due to Maria Dobson and others who were penalised for not completing CIL forms," former WBC Councillor Claire Rowles told us on 8 August. "I always maintained that this was morally and ethically wrong and not in the spirit that the legislation intended.

"This has been a long, hard campaign. I would like to thank Jeff Brookes for all his help in making this happen. Further thanks go to Hungerford Town (and former WBC) Councillor James Cole, Hungerford Mayor Helen Simpson and former WBC Councillors Tony Linden, Andrew Williamson and Steve Masters for their unwavering support.

"Penny Post also played a significant role in covering this story over the years and helping to achieve the outcome, for which I am enormously grateful."

As regards where the money will come from for the refunds, WBC, like all councils which use the CIL system, has a pot into which developer contributions are paid. These are being taken from this, rather than from money raised from, say council tax.

It's a bit like getting an unexpected bank error giving you some extra money which is then taken back. It was never really yours. This money was never really WBC's. I'm delighted that this fact has now been realised and proud of whatever part we played in ensuring this happened.

I'd like to add my personal congratulations to Jeff Brooks and all those who supported him for getting this one over the line.

Might you have been affected?

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👤 Brian Quinn 📅 August 10, 2024 ⌚ 2:04 pm 💬 No Comments

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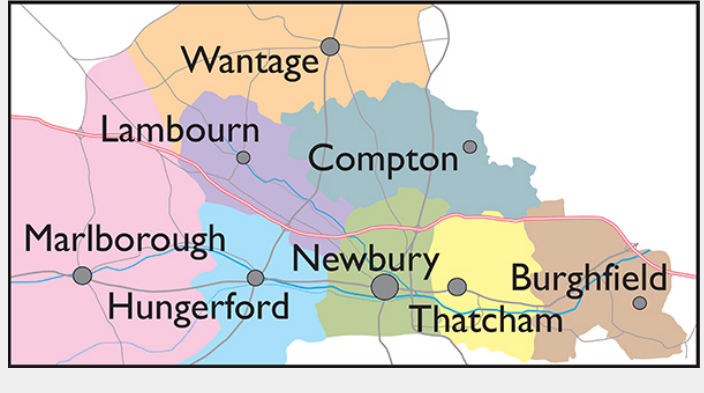
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