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An important petition about charges levied by local councils



Every so often, public bodies are called upon to redress alleged errors or injustices. They are judged by not whether they've made mistakes – we all do that – but how they deal with them. Often, the two hardest words in the language – “I’m sorry” – are sufficient on their own in response to a complaint. If not forthcoming, the victims are entitled to resort to other measures to obtain redress.

One such issue concerns the methods by which West Berkshire Council (WBC) – and, it increasingly appears, other local planning authorities (LPAs) – handle the processing and collection of Community Infrastructure Levy (CIL) payments. These have, since 2010, been a method by which LPAs can obtain contributions from developers to help mitigate the results of what they build. Some types of development are exempt from this. The regulations and procedures for dealing with the issue, including whether the development is exempt or not, are almost as complex as those pertaining to VAT. Few will argue that it's fair that these be raised where they are due. Even a VAT inspector, however, would accept that if a charge had been raised in error on something that was exempt then the invoice should be cancelled or the payment refunded.

There have, however, been cases reported in West Berkshire and also elsewhere where CIL payments have been charged and enforced by LPAs due merely to a mix-up with paperwork even though the developments were exempt from CIL. The sums involved can be life-changing: one long-pending case in on a small development in West Berkshire involves an invoice for over £70,000. The council's policy of waiting silently until an incorrectly produced application reaches a trigger point and then levying the charge was described as one of “gotcha!” This isn't, by the way, a disgruntled observation by a victim of the policy but one made by the former leader of West Berkshire Council in 2018.

One person who recently suffered from this approach some years ago, Maria Dobson from Kintbury, has decided to launch a petition to raise awareness of the problem. [Please click here to see it.](#) You can sign it with a click. Once 1,500 signatures have been received, the matter will be debated at a WBC Full Council meeting and so be given a proper airing. It will also help highlight what appears to be a similar problem in other LPAs.

The full text of the petition is as follows:

We, the undersigned, call upon West Berkshire Council to adopt the following policy without delay:

West Berkshire Council will ensure that it charges the correct amounts of money due to it for any and all services for which it levies charges and will reimburse any resident or service user who has been charged in error or has been charged where no charge should have been levied.

[Please visit the petition and register your support.](#)





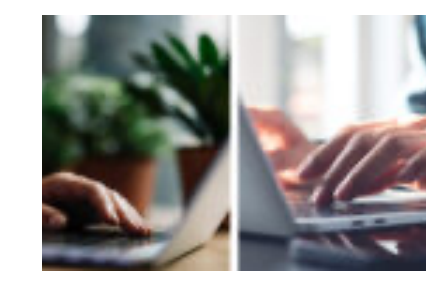
• **This article** by Penny Post in December 2020 has more information on the background to this issue.
• See also [here](#) and [here](#) for reports on what happened when a district councillor from the then ruling group tried to ask some questions about the issues.

Note also that if you are engaged in any development work you should seek expert professional about any CIL aspects and ensure that, if an exemption has been claimed, that no work of any kind begins until the CIL exemption certificate has been received from the LPA.

🗨️ Brian Quinn 📅 March 3, 2022 🕒 1:27 pm 💬 No Comments

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