



From: Ray Townsend
Sent: 15 July 2020 12:31
To: Jennifer Margetts <JMargetts@elmbridge.gov.uk>
Subject: 2018/3810 - CIL application

Dear Jenny

We note the 6 March 2020 email from James Owens to you (attached) in relation to the use of the name Alexpo Ltd on the CIL application. James completely misses the point, perhaps intentionally. The query we raised is not whether any name can be used to submit a planning application, which clearly it can, nor were we questioning who would be liable for CIL if the application was permitted.

What does concern us is that although Elmbridge Borough Council is aware that the applicant is only registered in the Isle of Man tax haven, that fact is not known by the general public. It would have been easy for Alexpo (IOM) Ltd to use its correct company name on the CIL application but it chose not to.

The CIL application form and the relevant Act which it references is unambiguous:

“It is an offence for a person, knowingly or recklessly, to supply information which is false or misleading in a material respect to a collecting authority in response to a requirement under these Regulations”.

When Mr Owens submitted the CIL form he clearly knew he was supplying false and misleading information by hiding from the public the fact that the applicant was only registered, for whatever reasons, in the Isle of Man tax haven.

We note that Alexpo continue to hide this fact (reference revised FRA) from the general public. I acknowledge that Elmbridge Council and HCRC are aware that Alexpo is an IOM company but the general public are not.

Mr Owens and his applicants clearly want the public to remain in the dark on this one. Our view is that Mr Owens is in breach of the Act whether or not Elmbridge cares is another matter, we think it does matter. For your convenience, see below a link to the Act.

<http://www.legislation.gov.uk/uksi/2010/948/regulation/110/made>

I should also point out that Alexpo Ltd is a legally registered UK company that does not wish its company name to be used on this CIL application or for it to be associated in any other way with 2018/3810.

Best regards

Ray Townsend
HCRC

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Former Jolly Boatman ref:2018/3810

30 June 2020 11:00

Subject	Former Jolly Boatman ref:2018/3810
From	Owens, James
To	Jennifer Margetts
Sent	06 March 2020 10:37

Jenny,

Further to your 'phone call, I write to confirm that we are aware that after the application for the redevelopment of the former Jolly Boatman and Hampton Station site had been submitted by Alexpo and Network Rail, one or more of the objectors registered the company name Alexpo Ltd.

As you know, the full name of the owner of the Jolly boatman site is Alexpo (IOM) LTD, an Isle of Man registered company, which is a private fund, whose investors have a track record of holding, investing in and developing property. I explained this fully when we first met not only your Council, but also HRP, other interest groups and HCRC. A few people also asked at the various public consultation events and again we have been entirely open about this and there is nothing to hide. Indeed, such private investment is generally welcomed!

In terms of your two specific questions, I can advise:

Planning Applications – applications can be made in any name. Therefore the fact that the geographic area of corporate governance (IOM) was not referenced, does not invalidate or in any way jeopardise the application.

Payment of CIL – the planning process has not yet progressed sufficiently to have defined who will pay the Community Infrastructure Levy. If planning permission is granted, there are then a number of steps that would need to be undertaken. One of the first (after permission has been granted), would be for the joint applicants to decide who would become liable to pay CIL and then complete Form 2 - Assumption of Liability. This could specify Alexpo (IOM) LTD, one of the Network Rail companies or an entirely different company or organisation. Indeed, with Form 4, you can even transfer the liability again, onto another entity, if required. As such, there are no grounds whatsoever for concern and the fact that one or more of the objectors has registered the company name Alexpo Ltd does not in any way jeopardise the CIL being paid to Elmbridge correctly in due course.

I hope that is helpful.

James Owens
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