

The Town Council is in dispute with Mallino Developments Limited (Mallino), which is part of the group of companies behind the redevelopment of Bodmin Jail a visitor attraction and hotel.

The dispute relates to an agreement for lease between the Town Council and Mallino in respect of land owned by the Town Council at Berrycombe Vale (the Land). In summary, as part of the agreement to grant to Mallino a lease of the Land, Mallino was required to (1) construct a car park and (2) undertake works to replace the town leat that runs under the Land. The position of the Town Council is that Mallino has failed to comply with its obligations under the agreement and that it has failed to undertake all of the works required to replace the town leat.

Payments schedules including legal fees can be found on the BTC website under documents and finance.

The dispute is ongoing.

(Data correct as at 18th March 2021)

Summary of costs incurred so far: £34,745.98

(Data correct as at 6th August 2021)

We can confirm that the dispute is ongoing.

The figure for legal costs incurred as of 13th October 2021 is £36,495.98.

(Data correct as at 13th October 2021)

The recalculated figure for legal costs incurred as of 13th October 2021 is £ 33,252.50

(Data corrected for 13th October 2021)

Hillside Park Car Park and Bodmin Jail

Question:

1) Please can you update me on the costs associated with this car park and your dispute with Bodmin Jail (and its various manifestations eg Tudor Hotels).

Response: The additional cost (as of 10th August 2022) is - £ 47,689.40. This figure includes legal and expert costs as well as costs associated with any temporary works.

2) Why are you now seeking an alternative engineer's opinion as recommended to council this week?

Response: This is subject to legal professional privilege and would prejudice the commercial interests of the Council to disclose Section 42 and 43.

3) Are you still intending to repair the leat - and pay for it?

Response: The Town Council is not intending to repair the leat as this has never been part of the planned works. A new culvert has been laid and when the culvert is completed, it is intended to connect this culvert and break out and back fill the leat. The recovery of the cost of these works and the payment for the cost of works is the subject of legal advice, which is subject to legal professional privilege.

4) Have you taken advice on recovering the cost of this work?

Response: Yes, but the advice is subject to legal professional privilege.

5) Has this advice given any indication of the cost of doing this.

Response: Yes, but the advice is subject to legal professional privilege.

6) If so how much might this be.

Response: The advice is subject to legal professional privilege.

We refuse to respond fully to the above questions on the grounds that by doing so would risk disclosing legally privileged advice and may prejudice a commercially sensitive process. The information requested is therefore exempt under Sections 42 and 43 of the Freedom of Information Act 2000:

Section 42 –

1 - Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.

2 - The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) in respect of which such a claim could be maintained in legal proceedings.

Section 43 -

Is a prejudice-based exemption which says that information is exempt if its disclosure under FOIA would, or would be likely to, prejudice the commercial interests of any legal person (including the public authority holding it).

(Data correct as at 10th August 2022. The costs are in addition to the figure as at 13th October 2021)