

Asset of Community Value / Community Right to Bid

1. Procedure for Listing and Compensation Reviews:

1.1 Note these rules supplement the Assets of Community Value Regulations 2012 and are not intended to prevail over any rule stipulated in the regulations. The Deputy Chief Executive may amend or supplement these rules

1.2 If the request for a review is accepted as within the deadline, the Council will notify the relevant parties:

- (a) Owner (freeholder, leaseholder & other lawful occupants)
- (b) Parish Council (where applicable)
- (c) Original nominators of the asset (Listing Reviews only)

OR

If the request for a review is not accepted, notify the owner that their request was not submitted within the required time frame.

1.3 The Deputy Chief Executive shall carry out the review. The reviewer must make a decision by the end of a period of 8 weeks from the date the request for a review was received (or such longer period as is agreed with the owner in writing).

1.4 The owner (and appointed representative) is contacted to:

- a) explain how the review will be conducted
- b) notify them of key dates
- c) request their reasons for objecting to the listing (if these have not been received already) or their reasons and evidence for objecting to the Council's Compensation decision.

The owner may appoint any representative to act on his or her behalf in connection with the review. Both the owner and the owner's representative may make representations to the reviewer orally, or in writing, or both orally and in writing.

NB: An oral hearing must be held at the owner's written request. Where no written request for an oral hearing is made by the owner, the Council may decide whether or not to include an oral hearing in the review process.

1.5 For Listing Reviews, the party who nominated the land and/or building is sent any written representation provided by the owners, and given the opportunity to comment within 5 working days.

1.6 For Listing Reviews, if any comments are put forward by the party who nominated the land and/or building, they will be passed on to the owners (and appointed representative), who will have 5 working days to respond.

1.7 The reviewer will then consider the written representations put forward by the owners and the party who nominated the land and/or building, and make a decision.

NB: In the event that there is an oral Hearing, all written representations and comments will need to be submitted 5 working days before the Hearing takes place. No new evidence will be considered after the deadline. The guidelines for an oral hearing can be found on the next page.

1.8 If the reviewer finds that the decision to list, or as to the Compensation payable, should be upheld, all the parties listed in task 1 (a-c) as applicable will be notified of this decision within 5 working days, along with the reasons for this decision. In addition the owner must be informed of their right to appeal.

OR

If the reviewer finds that the decision to list, or as to the Compensation payable, should not be upheld, all the parties listed in task 1 (a-c) as applicable will be notified of this decision within 5 working days, along with the reasons for this decision. Furthermore the land and/or building(s) will be removed from the List of Assets of Community Value immediately, and local land charges and restriction removed

1.9 Update the publicly available List of Assets of Community Value as appropriate.

2. Guidelines for Oral Hearings

2.1 All Review Hearings will be held at a location to be notified by the Council

2.2 The reviewer will introduce themselves and any other officers present, and explain the procedure to be followed.

2.3 If a party has informed the reviewer that s/he does not intend to attend or be represented the Hearing may proceed in their absence.

2.4. If a party who has not so indicated fails to attend or be represented at a Hearing the reviewer may:

a) where he/she considers it to be necessary in the public interest, adjourn the Hearing to a specified date, or

b) hold the Hearing in the party's absence.

2.5 The Hearing will facilitate a discussion between the reviewer and the parties present.

(a) Firstly, the party who has requested the review will be asked to present their representations as to why they do not agree with the Listing, or the Compensation decision.

(b) Secondly, any representative of the relevant party/ies who nominated the asset for listing will be asked to make their representations as to why the listing should remain. In the case of a Compensation decision, the Director of Property (or one of their team) will be

asked to make their representations as to why the original compensation decision should be upheld.

(c) Parties will be allowed equal maximum time in which to make their representation. The reviewer may exercise his/her discretion to allow additional time if necessary, taking into account the requirement to allow all parties equal maximum time.

2.6 The reviewer may also call upon the one or more of the original officers who made the decision to explain their reasons for listing the land and/or the Compensation decision under review.

2.7 The party who has requested the review will be given a final opportunity to comment.

2.8 The reviewer will bring the Hearing to a close.

Note: Following on from the hearing, the reviewer will make a decision within 5 working days. Confirmation of this review decision and the reasons for the decision will be made in writing to all parties involved.

3. Procedure for Appeal against a Listing Review:

If the owner of the listed land is not satisfied with the outcome of the review, they may appeal against the reviewer's decision to the General Regulatory Chamber of the First-Tier Tribunal. The deadline for appealing is within 28 days from the date on which notice of the decision was sent. Appeals may be both on points of law and on findings of fact. The land and/or building in question will remain listed during the appeal process.

Notice of appeal should be made in writing to:

Tribunal Clerk,

Community Right to Bid Appeals

HM Courts & Tribunals

First-tier Tribunal (General Regulatory Chamber)

P.O. Box 9300

Leicester, LE1 8DJ

Or by email to: GRC.CommunityRights@hmcts.gsi.gov.uk