



# **Assets of Community Value Policy Statement**

**Review date: 21 October 2015**

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## **1. Introduction**

The purpose of this document is to set out the Council's policy position with regards to assets of community value. In particular:

- to provide clarity so that officers are able to effectively support the management of the process; and
- to provide transparency for community nominators and asset owners so that they are easily able to navigate the Council's process.

This policy has been developed in response to the Right derived from the Localism Act 2011, and understanding how the Right operates will evolve over time. We are committed to monitoring the evolution of the Right locally and nationally, and may amend our policy in response to this research so that our policy reflects best practice.

This revised policy is in force from 8<sup>th</sup> November 2015.

## **2. Background**

The assets of community value legislation gives local groups a right to nominate a building or other land for listing by the Council as an asset of community value.

The aim of the Right is to empower communities wishing to protect valuable local assets (land and buildings) by requiring the Council to maintain a list of assets in its area which are of community value, so that upon sale, the community will have a chance to prepare a bid to buy it. When a listed asset is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy it on the open market.

The Right does not restrict in any way who the owner of the asset can sell his property to, or at what price and it does not confer a right of first refusal to community interest groups.

The Right does not apply to residential property, land in respect of which a site licence is required under the Caravan Sites and Control of Development Act 1960 or operational land as defined in the Town and Country Planning Act 1990 Part 2.

This policy is set out in 5 parts as follows:

**Part A- The listing of land/property as an asset of community value**

**Part B- Review of the decision to list the land/property as an asset of community value**

**Part C-Selling or developing land listed as an asset of community value**

**Part D- Compensation**

**Part E- Review of the compensation decision**

## **PART A- THE LISTING OF LAND/PROPERTY AS AN ASSET OF COMMUNITY VALUE**

### **A1. Who can make an asset of community value nomination?**

Land in a Council's area which is of community value may be included by a Council in its list of assets of community value in response to a community nomination made by:

1. a parish council (where the land/property is in the parish council's area)
2. a person that is a voluntary or community body with a local connection to the land which include the following:
  - (a) a body designated as a neighborhood forum
  - (b) an unincorporated body whose members include at least 21 individuals, and which does not distribute any surplus it makes to its members
  - (c) a charity
  - (d) a co-operative or community benefit society which does not distribute any surplus it makes to its members; or
  - (e) a community interest company

### **A2. If we wish to make a nomination what should we do?**

Nomination to list an asset should be made in writing and can be made by completing the form shown at appendix 1.

Nominations should be submitted to the Head of Regulatory Services, Derbyshire Dales District Council, Town Hall, Matlock, DE4 3NN or by email to [ACV@derbyshiredales.gov.uk](mailto:ACV@derbyshiredales.gov.uk).

Your nomination should include the following:

1. Evidence that you are eligible to make a community nomination (please see '**Who can make an asset of community value nomination**' for details)
2. A description of the land you wish to nominate including its proposed boundaries. If possible please provide a map with your nomination and draw a line around the land/property you wish to nominate.
3. The names of the current occupiers of the land and the names and current (or last known) addresses of the owners and or any leaseholders of the land.
4. Reasons why the land should be listed as an asset of community value (where appropriate please provide us with any evidence that supports your reasons)

### **A3. What happens once the Council receives a nomination?**

The Council will review the application to ascertain whether it provides sufficient information to form a valid community nomination. The Council may request further information from the nominator for clarification.

The Council will decide whether land nominated by a community nomination should be included in the list **within 8 weeks** of receiving the nomination.

The Council will take all practicable steps to give the information that it is considering listing the land to-

- (a) A Parish Council if any of the land is in the Council's area
- (b) The owner of the land
- (c) Where the owner is not the freeholder
  - (i) The holder of the freehold estate in the land; and
  - (ii) The holder of any leasehold estate in the land other than the owner; and
- (d) Any lawful occupant of the land

The owner will be sent a copy of the nomination form. **If the owner wishes to make any written representations as to why the land should or should not be listed**

these should be sent in writing to the Head of Regulatory Services, Derbyshire Dales District Council, Town Hall, Matlock, DE4 3NN or by email to [ACV@derbyshiredales.gov.uk](mailto:ACV@derbyshiredales.gov.uk).

**A4. What test does the Council apply when deciding whether or not to list the land/building as an asset of community value?**

The Council will check that the land does not fall into one of the excluded categories as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012 ('the Regulations') and apply either the "current use test" or "future use test" (as appropriate) as set out in section 88 of the Localism Act 2011.

**"Current Use Test"**

A building or other land in a Council's area is land of community value if in the opinion of the Council—

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Or

**"Future Use Test"**

A building or other land in a Council's area that is not land of community value as a result of the "Current Use Test" is land of community value if in the opinion of the Council—

(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

#### **A5. Notification of the decision**

The Council will assess the nomination and provide written notification of our decision to:

- (a) The nominating organisation
- (b) A Parish Council if any of the land is in the Council's area
- (c) The owner of the land
- (d) Where the owner is not the freeholder
  - (iii) The holder of the freehold estate in the land; and
  - (iv) The holder of any leasehold estate in the land other than the owner; and
- (e) Any lawful occupant of the land

If the nomination is unsuccessful the Council will provide written reasons for its decision as to why the land could not be included in its list of assets of Community Value.

#### **A6. The listing of the land**

The Council will publish a list of assets of community value (List of Assets of Community Value) and a list of land nominated by unsuccessful community nominations (List of Nominated Assets not of Community Value).

In order to ensure that the most up to date version of our lists are available for public inspection, it is the Council's intention to publish these lists on our website, and we will make hard copies available on request.

## **PART B- REVIEW OF THE DECISION TO LIST THE LAND/PROPERTY AS AN ASSET OF COMMUNITY VALUE**

### **B1 Owners can request that the decision to List the land/property is reviewed by the Council**

In some cases, the owner whose asset has been included on the list of assets of community value may wish to ask the Council to review its decision. In such cases, the owner must write to the Council within **8 weeks** of receipt of the Council's notification that the asset is to be listed.

### **B2 The owner can appoint a representative to act on his/her behalf**

The owner may appoint any representative (whether legally qualified or not) to act on his or her behalf in accordance with the review.

### **B3 Written representation and/or oral hearing**

The review can take place through representations at an oral hearing, in writing or both. The owner can request in writing that an oral hearing is held. 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.

Both the owner and owner's representative may make representations to the reviewer. These can be made in writing and/or orally (where an oral hearing is held).

The owner must present a case for removing the asset from the list based on whatever evidence they consider appropriate, but it should be relevant to the following issues:

- Whether or not the asset is eligible to be listed;
- Whether or not the asset was nominated by an eligible group;

- Any new factors which have come to light since the original nomination was made; or,
- Any irrelevant matters, or improper conduct, which the Council might have taken into account when reaching its original decision.

The Council's Listing Review Procedures can be found at appendices 2 and 3.

#### **B4 The decision of the 'Reviewing Officer'**

A Head of Service who did not take part in making the decision to be reviewed ("the Reviewing Officer") shall carry out the review and make the review decision.

The Reviewing Officer will complete their review within 8 weeks beginning with the date the Council received the written request for the review, or longer period as agreed with the owner in writing.

Following the review the Reviewing Officer will inform the owner and the nominator of the decision and provide reasons for their decision.

If the decision on a review is that the land concerned should not have been included in the Council's list of assets of community value the Council will remove the entry for the land from the list.

#### **B5 Appeal to First-Tier Tribunal**

If the owner is dissatisfied with the outcome of the Council's internal review they have a right of appeal to the First Tier Tribunal.

## **PART C SELLING OR DEVELOPING LAND LISTED AS AN ASSET OF COMMUNITY VALUE**

### **C1 What happens if the owner wants to sell land/property that is listed as an asset of community value?**

Under section 95 of the Localism Act 2011 the owner must give notice to the Council in writing that they wish to enter into a relevant disposal of the land (i.e. sell the land or grant or assign a lease of 25 years or more). This notification requirement is subject to any exemptions contained with section 95(5) of the Localism Act 2011 and Schedule 3 of the Regulations.

Upon receipt of a notice from the owner the Council will update the entry of the land/property in the asset of community value list to reveal—

- (a) that notice has been received in respect of the land
- (b) the date when the Council received the notice, and
- (c) the end date of the

- Initial moratorium period (**6 weeks** beginning with the date on which the Council receives notification from the owner in relation to the disposal)
- Full moratorium period (**6 months** beginning with the date on which the Council was informed of the disposal)
- Protected period (**18 months** beginning with the date on which the Council receives notification of the disposal)

The Council will also give written notice to the person who made the original nomination to include details of (a), (b) and (c) above and make arrangements for those matters to be publicised in the area where the land is situated.

### **C2 When can the owner sell the land?**

After giving notice the owner cannot sell the land until either

(a) the interim moratorium period has ended (i.e. **6 weeks** beginning with the date on which the Council receives notification from the owner in relation to the relevant disposal) without the Council receiving, from any community interest group, a written request for the group to be treated as a potential bidder in relation to the land

or

(b) the full moratorium period has ended (i.e. **6 months** beginning with the date on which the Council was informed of the relevant disposal).

**and** the protected period has not ended (i.e. the **18 months** beginning with the date on which the Council receives notification of the relevant disposal).

If the owner makes a relevant disposal which contravenes the requirements set out in section 95 of the Localism Act that disposal may be deemed ineffective.

### **C3 What happens if the Council receives a written request from a community interest group?**

If within **6 weeks** of receiving notice from the owner the Council receives from a community interest group a written request for the group to be treated as a potential bidder in relation to the land. The Council will, as soon as is practicable, either pass on the request to the owner of the land or inform the owner of the details of the request.

### **C4 What happens if the owner wishes to develop the land or change the use of the land?**

If a building or land is included on a local authority's ACV list, it remains on the list for five years. When a Local Planning Authority (LPA) considers planning applications in

its area it is *“open to the LPA to decide whether listing an asset of community value is a material consideration”*. The weight to be given to any material consideration is a matter for the decision-maker, subject to the decision being reasonable and rational in all the circumstances. Each case depends on its merits and it is expected that the Government will consult on a proposal to provide further clarification on this issue in due course.

### **Permitted Development Rights in Respect of Drinking Establishments:**

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 provides permitted development rights to allow for certain development, alterations and changes of use to land without requiring a full planning application to be submitted and determined.

Certain permitted development rights have been removed for the change of use or demolition of; Class A4 (drinking establishments) which are listed as an asset of community value. There cannot be:

- An automatic change to Class A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes);
- temporary change for two years to A1, A2, A3 or B1 (business); or demolition.

A planning application will be required for the above and failure to do so may result in planning enforcement action being taken by the LPA. The disapplication of the permitted development rights is for a period of five years, unless the Council removes the building from the asset of community value list after a successful review/appeal or it is no longer considered to have community value.

For any drinking establishment which is not listed as an asset of community value, the developer must obtain the LPA's confirmation that it has not been nominated for listing before any change of use or demolition can take place.

If there has been a nomination, the permitted development rights will be disapplied for 56 days from the request date. If the asset is not nominated, the proposed work can take place; provided it does so within one year from the request date.

### **C5 What these provisions do not do**

These provisions do not restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do not confer a right of first refusal to community interest groups.

## **PART D COMPENSATION**

### **D1 Entitlement to compensation**

The owner or former owner of listed or previously listed land is entitled to compensation from the Council when:

The person making the claim has, at a time when they owned the land and the land was listed, incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

### **D2 How to make a claim for compensation**

A claim for compensation should:

- (a) Be made in writing to the Council and submitted to the Head of Regulatory Services, Derbyshire Dales District Council, Town Hall, Matlock, DE4 3NN or by email to [ACV@derbyshiredales.gov.uk](mailto:ACV@derbyshiredales.gov.uk).
- (b) **Be made before the end of the thirteen weeks after the loss or expense was incurred or finished being incurred.**
- (c) State the amount of compensation sought for each part of the claim
- (d) Provide accompanying evidence in support of each part of the claim

The burden of proving the claim falls on the owner/former owner.

### **D3 Decision on compensation**

The Council will consider the claim for compensation and will write to the owner/former owner (Claimant) with its decision and reasons for its decision.

## **PART E- REVIEW OF THE COMPENSATION DECISION**

### **E1 A Claimant may request the Council to review its compensation decision**

A person (Claimant) who has made a claim for compensation may ask the Council to review its decision as to-

- (a) Whether compensation should be paid to that person, and
- (b) If compensation is to be paid, the amount of that compensation

**This request must be made within eight weeks beginning with the date on which the owner/former owner was provided with notification of the Council's decision compensation.**

### **E2 The Claimant can appoint a representative to act on his/her behalf**

The Claimant may appoint any representative (whether legally qualified or not) to act on his or her behalf in accordance with the review.

### **E3 Written representation and/or oral hearing**

The review can take place through representations at an oral hearing, in writing or both. The Claimant can request in writing that an oral hearing is held. Where no written request for an oral hearing is made by the Claimant, the Council may decide whether or not to include an oral hearing in the review process.

Both the owner and owner's representative may make representations to the Reviewing Officer. These can be made in writing and/or orally (where an oral hearing is held).

The Council's Compensation Review Procedures can be found at appendices 4 and 5.

#### **E4 The decision of the 'Reviewing Officer'**

A Head of Service who did not take part in making the decision to be reviewed ("the Reviewing Officer") shall carry out the compensation review and make the compensation review decision.

The Reviewing Officer will complete their review within 8 weeks beginning with the date the Council received the written request for the review, or longer period as agreed with the owner in writing.

After the review the Council will write to the Claimant with its decision and reasons for its decision.

#### **E5 Appeal to First-Tier Tribunal**

Where the Council carries out a compensation review, the person who requested the review may appeal to the First-Tier Tribunal against any decision of the Council on review.

## COMMUNITY RIGHT TO BID

### NOMINATION FORM

This Nomination Form is for groups who want to nominate an asset for inclusion on the list of assets of community value.

**Please note that a copy of this form and any supporting evidence will be provided to the owner(s) of the land/property subject to the nomination.**

Under the terms of the Localism Act, 2011 all nominations under the Community Right to Bid must be provided in writing. The Regulations accompanying the Act specify the information required in a nomination, so it is important that you answer all the questions in this form as fully as possible, and provide additional information where appropriate.

### PART A: INFORMATION ABOUT THE ASSET

#### 1. Identification of Asset

To help us identify the asset being nominated please provide as much information as possible:

|                                |  |
|--------------------------------|--|
| <b>Type of Asset</b>           | <i>Please circle...</i><br><br><div style="display: flex; justify-content: space-around; width: 100%;"> <span>Building</span> <span>Land</span> </div>   |
| <b>Title of the Asset</b>      | <i>e.g. name of the building?</i>  |
| <b>Address</b>                 |  |
| <b>Any further information</b> | <i>e.g. details of any additional information that you have supplied which will help us identify the asset. Where possible please provide a map marking the boundaries of the land/property to be nominated.</i> |

#### 2. Asset Owners

Please provide details about the existing occupants (if relevant) and names and current or last known address of all those holding a freehold or leasehold estate in the asset (if known)

| <b>Occupant / Freeholder / Leaseholder #1</b> |  |
|---|--|
| <b>Name(s)</b>                                |  |
| <b>Connection to the asset</b>                | <i>Please circle...</i><br><br><div style="display: flex; justify-content: space-around;"> <span>Occupant</span> <span>Freeholder</span> <span>Leaseholder</span> </div> |
| <b>Address</b>                                |  |
| <b>Phone number</b>                           |  |
| <b>Email</b>                                  |  |
| <b>Occupant / Freeholder / Leaseholder #2</b> |  |
| <b>Name(s)</b>                                |  |
| <b>Connection to the asset</b>                | <i>Please circle...</i><br><br><div style="display: flex; justify-content: space-around;"> <span>Occupant</span> <span>Freeholder</span> <span>Leaseholder</span> </div> |
| <b>Address</b>                                |  |
| <b>Phone number</b>                           |  |
| <b>Email</b>                                  |  |
| <b>Occupant / Freeholder / Leaseholder #3</b> |  |
| <b>Name(s)</b>                                |  |
| <b>Connection to the asset</b>                | <i>Please circle...</i><br><br><div style="display: flex; justify-content: space-around;"> <span>Occupant</span> <span>Freeholder</span> <span>Leaseholder</span> </div> |
| <b>Address</b>                                |  |
| <b>Phone number</b>                           |  |
| <b>Email</b>                                  |  |
| <b>Occupant / Freeholder / Leaseholder #4</b> |  |
| <b>Name(s)</b>                                |  |

|                                |  |
|--------------------------------|--|
| <b>Connection to the asset</b> | <i>Please circle...</i><br><br>Occupant      Freeholder      Leaseholder |
| <b>Address</b>                 |  |
| <b>Phone number</b>            |  |
| <b>Email</b>                   |  |

### 3. Community Value

Under the Community Right to Bid regulations, an asset is of community value if:

- It is at least partly within the Council’s area
- Its main use (i.e. not ancillary) has recently been or is presently being used to further the social wellbeing or social interests of the local community and could reasonably do so in the future i.e. within the next 5 years
- It does not fall within one of the exemptions specified in the Localism Act 2011 or the Assets of Community Value (England) Regulations 2012.

**Please provide reasons below why you believe the asset that you have identified should qualify as an asset of community value.**

**Please include, affix or provide links to any relevant supporting information.**

### **PART B: INFORMATION ABOUT YOUR ORGANISATION**

Nominations can be submitted by voluntary and community organisations with a local connection.

Relevant bodies include:

- a) Neighbourhood Forums
- b) Parish Councils
- c) Unincorporated bodies of at least 21 named members
- d) A Charity
- e) Company Limited by Guarantee, which does not distribute any surplus it makes to its members
- f) Industrial or Provident Society
- g) Community Interest Company

**Please provide information about the nominating organisation:**

|  |   |
|--|---|
| <b>Name of organisation</b>                                |   |
| <b>Type of organisation</b>                                | <i>e.g. Neighbourhood Forums; Parish Councils; Unincorporated bodies of 21 named members; A Charity; Company Limited by Guarantee; Industrial or Provident Society.</i> |
| <b>Proof of eligibility to make a community nomination</b> | <i>e.g. This could include documentation demonstrating the nature of the organisation and in what way it has a local connection.</i>                                    |

### **PART C: CONTACT DETAILS**

We will need to contact you to respond to your application, please provide contact details for the person who is leading this Nomination.

|                     |  |
|---------------------|--|
| <b>Name(s)</b>      |  |
| <b>Address</b>      |  |
| <b>Phone number</b> |  |
| <b>Email</b>        |  |



All personal information provided to Derbyshire Dales District Council will be held and treated in confidence in accordance with the Data Protection Act 1998. It will only be used for the purpose for which it was given and may be shared with other Council departments or third party organisations.

Appendix 2

**Asset of Community Value- Listing Review Process**

|                  |  |
|------------------|--|
| <p><b>1.</b></p> | <p>On receiving the request for a listing review, the Council will ascertain whether the request has been made in the required timescale. This is before the end of a period of 8 weeks, beginning with the day on which notice of inclusion of the land in the list was given by the Council.</p>   |
| <p><b>2.</b></p> | <p>If the request for a review is accepted, the Council will notify the relevant parties (which will include):</p> <ul style="list-style-type: none"> <li>(a) Owner (freeholder, leaseholder and other lawful occupants)</li> <li>(b) Parish Council</li> <li>(c) Original nominators of the land (if not the Parish Council)</li> </ul> <p>Or if the request for a review is not accepted, notify the owner or owner's representative that their request was not submitted within the required timeframe.</p>   |
| <p><b>3.</b></p> | <p>An officer of appropriate seniority, the "Reviewing Officer", who did not take any part in making the original decision, shall carry out the review. The Reviewing Officer must make a decision by the end of a period of 8 weeks from the date the request for a review was received (or longer period if agreed with the owner).</p>  |
| <p><b>4.</b></p> | <p>The owner or appointed representative is contacted to:</p> <p>Request their reasons for objecting to the listing (if these have not been received already).</p> <p>The owner must present a case for removing the asset from the list based on whatever evidence they consider appropriate, but it should be relevant to the following issues:</p> <ul style="list-style-type: none"> <li>(a) Whether or not the asset is eligible to be listed;</li> <li>(b) Whether or not the asset was nominated by an eligible group;</li> <li>(c) Any new factors which have come to light since the original nomination was made; or,</li> <li>(d) Any irrelevant matters, or improper conduct, which the Council might have taken into account when reaching its original decision.</li> </ul> <p>The owner may appoint any representative (whether legally qualified or not) 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 in writing, (orally and/or in writing if the owner requests an oral hearing).</p> |
| <p><b>5.</b></p> | <p>The party who nominated the land and/or building is sent any written</p>  |

|    |   |
|----|---|
|    | <p>representation provided by the owners, and given the opportunity to comment within 10 working days. This deadline may be extended at the discretion of the Reviewing Officer if deemed appropriate.</p>  |
| 6. | <p>If any comments are put forward by the part who nominated the land and/or building, they will be passed on to the owners (and appointed representative), who will have 10 working days to respond. This deadline may be extended at the discretion of the Reviewing Officer if deemed appropriate.</p>   |
| 7. | <p>The Reviewing Officer 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.</p> <p>NB In the event that there is an oral hearing, all written representations and comments should be submitted by 5pm the day before the Hearing takes place. Usually no new written evidence submitted after the deadline will be considered. The guidance for an oral hearing can be found on the next page.</p>   |
| 8. | <p>If the Reviewing Officer concludes that the decision to list <b><u>should be upheld</u></b>, all the relevant parties will be notified of the decision within 5 working days, along with the reasons for this decision. In addition the owner must be informed of their right to appeal.</p> <p>OR</p> <p>If the Reviewing Officer concludes that the decision to list <b><u>should not be upheld</u></b>, all the relevant parties 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.</p>   |
|    | <p><b>Procedure for Appeal against a Listing Review:</b></p> <p>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 Chambers of the First-Tier Tribunal. The deadline for appealing is within 28 days from the date on which notice of the decision was sent. The land/or building in question will remain listed during the appeal process.</p> <p>Notice of appeal should be made in writing to:<br/> Tribunal Clerk,<br/> Community Right to Bid Appeals<br/> HM Courts &amp; Tribunals<br/> First-tier Tribunal (General Regulatory Chamber)<br/> P.O. Box 9300<br/> Leicester, LE1 8DJ<br/> Or by email to: <a href="mailto:GRC.CommunityRights@hmcts.gsi.gov.uk">GRC.CommunityRights@hmcts.gsi.gov.uk</a></p> |

### Oral Hearing Listing Review Process

**All Review Hearings will take place at Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN**

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| 1. | The Reviewing Officer will introduce themselves and any other officers present, and explain the procedure to be followed.  |
| 2. | If a party has informed the Reviewing Officer that s/he does not intend to attend or be represented the Hearing may proceed in their absence.  |
| 3. | If a party who has not so indicated fails to attend or be represented at a Hearing the Reviewing Officer may:<br>a) where he/she considers it to be necessary in the public interest, adjourn the Hearing to a specified date, or<br>b) hold the Hearing in the party's absence.   |
| 4. | The Hearing will facilitate a discussion between the Reviewing Officer and the Parties present.<br>- 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.<br>- 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.<br>Parties will be allowed equal maximum time in which to make their representation. The Reviewing Officer may exercise his/her discretion to allow additional time if necessary, taking into account the requirement to allow all parties equal maximum time.<br><br>The Reviewing Officer may ask any relevant questions. |
| 5. | The Reviewing Officer may also call upon the original officer who made their decision to explain their reasons for listing the land and/or the building under review.  |
| 6. | The party who has requested the review will be given a final opportunity to comment.   |
| 7. | The Reviewing Officer will bring the hearing to a close.   |
| 8. | Following on from the hearing, the Reviewing Officer 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.  |
|    |  |
|    | <b>Procedure for Appeal against a Listing Review:</b><br><br>If the owner of the listed land is not satisfied with the outcome of the  |

review they may appeal against the Reviewing Officer's decision to the General Regulatory Chambers of the First-Tier Tribunal. The deadline for appealing is within 28 days from the date on which notice of the decision was sent. The land/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](mailto:GRC.CommunityRights@hmcts.gsi.gov.uk)

### **Asset of Community Value - Compensation Review Process**

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| <b>1.</b> | On receiving the request for a compensation review, the Council will ascertain whether the request has been made in the required timescale. This is before the end of a period of 8 weeks, beginning with the day on which the owner received the decision on compensation.  |
| <b>2.</b> | An officer of appropriate seniority, the “Reviewing Officer”, who did not take any part in making the original decision, shall carry out the review. The Reviewing Officer must make a decision by the end of a period of 8 weeks from the date the request for a review was received (or longer period if agreed with the owner).   |
| <b>3.</b> | <p>The Claimant or appointed representative is contacted to:</p> <p>Request their reasons for a compensation review (if these have not been received already).</p> <p>The Claimant should present a case for compensation and/or the amount of any compensation</p> <p>The Claimant may appoint any representative (whether legally qualified or not) to act on his or her behalf in connection with the review. Both the Claimant and the Claimant’s representative may make representations to the Reviewing Officer in writing, (orally and/or in writing if the owner requests an oral hearing).</p> |
| <b>4.</b> | <p>The Reviewing Officer will then consider the written representations put forward by the Claimant and/or the Claimant’s representative, and make a decision.</p> <p>NB In the event that there is an oral hearing, all written representations and comments should be submitted by 5pm the day before the Hearing takes place. Usually no new written evidence submitted after the deadline will be considered. The guidance for an oral hearing can be found on the next page.</p>  |
| <b>5.</b> | After the review the ‘Reviewing Officer’ will write to the Claimant with is decision and reasons for its decision.   |
|           |  |
|           | <b>Procedure for Appeal against a Listing Review:</b>  |

If the Claimant is not satisfied with the outcome of the review they may appeal against the Reviewing Officer's decision to the General Regulatory Chambers of the First-Tier Tribunal. The deadline for appealing is within 28 days from the date on which notice of the decision was sent. The land/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](mailto:GRC.CommunityRights@hmcts.gsi.gov.uk)

### Oral Hearing Compensation Review Process

**All Review Hearings will take place at Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN**

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|----|---|
| 1. | The Reviewing Officer will introduce themselves and any other officers present, and explain the procedure to be followed.   |
| 2. | 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.  |
| 3. | If a party who has not so indicated fails to attend or be represented at a Hearing the Reviewing Officer may:<br>a) where he/she considers it to be necessary in the public interest, adjourn the Hearing to a specified date, or<br>b) hold the Hearing in the party's absence.  |
| 4. | The Hearing will facilitate a discussion between the Reviewing Officer and the Parties present.<br>- The party who has requested the review will be asked to present their representations as to why they do not agree with the <i>decision</i> on compensation.<br><br>The Reviewing Officer may ask any relevant questions.   |
| 5. | The Reviewing Officer may also call upon the original officer who made their decision on compensation to explain their reasons.   |
| 6. | The party who has requested the review will be given a final opportunity to comment.  |
| 7. | The Reviewing Officer will bring the hearing to a close.  |
| 8. | Following on from the hearing, the Reviewing Officer will make a decision within 5 working days. Confirmation of this review decision and the reasons for the decision will be provided in writing to the Claimant/Claimant's representative.   |
|    | <b>Procedure for Appeal against a Compensation Review:</b><br><br>If the Claimant is not satisfied with the outcome of the review they may appeal against the Reviewing Officer's decision to the General Regulatory Chambers of the First-Tier Tribunal. The deadline for appealing is within 28 days from the date on which notice of the decision was sent.<br><br>Notice of appeal should be made in writing to:<br>Tribunal Clerk, |

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|  | Community Right to Bid Appeals<br>HM Courts & Tribunals<br>First-tier Tribunal (General Regulatory Chamber)<br>P.O. Box 9300<br>Leicester, LE1 8DJ<br>Or by email to: <a href="mailto:GRC.CommunityRights@hmcts.gsi.gov.uk">GRC.CommunityRights@hmcts.gsi.gov.uk</a> |
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