

## **Assets of Community Value Listing and Compensation Review Procedure**

The review will be completed no later than the end of the period of eight weeks beginning with the date the council received the written request for review, or such period as is agreed with the owner in writing.

### **A. Review Procedure**

The Service Delivery Manager Democratic & Legal Services, Governance, Procurement & Commissioning or the Assistant Director of Legal, Procurement & Commissioning (referred to in this procedure as the Reviewing Officer) who did not take part in making the decision to be reviewed will carry out the review and make the decision in respect of the review.

1. The Parties to the Review (“the Parties”) shall be the owner of the property concerned and/or their representative (“the Owner”) and the Nominating Group and / or their representative.
2. The Owner may appoint any representative (legally qualified or not) to act on his / her behalf in connection with the review.
3. The Reviewing Officer will provide to the Owner’s representative any document which is required to be sent to the owner.
4. The Owner’s request for a listing review will be acknowledged and the Owner will be invited to make additional comments by a date to be set by the Reviewing Officer.
5. The Nominating Group will be informed that a request for a review of the decision has been made.
6. The Nominating Group will be provided with a copy of all documentation sent to the Council by the Owner in connection with their request for an Internal Listing Review unless the Owner provides a valid reason why the information should not be shared.
7. The Nominating Group will be invited to make written representation in response to the Owner’s request for a listing review and all documentation received in support of the review by a date to be set by the Reviewing Officer.
8. The Reviewing Officer may invite representation from the Council Officer who made the decision to register the property as an asset of community value or determined the compensation payable (“the Council Officer”).
9. The Reviewing Officer shall consider all representations received but if the Owner makes a written request for an oral review hearing this must take place at a time convenient to both parties.
10. The Reviewing Officer may determine that it would be appropriate to hold an oral hearing as part of the internal review process.
11. A copy of the representations made by any one party may be released to the other parties to the Listing Review at the other parties’ request provided. .
12. The Reviewing Officer will make an unannounced visit to the site of the land listed Asset of Community Value.
13. Confirmation of the review decision and reasons for the decision will be made in writing to the Owner, together with details of the rights of appeal. The Council will

also notify the occupier, nominating group and other relevant persons of the review decision in writing, within 7 working days of the review date.

**B. If an Oral Review hearing is to take place rather than written representations**

The hearing shall take the form of a discussion led by the authority and cross examination shall not be permitted unless the authority considers it necessary. This is at the discretion of the Reviewing Officer.

The Reviewing Officer can refuse to allow questions considered to be frivolous, vexatious or repetitious. The procedure set out below is designed to ensure that all parties are able to express their views openly and fairly

1. If a party is intending to make written representation, then these are to be provided at least 5 working days prior to the Oral Review hearing date.
2. Written representations will be exchanged with any other parties 5 working days before the hearing.
3. The chair will open the hearing and ask the officers and those present to introduce themselves.
4. The chair will explain the procedure to be followed.
5. The Reviewing Officer will confirm that all parties have received copies of any relevant documentation to be considered as part of the review. New documentation will only be admitted in the interests of justice. Where late documentation is admitted, the Reviewing Officer will take this into account in determining the evidential weight to be given to it.
6. If a party has informed the Reviewing Officer that s/he does not intend to or be represented, the hearing may proceed in their absence.
7. If a party who has not so indicated fails to attend or be represented at a hearing the Reviewing Officer 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.
8. The Reviewing Officer will invite the Council Officer to present his/her representation as to why the property was listed as an asset of community value or how the compensation has been determined. If the Council Officer cannot attend the oral hearing, a representative will read out the Council Officer's written statement on his behalf if one has been submitted.
9. The Reviewing Officer may allow the Owner to ask relevant questions of the Council Officer if present.
10. The Reviewing Officer may allow the Nominating Group or his/her representative to ask relevant questions of the Council Officer if present.
11. The Reviewing Officer may then ask relevant questions of the Council Officer if present.
12. The Reviewing Officer will invite the Owner to present their representations as to why they do not agree with the listing of the amount of compensation.

13. The Reviewing Officer may allow the Council Officer if present to ask questions of the Owner.
14. The Reviewing Officer may allow the Nominating Group or his/her representative to ask any relevant questions to the Owner.
15. The Reviewing Officer may then ask questions of the Owner.
16. The Nominating Group or their representative will be asked to present their case.
17. The Owner or his/her representative may ask any relevant questions
18. If present the Council Officer may ask any relevant questions
19. The Reviewing Officer may ask any relevant questions.
20. Both parties will be given an opportunity to sum up their case, if appropriate. No new information can be presented at this stage.
21. The above procedure may be varied by the Reviewing Officer where he/she considers it appropriate to ensure that a fair hearing takes place.
22. The Reviewing Officer may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:-
  - a. Refuse to permit that person to return
  - b. Permit him/her to return only on such conditions as he/she may specify

But such a person may, before the end of the hearing, submit to the Reviewing Officer in writing any information which they would have been entitled to give orally had they not been required to leave.

23. The decision will not be made at the hearing, but it will be made in 10 working days of the meeting or a longer period as specified by the Reviewing Officer. The decision and the reasons for the decision will be notified to all parties.
24. If the Reviewing Officer subsequently needs more time to make the decision all parties will be notified of the new decision date.

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