

Committee(s)	Dated:
Policy & Resources Committee	16/02/2017
Subject: Assets of Community Value – approval of Listing Review Procedure	Public
Report of: Director of the Built Environment	For Decision
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Summary

At a meeting of the Policy & Resources Committee on 15 December 2016, the Committee agreed guidelines for the determination of nominations of land and buildings for inclusion on the City Corporation's list of Assets of Community Value. The same Committee also considered and approved the listing of the Still & Star public house as an Asset of Community Value.

The 2011 Localism Act allows the owner of a listed asset to request that the local authority carry out a review of its decision to list the land as an ACV. Such a request must be made within 8 weeks of the local authority giving written notice of inclusion of the land in the list of ACVs. As soon as practicable following this written notice, the local authority must notify the owner of the procedure to be followed in connection with the review. The Act requires that the review should be completed within a period of 8 weeks beginning the date on which the request for review is received.

This report sets out the proposed procedure that will be followed by the City Corporation in conducting any review. It sets out the timescales to be followed, the responsibilities on the owner of the land which has been listed and the responsibilities of the City Corporation. It proposes that the usual format of a review will be by written representations, but does allow for an oral hearing where requested by the owner or considered expedient by the City Corporation. The Act specifies that a review should be undertaken by a senior officer of the local authority who has not taken part in the decision to list the building or other land as an ACV. The proposed procedure indicates that any review would therefore be undertaken by the Chamberlain, or such other officer as the Town Clerk considers to be appropriate.

Recommendation(s)

Members are recommended to:

- Approve the draft Listing Review Procedure for Assets of Community Value set out in Appendix 1.

- Delegate the Chamberlain as reviewing officer and delegate to the Town Clerk responsibility for the designation of any other appropriate officer to undertake listing reviews.

Main Report

Background

1. At a meeting of the Policy & Resources Committee on 15 December 2016, the Committee agreed guidelines for the determination of applications for inclusion of land or buildings on the City Corporation's list of Assets of Community Value. The same Committee also considered and approved the listing of the Still & Star public house as an Asset of Community Value.
2. Under s92 (2) of the Localism Act 2011 and Regulation 10 and Schedule 2 of the Assets of Community Value (England) Regulations 2012, an owner of land which has been listed as an Asset of Community Value (ACV) may request that the local authority carry out a review of its decision to list the land as an ACV. There is no corresponding provision in either the Act or the Regulations for a person nominating a building or land to be designated as an ACV to request a review if the nomination is refused.
3. A request for review must be made within 8 weeks of the written notification of the decision to list the land, and the review itself must be concluded within a period of 8 weeks of receiving a written request for a review. Both periods can be extended in writing with the agreement of the owner. The Act and Regulations require that listing reviews should be carried out by a senior officer within the local authority who has not taken part in the decision to list the land as an ACV. The local authority should, as soon as practicable after receiving a request for a review, notify the owner of the procedure it intends to adopt in undertaking the review. There is no provision in the legislation for the nominators of land to be involved in the review process. However, because of concerns that the City should allow itself some flexibility in procedure, and taking advantage of the fact that the local authority is permitted to set its own procedure, provision will be made, at the discretion of the reviewing officer, for nominator or third party representations to be taken into account.
4. If the decision of the review is that the land should not have been listed as an ACV, then the listed land will be removed from the local authority's register of Assets of Community Value. If the review upholds the local authority's determination to list the land, an owner can appeal against the decision of the local authority to the First-tier Tribunal.

Proposed City of London Corporation Procedure

5. Appendix 1 sets out the proposed procedure for conducting ACV listing reviews within the City of London. The procedure is in accordance with the requirements of the Act and Regulations and, once agreed, will be published on the City

Corporation's website and provided to any owner requesting a listing review. Key elements of this procedure are:

- a. The Town Clerk has proposed that the Chamberlain should be the responsible officer for undertaking listing reviews, or such other senior officer as the Town Clerk considers appropriate. As responsibility for the ACV process rests with the Policy & Resources Committee, the Committee is asked to delegate this senior officer determination to the Town Clerk.
- b. The usual process for undertaking and determining reviews would be via written representations, although an oral hearing could be held if requested by the owner, or considered expedient by the City Corporation.
- c. No specific provision is made for involving nominators of ACVs in the review process (in accordance with the Act and Regulations) but, at the discretion of the reviewing officer, a nominator or third party would be able to submit representations or participate in relation to an oral hearing.

Corporate & Strategic Implications

6. The approval of a procedure for ACV listing review will ensure that such reviews are undertaken in a manner consistent with the legislation and in a timely fashion, in accordance with Corporate Plan aims to provide modern, efficient and high quality local services.

Implications

7. Adopting a standard approach to listing review will ensure that a consistent approach is taken with regard to owners and nominators and will limit the potential for legal challenge.

Conclusion

8. At its meeting on 15 December, the Policy & Resources Committee agreed guidelines for the City Corporation's determination of nominations for Assets of Community Value, and separately agreed that the Still & Star public house should be designated as an ACV.
9. The owners of land or buildings designated as ACVs can request that the designating local authority carry out a review of its listing decision. Such review is required by the Localism Act and accompanying regulations to be undertaken by a senior officer of the local authority that did not take part in the decision to list an asset. As soon as practicable following receipt of a request for review, the local authority is required to notify the owner of the procedure under which the review will be undertaken. Appendix 1 to this report sets out the proposed procedure that will be adopted by the City Corporation. The Committee is asked to agree this procedure, delegate the Chamberlain as reviewing officer and delegate to the Town Clerk responsibility for the designation of any other appropriate officer to undertake listing reviews.

Appendices

- Appendix 1 – Assets of Community Value, Listing Review Procedure

Background Papers

Reports to Policy & Resources Committee, 15 December 2016:

- Assets of Community Value – guidelines for determining nominations
- Application for designation of the Still & Star Public House as an Asset of Community Value

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