

Assets of Community Value – City of London Corporation

Draft Listing Review Procedure (made under Part V, section 92(2) Localism Act 2011, and Regulation 10 and Schedule 2 of the Assets of Community Value (England) Regulations 2012)

Background

This note sets out the procedure the City of London Corporation (“the City Corporation”) will follow when conducting a review of any decision to list a building or other land as an Asset of Community Value (“ACV”).

This procedure should be read together with the statutory requirements set out in Part V, Chapter 3 of the Localism Act 2011 (“the Act”); The Assets of Community Value (England) Regulations 2012 (“the Regulations”), and the *Community Right to Bid: Non-statutory advice note for local authorities* (issued by the Department for Communities and Local Government (DCLG) in October 2012).

Request for Review

Under s92 (2) of the Act and Regulation 10 and Schedule 2 of the Regulations, an owner (as defined in section 107 of the Act) of listed land may request that the City Corporation carry out a review of the decision to list the land as an ACV. The request must be made before the end of 8 weeks: beginning on the day on which written notice of the inclusion of the land in the list of ACVs was given to the owner by the City Corporation; or within 8 weeks beginning when the City Corporation has completed taking reasonable alternative steps to bring that notice to the owner's attention.

A longer period for such requests may be allowed by the City Corporation where notified to the owner in writing.

Evidence of Ownership for Review

The request shall: identify the listed land, evidence the owner's ownership thereof and confirm any other parties in the position of the owner (whether as freeholder lessee or licensee)

Requests made out of time

Where a request for review is received outside of the said 8 week period, or such longer period of time is allowed and notified to the owner in writing by the City Corporation, there will be no right of review, or right of appeal to the First-tier Tribunal.

Publication of Requests

Where a request is made it will be notified on the register against the listed land and the nominator will be advised of the request. Any other representations received in respect of the request will also be published on the register and notified to any parties as the reviewing officer considers appropriate. The register can be viewed at <https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/planning-policy/Pages/localism-and-neighbourhood-planning.aspx>

The Reviewing Officer

The review will be undertaken by the Chamberlain or such other senior officer as is nominated by the Town Clerk. The owner (and any other parties the reviewing officer considers appropriate) will be notified by the reviewing officer. The reviewing officer will not have taken part in the decision to list the building or other land as an ACV.

Nature of the Review

The review will be undertaken by means of written representations to be made to the Chamberlain as reviewing officer, unless a written request for an oral hearing is made by the owner, or the City Corporation considers that an oral hearing would be expedient.

At the discretion of the reviewing officer, the procedure for review (pursuant to Regulation 10 and Schedule 2(6) of the Regulations) may include written representations from the nominator or other parties.

The City Corporation will complete the review by the end of the period of 8 weeks beginning with the date on which the City Corporation received a request for review, or such longer period as is agreed with the owner in writing,

Written Representations

Where the review is to be undertaken by written representations, the owner's representations should be submitted to the City Corporation within **4** weeks of the request for a review, or such alternative time as agreed in writing between the reviewing officer and the owner.

Oral Hearing

If requested in writing by the owner, or if considered expedient by the City Corporation, the review will be by way of an oral hearing. Participants at the oral hearing will be: the reviewing officer, the owner and/or the owner's representative, the City Corporation officer(s) responsible for the listing assessment reported to Committee, a legal representative from the City Corporation's Comptroller & City Solicitor's Department (if required) and any other person the reviewing officer may agree.

Upon receiving a request for an oral hearing, the reviewing officer will arrange a mutually convenient date for the hearing with the owner and/or its representative which date shall be within 8 weeks of receipt of the request for review, or within such extended time following the request as shall be agreed with the owner. The hearing will normally be held at the City Corporation's offices at the Guildhall, or such other location notified by the reviewing officer.

Procedure at an oral hearing

- The reviewing officer will introduce themselves, any officers and other parties present and outline the procedure to be followed.
- If the owner has informed the City Corporation that it will not attend or be represented at the hearing, the hearing may proceed in the owner's absence.
- If the owner has not so indicated its non-attendance but fails to attend or be represented at the hearing, the reviewing officer may:

- where considered necessary in the public interest, adjourn the hearing to a specified date, or
 - proceed with the hearing.
- The owner and/or its representative will be asked to present the case as to why the listed land should not be listed as an ACV.
- the City Corporation officer(s) responsible for the listing assessment may be asked to explain their reasons for recommending that the listed land be listed.
- Any other parties may be given an opportunity to address the reviewing officer subject to any written representations having been submitted where required in the reviewing officer's discretion.
- The owner and/or its representative will be given a final opportunity to comment.
- The reviewing officer will close the hearing.

Outcome of the Review

The reviewing officer will prepare a report setting out the decision reached on the review. If the City Corporation's original determination is upheld the report will state the reasons for upholding the decision; if the decision is that the listed land should not have been so listed the report will state the reasons, and will also state that the listed land will be removed from the City Corporation's ACV list.

The report will be provided to the owner and/or their representative as soon as reasonably practicable and within 8 weeks of the request (or of the longer period agreed in writing with the owner), the report will also be provided to the nominator of the listed land, in accordance with S92 (4) of the Act.

If the City Corporation's decision to list the land as an ACV is upheld, the owner will be notified that it may appeal to the First-tier Tribunal. The deadline for submission of an appeal is 28 days from the date that notice of the review decision is sent out by the City Corporation. The appeal process is governed by the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009/1976 (as amended).

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

Amendments to this procedure

The City Corporation may from time to time vary or review this procedure.

[Date]