

GUIDANCE NOTE 2: ASSETS AS OF COMMUNITY VALUE: HOW TO REVIEW A DECISION TO LIST

Requesting a review of a decision to list

The owner of a building or land that is listed as an Asset of Community Value has a right to request an internal review of that decision by the council. This request must be made in writing within 8 weeks of notification of the listing being given.

Where a review is requested, the council must review its decision within eight weeks of the written request for the review, although a longer period may be agreed with the owner.

Process for Council Reviews

A review must be conducted by an officer “of appropriate seniority” who did not take part in the initial decision.

The council must respond to a request for a review in writing, notifying the owner of the procedure that will be followed for the review.

The owner, having requested a review, may appoint a representative to act on their behalf. The owner may also request an oral hearing. Where the owner does not request an oral hearing the reviewing officer may nevertheless decide to hold one if they think it will assist in making the decision. Representations may be made orally, or in writing, by the owner and/or their representative.

The review must be completed within eight weeks of the council receiving a request for the review (this can be extended with the agreement of the owner).

Where the owner is unhappy with the outcome of an internal review, they have the right to appeal to the First-Tier Tribunal against the council’s decision.

Following a listing review the council must notify the person requesting it of the decision and the reason for the decision, including raising their awareness to their right of appeal to the First Tier Tribunal, if appropriate.

If, as a result of the review, the council decides that the land should not have been included in the list of community assets, this must be communicated in writing to the person who made the nomination with the reasons for the decision. The building or land must also be removed from the list.

The property will remain listed while the review is being carried out.