

## Community Right to Bid

### Frequently asked questions – Appeals Procedure



## What happens if the owner is not happy that their asset has been listed?

The owner of an asset included in the list of community assets may ask us to review our decision. This request must be made in writing within eight weeks of the date upon which we provided the owner with written notification of our decision, or longer where we have agreed to this in writing. The request should be sent to:

Strategic Planning

Harborough District Council

## How will a request by an owner to review a listing be dealt with?

We will usually acknowledge receipt of the request within 5 working days and advise of the procedure to be followed in connection with the review. The review will be undertaken by a senior officer independent of the original decision making process.

The owner may request an oral hearing and may appoint a representative to act on his or her behalf in connection with the review. Where no request for an oral hearing is made by the owner, we will decide whether or not an oral hearing would be beneficial to the review process. The owner, or their representative, may make written and oral representation to the reviewer.

We will complete the review process within eight weeks of receipt of the written request for the review, or a longer period where this has been agreed with the owner.

We will notify the owner in writing of the outcome of the review and where the review concludes that a change to the listing is required, we will also notify:

- The occupier of the land (if not the owner)
- The nominator
- Where they are not the owner, the holder of the freehold estate and the holder of any leasehold estate
- The relevant town or parish council
- The District Councillor for the ward

Where the review concludes that a change to the listing is required, we will adjust the list of assets of community value and advise the Land Registry accordingly.

## What happens if the owner of the asset is not satisfied with the outcome of this review?

Where an owner remains dissatisfied with the outcome of the review, they may appeal to **The First Tier Tribunal** [contact details to be inserted] against our decision on the listing review. Appeals should be sent to: *to be determined*

## Can the group nominating an asset appeal against the decision reached by the Council about whether the asset should be included on the list of assets of community value?

Where the nominator is unhappy with our decision in connection with their nomination, they may request that we review our decision. This will be taken as a corporate complaint and dealt with in the line with our complaints procedure.

## What effect does being an asset being included on the list have?

Where an asset is included in the list of assets of community value, the owner is required to notify the Council in writing of their intention to dispose of the asset. The Regulations set out circumstances where a disposal is exempt – for example:

- (a) by way of gift, disposal by personal representatives of a deceased person in satisfaction or entitlement under a will or on intestacy;
- (b) by personal representatives to pay the debts of the deceased or taxes, costs of administering the estate or legacies;
- (c) from one member of a family to another; (To a spouse, civil partner or lineal descendant of a grandparent – [s.95\(7\)](#))
- (d) of land part of which is listed in the list of ACV and part of which is not; (A “part-listed disposal” which will be described in regulations)
- (e) of land in business use sold at the same time as the business as a going concern;
- (f) occasioned by a person ceasing to be or becoming a trustee;
- (g) by trustees in satisfaction of an entitlement under the trusts or in the exercise of powers under the trust to re-settle trust property;
- (h) occasioned by a person ceasing to be or becoming a partner in a partnership;

(i) in such other cases as regulations may prescribe. ([See section 95\(5\) for the full list of excluded disposals.](#))

This notification will trigger a moratorium period (a period of delay) during which the asset owner may not dispose of the asset (other than where the disposal is exempt under the Regulations). This interim moratorium is for a period of six weeks from the date upon which we receive written notification of the owner's intention to dispose of the asset.

During this six week period, suitably constituted community groups and organisations which can demonstrate a local connection may submit an intention to bid. Where this is received, the full six month moratorium period (starting from the date upon which we receive written notification of the owner's intention to dispose of the asset) is triggered during which no disposal may take place except to a qualifying community group by negotiation (see below).

This six month period is intended to enable the community group or organisation to prepare to submit a bid to the owner to purchase the asset. Any subsequent sale takes place under normal market conditions. There is no obligation for the group to make a bid and the group has no rights of purchase over other potential buyers. The owner is under no obligation to sell the asset to the community group or any other person. If the owner decides to sell to the community group, they may do so within the six month moratorium period.