

Notes for Owners – Reviews

What can I do if I don't agree with the listing?

The Owner may request a Review in writing addressed to the Head of Legal and Democratic Services not later than 8 weeks after the asset has been listed by the Council.

The review will be conducted by the Head of Legal and Democratic Services as an officer of appropriate seniority. The review process is not entirely specified in the Regulations and so the Head of Legal and Democratic Services will confirm the review procedure following receipt of your request for a review.

You can request an oral hearing. Where no request is made for an oral hearing the council will decide whether an oral hearing is appropriate.

You can appoint a representative to act on your behalf (whether a qualified representative or not) and to make representations on your behalf, both orally and in writing.

The council must complete the review within eight weeks of receipt of your written request, unless agreed otherwise.

What happens if I am successful at the Review?

If you are successful at the review, the council will remove any entry from local land charges register and Title, and the asset will be removed from the list. It follows that you are then free to dispose of your property as you see fit, and that you are not restricted by any moratorium.

What happens if I am unsuccessful at the Review?

You will receive a copy of the review decision after which you can appeal to the First Tier Tribunal. The appeal can be made on points of law and on findings of fact.

The appeal is made to the General Regulatory Chamber of the First Tier Tribunal. The appeal must be made within 28 days of the date on which the review decision was sent to you.

The appeal should be in writing, using the relevant form available on the GOV.UK web site at <https://www.gov.uk/government/publications/form-t98-notice-of-appeal-general-regulatory-chamber-grc> and sent to:

The Tribunal Clerk
Community Right to Bid Appeals
HM Courts & Tribunals
First Tier Tribunal (General Regulatory Chamber)
PO Box 9300
Leicester
LE1 8DJ

Telephone 0300 123 4504

You may also submit your appeal by email to the First Tier Tribunal at:
GRC.CommunityRights@hmcts.gsi.gov.uk

Can I claim compensation?

You can request compensation for any loss or expense incurred “which would be likely not to have been incurred if the land had not been listed”.

You must submit any such claim for compensation in writing to Head of Finance not more than 13 weeks after the loss was incurred stating:

- i. The amount claimed;
- ii. The evidence in support of the claim

The Head of Finance will decide each claim and provide written reasons for each element of the claim- whether compensation should be paid and the amount of compensation.

There is no time limit given to this decision.

What if I am unhappy with the decision not to award compensation of the amount of the compensation?

There is a review process.

The review process is the same as for the review of the original listing. You can seek a review of either the refusal to award any compensation or the amount of compensation awarded. Similarly you can appeal to the First Tier Tribunal should you be dissatisfied with the decision at the review.

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