

## **Asset of Community Value / Community Right to Bid**

### **Procedure for Review of Listing:**

On receiving the request for a listing review, the City Council must complete the review within eight weeks, beginning with the date the City Council received the written request for the review. If necessary a longer period may be agreed with the owner in writing.

An officer of the City Council of appropriate seniority, who did not take any part in making the original decision, shall carry out the review and make the review decision.

The owner may appoint any representative (whether legally qualified or not) to act on his or her behalf in connection with the review. The City Council will provide to the representative any document which is required to be sent to the owner.

An oral hearing must be held if requested in writing by the owner (or their representative). Where no written request for an oral hearing is made, the City Council may decide whether or not to include an oral hearing in the review process. Both the owner and the owner's representative may make representations to the reviewer orally, or in writing, or both orally and in writing. Please note,

- A request for an oral hearing must be made within the first 5 working days of the request to review.
- A written representation must be made at least 10 working days prior to the date specified for the review decision.

Once a decision has been taken, confirmation of this review decision and the reasons for the decision will be made in writing to all parties involved.

### **Oral Hearing guidelines:**

1. The Senior Officer will introduce themselves and any other officers present, and explain the procedure to be followed.
2. If a party has informed the Council's Senior Officer that s/he does not intend to attend or be represented the hearing may proceed in their absence.
3. If a party who has not so indicated fails to attend or be represented at a hearing the Council's Senior Officer may:
  - a) where he/she considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - b) hold the hearing in the party's absence.

4. The Senior Officer will invite the party who have requested the review to present their representations as to why they do not agree with the listing. The Senior Officer, and the Council's legal advisor may then ask questions.
5. The Senior Officer will invite any representative of the relevant party/ies who nominated the asset to be listed to make their representations on why the listing should remain. The Senior Officer, and the council's legal advisor may then ask questions.
6. Interested parties will be allowed a **maximum of 5 minutes** in which to make their oral representation.
7. The Senior Officer will then invite any ward member present to make such representations as they may wish. Ward members will be allowed a maximum of 3 minutes to make their statement.
8. The Senior Officer may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:-
  - a) Refuse to permit that person to return
  - b) Permit him/her to return only on such conditions as he/she may specify. However such a person may, before the end of the hearing, submit to the Council's Senior Officer in writing any information which they would have been entitled to give orally had they not been required to leave.
9. The Senior Officer will withdraw with the council's legal advisor to consider the submissions and to make his/her deliberations.
10. The Senior Officer will return to the hearing and announce the decision.

**Note:** All Review Hearings will be held at Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ, unless otherwise notified.

**Procedure for Appeal against a Listing Review:**

If you are not satisfied with the outcome of the review, you can appeal against the City Council's decision to the General Regulatory Chamber of the First-Tier Tribunal. The deadline for appealing is within 28 days from the date on which notice of the decision was sent to the owner. Appeals may be both on points of law and on findings of fact. The land and/or building in question will remain listed during the appeal process.

You can send the appeal in writing to the First-Tier Tribunal at:

Tribunal Clerk,  
Community Right to Bid Appeals  
HM Courts & Tribunals  
First-tier Tribunal (General Regulatory Chamber)  
P.O. Box 9300  
Leicester, LE1 8DJ

Alternatively, you can also send an appeal by email at:  
[GRC.CommunityRights@hmcts.gsi.gov.uk](mailto:GRC.CommunityRights@hmcts.gsi.gov.uk)