

Localism Act 2011

Assets of Community Value

St Albans City & District Council Review Procedure

A nominating group can submit an application for an asset to be listed as an asset of community value (ACV) in accordance with Part 5 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012. The relevant parts of the Act, and the Regulations came into force on 21st September 2012.

The Council's ACV Review process

On receipt of a request for a listing review the Monitoring Officer will carry out the review, in consultation with the Leader of the Council. They will be assisted with any legal issues arising by the Regulatory Solicitor or another member of the Legal team.

Unless the request for a listing review specifically requests an oral hearing, the Council's review process will be carried out without an oral hearing.

The reviewer will receive the following documentation to enable them to carry out the review:

1. A copy of the original nomination form. If the validity of the nomination is contested they will be provided with details of the nominating group membership, their constitution and additional relevant material
2. Copies of any correspondence sent or received by the Council in connection with the nomination (where relevant to the issues)
3. A copy of the Act and the Regulations
4. A copy of the Site Inspection sheet and photographs for the visit made by the assets management team in determining whether or not the asset should be listed
5. A copy of the request for a listing review and any other correspondence relating to the review from the owner, including any representations made by the owner of the property either before or after the date of the request for the listing review
6. A copy of any representations from the Council and nominating group.

The party requesting the review will be notified in writing by way of acknowledgment of their request for a review. The Council's website will show a list of current reviews including any grounds submitted for review, the party requesting the review and the date of the review hearing (once known).

The party requesting the review or their legal representative may, pursuant to Schedule 2 of the Regulations, make representations in writing or orally, or both, to the reviewer.

Both the nominating group and council officer who made the decision will be invited to make representations in writing to the reviewer. If the owner requests an oral hearing these parties may attend and make representations both in writing and orally. All parties will be provided with a copy of the material submitted by each party in advance of the hearing, or in advance of the deadline for submitting comments where no hearing will take place.

Any photographs submitted by a party must be provided in colour, with the photographs in A5 or A4 size. A minimum of four copies of the photographs must be provided to the Council for an oral hearing. A minimum of one paper copy and an electronic copy must be provided to the Council where it is a paper hearing.

The reviewer must complete their review within eight weeks of the date of receipt of the request for a review, unless an extension is agreed. The party requesting the review will be notified of the decision and the reasons for it, in writing at or before the end of the eight week period, unless an extension is agreed.

If the party requesting the review asks for an oral hearing, this will be held at the Council's offices at a time to be agreed between the parties. The Council will not normally list the hearing for more than 3 hours and the hearing will be held in public.

The hearing will not take place until the reviewer has had a reasonable period of time to consider any written representations and material.

All parties must, prior to the oral hearing, provide the reviewer with a list of the names of any individuals proposing to attend the oral hearing, and identify the purposes of their attendance at the hearing.

The reviewer will be accompanied at such hearing by a legal officer of the Council.

The reviewer is, pursuant to section 92 of the Act, obliged to review the Council's decision to include the land in the Council's list of assets of community value. The listing review shall not be concerned with any other matters.

Following the conclusion of the review if the decision is that the asset should not have been included in the list, the reviewer will inform the relevant council officers to ensure that the asset is removed from the list and included in the list of unsuccessful nominations. The party who made the original nomination will also be notified. The Council will remove any entries made in the Local Land Charges Register as required by the Act.