

## **Assets of Community Value Listing and Compensation Review Procedure**

The review will be completed no later than the end of the period of eight weeks beginning with the date the council receives the written request for review, or such period as is agreed with the owner in writing.

### **A. Review Procedure**

1. A Director assisted by the Chief Solicitor of Harrogate Borough Council (Referred to in this procedure as the Reviewing Officer) who did not take part in making the decision to be reviewed will carry out the review and make the decision in respect of the review.
2. The Parties to the Review shall be the Council officer who made the decision to register the property as an asset of community value or determined the compensation payable ('the Council Officer') or their representative and the owner of the property concerned and/or their representative ('the Owner')
3. The Owner may appoint any representative (legally qualified or not) to act on his / her behalf in connection with the review.
4. The Reviewing Officer will provide to the representative any document which is required to be sent to the owner
5. Written representations will be requested by the Reviewing Officer and shall be considered as part of the review but if the Owner makes a written request for an oral review hearing this must take place at a time convenient to both parties.
6. Confirmation of the review decision and reasons for the decision will be made in writing to the Owner, together with details of the rights of appeal.

### **B. If an Oral Review hearing is to take place rather than written representations**

1. If a party is intending to make written representations these are to be provided at least 5 working days prior to the review date.
2. Written representations will be exchanged with any other parties attending the oral hearing.
3. At the oral hearing, the parties will also have the opportunity to make oral representations to the Reviewing Officer.
4. At the oral hearing the Reviewing Officer will introduce the parties present, and explain the procedure to be followed.
5. The Reviewing Officer will confirm that all parties have received copies of any relevant documentation to be considered as part of the review. New documentation will only be admitted with the consent of all parties, or where the Reviewing Officer considers that it should be admitted in the interests of justice. Where late documentation is admitted, the Reviewing Officer will take this into account in determining the evidential weight to be given to it.

6. If a party has informed the Reviewing Officer that s/he does not intend to or be represented the hearing may proceed in their absence.
7. If a party who has not so indicated fails to attend or be represented at a hearing the Reviewing 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.
8. The Reviewing Officer will invite the Council Officer to present his/her representations as to why the property was listed as an asset of community value or how the compensation has been determined.
9. The Reviewing Officer may allow the Owner to ask questions of the Council Officer.
10. The Reviewing Officer and / or the Chief Solicitor may then ask questions of the Council Officer.
11. The Reviewing Officer will invite the Owner to present their representations as to why they do not agree with the listing or the amount of compensation.
12. The Reviewing Officer may allow the Council Officer to ask questions of the Owner.
13. The Reviewing Officer and / or the Chief Solicitor may then ask questions of the Owner.
14. Both parties will be given an opportunity to sum up their case, if appropriate. No new information can be presented at this stage
15. The above procedure may be varied by the Reviewing Officer where he/she considers it appropriate to ensure that a fair hearing takes place.
16. The Reviewing Officer may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:-
  - c. Refuse to permit that person to return
  - d. Permit him/her to return only on such conditions as he/she may specify

But such a person may, before the end of the hearing, submit to the Reviewing Officer in writing any information which they would have been entitled to give orally had they not been required to leave
17. The Reviewing Officer will withdraw with the Chief Solicitor to consider the submissions and to make his / her deliberations.
18. The Reviewing Officer will indicate at the end of the hearing that a written decision will be provided.
19. Confirmation of the review decision and reasons for the decision will be made in writing within 10 working days to the Owner, together with details of the rights of appeal.