



East Suffolk Council Right to Bid - Appeals Process

Throughout the Right to Bid process there are mechanisms in place for interested parties to appeal a decision, including for the Asset owners and those wishing to nominate an Asset of Community Value. These processes are as follows;

What can property owners do if they are unhappy about their Asset being listed?

Property owners can request a review of the listing of their asset. This can be done by writing to the Strategic Director/Monitoring Officer, 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 review will look at whether the asset should be removed from the list of assets of community value or remain.

Strategic Director, Right to Bid Appeals Process, East Suffolk Council, East Suffolk House, Riduna Park, Station Road, Melton, Suffolk, IP12 1RT

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

The Council will usually acknowledge receipt of the request within 3 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.

Although most reviews could be dealt with on paper, the owner may request an oral hearing and may appoint any 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 relevant District and County Councillors for the area

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 dissatisfied with the outcome of this review?

Where an owner remains dissatisfied with the outcome of the review, they may appeal to the general regulatory chamber of the First Tier Tribunal against our decision on the listing review. The deadline for appealing is 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact. The property will remain listed during the appeal process.

Appeals should be sent to: Tribunal Clerk, Community Right to Bid Appeals, HM Courts and Tribunals, First Tier Tribunal (General Regulatory Chamber), PO Box 9300, Leicester, LE1 8DJ or via email to: GRC.CommunityRights@hmcts.gsi.gov.uk

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 by writing to the Strategic Director/Monitoring Officer. This will be taken as a corporate complaint and dealt with in the line with our complaints procedure.