

Community Right to Bid Appeal and Complaints Policy

The Community Right to Bid comes from the Localism Act 2011, incorporating the requirements of The Assets of Community Value (England) Regulations 2012. It requires the council to maintain a list of assets which have been identified to be of importance by the local community.

This policy sets out the procedures to follow if you are unhappy with a council decision to include or exclude a building or other land from the list of Assets of Community Value for the London Borough of Merton.

Owner of an Asset

For the owner of an asset which has been included on the list, there are two stages in the appeal process:

Stage 1 – Review

The owner of an asset included in the list of Assets of Community Value can ask the council to review the decision. This request must be made in writing within eight weeks of the date upon which the council provided the owner with written notification of the decision.

The request should be sent to:

*Property Management and Review
12th Floor
Merton Civic Centre
London Road
Morden
SM4 5DX
Telephone: 020 8545 3071
Email: propertymanagement@merton.gov.uk*

We 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.

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 aim to 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 Councillor/s and Cabinet Member 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 Local Land Charges accordingly

Stage 2 – Appeal

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 the decision on the listing review.

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

Nominator of an Asset

Where a nominating body is unhappy with the manner in which their application has been managed and they are not the land owner, the Act provides no right of review, therefore the council will not review the decision. However, a nominator may not be satisfied with the way in which their application has been managed. This will be dealt with under the council's formal complaints procedure.

The council's formal complaints procedure can be found here:
http://www.merton.gov.uk/council/complaints_policy_01_04_12.pdf