

# **Assets of Community Value Policy**

## **1. Introduction**

The purpose of this document is to set out the Council's policy/procedure with regards to the new Community Right to Bid/Assets of community value. In particular:

- To provide support and clarity so that officers and Councillors are able to effectively support the management of the process and
- To provide transparency for community nominators and asset owners so that they are easily able to understand the Council's process.

## **2. Background**

The Community Right to Bid ('the Right'), which is also known as Assets of Community Value is one of the new community rights derived from the Localism Act 2011 all intended to increase community empowerment.

The aim of the right is to give local groups/people a right to nominate a building or other land for listing by the Local Authority as an asset of community value. The main principles of the Right are set out in Part 5 Chapter 3 of the Localism Act 2011 (Sections 87 -102). Furthermore, The Assets of Community Value (England) Regulations 2012 state the procedure Local Authorities need to have in place when dealing with potential assets. However, what the legislation does not do is specify how the Right should be administrated by individual Local Authorities.

An asset is of community value if:

- It is at least partly within the local authority area
- Its main use (i.e. not ancillary) has recently been or is presently being used to further the social wellbeing or social interests of the local community and could reasonably do so in the future

The Council must maintain and publish two lists:

- List of Assets of Community Value (Appendix 1)
- List of Nominated Assets not of Community Value (Appendix 2)

In order to ensure the most up to date version of our lists are available for public inspection. It is the Council's intention to publish these lists on our website and we will make hard copies on request.

### **3. Which Land/Assets (Regulation 3 and Schedule 1)**

The right applies to public and privately owned land unless it is not land of community value such as:

- land and residence owned by a single owner and every part of the land can be reached from the residence without having to cross land which is not owned by that single owner

Please refer to Appendix 3 for the full list of exemptions. The Head of Legal Services will make the final decision to whether or not the land/asset is exempt from this policy.

### **4. Who can nominate (Regulation 5)**

The Borough and the County Council are not able to list land of their own accord; it must be nominated by either a Parish Council or a voluntary or community group (“the Nominating Body”). The Nominating Body has to demonstrate that its activities are wholly or partly concerned with the local authority in which the asset sits or with a neighbouring authority (an authority which shares a boundary with the authority in which the asset is located).

Only voluntary and community organisations with a local connection based in the Borough of Broxtowe or a neighbouring authority can nominate an asset for inclusion in the list. The bodies who are able to nominate are:

- Neighbourhood Forums
- Parish Councils
- Unincorporated bodies of 21 named members
- A Charity
- Company Limited by Guarantee
- Industrial or Provident Society
- Community Interest Company

The Head of Legal Services will decide if the body has standing to make a nomination.

## 5. Contents of Nomination (Regulation 6)

Nominations must be in writing and include the following information:

- It must describe the nominated land and its proposed boundaries
- names of current occupants of the land and the names and current or last known address of those holding a freehold or leasehold estate in that land
- Reasons why it qualifies as an asset of community value
- Evidence of the nominator is eligible

The Council takes the view that any Nominating Body is able to undertake a search at the Land Registry in order to identify the legal owners of the land. The Council would expect the results of such a search to be included with any nomination in order to fulfil the requirement to identify the freehold or leasehold owner.

## 6. Procedure /Process (Regulation 7)

The next few paragraphs will explain the how the Council will operate the Right. The process falls within three sections:

- Listing (Nomination, consideration, decision and listing)
- Sale
- Review and Appeals

## 7.Listing

### Nomination:

Nominations to list an asset must be in writing addressed to:

Head of Legal Services, Council Offices, Foster Avenue, Beeston Nottingham NG9 1AN.

[Legal@broxtowe.gov.uk](mailto:Legal@broxtowe.gov.uk)

Please see Appendix 4 for the nomination form.

### Consideration: (Regulation 8)

Once the nomination is received the Head of Legal Services will check the contents of the nomination and check whether firstly it is a valid nomination made by the Nominating Body. If it fits the criteria, then he will acknowledge the nomination and send the notifications.

The Local Authority which is considering the land nominated to be included in the list must take all practicable steps to give information that it is considering listing to the following people:

- a) the relevant parish council

- b) the owner of the land
- c) where the owner is not the owner of the freehold
- d) the holder of any leasehold
  - i. any lawful occupant of the land.

To confirm that all relevant ownership details are available to enable the Council to make an informed decision the Council will serve a Section 16 Notice on the owner of the land unless the nominating body is also the owner of the land.

### **Decision (regulation 9)**

The Head of Legal will write to the nominating organisation and property owner outlining the decision.

### **8. Listing (regulation 7 and 8)**

The Council will list all successful and unsuccessful bids (including a short explanation for why a bid was unsuccessful) in the register.

The Council has got 8 weeks to decide whether or not the nominated land is going to be included in the list.

The Council will maintain the list and add the following where necessary:

- that a notification has been received by the owner of intention to dispose of the land and the date this was received (a confirmation letter will be sent to the Owner that we have received the notification).
- where relevant that the full moratorium has been triggered
- where the above applies the identity of the community interest group that triggered the full moratorium.

The Council will remove an asset from the list as soon as practicable

- after a relevant disposal
- when an appeal against a listing has been successful
- if and when the Council form an opinion that the asset is no longer of community value
- or no later than 5 years from the date of entry in the list

### **9. Sale /Moratorium\_(regulation 13)**

Once an asset has been listed nothing further will happen unless and until the asset owner decides to dispose of it.

Where an asset owner whose asset/land is included in the Council's list of assets wishes to sell the asset he must notify the Council in writing. He must notify the

Head of Legal Services, Council Offices, Foster Avenue, Beeston Nottingham NG9 1AB.

However, in order for this to be relevant the asset owner must be making a 'relevant disposal' as not all sales/disposals are covered by the Right. There are a number of exclusions in the Regulations which are specified in Schedule 3. Please see appendix 5 for a list of relevant disposal which are exempt from the Act.

A relevant disposal is a disposal with vacant possession of a freehold estate or the grant or assignment with vacant possession of a lease granted for at least 25 years.

Once the Council are in receipt of notification of a relevant disposal this will trigger a 6 week **interim moratorium period**. The Council will write to the nominating body and publish on their website the owner's intention to dispose of the asset. In this time the community interest group should decide whether they wish to prepare a bid to purchase an asset. The Council will also make an entry in the list detailing:

- that a notice has been received from asset owner of a relevant disposal
- the date when the Council received the notice
- the end of the interim moratorium, full moratorium period and the protected period that apply.

The community interest group must in writing request the Council to be treated as a potential bidder. When the six weeks have passed and the relevant community interest group wants to place an offer **the full moratorium period** is triggered. This gives the group six months (from date of notification) to develop and put an offer in. During this time any sale of the asset is barred and the interested community group are able to prepare a bid for the asset. The Council will, as soon as practicable, inform the owner that a request has been received. The owner is under no obligation to accept the bid and is free to dispose of their asset as they wish.

If a bid is not received during the six-month moratorium period, then the landowner is free to dispose of their asset as they wish and no further moratorium period can be triggered for a protected period of 18 months from the date that the Council receives notification of a relevant disposal. This provides the asset owner with 12 months in which to dispose of the asset as they wish without any restriction. This is called the protected period.

## **10. Review and Appeals (regulations 10 & 11)**

Where an asset has been included in the list, an owner has the right to request the Council to review its' decision. The request to review a decision to list an asset must be made in writing within 8 weeks of the written notification of listing. The

request should be addressed to the Deputy Chief Executive, Council Offices, Foster Avenue, Beeston Nottingham NG9 1AN.

## **11. Procedure for review**

The Deputy Chief Executive shall carry out the review and will be the Council's 'Reviewer'; he will carry out the review and make the review decision.

The owner of the asset may appoint any representative to act on his behalf, once the Council are in receipt of the representatives' details the Council will liaise/write to the representative. Both the owner and the owner's representative may make representations to the Reviewer orally or in writing.

Once the Council is in receipt of a request for review, it shall within 2 weeks (or as soon as practicable) notify the owner of the procedure to be followed in connection with the review. The request should be made to the Deputy Chief Executive, Council Offices Foster Avenue Beeston Nottingham NG9 1AN. Once we have received a request we will write an acknowledgment letter explaining the review procedure and the relevant dates.

In the review the Reviewing Officer will look at the decision of the decision maker and it will also consider the relevant representations made by the asset owner and/or their representatives. The main points the reviewer will look at are:

- whether or not the asset is eligible to be listed
- whether or not the asset was nominated by an eligible group
- any new factors which have come to light since the original nomination was made
- if the decision was made improperly

If the Reviewer finds in favour of the asset owner then the asset will be removed from the list. If the Reviewer finds in favour of the original listing decision then the owner has the option to take their appeal to the First Tier Tribunal. The appeal must be made to the General Regulatory Chamber of the First Tier Tribunal. The deadline for appealing is specified in the procedural rules of the chamber is 28 days from the date in which the notice of the decision appealed against was sent to the owner. Please see appendix 6 for the contact details for the Tribunal. The property will remain listed during the appeals process.

The Council must complete the review within eight weeks from receiving the written request for the review or such longer period to be agreed with the owner/representative in writing. The Reviewer will write to the Owner with his decision.

If the asset owner is successful in their appeal to the First Tier Tribunal then they may apply to the Council for reasonable costs. (Please see later for compensation).

## **12. Enforcement:**

### **13. Local Land Charge (Section 100)**

Where an asset has been listed the Council will ensure the asset has been listed on the Local Land Charges Register. A memo will be sent the Land Charges Officer with the relevant details and the entry will be listed in the register.

### **14. Form QQ Restriction (Regulation 18)**

Where the Council has successfully listed an asset on the list they will apply to the Land Registry. Where the asset/land is registered the Council will place the following restriction *'No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011'*.

Where an asset is removed from the list the Council will apply to cancel the restriction by completing form RX3 and submit it to Land Registry.

### **15. Compensation (regulation 14)**

An asset owner whose land/asset has been listed is entitled to compensation from the Council of such amount as the Council may determine. The basis a claim can be made is that the owner making the claim has at a time when he/she was the owner of the land and the land was listed incurred a loss or expense in relation to the land which would not have incurred if the land had not been listed.

#### **Types of claim**

The following types of claim may be made:

- for any loss arising from any period of delay in the owner entering into a binding agreement to sell the land which was caused by either the interim or full moratorium periods
- A claim for reasonable legal expenses incurred in a successful appeal to the First Tier Tribunal against the Council's decision:
  - to list the land
  - to refuse to pay compensation or
  - with regard to the amount if compensation offered or paid

A claim for compensation must:

- be made in writing to Head of Legal Services, Foster Avenue, Beeston Nottingham NG9 1AB.
- Be made before the end of the 13<sup>th</sup> week (90 days) after the loss of expense was incurred
- State the amount of compensation sought for each part of the claim
- Must be accompanied by supporting evidence for each part of the claim

The burden of proving the claim falls on the owner; the Council will look at the evidence and base its decision on the facts of the case. It will then give the asset owner written reasons for its decisions with respect to a request for compensation. There is no time limit for this but it will be done as soon as practicable.

### **Review by Council of compensation decision**

Where an asset owner has made a claim for compensation and is not satisfied with the outcome it can request the Council to review either or both of its decisions in relation to:

- whether compensation should be paid to that person
- If compensation is to be paid, the amount of that compensation

The asset owner has 8 weeks from the date they received the decision to request a review.

### **Procedure for review**

The Deputy Chief Executive shall carry out the review and will be the Council's 'Reviewer'; he will carry out the review and make the review decision.

The owner of the asset may appoint any representative to act on his behalf, once the Council are in receipt of the representatives' details the Council will liaise/write to the representative. Both the owner and the owner's representative may make representations to the reviewer orally or in writing.

Once the Council is in receipt of a request for review, it shall within 2 weeks (or as soon as practicable) notify the owner of the procedure to be followed in connection with the review. The request should be made to the Deputy Chief Executive, Council Offices Foster Avenue Beeston Nottingham NG9 1AN. Once we have received a request we will write an acknowledgment letter explaining the review procedure and the relevant dates.

In the compensation review the Reviewing Officer will look at the decision of the decision maker in relation to the compensation and will also consider the relevant representations made by the asset owner and/or their representatives. The main points the reviewer will look at are:

- that the claim for compensation has been made within the timeframe
- the type of claim made
- the supporting evidence provided in support of the claim
- the factors the decision maker considered when reaching his decision
- if the decision was made improperly

If the Reviewer finds in favour of the asset owner, then the Reviewer will make a decision on the amount of compensation that will be paid to the asset owner. If the Reviewer finds in favour of the original decision, then the owner has the option to



take their appeal to the First Tier Tribunal. The appeal must be made to the General Regulatory Chamber of the First Tier Tribunal. The deadline for appealing is specified in the procedural rules of the chamber is 28 days from the date in which the notice of the decision appealed against was sent to the owner.

The Council must complete the review within eight weeks from receiving the written request for the review or such longer period to be agreed with the owner/representative in writing.

If the asset owner is successful in their appeal to the First Tier Tribunal then they may apply to the Council for reasonable costs.

**Appendix 1 - Broxtowe Borough Council List of Assets/Land of Community Value**

Entry Number	Date of Entry onto List	Asset Address	Asset Owner	Date of Notice of Relevant Disposal	Date of Request to Bid	Community Interest Group Wishing to Bid	Date Moratorium Period Expires	Date Protected Period Expires
1								
2								
3								
4								
5								
6								
7								
8								

**Appendix 2 -Broxtowe Borough Council – List of Land/Assets nominated by unsuccessful community nominations**

Entry Number	Date of Entry onto List	Asset Address	Reason Nomination Unsuccessful	Date Nomination Cannot be Considered Again Before
1				
2				
3				
4				
5				
6				
7				
8				

## Appendix 3 –Land which is not of community value (and therefore may not be listed).

### SCHEDULE 1

1. (1) Subject to sub-paragraph (5) and paragraph 2, a residence together with land connected with that residence.  
(2) In this paragraph, subject to sub-paragraphs (3) and (4), land is connected with a residence if—
  - (a) the land, and the residence, are owned by a single owner; and
  - (b) every part of the land can be reached from the residence without having to cross land which is not owned by that single owner.  
(3) Sub-paragraph (2)(b) is satisfied where a part of the land cannot be reached from the residence by reason only of intervening land in other ownership on which there is a road, railway, river or canal, provided that the additional requirement in sub-paragraph (4) is met.  
(4) The additional requirement referred to in sub-paragraph (3) is that it is reasonable to think that sub-paragraph (2)(b) would be satisfied if the intervening land were to be removed leaving no gap.  
(5) Land which falls within sub-paragraph (1) may be listed if—
  - (a) the residence is a building that is only partly used as a residence; and
  - (b) but for that residential use of the building, the land would be eligible for listing.
2. For the purposes of paragraph 1 and this paragraph—
  - (a) “residence” means a building used or partly used as a residence;
  - (b) a building is a residence if—
    - (i) it is normally used or partly used as a residence, but for any reason so much of it as is normally used as a residence is temporarily unoccupied;
    - (ii) it is let or partly let for use as a holiday dwelling;
    - (iii) it, or part of it, is a hotel or is otherwise principally used for letting or licensing accommodation to paying occupants; or
    - (iv) it is a house in multiple occupation as defined in section 77 of the Housing Act 2004(13); and
  - (c) a building or other land is not a residence if—
    - (i) it is land on which currently there are no residences but for which planning permission or development consent has been granted for the construction of residences;
    - (ii) it is a building undergoing construction where there is planning permission or development consent for the

completed building to be used as a residence, but construction is not yet complete; or

(iii) it was previously used as a residence but is in future to be used for a different purpose and planning permission or development consent for a change of use to that purpose has been granted.

3. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960(14), or would be so required if paragraphs 1, 4, 5 and 10 to 11A of Schedule 1 to that Act were omitted.
4. Operational land as defined in section 263 of the Town and Country Planning Act 1990

**APPENDIX 4- Nomination Form**

<p><b>BROXTOWE BOROUGH COUNCIL</b></p> <p><b>ASSETS OF COMMUNITY VALUE – THE COMMUNITY RIGHT TO BID</b></p> <p><b>NOMINATION FORM</b></p>
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**Section A: About your organisation**

**A1 Organisation's name and address**

Name of organisation*
Address including postcode

\*full name as written in your constitution or rules (if appropriate)

**A2 Contact details**

Name
Position in organisation
Address including postcode
Daytime telephone no.
Email address
How and when can we contact you?*

\*by email or phone, and days of the week and/or times of day you would prefer

**A3 Type of organisation**

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council		
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

**A4 Number of members registered to vote locally (unincorporated bodies only)**

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the Broxtowe district. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Broxtowe, please confirm which area that is.

**A5 Local connection**

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Broxtowe Borough Council or a neighbouring local authority. In some cases this will be obvious, eg. a parish council in Broxtowe, or an organisation whose activities are confined to the district. If your connection may not be obvious to us please explain what your organisation's local connection is.

**A6 Distribution of surplus funds (certain types of organisation only)**

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Broxtowe or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

**A7 More about your organisation**

What are the main aims and activities of your organisation?

**A8 Your organisation's rules**

Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	X
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	

**Part B: About the land or building(s) you are nominating**



**B1 Description and address**

What it is (eg. pub, local shop)
Name of premises
Address including postcode (if known)

**B2 Sketch plan**

Please include (photos and/or plan as supporting evidence here or on a separate sheet) This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.

**B3 Owners and others with an interest in the building or land**

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land		Same as B1.
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)		
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)		

**B4 Why you think the building or land is of community value**

Note that the following are not able to be assets of community value:-

- A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.
- A caravan site.
- Operational land. This is generally land belonging to the former utilities and other statutory operators.

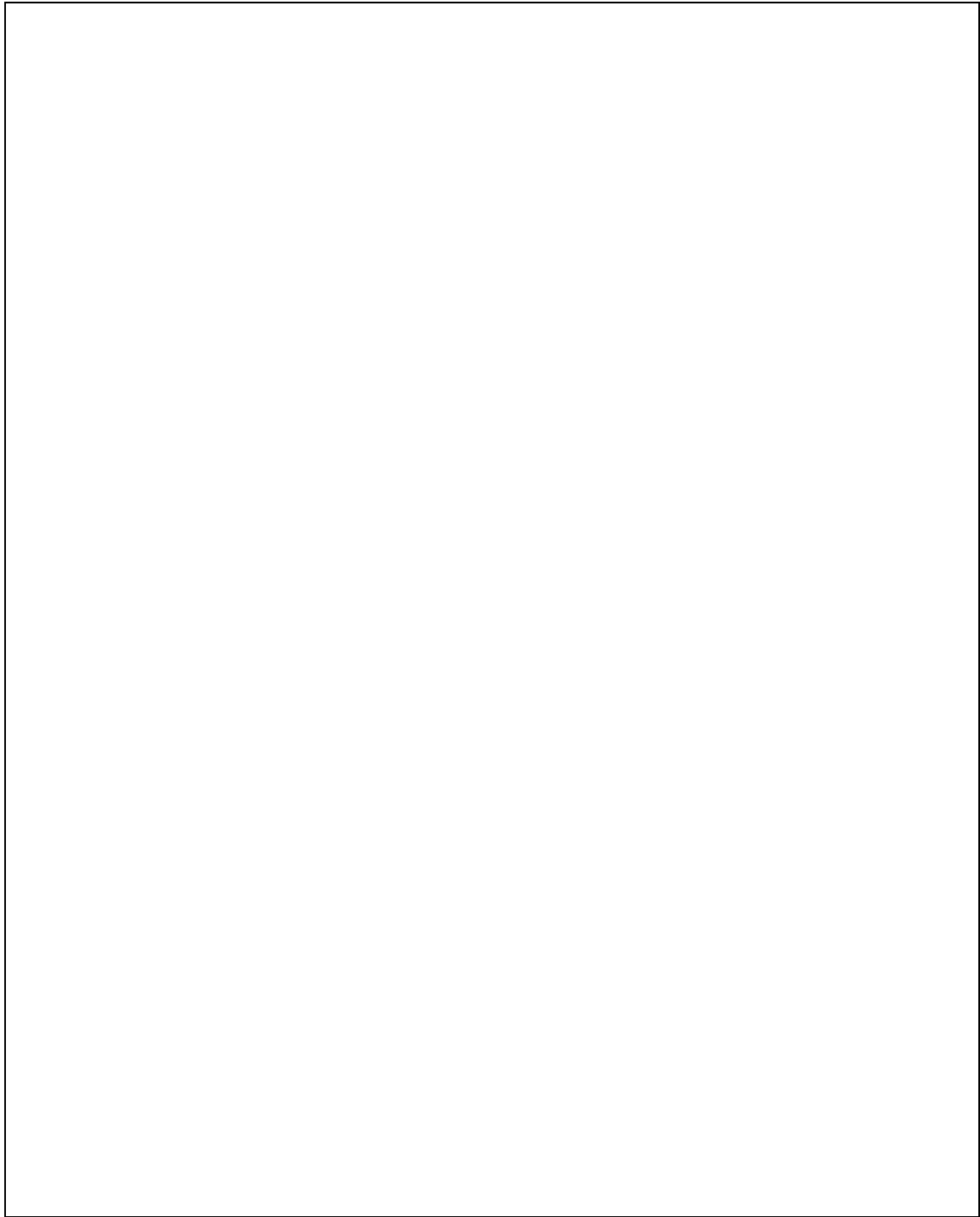
Does it currently further the social wellbeing or social interests\* of the local community, or has it done so in the recent past? If so, how?

Could it in future further the social wellbeing or social interests\* of the local community? If so, how? (This could be different from its current or past use.)

\*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.

**B5 How could the building or land be acquired and used in future?**

If it is listed as an asset of community value, community interest groups (not just limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.



## Section C: Submitting this nomination

### C1 What to include

- The rules of your organisation (question A8).
- Your plan (question B2).

### C2 Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Signature

### C3 Where to send this form

You can submit this nomination:-

- By post to: Head of Legal Services, Broxtowe Borough Council, Foster Avenue, Beeston Nottingham NG9 1AN or
- By email to: [legal.services@broxtowe.gov.uk](mailto:legal.services@broxtowe.gov.uk)

## **APPENDIX 5 - SCHEDULE 3 –List of relevant disposals**

Relevant disposals to which section 95(1) of the Act does not apply

**1.** A disposal pursuant to an order made by a court or by a tribunal established by or under an Act.

**2.—(1)** A disposal made pursuant to a separation agreement made between spouses or civil partners.

**(2)** A disposal made pursuant to an agreement—

**(a)** made between spouses or civil partners in connection with their separation, or between

former spouses or former civil partners, and

**(b)** relating to the care of a child dependent on a party to the agreement.

**3.—(1)** Any disposal made under, or for the purposes of, any statutory provision relating to incapacity.

**(2)** In this paragraph—

**(a)** “incapacity” includes any of the following (whether temporary or permanent)—

**(i)** physical impairment,

**(ii)** mental impairment, and

**(iii)** lack of, or impairment to, capacity to deal with financial and property matters; and

**(b)** “statutory provision” means any provision contained in an Act or in an instrument made

under an Act.

**4.—(1)** Subject to sub-paragraph (2), a disposal—

**(a)** to a particular person in pursuance of a requirement that it should be made to that person

under a planning obligation entered into in accordance with section 106 of the Town and

Country Planning Act 1990; or

**(b)** made in pursuance of the exercise of a legally enforceable—

**(i)** option to buy,

**(ii)** nomination right,

**(iii)** right of pre-emption, or

**(iv)** right of first refusal.

**(2)** A disposal is not within sub-paragraph (1)(a) if it is of land that was listed when the

obligation was entered into; and a disposal is not within sub-paragraph (1)(b) if it is of land that was listed when the option or right was granted.

**5.—(1)** A disposal by a transferor, “T”, to a former owner, where both the conditions in

paragraph (2) are satisfied.

**(2)** The conditions referred to in paragraph (1) are that—

**(a)** the land was acquired by T or by a predecessor in title of T by a purchase that was a

statutory compulsory purchase (“the original purchase”); and

(b) T has made a first offer of the land to the former owner, in accordance with an obligation to offer back the land to the former owner before disposing of the land on the open market.

(3) In this paragraph—

(a) “former owner” means—

(i) the person, “P”, from whom the land was acquired under the original purchase; or

(ii) a successor to P; and

(b) “successor” means the person on whom the land, had it not been acquired by T or a

predecessor of T, would clearly have devolved under P’s will or intestacy, and includes a

person who has succeeded, otherwise than by purchase, to adjoining land from which the

land was severed by the original purchase.

**6.—**(1) Disposal in exercise of a power of sale of the land by a person who has that power by

way of security for a debt.

(2) The reference in sub-paragraph (1) to a power of sale includes in particular a power implied by virtue of section 101(1)(i) of the Law of Property Act 1925(**a**).

**7.** A disposal pursuant to insolvency proceedings as defined by Rule 13.7 of the Insolvency

Rules 1986(**b**).

**8.** A disposal of land to a person whose acquisition of the land is a statutory compulsory

purchase.

**9.** A grant of a tenancy of the land pursuant to the provisions of Part 4 of the Agricultural

Holdings Act 1986(**c**).

**10.—**(1) A disposal by one body corporate to another, where the second one is a group

undertaking in relation to the first.

(2) In this paragraph, “group undertaking” has the meaning given by section 1161(5) of the

Companies Act 2006(**d**).

**11.—**(1) A part-listed disposal as specified in section 95(5)(e) of the Act where, subject to subparagraphs

(2) and (3), the following conditions are satisfied with regard to the land which is being disposed of—

(a) the land is owned by a single owner; and

(b) every part of the land can be reached from every other part without having to cross land

which is not owned by that single owner.

(2) Sub-paragraph (1)(b) is satisfied where a part of the land cannot be reached from every other part of the land by reason only of intervening land in other ownership on

which there is a road, railway, river or canal, provided that the additional requirement in sub-paragraph (3) is met.(3) The additional requirement referred to in sub-paragraph (2) is that it would be reasonable to think that sub-paragraph (1)(b) would be satisfied if the intervening land were to be removed leaving no gap.

**12.** A disposal of a church, together with any land annexed or belonging to it, pursuant to a scheme under Part 6 of the Mission and Pastoral Measure 2011(**e**).

**13.—**(1) A disposal by any person for the purpose of enabling health service provision to continue to be provided on the land.

(2) In this paragraph, “health service provision” means services provided as part of the health service continued under section 1(1) of the National Health Service Act 2006(**f**).

**14.—**(1) A disposal of land to be held for the purposes of—

(a) subject to sub-paragraph (2), a school as defined in section 4 of the Education Act 1996(**a**);

(b) a 16 to 19 Academy(**b**); or

(c) an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992(**c**).

(2) For the purposes of sub-paragraph (1)(a), “school” does not include an independent school

other than one in respect of which Academy arrangements have been entered into by the Secretary

of State under section 1 of the Academies Act 2010.

(3) For the purposes of sub-paragraph (2), “independent school” has the meaning given in

section 463(**d**) of the Education Act 1996.

**15.** A disposal which is subject to a statutory requirement regarding the making of the disposal, where that requirement could not be observed if the requirements of section 95(1) of the Act were complied with

## **APPENDIX 6 - Details of the First Tier Tribunal**

An owner’s appeal against a Local Authority listing review must be made to the General Regulatory Chamber of the First Tier Tribunal. The deadline for appealing is Specified in the procedural rules of that Chamber as 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.

Owners should send their appeal in writing to the First Tier Tribunal at:

Tribunal Clerk  
Community Right to Bid Appeals  
HM Court & Tribunals  
First Tier Tribunal (General Regulatory Chamber)



PO Box 9300  
Leicester  
LE1 8DJ

Owners may also send an appeal to the First Tier Tribunal by email at:

[GRC.CommunityRights@hmcts.gsi.gov.uk](mailto:GRC.CommunityRights@hmcts.gsi.gov.uk)