

# **CRAWLEY BOROUGH COUNCIL**

## **Assets of Community Value**

### **Scheme of Compensation**

**April 2014**

#### **Outline of the Scheme**

The government has introduced legislation that enables community groups to bid to buy and run assets listed as having community value. This is through the provisions of Part 5 Chapter 3 of the Localism Act 2011 together with the associated Assets of Community Value (England) Regulations 2012. Private landowners may claim compensation for loss and expense incurred as a result of their asset being listed or previously listed on the List of Assets of Community Value maintained by the Council.

This document sets out the Council's compensation scheme and provides details as to how claims for compensation will be administered within the district.

#### **1. Who can claim compensation?**

A private owner or former private owner of listed land or of previously listed land, is entitled to compensation from the Council of such amount as the Council may determine.

The compensation scheme does not extend to public bodies defined as:

- Government departments, authorities and other bodies to which section 6 of the National Audit Act 1983 applies;
- Bodies which receive the majority of their funding from public sources which may be examined by the Comptroller and Auditor General under section 7 of the National Audit Act 1983; and
- Local authorities and other public bodies that are required to be audited under section 2 of the Audit Commission Act 1998.

#### **2. What can be claimed?**

The person making the claim must provide evidence that at a time when the person was the owner of the land and the land was listed, they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

For the avoidance of doubt, and without prejudice to other types of claim which may be made, the following types of claim may be made –

- (a) a claim arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused by a moratorium period; and
- (b) a claim for reasonable legal expenses incurred in a successful appeal to the First-tier Tribunal against the Council's decision –

- (i) to list the land,
- (ii) to refuse to pay compensation, or
- (iii) with regard to the amount of compensation offered or paid.

### **3. How to make a claim?**

A claim for compensation must –

- (a) be made in writing to the Council;
- (b) be made before the end of thirteen weeks after the loss or expense was incurred or (as the case may be) finished being incurred;
- (c) state the amount of compensation sought for each part of the claim; and
- (d) be accompanied by supporting evidence for each part of the claim.

The responsibility of proving the claim rests upon the owner.

Claims should be sent direct to:

The Head of Legal and Democratic Services  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ.

Or .....

The Head of Legal and Democratic Services and the Council's Section 151 Officer will consider the validity of any claim made as soon as practicable. There is no specified time limit for the Council to respond to claims, as it may take time to assemble all necessary evidence and come to an informed decision. The claimant will be kept informed as to progress of their application. Once a decision has been reached the Council will give the claimant written reasons for its decisions with respect to a request for compensation.

### **4. Can I ask for the compensation decision to be reviewed?**

A person who has made a claim for compensation under this Scheme may ask the Council to review either or both of its decisions, made in response to that claim, as to –

- (a) whether compensation should be paid to that person, and
- (b) if compensation is to be paid, the amount of that compensation.

A request for a compensation review must be made in writing before the end of a period of eight weeks beginning with the date on which the Council provides the owner with written notification of its reasons.

The compensation review will be undertaken by the Council's Director of Transformation and Housing who will not have been involved in the original decision.

A request for a review should be sent direct to:

The Head of Legal and Democratic Services  
Crawley Borough Council  
Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

Where a compensation review has been carried out, the Council will give written notification to the person who asked for the review of –

- (a) the decision on the review, and
- (b) the reasons for the decision.

## **5. Can I appeal against the compensation review decision?**

Where the Council has carried out a compensation review, the person who requested the review may appeal to the First-tier Tribunal against any decision of the authority on the review if they remain dissatisfied. Appeals should be made to the First-tier Tribunal within twenty-eight days of receiving the outcome of the Council's internal review.

Appeals should be sent direct 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 [GRC.community.rights@hmcts.gsi.gov.uk](mailto:GRC.community.rights@hmcts.gsi.gov.uk)