



DECISION NOTICE

SERVICE AREA:	GOVERNANCE, RESOURCES AND PENSIONS
SUBJECT MATTER:	NOMINATION OF LAND AT CATHERINE STREET WEST, DENTON, MANCHESTER AS AN ASSET OF COMMUNITY VALUE (REF: CA11)
DECISION:	Having considered the application against the legal test it is DETERMINED that the nomination that land at Catherine Street West, Denton, Manchester be included on the Council's list of Assets of Community Value BE ACCEPTED and the land be added to the Council's list Assets of Community Value.
DECISION TAKER	Sandra Stewart
DESIGNATION OF DECISION TAKER(S):	Executive Director, Governance, Resources and Pensions (Borough Solicitor)
DATE OF DECISION:	15 August 2017
REASON FOR DECISION:	<p>The Council has received a nomination for land at Catherine Street West, Denton, Manchester to be included on its register of Assets of Community Value. Under the Localism Act 2011, the Council is required to consider nominations within 8 weeks from receipt of a valid nomination and must register the land or buildings as an ACV if, in its opinion –</p> <ul style="list-style-type: none"> (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community (section 88(1)). <p>If a building or other land in a local authority's area that is not land of community value as a result the above, the land is of community value if the Council is of the opinion that—</p> <ul style="list-style-type: none"> (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community; and (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community (section 88(2)). <p>The Council is on the information provided of the opinion that the land is land of community value and for that reason the land should be added to the Council list of Assets of Community Value.</p>
ALTERNATIVE OPTIONS REJECTED (if any):	<p>To reject the nomination and add the nomination to the Council's list of unsuccessful nominations.</p> <p>To do so would be contrary to the Localism Act 2011.</p>

CONSULTEES:	The registered freehold owners of the property – Robert Pownall Stagg and Susan Mary Stagg The Ward Councillors for Denton West - Cllr Brenda Warrington, Cllr Dawson Lane and Cllr Michael Smith
FINANCIAL IMPLICATIONS: (Authorised by Borough Treasurer)	If the land were to be listed as an ACV there is provision within the Act for the payment of compensation by the Council to an owner who has suffered loss as a result of listing land as an ACV.
LEGAL IMPLICATIONS: (Authorised by Borough Solicitor)	Under the Localism Act 2011 and the regulations made under it the Council must consider nominations received from qualifying bodies to add properties to its list of assets of community value. Where the property is within the Council's area and is of community value the Council is required to list the property, the effect of which will prevent the property being sold other than to a Community Interest Group for a period of between 6 weeks and 6 months depending on whether the Community Interest Group wishes to be treated as a bidder. If land is added to the list, the owner has a right to request the Council review its decision within 8 weeks of the Council giving notification of inclusion of the property on the register of assets of community value. Where the Council does not accept a nomination there is no such right of review or appeal.
CONFLICT OF INTEREST:	None.
DISPENSATION GRANTED BY STANDARDS COMMITTEE ATTACHED:	Not Applicable
ACCESS TO INFORMATION:	The background papers relating to this report can be inspected by contacting the report writer, Peter McCaughley Principal Solicitor by:  Telephone:0161 342 4354  e-mail:Peter.mccaughley@tameside.gov.uk



Signed:



Sandra Stewart

Executive Director, Governance, Resources and Pensions (Borough Solicitor)

Date: 15 August 2017

DECISION REPORT

SERVICE AREA:	GOVERNANCE, RESOURCES AND PENSIONS
SUBJECT MATTER:	NOMINATION OF LAND AT CATHERINE STREET WEST, DENTON, MANCHESTER AS AN ASSET OF COMMUNITY VALUE (REF: CA11)
DATE OF DECISION:	15 August 2017
DECISION TAKER	Sandra Stewart – Executive Director, Governance, Resources and Pensions (Borough Solicitor)
REPORTING OFFICER:	Peter McCaughley – Principal Solicitor, Legal Services
REPORT SUMMARY:	The report acknowledges receipt of a nomination from the Catherine Street West Residents Association for land at Catherine Street West, Denton to be included on the Council’s list of Assets of Community Value under the provisions of sections 87 to 108, chapter 3 of part 5 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.
RECOMMENDATIONS:	The nomination that land at Catherine Street West, Denton, Manchester be included on the Council’s list of Assets of Community Value BE ACCEPTED and the land be added to the Council’s list Assets of Community Value.
JUSTIFICATION FOR DECISION:	<p>The Council has received a nomination for land at Catherine Street West, Denton to be included on its register of Assets of Community Value. Under the Localism Act 2011 the Council is required to consider nominations within 8 weeks from receipt of a valid nomination and must register the land or buildings as an ACV if, in its opinion –</p> <ul style="list-style-type: none"> (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community; and (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community (section 88(1)). <p>If a building or other land in a local authority's area that is not land of community value as a result the above, the land is of community value if the Council is of the opinion that—</p> <ul style="list-style-type: none"> (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community (section 88(2)). <p>The Council can on the information provided form the opinion that the land is land of community value and for that reason the land</p>

	should be included on the Council's list of Assets of Community Value.
ALTERNATIVE OPTIONS REJECTED (if any):	To reject the nomination and add the nomination to the Council's list of unsuccessful nominations. To do so would be contrary to the Localism Act 2011
CONSULTEES:	The registered freehold owners of the property – Robert Pownall Stagg and Susan Mary Stagg The Ward Councillors for Denton West - Cllr Brenda Warrington, Cllr Dawson Lane and Cllr Michael Smith
FINANCIAL IMPLICATIONS: (Authorised by Borough Treasurer)	If the land were to be listed as an ACV there is provision within the Act for the payment of compensation by the Council to an owner who has suffered loss as a result of listing land as an ACV. However the owner for ACV purposes of this land is the Council.
LEGAL IMPLICATIONS: (Authorised by Borough Solicitor)	Under the Localism Act 2011 and the regulations made under it the Council must consider nominations received from qualifying bodies to add properties to its list of ACV. Where the property is within the Council's area and is of community value the Council is required to list the property, the effect of which will prevent the property being sold other than to a Community Interest Group for a period of between 6 weeks and 6 months depending on whether the Community Interest Group wishes to be treated as a bidder. If land is added to the list, the owner has a right to request the Council review its decision within 8 weeks of the Council giving notification of inclusion of the property on the ACV list. Where the Council does not accept a nomination there is no such right of review or appeal.
RISK MANAGEMENT:	If the Council decides to include the land on its register of Assets of Community Value the owner can request the Council to review that decision. If the Council decides not to include the assets on its ACV list, the nominator has no formal right to review the Council's decision but may seek to have the decision reviewed by the courts through Judicial Review proceedings.
LINKS TO COMMUNITY PLAN:	Growing and encouraging local community groups to take responsibility for delivering some services in their local area helps to reduce dependency on public services and build community spirit and self-worth for those involved.
ACCESS TO INFORMATION:	The background papers relating to this report can be inspected by contacting the report writer, Peter McCaughley Principal Solicitor by:  Telephone:0161 342 4354  e-mail:Peter.mccaughley@tameside.gov.uk

1. BACKGROUND

- 1.1 The Localism Act 2011 (“the Act”) and the Assets of Community Value (England) Regulations 2012 (“the Regulations”) provide a legal framework for listing Assets of Community Value.
- 1.2 The Act requires the Council to maintain a list of land in Tameside that is land of community to be known as a list of Assets of Community Value (ACV).
- 1.3 A building or land will be of community value if the Council is of the opinion that its actual current use, which is not ancillary use, furthers the social wellbeing or social interests of the local community, and it is realistic to think that there can continue to be non-ancillary use which will further (whether in the same way or not) the social wellbeing or social interests of the local community (S88 (1) of the Act).
- 1.4 If land is not of community value by virtue of the above paragraph it will be if there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community (S88(2) of the Act).
- 1.5 Social interests include culture, recreation and sport.
- 1.6 The land can only be listed as an ACV in response to a ‘community nomination’. The Act provides that a community nomination includes a nomination by a person that is a voluntary or community body with a local connection to the land (S89(2))
- 1.7 Regulation 5 provides that a voluntary or community body includes, amongst other things a body designated as a neighbourhood forum pursuant to Section 61F of the Town and Country Planning Act 1990.
- 1.8 Regulation 4 provides that such a body has a local connection if its activities are wholly or partly concerned with Tameside or a neighbouring area.
- 1.9 If the Council receives a community nomination it must consider it and must accept the nomination if the land nominated is in Tameside and of community value. If the Council is required to accept the nomination then the land must be included on the Council’s list of ACVs
- 1.10 The Council must decide within 8 weeks of receiving a community nomination whether land nominated should be included within the list.
- 1.11 Where land is included in the list the owner of that land can ask the Council to review its decision to list. The owner of the land can then appeal to the First-tier Tribunal against the Council’s decision on review. The nominator has no such right of review or appeal.
- 1.12 The owner of the land for ACV purposes will be the freehold owner where there is no lease for a term which, when granted, had at least 25 years or more to run. Where there is a leaseholder that person is the owner if they hold a lease, which when granted, had at least 25 years or more to run.
- 1.13 The effect of a property’s inclusion on the list will be to require the owner of the property to notify the Council when intending to dispose of a listed asset, so triggering a moratorium period. The moratorium operates so as to prevent certain proposed disposals of the land being made to anyone other than a Community Interest Group (i.e. a parish council, a

charity or a relevant incorporated body) until several specified conditions are met. These conditions are;

- (a) The owner has notified the Council that he wishes to enter into a relevant disposal;
- (b) A period of 6 weeks has then passed without the local authority receiving a written request from a Community Interest Group to be treated as a potential bidder for the land (the interim moratorium period) or, if such a request has been made, a total period of 6 months has passed (the full moratorium period); and
- (c) An 18 month 'protected period' starting with the date of the owner's notification to the local authority, has not ended.

1.14 The owner is not compelled at any point to sell the asset to a Community Interest Group; rather he cannot sell it to anyone else within the moratorium period. The owner can sell the property at any price that he can obtain or not at all as the case maybe. There is no obligation whatsoever for the owner to negotiate or deal with the Community Interest Group.

1.15 Where a nomination is refused, the application and decision to refuse will be recorded on the Council's list of unsuccessful nominations.

2. NOMINATION

2.1 The Council must consider any community nomination it receives. A community nomination is one which is made by a person that is a voluntary or community body with a local connection to the land.

2.2 On 20 April 2017, the Council received a nomination from the Catherine Street West Residents Association that land at Catherine Street West, Denton be included on the Council's ACV list. The asset identified in the nomination is community green space with trees and wildlife. Catherine Street West Residents Association identified itself as an unincorporated body. The nomination is at **A1 – A4**. A plan of the land nominated is at **A5**

2.3 Section 89(1) of the Localism Act 2011 ("the Act") provides that for nomination to be valid it must be a 'community nomination'. Section 89(2) of the Act provides a nomination will be a community nomination if it is made by a voluntary or community body with a local connection. Regulation 5(1)(c) of The Assets of Community Value (England) Regulations 2012 ("the Regulations") provides that a "*voluntary or community body*" includes amongst other things an unincorporated body whose members included at least 21 local individuals and which does not distribute any surplus to its members.

2.4 On 26 May 2017, Legal Services wrote to the Secretary of Catherine Street West Residents' Association and requested information confirming evidence that it was a voluntary or community body. That letter is at **A6 – A8**.

2.5 On 20 June 2017 the Secretary to the Residents Association provided a copy of the Association's Constitution, minutes of a meeting on 7 June 2017 confirming that the Constitution was agreed and a list of the name and addresses of the members of the Association. The Constitution and minutes are at **A10 – A15**. The members list is not included but it can be confirmed that the list identified 28 members. Addresses were provided for 26 of those members. Those addresses demonstrated at least 26 members lived either on Catherine Street West or very close to that Street and therefore had a local connection. This information enabled the Council to be satisfied as of 20 June 2017 that the nomination was a valid community nomination. The Secretary to the Association was notified of this in writing on 3 July 2017. She was advised that the nomination would be

treated as having been received on 20 June 2017 and that the process outlined in the letter to her of 26 May 2017 would now be followed. A copy of that email is a **A9**

3 CONSULTATION

- 3.1 Having received a community nomination the Council was required to give notice of the application to any freehold and leasehold owner of the land and any lawful occupier of the land.
- 3.2 The freehold owners of the land were identified from HM Land Registry as Robert Pownall Stagg and Susan Mary Stagg. They were registered as proprietors having bought the land on 24 May 2017 from the Council.
- 3.3 Legal Services wrote to the owners on 5 July 2017 advising of the nomination. A copy of the letter sent to the owners is at **A16 – A21**.
- 3.4 The owners responded on 19 July 2017. A copy of their response is at **A22 – A24**. Further correspondence took place between Legal Services and the owners. That correspondence is at **A25 – A27**. In their letter of 19 July 2017 the owners referred to there being a lease on the land in favour of Primsight Ltd allowing that company to place advertising panels on the land. This refers to a license to occupy granted by Tameside Borough Council to Primsight Ltd on 20 May 2013. The licence permitted Primsight Ltd to erect and maintain two advertisement display panels. The licence terminated on 24 December 2016. For this reason Primsight Ltd has not been consulted on this matter.
- 3.5 On the 5 July 2017 Legal Services sent an email to the ward members advising of the nomination. A copy of that email is at **A28 – A29**.

4 DETERMINATION OF THE NOMINATION

- 4.1 Under section 88 of the Act, the Council must determine whether the nominated land is of community value. Section 88 says as follows:-

Land of community value

- (1) a building or other land in a local authority's area is land of community value if in the opinion of the authority—
 - (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.
- (2) a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—
 - (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

- 4.2 The land can be viewed via the following link; <https://www.google.co.uk/maps/place/Catherine+Street+West,+Denton,+Manchester+M34+3SY/@53.4559787,-2.1292993,60m/data=!3m1!1e3!4m5!3m4!1s0x487bb420f299eb:0x3ecceb61f7016bd77!8m2!3d53.455821!4d-2.1277914>
- 4.3 The nomination states that the land is “*community green space with trees and wildlife*” and is used as “*communal recreation area, children’s play area, wildlife habitat.*” The nomination identifies the land as an asset of community value as “*the community use it as a social recreation area and children’s playground with mature trees planted by the residents that help filter pollution from the motorway. Ducks return to raise their young on it.*” The nomination form asked whether the nominator could provide evidence of this. The nominator answered yes but no further information was provided with the nomination.
- 4.4 The owners of the land have responded to the nomination. They have stated in their letter of 18 July 2017 they bought the land “*with the intention of building 4 residential houses which are suitable with the surrounding area, retaining the trees and a good majority of the green area for local residents to then take over the up keep of in their Association’s name.*” The owners further state in their email of 28 July 2017 that “*as a point of interest we drive past the land numerous times, and to date have not seen anyone using the land*”.
- 4.5 Inquiries made by Legal Services show that conditional planning consent was granted in May 1982 for a change of use of vacant land to landscaped amenity area. It appears that permission was implemented as the nominator identifies the land as community green space and the image from the link at paragraph 4.3 appears to show a maintained amenity area.
- 4.6 Inquiries made by Legal Services also show that conditional planning consent was granted in 2001 for 2 free standing double sided internally illuminated advertisement units. Again this consent was activated as evidenced by a licence granted by the Council for the land to be occupied for this purpose.

5 LAND OF COMMUNITY VALUE BY VIRTUE OF S88(1) OF THE ACT

- 5.1 Land will be of community value if in the opinion of the Council its actual current use, which is not ancillary use, furthers the social wellbeing or social interests of the local community, and it is realistic to think that there can continue to be non-ancillary use, which will further (whether in the same way or not) the social wellbeing or social interests of the local community (S88(1) of the Act)
- 5.2 The land is a landscaped amenity area. The nominator states that the land is used as community green space, a communal recreation area, children’s play area and wildlife habitat. The nominator states the community use the land as a social recreation area and children’s playground. The nominator states the trees on the land help to filter pollution from the motorway.
- 5.3 The owners have not provided any information as to what the land is used for. The owners do not deny the land is used in the way described by the nominator but do say that they have not seen anyone using the land on their numerous occasions when they drive past the land.
- 5.4 Given the nature of the land and its location in a residential area it is reasonable to accept that the land is used in the way described by the nominator. The land has had three different owners since 2005. There is no evidence that the land has been used in this way with the permission of the owners. The Upper Tribunal has held in the case of **Banner Homes Ltd v St Albans City and District Council [2015] UKFTT CR/2014/0018 (GRC)**

that trespassory use of land could in principle still amount to actual current use non ancillary use. The case involved the use, without permission, of a large field for many years by local residents for recreational use such as walking, exercising dogs and informal play by local children.

- 5.5 The use of the land as described by the nominator appears to be the only current use and as such it is right to consider such use actual current use which is not an ancillary use. Such use, and in particular use by local children as a play area and use by members of the community as a recreation area, is likely to further the social wellbeing or social interests of the local community. The owners have identified their intentions to develop some of the land for 4 residential properties but have also stated that *“around 50% of it can be gifted to the local Resident’s Association free of charge, resulting in the guaranteed future of the land.”* It is therefore realistic to believe that there will continue to be non-ancillary use of about 50% of the land which will further in the same way the social wellbeing or social interests of the local community.
- 5.6 The owners do not give any indication of when they intend to develop the land. Any development for housing would be dependent on obtaining planning permission. Until that development happens the owners have not given any indication that they will prevent the current use of the land continuing. It is also therefore realistic to believe that there will continue to be non-ancillary use of all of the land, at least in the immediate future, which will further the social wellbeing or social interests of the local community. Moreover, it is important to note that nomination of the land doesn’t prevent the owners from seeking planning permission nor carrying out their intention of building houses.
- 5.7 For these reasons the Council can therefore be of the opinion that land and building at Catherine Street West is of community value as defined by S88 (1) of the Act and consequently does not need to consider section 88(2) of the Act.

6 EFFECT OF INCLUSION ON THE LIST IF DETERMINED LAND IS AN ACV

- 6.1 The effect of the land’s inclusion on the list is to place requirements on the owner should the owner want to dispose of the land.
- 6.2 The owner will be required to notify the Council when intending to dispose of a listed asset, so triggering a moratorium period. The moratorium operates so as to prevent certain proposed disposals of the land being made to anyone other than a Community Interest Group until several specified conditions are met. These conditions are:
- (a) The owner has notified the council that he wishes to enter into a relevant disposal;
 - (b) A period of 6 weeks has then passed without the local authority receiving a written request from a community interest group to be treated as a potential bidder for the land (the interim moratorium period) or, if such a request has been made, a total period of 6 months has passed (the full moratorium period); and
 - (c) An 18 month ‘protected period’ starting with the date of the owner’s notification to the local authority, has not ended.
- 6.3 Inclusion in the list of ACVs will not affect ‘exempt disposals’ as identified and listed in full in schedule 3 of the Assets of Community Value (England) Regulations 2012. Exempt disposals include:
- (a) A disposal pursuant to an order made by a court or by a tribunal;
 - (b) A disposal made pursuant to a separation agreement made between spouses or civil partners
 - (c) Any disposal made under, or for the purposes of, any statutory provision relating to incapacity

- (d) A disposal— (i) 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 (ii) made in pursuance of the exercise of a legally enforceable option to buy providing that the land was not listed when the agreement was entered into.
- (e) A disposal to a former owner where the land was acquired via compulsory purchase.
- (f) A 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.
- (g) A disposal pursuant to insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986.
- (h) A disposal of land to a person whose acquisition of the land is a statutory compulsory purchase.
- (i) A grant of a tenancy of the land pursuant to the provisions of Part 4 of the Agricultural Holdings Act 1986.

6.4 The notification of an exempt disposal will not trigger a moratorium period or protected period

6.5 Once the notice of a non-exempt disposal has been given, the land can be disposed of to a non-community interest group in the following circumstances –

- (a) After six weeks if the Council has not received a written request from a community interest group asking to be treated a potential bidder for the land (the interim moratorium period);
- (b) If such notification is received, after 6 months (the full moratorium period). During the full moratorium period if the owner chooses to sell the land the sale can only be to a community interest group.

6.6 The owner has an 18 month protected period from the date of giving notice of disposal. This means that if there is no full moratorium period triggered, or on the expiry of any moratorium period that is triggered, the owner can sell to whoever he wants within the 18 month period from when he first gave notice. On the expiry of that 18 month period if the land has not been sold, the owner must again give notice of intention to sell which then triggers the moratorium period again.

6.7 Inclusion of the land on the list of ACVs could be a 'material consideration' in any planning application to develop the land. This will be at the discretion of the Planning Authority; it is not mandatory that a listing be considered a material consideration. However it may be potentially more difficult for the owners to obtain planning permission for development for new housing for land which is amenity land and the ACV status of which demonstrated community use.

7 RIGHT TO APPEAL LISTING/REFUSAL TO LIST

7.1 The owner of the land at Catherine Street West has the right to request a review of the Council's decision to list the property. Such a request must be made in writing within 8 weeks of the Council giving notification of inclusion of the property on the register of assets of community value. Where the Council has carried out such a review, the owner may appeal to the First-Tier Tribunal against any decision within 28 days of the Council giving notification of the review decision.

7.2 The nominator or owner has no formal right to appeal a decision to refuse a nomination. However as a decision of a public body any decision could be challenged by judicial review if the correct procedures have not been followed, or the decision made is either irrational or disproportionate.

8 COMPENSATION SHOULD DETERMINATION BE TO LIST LAND AS AN ACV

- 8.1 The ACV provisions have an impact on the right of property owners which potentially could include serious financial consequences. There is a compensation scheme for property owners to claim for costs or loss.
- 8.2 Regulation 14(2) provides compensation may be payable where an owner has at a time when he owned land and the land was listed, 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
- 8.3 The Act doesn't prescribe all the circumstances where loss may be incurred but does give two examples of where loss may be incurred –
- (a) loss arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused by either of the moratorium periods ;
 - (b) the owner incurs reasonable legal expenses in a successful appeal to the First-Tier Tribunal against the Council's decision either to list the land or refuse to pay compensation, or with respect to the amount of compensation offered or paid by the Council.
- 8.4 Very little guidance is given in the Act, the Regulations or in case law as to other circumstances when compensation may be payable. In principle a claim for diminution in the value of land as a result of its status as an ACV is possible as it appears to fall within Regulation 14(2). Whether any loss of capital value could be proved would depend on the evidence.
- 8.5 Any claim for compensation from the Council by the owner must be made in writing before the end of 13 weeks after the loss or expense was incurred or has finished being incurred.
- 8.6 The owner has the right to request a compensation review by the Council in response to a decision as to whether compensation is paid, and as to the amount of any compensation. Any such request must be made within 8 weeks by writing, starting with the date on which the Council gives written notification of its decision. Where the Council has carried out such a review, the owner may appeal to the First-Tier Tribunal against any decision.

9 RECOMMENDATIONS

- 9.1 As detailed at the front of the report.