

CONFIRMED



## Valuation Tribunal Users' Group

### Minutes of the Meeting held at Black Lion House on 8 February 2010

<b>Present:</b>	Professor Graham Zellick	VTE
	Jon Bestow	VTE
	Antonio Masella	VTS
	John Elcox	RSA (deputising for Mark Higgin)
	Geoff Fisher	IRRV
	Roger Messenger	IRRV
	Blake Penfold	RICS
	Jerry Schurder	RICS
	Stephen Wright	VOA
	Michael Pearce	VOA
	Carla-Maria Heath	Local Government Association
	Roger Culcheth	Federation of Small Businesses

**Apologies:** Mark Higgin (RSA), David Magor (IRRV), Donald Scannell (Lands Chamber, Upper Tribunal) and Anne Galbraith (VTS)

#### 1. Welcome and introduction

1.1 The President welcomed everyone to the second meeting of the Group. He announced that there would be two additional organisations joining the Group, namely the Citizens Advice Bureaux (CAB) and the Confederation of British Industry (CBI), and potential representatives were being contacted.

1.2 He reported that the Constitution and Terms of Reference for the Group were now finalised.

#### 2. Minutes of the meeting held on 7 December 2009

2.1 Mr Wright pointed out that it would not always be practicable to programme 2005 appeals before 2010 appeals, although appeals in respect of the same hereditament would always be programmed in date order.

2.2 The minutes of the meeting were agreed.

#### 3. Matters arising.

3.1 These were no matters arising.

#### **4. Review of Fees for the Lands Chamber, Upper Tribunal (Lands Tribunal): Consultation**

4.1 The President wanted to ensure that everyone was aware of this consultation exercise. Neither the VTE nor VTS would be submitting views.

#### **5. Practice Statements**

5.1 The President reported that good progress had been made and a further meeting would be needed soon to share further drafts.

5.1 The following comments were made:

5.2 *Professional Representatives.* Clarification was required on the VOA's role as a professional representative. There was doubt that the VTE could make a claim on behalf of a professional body and the wording needed amendment. It was felt that misconduct or persistent failings should be reported to the President in all cases, not only in extreme cases.

5.3 *Extraordinary venue.* No comments.

5.4 *Postponements and adjournments.* Further to advice from the last meeting, this Practice Statement had been amended.

5.5 *Reviewing and Setting Aside Decisions (revision).* It was reported that this Practice Statement was in force but a revision was proposed which would permit, in exceptional cases, referral straight to a panel without seeking the views of the other party. The reference to no right to appeal against the President's decision needed to be reconsidered in view of reg. 42(2)(b).

5.6 *Duties and Responsibilities of the Clerk/Tribunal Officer at the Hearing.* No comments.

5.7 *Appellant's Non-Attendance.* Revision of the opening paragraph to make it clearer was suggested.

5.8 *Non-Domestic Rates: Disclosure and Exchange of Evidence.* A number of members expressed serious reservations about this draft. There was a need to clarify what should be in the bundle as it was unclear. The President and Registrar agreed to produce an example of a typical bundle. It was agreed to defer its introduction until the autumn, pending further consideration and discussion.

5.9 *Complex Cases: Case Management.* The President would consider whether as drafted this allowed for a case to be treated as complex later in the process. It was noted that lead appeals would be complex cases as they had national or regional implications.

**6. Any other business**

6.1 It was reported that CLG had agreed to an immediate regulation change so that parties could withdraw NDR appeals direct to the VOA.

**7. Date of next meeting**

7.1 The next meeting would take place on 8 March, 2010 at 2.30pm at Black Lion House.

8 March 2010

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President