



Valuation Tribunal Users' Group

Minutes of the Meeting held at Black Lion House on 28 June 2010

Present:	Professor Graham Zellick QC	VTE
	Jon Bestow	VTE
	Anne Galbraith	VTS
	Antonio Masella	VTS
	Mark Higgin	RSA
	Geoff Fisher	IRRV
	Roger Messenger	IRRV
	Jerry Schurder	RICS
	Blake Penfold	RICS
	Stephen Wright	VOA
	Michael Pearce	VOA
	Carla-Maria Heath	Local Government Association (LGA)
	Melanie McIntosh	Planning and Environment Bar Association (PEBA)

Apologies: John Elcox (RSA), Donald Scannell (Lands Chamber, Upper Tribunal) and Roger Culcheth (Federation of Small Businesses).

1 & 2 Welcome and membership

1.1 The President welcomed everyone to the fourth meeting of the Group, in particular Melanie McIntosh (PEBA) and Anne Galbraith (VTS) who were attending for the first time. He enquired whether any further contact had been made with the CIB or the CAB with regard to securing representatives for the Group. Tony Masella reported that the organisations had not responded.

3. Minutes of the meeting held on 8 March 2010

3.1 Jerry Schurder asked that minute 5.2 be changed to reflect the point that, under the regulations, if a non-domestic rating appeal was heard in a party's absence, and a written submission sent in, there was no right of appeal against the decision. The minute would be amended.

3.2 Subject to the above, the minutes were confirmed.

4. Matters arising

4.1 The Registrar provided an update on the amendments to the NDR withdrawal regulations. Draft regulations had been produced, providing for appellants to withdraw directly to the Valuation Office Agency. The short timeframe for reinstatement had been raised by the CLG and the Registrar had proposed to extend it to two months from the date of withdrawal. The Registrar reported that only one application for reinstatement had been received since October 1.

4.2 The regulations were yet to be finalised by CLG and until then all present agreed that the current process of NDR withdrawals being sent direct to the VOA should continue. Michael Pearce reported that incorrect cross-references were being corrected by correction slips and not by formal amendment to the regulations.

5. Draft Practice Statement: *Applications for Reinstatement Following Striking Out and Withdrawal*

5.1 Following discussion, the draft was endorsed.

6. NDR – Disclosure and Exchange (Draft 9)

6.1 The President asked Michael Pearce to share his comments on the draft with the Group, previously sent to the President by email. The following comments were made:

6.2 Para. 3: A further standard direction should be inserted in Annex 1 in order to permit a revised reg 17 notice following the appellant's statement of case.

6.3 Paragraph 3 made it a requirement for the VOA to serve reg 17 notices 6 weeks prior to hearing. This overrode the two-week period provided in reg 17(4) and could create difficulties for the VOA. The President agreed to review the wording to allow further evidence to be provided by the VOA at a later stage where the appellant's statement of case justified it.

6.4 Para. 12 needed further clarification.

6.5 Mr Penfold and Mr Schurder, expressing views on behalf of the professional bodies, were concerned about producing a statement of case for each appeal when they would not know whether it would result in a hearing. It was noted that 115,000 appeals were received a year and fewer than 1000 resulted in a hearing. Mr Penfold and Mr Schurder did not see merit in the proposed process. The President noted their scepticism, but reiterated that the proposed timeframes would need to be reviewed to ensure that unnecessary work was not carried out. He understood the concerns, but believed that statements of case would be produced only in those cases coming on for a hearing.

6.6 The President thanked the Group for their valuable input. He asked the Registrar to produce a flowchart which incorporated the existing timetable so that the dates could be agreed at the next meeting.

6.9 Melanie McIntosh left the meeting at this point.

7 & 8 Revised Practice Statements

7.1 *Reviewing and Setting Aside Decisions (VTE/PS/C1), Revised Tribunal Business Arrangements and Extension of Time Limits for Making Appeals.* The proposed changes were noted and no comments made.

9. Any Other Business

9.1 Mr Penfold raised the issue over whether cases should be struck out if a notice of hearing had not been received. The President commented that an appeal should not be struck out if the VT office was advised in advance that the notice of hearing had not been received. The appeal should be postponed if there was insufficient time for a further notice to be served.

9.2 An appeal should not be struck out if a withdrawal had been agreed by both parties and the paperwork completed.

9.3 The President explained that where the appellant advised the panel that the appeal was agreed but the VOA representative was unable to confirm this, the appeal should be adjourned. Where an offer has been made by the VOA within seven days of the hearing and the appellant had not yet returned the necessary paperwork, the appeal should be adjourned. In none of these cases should the appeal be struck out. The President would produce a note or Practice Statement.

9.6 Mr Messenger reported that some emails from the VTS were being identified as spam (unsolicited emails) and were not filtering through to the inbox of the recipient. Mr Masella would investigate the reason for this.

9. Date of next meeting

9.1 The next meeting would take place on July 22 at 10.30am at Black Lion House (with lunch provided).

22 July 2010

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President