

CONFIRMED



Valuation Tribunal Users' Group

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

Present:	Professor Graham Zellick	VTE
	Jon Bestow	VTE
	Antonio Masella	VTS
	John Elcox	RSA
	Mark Higgin	RSA
	Geoff Fisher	IRRV
	Roger Messenger	IRRV
	Jerry Schurder	RICS
	Stephen Wright	VOA
	Michael Pearce	VOA
	Roger Culcheth	Federation of Small Businesses

Apologies: Blake Penfold (RICS), Donald Scannell (Lands Chamber, Upper Tribunal), Carla-Maria Heath (Local Government Association) and Anne Galbraith (VTS).

1. Welcome and introduction

1.1 The President welcomed everyone to the third meeting of the Group. He announced that he had reviewed the membership and was considering inviting a representative from The Planning and Environment Bar Association. To date he had been unable to secure representatives of the Citizens Advice Bureaux (CAB) and the Confederation of British Industry (CBI).

2. Minutes of the meeting held on 8 February 2010

2.1 It was noted that neither Donald Scannell (Lands Chamber, Upper Tribunal) nor David Magor (IRRV) were present at the last meeting, but that Roger Messenger would be attending in future as the IRRV representative.

2.2 Subject to the above, the minutes were confirmed.

3. Matters arising.

3.1 Michael Pearce stated he believed that CLG lawyers were still drafting the amendments to the withdrawal regulations. Tony Masella explained that the amendment might not be in place by 1 April 2010.

4. New Practice Statements

4.1 The President referred to the previously circulated draft Practice Statements.

4.2 The following comments were made:

4.3 *Summoning of Witnesses.* It was important to clarify that, in accordance with the regulations, only travel expenses of a witness would be reimbursed and not fees. It was noted that paragraphs 2 and 6 appeared to say the same thing and should be merged.

4.4 *Hearings in Private.* The issue that the Practice Statement did not address was the publishing of sensitive material.

5. Revised Practice Statements

5.1 The President updated members on the Practice Statements which were circulated at the February meeting.

5.1 The following comments were made:

5.2 *Appellant's Non-Attendance.* Criticism was expressed of the fact that a non-domestic rating appeal heard in a party's absence, where a written submission had been sent in, left the appellant with no right of appeal against the decision.

5.3 *Professional Representatives.* No comments.

5.4 *Complex Cases: Case Management.* The annex should allow parties a discretion to propose a change of date for the case management hearing.

5.5 *Reviewing and Setting Aside Decisions.* No comments.

6. Model Procedure.

6.1 As this paper had not been seen in advance, members were asked to send any comments in writing as soon as possible.

7. Non-Domestic Rates: Disclosure and Exchange.

7.1 The President referred to the previously circulated Practice Statement and specimen Statement of Case.

7.2 It was suggested that one of the headings should be 'A statement of the issue in dispute' and that the requirement to provide a brief concluding statement should be removed.

7.3 Jerry Schurder offered to provide a specimen statement to illustrate a more complicated case that was nevertheless not a complex case.

7.4 Roger Culcheth welcomed the details contained in the specimen Statement of Case as he thought it would help unrepresented parties in identifying the type of submission that needed to be prepared.

7.5 The President reiterated his intention to ensure that parties disclosed their evidence in advance of the hearing to avoid 'trial by ambush'.

8. Any other business

8.1 The President reported that a working party had been formed to progress the move of the VTE to a Lands, Property and Housing Chamber of the First-tier Tribunal.

9. Date of next meeting

9.1 The next meeting would take place on April 27 at 1.00pm at Black Lion House (lunch to be provided).

27 April 2010

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President