



Valuation Tribunal Users' Group

Minutes of the Meeting held at Black Lion House on 7 September 2011

Present:	Professor Graham Zellick QC	VTE
	Jon Bestow	VTE
	Tony Masella	VTS
	Lee Anderson (substitute)	VTS
	Mark Higgin	RSA
	John Elcox	RSA
	Roger Messenger	IRRV
	Peter Scrafton (substitute)	IRRV
	Blake Penfold	RICS
	Jerry Schurder	RICS
	Michael Pearce	VOA
	Paul Sanderson	VOA
	Melanie McIntosh	PEBA

1 Apologies:

1.1 Anne Galbraith (VTS), Geoff Fisher (IRRV), Roger Culcheth (Small Businesses Federation), Carla-Maria Heath (LGA) and Donald Scannell (Lands Chamber, Upper Tribunal).

1.2 The President welcomed everyone to the eighth meeting of the Group, in particular Lee Anderson (VTS) who was deputising for Anne Galbraith and Peter Scrafton who was substituting for Geoff Fisher (IRRV).

2 Minutes of the meeting held on 20 June 2011

2.1 The minutes were confirmed.

3 Matters arising

3.1 Minute 8 - The Registrar mentioned that a Statement of Case template/guide for appellants was now available on the VTS website.

4 Transfer to the First-tier Tribunal

4.1 Ms Siobhan McGrath, Senior President of the Residential Property Tribunal Services, had been designated Acting President of the Property, Lands and Housing Chamber of the First-tier Tribunal (once it was created), for a period of

12–18 months, by the Senior President of Tribunals, Lord Justice Carnwath. The Judicial Appointments Commission would in due course select a permanent Chamber President.

4.2 The President reported that CLG officials had begun work on the consultation paper regarding the abolition of the VTS and VTE. The consultation could not commence until the Public Bodies Bill received Royal Assent, expected to be in November 2011. The consultation would last 12 weeks.

4.3 He spoke of the Tribunal Procedures Committee (TPC) which would be responsible for producing the new rules. A separate consultation on the rules would take place in 2012. Mr Scrafton queried whether there would be scope to discuss the rules with the Committee before the public consultation began; the President replied that any early representations should be directed to Mr George Bartlett QC as he would have direct contact with the MoJ lawyers/draftsmen. The President explained that the rules of the General Regulatory Chamber of the FTT would be the model.

4.4 Many decisions were yet to be taken and transfer would not be before 1 November 2012.

5. Costs Review

5.1 The question of costs was likely to arise under the MoJ/CLG and the TPC consultation exercises. It was agreed that it would be premature to discuss the matter at this stage.

6. Draft Practice Statement - Temporary Reductions in Rateable Value: Consent Orders

6.1 The draft, suggested at the previous meeting, was based on text provided by Mr Penfold.

6.2 Discussion focussed on whether the rateable value to be entered back into the List following the temporary reduction could be a different figure from the original. It was considered that this should be allowed.

7. Premature strike-outs: Practice Statement B5

7.1 Mr Schurder reported that representatives were receiving notices of strike out of appeals although they had previously been agreed because the VOA had not informed the VTS. It was accepted that there were glitches in the system and it was important that Mr Anderson, in his role as Operations Manager, be made aware of these incidents as they arose. The President emphasised that everything possible must be done to avoid a strike out where a case had in fact been agreed or withdrawn.

8. Reinstated appeals

8.1 It was explained that reinstated appeals were allocated a new appeal number instead of the original appeal number, since an appeal once cleared from the system had to be given a fresh number. This caused difficulties for representatives who were then unable to trace the appeal. It was agreed that the original number should be included.

Practice Statement A7

9. Review of the effects of the new procedures

9.1 Following a request from the members, Mr Anderson tabled two documents which summarised the NDR 2010 appeals statistics and the NDR 2010 clearance of listed appeals from 1 January 2011 to 31 August 2011. Highlights included:

- 22047 listed appeals;
- 2521 agreed, 4302 withdrawn;
- 3680 Statements of Case received from Appellants, 2624 Statements of Case received from VOA;
- 11277 total strike outs;
- 11146 automatic strike outs;
- 106 non-compliant Statements of Case/evidence;
- 892 hearings held, 117 where party attended or were represented and 599 VT decisions (full reasons where case was contested).

9.2 It was evident from the statistics that there was a huge number of Statements of Case being received for appeals that would not proceed to a hearing. Mr Masella pointed out that if discussions were more timely and effective, the only Statements of Case received would be those 599 which, according to the statistics, had resulted in a hearing and a written decision.

9.3 There was subsequent discussion about the timing of service of regulation 17(3) rental evidence.

10. VTS listing policy

10.1 Mr Schurder suggested that there were far too many appeals being listed for some Tribunal hearings. The Registrar thought that there was a small number where too many were being listed in one day, but did not think there was a general issue of over listing.

10.2 Mr Anderson explained that the absence of negotiations between the parties by target date meant that the VTS were unable to determine which cases would be running until the day before the hearing.

11. Effects of VOA reorganisation on electronic communication of appeals, statements of case and Regulation 17 notices

11.1 Mr Sanderson explained that the reorganisation of the VOA had led to some IT changes which would be going live from November 7. Mr Masella voiced concern that the VTS had not been consulted about the changes as they could have implications for the VTS IT system.

12. Revised draft 9, Supplement and professional bodies' proposals set out on 14 July 2011

12.1 Following discussion, there was a consensus that (i) the requirement in revised draft 9 for the VO to issue a notice explaining why he was not issuing a Reg. 17(3) notice should be deleted; (ii) the provision limiting late service of Reg. 17(3) evidence to situations where the appellant has provided no basis for doing so before service of the Statement of Case should be retained; and (iii) the period between service of the VO's Statement of Case and the hearing should *in all cases* be doubled to four weeks.

12.2 The President would circulate revised drafts as soon as possible. He was looking to implementation on 1 January 2012. Mr Sanderson asked the President if he could in the meantime offer advice to chairmen and members on how they should exercise their discretion in relation to later introduction of Reg. 17(3) evidence. The President agreed.

13. Any other business

13.1 Mr Penfold would circulate two documents from the RICS regarding Dispute Resolution Faculty and VT and Lands Chamber, on which he would welcome comments from the Group.

14. Date of next meeting

14.1 Members would be consulted about the date of the next meeting which would be in early December.

5 December 2011

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President