



# **A guide to our notice for drainage rate appeals**

Please read this information. You may find it helpful. However, if you have any questions or need any help, please contact us. Our address and phone number are shown on our notice.

### **What are valuation tribunals?**

Valuation tribunals deal with appeals about non-domestic rates and council tax. We receive funds from Parliament to run our service.

Valuation tribunals are independent of the drainage board, which sets the annual values (yearly values) on agricultural land and buildings and sends out the drainage rate bills.

Members of the valuation tribunal are local volunteers who receive training and are experienced in hearing appeals. Usually, three members will hear your appeal, although two members can hear an appeal if everyone agrees. A clerk, who is a paid employee, advises on procedures and law.

Valuation tribunals provide a free service so we cannot award costs. However, you do have to meet your own costs in going to the tribunal hearing.

### **How did you receive my appeal?**

By law, the drainage board must send us any notices of objections that have not been settled. They must do this within 28 days of receiving them. Once we receive an objection, it becomes an appeal.

A notice of objection is the letter or form that you send to the drainage board asking them to alter the drainage rates.

### **Do I still need to pay my drainage rates?**

**Even though you have made an appeal, you must still make the payments shown on your bill.**

### **Information about drainage rate appeals**

There are currently 175 drainage boards. Drainage boards are responsible for maintaining and improving land drainage to prevent flooding. To carry out this work, they set drainage rates based on the yearly rental value of agricultural land and buildings in their area.

The yearly value for a unit of agricultural land or a building is based on its rental value on **1 April 1988**. When setting the yearly value, the drainage board:

- has to imagine that the value of any crops or livestock on the land has been insured against fire damage; and
- will look at the rent (if any) paid on your property and compare it with the rents paid on similar properties to set similar levels of value.

### **What happens next?**

The tribunal aims to hear appeals within six months of receiving them. However, many of the appeals that we receive are settled through discussions before the hearing date.

We will send you a notice of hearing. We will give you at least 14 days' notice of the hearing. You can try to settle your appeal with the drainage board right up until the date of the hearing. We always encourage people to speak to the drainage board. If your appeal cannot be settled, we expect you and the drainage board to have discussed any evidence that each of you will present at the tribunal hearing. To make sure that everyone is aware of all the issues, we may decide to send the drainage board a copy of any information you send to us. We will also send you copies of any information the drainage board give us that may affect your case.

If you cannot come to the tribunal hearing, you can ask the tribunal to hear your case without you being there, or contact us and ask for another hearing date. However, we will only give you a new hearing date if you have tried to settle your case with the drainage board and have a good reason for not being able to make the original date. It may be some time before we can give you a new hearing date.

### **How do I prepare my case for the tribunal hearing?**

If you want to come to the tribunal hearing, you need to prepare your case before the hearing date. Please try to provide as much evidence as possible to support your case.

You can bring any type of evidence to the tribunal. We expect you and the drainage board to have discussed beforehand, any evidence that each of you will present at the tribunal hearing.

You will be allowed to:

- give spoken and written evidence;
- present anything that you believe will help your case, such as letters, photographs or plans; and
- bring someone along to speak for you or to appear as a witness.

You may find it useful to prepare a written statement. The drainage board's evidence can appear fairly formal but we do not expect you to present your evidence in the same way as the drainage board.

It is useful if you can bring five copies of any documents that you want to present as evidence (a copy for each of the three members, the clerk and the drainage board). We can share anything else, particularly photographs and large plans.

### **Do I need to come to the hearing?**

It is helpful if you can come to the hearing to answer any questions the tribunal may have. However, if you ask us before the hearing, we can also deal with your appeal in the following way.

- **Written submission**

If you cannot come to the hearing and you want us to hear the case without you, you **must** give us written details of any points you want us to consider. This is known as a written submission. The drainage board will still come to the tribunal hearing.

**If you ask the tribunal to deal with your case by written submission, you will not be able to appeal against the decision to the Lands Tribunal.**

**The tribunal may dismiss your appeal if:**

- **you do not come to the hearing or send anyone to represent you; and**
- **you have not asked us to hear the case without you there.**

### **Who will be at the hearing?**

#### **The members of the valuation tribunal**

Usually, three members will hear your appeal, although two members can hear an appeal if everyone at the hearing agrees. One of the members will chair the meeting. Members of the tribunal are local people who are volunteers. Although they do not have to be professionally qualified, they receive training and are experienced in hearing appeals.

#### **The clerk**

The clerk is a paid employee who acts as an adviser on points of procedure and law. The clerk does not take any part in making the decision. However, the clerk is responsible for writing up the decision.

## **A representative from the drainage board**

You will probably have already met the member of the drainage board's representative when you discussed your appeal.

## **You**

You can come to the tribunal hearing or you can choose a representative, for example, a friend or a surveyor, to speak for you. You can also bring someone along as a witness.

## **Members of the public**

The tribunal hearing is open to members of the public. However, usually the only other people who come to a hearing are those who are also waiting for their cases to be heard.

The tribunal can hear your appeal in private if you request it, but you must have a good reason for this.

### **What happens at the tribunal hearing?**

The hearing is fairly informal and we will try to put everyone at ease. However, we will follow a procedure to make sure that both you and the drainage board can present your cases. The tribunal will decide who to ask to give their case first but if you have any preference, please let us know.

During the hearing:

- the tribunal will ask you and the drainage board to give your cases;
- you will be able to ask the drainage board questions;
- the drainage board will be able to ask you questions; and
- the tribunal can ask you and the drainage board questions.

Before the tribunal makes its decision, you may be asked if you would like to summarise your case (in other words, go over the main points of your case again).

### **How long does a hearing normally last?**

Hearings usually last between 45 minutes and one hour. However, it depends on how much evidence both sides have to present.

### **When will I receive your decision?**

Most tribunals send their decisions by post. By law, we have to give you a written copy of the reasons for the decision. We aim to send out the tribunal's decision within one month of the hearing, as set out in our customer charter.

### **Can you award costs?**

No. Our service is free. You only have to meet your own expenses (and the expenses of anyone representing you) in preparing your case and coming to the hearing.

A solicitor may be able to give you some advice under the 'Community Legal Advice Scheme', whose phone number is 0845 345 4345; their website is [www.clsdirect.org.uk](http://www.clsdirect.org.uk).

### **What if I have extra needs?**

If you have any extra needs related to your sight, hearing or mobility, please tell us and we will do our very best to help. We will meet the cost of providing a suitable place or any equipment that is necessary to hear your appeal.

If you have problems understanding English, we can provide an interpreter. Please tell us which language you speak. We can also provide someone to help you communicate (for example, a signer). We will pay the costs of providing an interpreter or signer.

Please let us know in good time if you have any extra needs.

### **Can I complain about your service?**

If you have a complaint about the way we have handled your case, you can do the following.

- You should first write to the Regional Manager, at the address that is shown on our notices, so that they can look into the matter. The Regional Manager will send you a copy of our complaints policy.
- At any time, you can ask a Member of Parliament (MP) to take up your complaint, either with the Regional Manager or with the President of the Tribunal. Or you can ask an MP to pass the matter to the Parliamentary and Health Service Ombudsman.

You can only use this process to make a complaint about the way our office is run.

If any of the details in our notices are wrong, please contact us at the address shown on our notice.

### **Can I appeal against your decision?**

Anyone who appeared at, or was represented at, the hearing, and is not happy with our decision, can appeal by giving notice in writing to the Lands Tribunal within four weeks of the date of our decision.

You can get copies of the appeal form from:

The Registrar  
Lands Tribunal  
43/45 Bedford Square,  
London WC1B 3AS

Tel: 020 7612 9710

Website: [www.landstribunal.gov.uk](http://www.landstribunal.gov.uk)

You may want to get legal advice about your appeal. You should also remember that the Lands Tribunal can award costs against the losing side.

### **Judicial review**

If you think that we have acted outside our powers in making our decision, or that we did not act correctly at the hearing, you can apply to the High Court for a judicial review.

You should appeal to the High Court at:

The Administrative Court Office  
Royal Courts of Justice  
Strand  
London WC2A 2LL.

Phone: 020 7947 6205

Website: [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

You may want to get legal advice before applying for a judicial review.

### **More information**

We produce this leaflet in large print, in Braille and on audio tape.

We can translate this leaflet into Arabic, Bengali, Chinese, Gujarati, Polish, Punjabi, Urdu and Vietnamese.

If you would like a copy of this leaflet in another format or language, please fill in the form at the end of this leaflet.

We also offer guides on non-domestic rates appeals, council tax valuation appeals and council tax liability appeals. If you would like to receive any of these guides, please contact the tribunal office at the address that is shown on our notice.

**We aim to treat everyone fairly. No-one making an appeal should receive less favourable treatment because of their race, colour,**

**nationality, age, religion, ethnic background, sex, sexuality, marital status or disability.**

### **Our records**

By law, anyone can visit our offices to look at copies of our agendas and the decisions we have made during the last six years. Our agendas are lists of appeals that have been given a hearing date.

Copies of our agendas and decisions for non-domestic rating list appeals, transitional certification appeals, completion notice appeals, council tax valuation appeals and council tax invalidity appeals are also shown on our website.

**You will find more information about the Valuation Tribunal Service and copies of our guides on our website at [www.valuation-tribunals.gov.uk](http://www.valuation-tribunals.gov.uk).**

### **How you can contact us**

**The Chief Executive's Office  
Valuation Tribunal Service  
2<sup>nd</sup> Floor  
Black Lion House  
45 Whitechapel Road  
London  
E1 1DU**

**Phone: 020 7426 3900  
Fax: 020 7247 6598  
E-mail: [ceo.office@vto.gsx.gov.uk](mailto:ceo.office@vto.gsx.gov.uk)**



This guide does not cover every point about valuation tribunals. We do not have to follow everything in this guide, and it does not affect how we use the relevant laws or regulations. Before we hear your appeal, the Clerk of the Tribunal will reply to any reasonable request you have for advice on our procedures.

Please send me a copy of this leaflet:

- in large print
- in Braille
- on audio CD

Please send me a copy of this leaflet in Arabic (Arabic).

Please send me a copy of this leaflet in Bengali (Bengali).

Please send me a copy of this leaflet in Chinese (Chinese).

Please send me a copy of this leaflet in Gujarati (Gujarati).

Please send me a copy of this leaflet in Polish (Polish).

Please send me a copy of this leaflet in Punjabi (Punjabi).

Please send me a copy of this leaflet in Urdu (Urdu).

Please send me a copy of this leaflet in Vietnamese (Vietnamese).

Your name and address

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Valuation Tribunal Service

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