



Valuation Tribunal Users' Group

Minutes of the Meeting held at Black Lion House on 5 December 2011

Present:	Professor Graham Zellick QC	VTE
	Siobhan McGrath	RPTS
	Jon Bestow	VTE
	Tony Masella	VTS
	Lee Anderson (substitute)	VTS
	Mark Higgin	RSA
	John Elcox	RSA
	Richard Guy (substitute)	IRRV
	Peter Scrafton	IRRV
	Blake Penfold	RICS
	Jerry Schurder	RICS
	Stephen Wright	VOA
	Paul Sanderson	VOA
	Roger Culcheth	Federation of Small Businesses

1+2 Apologies and Membership

1.1 Anne Galbraith (VTS), Carla-Maria Heath (LGA), Melanie McIntosh (PEBA), Roger Messenger (IRRV) and Donald Scannell (Lands Chamber, Upper Tribunal) tendered their apologies.

1.2 The President welcomed everyone to the tenth meeting of the Group, in particular Ms McGrath (RPTS) who was attending her first Users' Group meeting as Acting President-designate of the proposed Property, Land and Housing Chamber of the First-tier Tribunal. He also reported that Mr Wright was due to retire in February 2012; he wished him well.

1.3 On a more sombre note, the President reported that Mr Charles Partridge, known to many members, had died suddenly from a heart attack. He would be deeply missed.

3+4 Minutes of the meeting held on 7 September 2011 and matters arising

3.1 The minutes were confirmed.

3.2 **Minute 13:** Mr Penfold apologised for the delay and said that he would

shortly be circulating the two RICS documents.

3.2 **Minute 7:** Mr Schurder said that premature strike-outs were continuing to occur after agreement had been reached, even though office staff were being advised when agreements took place. Mr Masella and Mr Anderson reported that the number of such strike-outs was in fact decreasing. The system which filters information from the VOA on a weekly basis was hoped to be changed to a daily basis which would help with real-time information.

3.3 Mr Penfold noted that the Practice Statement on Consent Orders had recently been published but the professional representatives had not been informed. The President explained that there had been a delay in issuing this particular Practice Statement and that it had not received wide circulation as had Practice Statement A7-1, for example. Mr Masella reported that there was a piece of work taking place which would enable email alerts to be sent each time a Practice Statement was published.

5+6 Note of the special meeting held on 7 November 2011 and matters arising

5.1 The note was confirmed.

“Appeals Direct” for NDR

5.2 Mr Penfold reported that, following the special meeting on 7 November 2011, the professional representatives had met the VOA to seek to identify a process whereby only those appeals likely to proceed to a hearing would be transferred to the VT.

5.3 Mr Sanderson explained that, as appeals direct for NDR (AD) was not at this stage part of Government policy, the VOA was unable to make any formal comment about it. However, he pointed out that the recent discussion held with the professional bodies concluded that the present system – operating through a combination of programming and the VTE Practice Statements – was capable of achieving the same objective as AD, i.e. ensuring that only those appeals requiring determination by a VT hearing progressed beyond target date, if it were properly applied by all parties.

5.4 It was suggested that the introduction of AD was unlikely to be practical before the 2015 revaluation at the earliest.

5.5 However, a paper incorporating a more detailed consideration of both the existing system and the possibility of introducing AD would be produced by the professional representatives and would be circulated to all parties prior to discussion at the next Users' Group meeting. Ms McGrath agreed that the TPC needed to be made aware of these issues.

5.6 It was noted that many Statements of Case (SoC) were being produced for appeals which were not resulting in a hearing. Mr Masella confirmed that

currently 60% of appeals were still being settled after target date.

7 Transfer to the First-tier Tribunal: to report any developments

7.1 Ms McGrath reported that the whole process was moving very slowly and latest drafts of the new chamber rules would be discussed on December 19 with the Tribunal Procedures Committee (TPC).

7.2 The President informed the Group that it was unclear what else was taking shape. He and the VTS Chief Executive and Chairman were intending to share their concerns at a meeting with DCLG, MoJ and HMCTS on December 13.

7.3 The President queried whether the VTE parts of the rules could be incorporated if the transfer of the VTE were delayed until after the chamber had been created and other jurisdictions transferred. Ms McGrath saw no reason why the VTE rules could not be incorporated but commenced at a later date. She would bear in mind when speaking to the TPC that the timetable for VTE could slip.

7.4 There was some discussion around Practice Statements and Practice Directions following transfer, but the position remained unclear.

7.5 Mr Scrafton queried whether progress had been made to changes in the IT infrastructure (an issue which had been raised at an earlier meeting). Mr Masella confirmed that proposed IT changes had been completed and these would be effective from 1 January 2012 when the new Practice Statement A7-1 came into force. There was also discussion on the renumbering of appeals by the VOA following reinstatement of appeals previously struck out. Professional practitioners' IT would not be able to identify these particular appeals and a process to resolve this issue, which was to have been taken forward by Charles Partridge's electronic communications group, needed to be identified and implemented.

8 PS A7: Statements of Case and Reg. 17(3) notices

8.1 Mr Penfold reported that the protocol on transmission of SoC was not being adhered to by the VOA in all cases. Mr Sanderson apologised and confirmed he had sent out a further communication about the protocol to the VOA network.

8.2 Mr Penfold also reported on a situation where the respondent VO had referred to the existence of reg. 17(3) evidence but had not included it in the Statement of Case. The Registrar had investigated this with Mr Pearce at the VOA who had confirmed that this was an untypical case where the VO had made a mistake.

2010 Appeal Hearing Statistics: 1 April 2011 to 30 November 2011

8.3 Mr Masella and Mr Anderson tabled a summary of hearing statistics during the period April to November 2011. The highlights were as follows:

- 10 Statements of Case were received after settlement (this could have been due to the risk of a possible agreement not being implemented);
- There were 45,931 total cases listed;
- 15,224 cases were settled following receipt of Tribunal notice;
- 20% cases were postponed after cases had been listed;
- There had been 21,667 strike-outs;
- 175 strike-outs took place owing to evidence being deemed non-compliant (during Oct-Nov there was a higher percentage of strike-outs due to non-compliance with PS A7);
- 6,648 appellant SoCs had been received which gave rise to 1000 decisions;
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- 318 hearings (of 45,931 appeals listed) took place where parties attended or were represented (this indicated that many parties relied on written submissions);
- 628 reinstatement requests had been received during July – Sept 2011.

8.4 The figures were appreciated. It was felt that further analysis around postponements could be helpful. It would also be useful to have a track over time which could be compared to past figures.

9 Revised Practice Statement D1: Professional Representatives

9.1 The President reported that the proposed revision to PS D1 had been prompted by the Rating Question Time event. He would make minor changes to the draft to reflect comments and it would be re-circulated.

10 Date of next meeting

10.1 Members would be consulted about the date of the next meeting which would be in Jan/Feb 2012.

26 March 2012

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President