



Valuation Tribunal Users' Group

Minutes of the Meeting held at Black Lion House on 26 March 2012

Present:	Professor Graham Zellick QC	VTE
	Jon Bestow	VTE
	Tony Masella	VTS
	Lee Anderson (substitute)	VTS
	Simon Green (substitute)	RSA
	John Elcox	RSA
	Richard Guy (substitute)	IRRV
	Blake Penfold	RICS
	Michael Pearce	VOA
	David Subacchi	VOA

1 Apologies and Membership

1.1 Anne Galbraith (VTS), Peter Scrafton (IRRV), Roger Messenger (IRRV), Jerry Schurder (RICS), Donald Scannell (Lands Chamber, Upper Tribunal), Carla-Maria Heath (LGA), Mark Higgin (RSA), Melanie McIntosh (PEBA) and Siobhan McGrath (FTT Property Chamber-designate) tendered their apologies.

1.2 The President welcomed Mr Subacchi (VOA) who had replaced Paul Sanderson following his retirement.

2 Minutes of the meeting held on 5 December 2011

2.1 The minutes were confirmed.

3 Matters arising

3.1 **Minute 8.1:** Mr Penfold noted that the position on transmission of Statements of Case had improved, but the VOA were still not paginating documents or numbering paragraphs. SoCs were also being sent without dates of circulation on them. Mr Pearce confirmed he would communicate the correct protocol to staff.

4 Transfer to the First-tier Tribunal

4.1 The President explained that staff changes in all the relevant departments – Justice (MoJ), Communities and Local Government (DCLG) and HM Courts & Tribunals Service (HMCTS) – have meant that very little progress had been made, but the position had now stabilised and he reported the following:

- The new Property Chamber of the FTT remained on schedule to be created around February 2013.
- The original plan was for all four jurisdictions (including VTE) to transfer in together at the Chamber's inception, but it had now been agreed that the work in relation to VTE (and VTS) cannot be completed in time. The other three (Residential Property, Agricultural Lands and The Adjudicator to the Lands Registry) would therefore transfer together, but VTE would join at a later date (autumn 2013 at the earliest).
- A consultation on the draft Chamber Rules would begin shortly, but the council tax and rating elements would not be included (although the drafting had in fact been done). They would be the subject of a separate consultation at a later date.
- A Project Board to drive forward the VTE/VTS transfer was being formed and would have its first meeting in April or May.
- Major policy issues about how VTE would operate in the FTT were being addressed by MoJ, HMCTS and the Senior President of Tribunals, but there was nothing to report at this stage.
- A significant difficulty in respect of transfer of the VTS to HMCTS (which would be done under the Public Bodies Act 2011) remained staff pensions and that must be resolved satisfactorily if these transfers were to proceed.
- It was possible (but not certain) that VTE and VTS might, prior to abolition and transfer, be transferred by a machinery of government change to the MoJ, as sponsor department (thus removing DCLG from the equation), but this would happen only if (a) it was clear that the ultimate transfer to the FTT and HMCTS would be possible and (b) the pension and other financial issues had been agreed within government. Otherwise, VTE would remain with DCLG until transfer or indeed indefinitely if transfer were taken off the agenda.
- We are thus some way off from the public consultation under the Public Bodies Act 2011 on the future of the VTS (and VTE) which we had supposed would be taking place about now. One of the first jobs of the new Project Board would be to agree a new indicative timetable.

4.2 Although the above was devoid of the substance, the President had

hoped would have emerged by now, what he at last found gratifying was that the whole issue was being grasped by officials and there was now someone in the driving seat who had very quickly applied himself to the issues and was making things happen.

5 Initiation of appeals following transfer to First-tier Tribunal: update on professional bodies' discussion document

5.1 Mr Penfold reported that this issue had arisen from the meeting at the Lands Chamber when it had been suggested that the RSA, IRRV and RICS draft a paper in liaison with the VOA and the VTE regarding how appeals might be initiated in the Property Chamber of the FTT. The overall intention of the proposal within the document was to ensure that only those cases which would culminate into an actual hearing should be transferred to the Property Chamber. It was felt that the "Appeals Direct" route currently used for council tax appeals would not be suitable for NDR as the number of NDR appeals was significantly higher than council tax appeals. It was suggested that the proposal could come into effect after the NDR 2015 revaluation.

5.2 The President felt that, even though the proposal could be premature given that the timescale of the VTE transfer had slipped, it was in the interests of all parties to find a solution to this issue as soon as possible. HMCTS were particularly keen to obtain a steer on this and the President and Mr Masella would flag the issue at subsequent meetings with MoJ and HMCTS.

5.3 It was reported that the draft would be presented to the VTUG at a later date once it had been shared with the VOA for any preliminary views and comments.

6 Council Tax support appeals

6.1 The President reported that the Government was of the view that the VTE (and therefore the new FTT Property Chamber) would acquire all council tax support appeals following the abolition of council tax benefit, which were presently being heard in the Social Security and Child Support jurisdiction of the FTT Social Entitlement Chamber.

6.2 Discussions were under way involving DCLG, MoJ and HMCTS. The President would shortly be meeting the Minister to discuss the issue.

7 Professional representatives' holiday dates

7.1 Mr Guy reported on his understanding of what would happen to a listed appeal once a representative had specified holiday date/s. He had thought that these appeals would automatically come to a stop and start again once the representative returned. He had now been told otherwise and was seeking clarification.

7.2 The President asked Mr Anderson (in consultation with Mr Masella) to draft a paper which encapsulated the correct position and which gave clarification to professional representatives.

8 Local hearings: were distances increasing?

8.1 Mr Masella confirmed that requests for local venues were possible once a dialogue with the office had taken place but only if the party were attending the hearing. Mr Anderson reported that from the 70,000 listed NDR appeals during the last 11 months, there were only 620 attendances at tribunal hearings.

9 VTS response times

9.1 Mr Guy queried the response times from VTS staff to postponement requests and the fact that there was a degree of inconsistency. Mr Anderson reported that the VTS were receiving many postponement requests either shortly before the hearing date or before the SoC was due. He stated that requests needed to be timely in order to be reviewed and the views of the other party considered.

10 Practice Statement B1: Model Procedure – proposed amendment

10.1 This revision had been prompted by a VO in a review application misinterpreting para. 5, where she had argued that the burden of satisfying the panel fell on the appellant only and not any other party. Following discussion, it was felt that the proposed amendment would be improved if divided into two separate clauses. The proposed amendment was approved.

11 Revised Practice Statement C2: Applications for Reinstatement

11.1 The President reported that this Practice Statement had been substantially revised to make clear the process on reinstatements and lifting of a bar on which the current draft was silent.

11.2 The revised Practice Statement was approved.

12 Circulation of Practice Statements

12.1 The President reported that a clear process needed to be implemented when circulating new or revised Practice Statements. Mr Masella explained that an email alert had been set up on the website which would alert subscribers to any new publications.

13 Strike-outs after agreement reached and Rating List altered

13.1 Mr Penfold reported that some agreed/withdrawn cases were wrongly being struck out by the Tribunal. Mr Anderson reported that the VOA were not sending copies of withdrawal/agreement forms to the VTE and as a result cases

were unfortunately being struck out. Mr Masella pointed out that status reports urgently needed to be sent to the VTS by the VOA so that daily updates of information could be agreed – this would then avoid strike-outs occurring in these circumstances. Mr Masella and Mr Anderson would take this forward outside the meeting.

14 Listed appeals where the parties have reached agreement: clarification of PS B5

14.1 It was felt that an amendment at this time was unnecessary, but the matter could be revisited at a future meeting.

15 2010 Appeal Hearing Statistics: 1 April 2011 to 29 February 2012

15.1 Mr Anderson tabled a summary of hearing statistics during the period April 2011 to February 2012. The highlights were as follows:

- There were 70,150 cases listed which had resulted in 742 actual hearings;
- There had been 9,020 agreed appeals and 14,746 withdrawn appeals;
- 12,045 appeals had been postponed and 707 had been adjourned;
- There had been 31,894 strike-outs;
- There were 620 hearings where a party had attended or been represented;
- 11,029 appellant SoCs were received, whilst 8,236 VO SoCs were received;
- 23,766 cases were settled.

15.2 Mr Anderson also tabled a summary of hearing statistics during the period January 2012 and 29 February 2012. The highlights were as follows:

- There were 16,844 total hearings listed which had resulted in 129 actual hearings;
- There had been 2,233 agreed appeals and 3,484 withdrawn appeals;
- 3,486 appeals had been postponed and 164 had been adjourned;
- There had been 7,161 total strike-outs;
- There were 102 hearings where a party had attended or been represented;
- 2,728 appellant SoCs were received and 1,890 VO SoCs were received;
- 5,717 cases were settled.

15.3 The statistics are attached at Annex 1.

16 Any other business

16.1 There was no other business.

17 Date of next meeting

17.1 Members would be consulted about the date of the next meeting which would be in June 2012.

A handwritten signature in black ink, consisting of a large, stylized 'Q' followed by a series of loops and a long horizontal stroke.

25 June 2012

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President

Annex 1

2010 Appeal Hearings: Start Date 01-APR-2011 End Date 29-FEB-2012

PAC Area	Total Hearings	Total Listed	Agreed	Withdrawn	Postponed	Adjourned	O/S	Total Strike Outs	'B' Strike Outs	'E' Strike Outs	'N' Strike Outs	'Z' Strike Outs	Decisions	Party Attended / Represented	Appellant SoC Received	VO SoC Received
Area 1 North West	102	10463	1712	1937	2069	95	1	4320	4254	54	12	0	329	91	1807	1250
Area 2 North	46	3431	512	1072	434	32	0	1339	1328	8	3	0	42	23	427	327
Area 3 Yorkshire	84	8304	999	1603	1506	155	0	3709	3645	34	25	5	332	108	1877	1524
Area 4 East Midlands	76	9352	853	1708	1795	117	0	4611	4507	86	7	11	268	65	1681	1417
Area 5 West Midlands	83	7974	986	1869	1250	53	5	3605	3487	96	16	6	206	49	1199	880
Area 6 East England	72	6100	842	1247	1061	61	12	2754	2741	7	6	0	123	64	889	630
Area 7 South East	101	7643	1256	2013	778	36	6	3434	3405	13	16	0	120	65	722	441
Area 8 South West	81	5309	891	1200	665	10	4	2439	2414	10	15	0	100	66	577	415
Area 9 London	97	11574	969	2097	2487	148	9	5683	5660	14	9	0	181	89	1850	1352
Total : 742	70150	9020	14746	12045	707	37	31894	31441	322	109	22	1701	620	11029	8236	

Timing of Settlements: Start Date 01-APR-2011 End Date 29-FEB-2012

PAC Area	Settled without SoC	SoC after settlement	Settled between SoCs	Settled after SoCs	Settled without VO SoC	Total Settled
Area 1 North West	3125	1	0	248	289	3663
Area 2 North	1399	0	0	128	57	1584
Area 3 Yorkshire	2161	1	1	230	207	2600
Area 4 East Midlands	2137	2	1	291	129	2560
Area 5 West Midlands	2423	0	2	246	184	2855
Area 6 East England	1764	0	0	160	163	2087
Area 7 South East	3053	2	0	131	158	3344
Area 8 South West	1914	1	1	72	103	2091
Area 9 London	2603	6	0	191	182	2982
Total : 20579	13	5	1697	1472	23766	

2010 Appeal Hearings: Start Date 01-JAN-2012 End Date 29-FEB-2012

PAC Area	Total Hearings	Total Listed	Agreed	Withdrawn	Postponed	Adjourned	O/S	Total Strike Outs	'B' Strike Outs	'E' Strike Outs	'N' Strike Outs	'Z' Strike Outs	Decisions	Party Attended / Represented	Appellant SoC Received	VO SoC Received
Area 1 North West	20	2651	467	539	586	20	0	971	953	14	4	0	68	12	550	304
Area 2 North	10	1179	142	360	193	20	0	448	440	5	3	0	16	3	174	132
Area 3 Yorkshire	12	2610	323	402	528	26	0	1281	1257	16	6	2	50	8	503	379
Area 4 East Midlands	10	1539	157	297	393	11	0	669	649	19	1	0	12	7	222	143
Area 5 West Midlands	15	2099	325	507	377	6	5	835	807	9	13	6	44	12	341	198
Area 6 East England	14	1513	203	299	363	8	9	604	601	2	1	0	27	14	189	134
Area 7 South East	13	1671	207	481	255	15	1	690	679	3	8	0	22	14	170	125
Area 8 South West	15	1403	232	223	232	0	4	690	686	2	2	0	22	21	182	141
Area 9 London	20	2179	177	376	559	58	9	973	969	2	2	0	27	11	397	334
Total : 129	16844	2233	3484	3486	164	28	7161	7041	72	40	8	288	102	2728	1890	

Timing of Settlements: Start Date 01-JAN-2012 End Date 29-FEB-2012

PAC Area	Settled without SoC	SoC after settlement	Settled between SoCs	Settled after SoCs	Settled without VO SoC	Total Settled
Area 1 North West	842	0	0	56	109	1007
Area 2 North	447	0	0	35	20	502
Area 3 Yorkshire	614	0	0	54	56	724
Area 4 East Midlands	369	0	0	50	35	454
Area 5 West Midlands	677	0	0	85	70	832
Area 6 East England	430	0	0	39	33	502
Area 7 South East	712	1	0	26	25	764
Area 8 South West	410	0	0	12	33	455
Area 9 London	414	0	0	42	21	477
Total : 4915	1	0	399	402	5717	