



## Valuation Tribunal Users' Group

### Minutes of the Meeting held at Black Lion House on 24 July 2013

<b>Present:</b>	Professor Graham Zellick QC	VTE
	Jon Bestow	VTE
	Tony Masella	VTS
	Lee Anderson	VTS
	Anne Galbraith	VTS
	Mark Higgin	RICS
	Blake Penfold	RICS
	John Elcox	RSA
	Andrew Hetherton	RSA
	Richard Guy	IRRV
	Jerry Schurder	IRRV
	Peter Scrafton	IRRV
	Michael Pearce	VOA
	Mary Hardman	VOA
	Carla Maria Heath	LGA
	Louise Freeth	IRRV

## 1 Apologies and Membership

- 1.1 Peter O'Connell (Federation of Small Businesses) tendered his apologies.
- 1.2 Louise Freeth had been nominated by the IRRV to join the Group; she was warmly welcomed to her first meeting.
- 1.3 The President reported that Melanie McIntosh had retired from the committee of the Planning and Environment Bar Association and a replacement had not yet been confirmed.

## 2 Minutes of the meeting held on 20 May 2013

- 2.1 The minutes were confirmed. There were no matters arising.

### **3 Council Tax Reduction Update**

3.1 Mr Anderson spoke about the volume of appeals received since April 2013. 147 appeals had been received, the majority of which had been struck out, withdrawn or were invalid. 29 appeals had been listed and were scheduled to be heard at the end of August. 19 of these cases (scattered around the country) required First-tier Tribunal judges' involvement.

3.2 The President reported that the Service Level Agreement involving DCLG, HMCTS and VTS would be signed shortly.

3.3 The President mentioned that at least one Billing Authority scheme incorporated a two-year residence requirement within the area. He doubted whether this was lawful and hoped it would be considered by the Administrative Court at an early date.

### **4 Change of Representative in NDR Appeals**

4.1 The President invited comments on the Registrar's paper.

4.2 Mr Pearce drew attention to regulation 13(4) of the Procedure Regulations which stated:

"Anything permitted or required to be done by a party under these regulations or a direction may be done by the representative of that party, except signing a witness statement."

He felt this allowed a new professional representative to inform the VOA and VTE of the change in representation.

4.3 He also spoke about the VOA procedure set out in the *VOA Rating Manual* (vol. 2, section. 2, para. 3.14) where it stated that written authority from the ratepayer was necessary when informing the VOA of a new professional representative. The VOA did not communicate with the original representative.

4.4 Following further discussion in the light of Mr Pearce's comments, the President felt there was nothing further to be done, and the Group agreed.

### **5 Revision of Practice Statement A4: Postponements and Adjournments**

5.1 There was discussion about the further amendments made to the Practice Statement which the President hoped would change the behaviour of parties, resulting in fewer applications for postponements and adjournments and more settlement of cases. He felt that parties needed to work long and hard to ensure that meaningful negotiations took place before the hearing date.

5.2 Mr Anderson pointed out that in the first quarter of the year, 34,239

appeals had been listed and 12,658 had been postponed, a high percentage of which were as a consequence of facts not being agreed by parties.

5.3 Mr Schurder confirmed that he and the professional bodies were not in favour of some of the proposed changes to the Practice Statement. They did not regard it necessary to tighten up on the procedures in the existing PS especially given the numbers of postponements made unilaterally by the VTS because of lack of time to hear all appeals outstanding shortly before the hearing date. He queried what the appropriate communication to appellants was when an appeal was postponed in order to ensure unnecessary expense was not placed on the ratepayer, giving an example of one postponement notice sent by post which took a week to be received. The VTS agreed to review procedures and report back to the Group.

5.4 The Registrar shared his thinking about offering short notice listings to both parties.

5.5 A revised draft would be brought to the next meeting.

## **6 Draft Practice Statement A7-2 (Draft 4)**

6.1 Mrs Hardman and Mr Pearce felt there was a lack of clarity and some contradictions and pointed out that the changes would have significant cost implications for the VOA. The VOA remained opposed to these changes.

6.2 The President requested that all detailed points and queries be sent to him in writing by the end of August.

6.3 The professional representatives were disappointed at the delay in bringing the revised Practice Statement into operation.

## **7 Whether Statements of Case are Public Documents**

7.1 Mr Pearce had yet to seek legal advice on this matter; once received, he would share the response with the President.

## **8. Electronic Service of Statements of Case**

8.1 The recurring problem of serving SoCs on the wrong email address was discussed and the Registrar confirmed he would issue further guidance to staff. The President would amend PS A8 to incorporate the points in the discussion and a draft would be brought to the next meeting.

## **9. Any other Business**

9.1 The President reported that no decision had yet been made by Ministers regarding the VTE/VTS transfer to the FT/HMCTS. A decision was now promised for September.

9.2 Mr Schurder queried the process for Tribunal members to be advised of pertinent comments made in written decisions of other members, with particular reference to one specific example. The Registrar agreed to look into the matter and report back to the next meeting.

9.3 Mr Penfold asked when two-member panels under the revised Tribunal Business Arrangements would start. The Registrar confirmed that these would become effective from 1 August 2013.

**10. Date of next meeting**

10.1 Members would be consulted about the date of the next meeting to be held in October.

7 October 2013

.....

President