



Valuation Tribunal Users' Group

Minutes of the Meeting held at Black Lion House on 18 March 2013

Present:	Professor Graham Zellick QC	VTE
	Jon Bestow	VTE
	Tony Masella	VTS
	Lee Anderson	VTS
	Mark Higgin	RICS
	Blake Penfold	RICS
	John Elcox	RSA
	Andrew Hetheron	RSA
	Richard Guy	IRRV
	Jerry Schurder	IRRV
	Peter Scrafton	IRRV
	Michael Pearce	VOA
	Alan Colston	VOA
	Carla-Maria Heath	LGA

1 Apologies and Membership

1.1 Anne Galbraith (VTS), David Subacchi (VOA), Donald Scannell (Lands Chamber, Upper Tribunal), Martin McTague, Peter O'Connell (Federation of Small Businesses), Melanie McIntosh (PEBA) and Siobhan McGrath (FTT Property Chamber-designate) tendered their apologies.

2 Constitution and Membership

2.1 The President reported the changes in membership.

3 Minutes of the meeting held on 5 November 2012

2.1 The minutes were confirmed.

4 Revision of Practice Statement C1: Reviewing and Setting Aside Decisions

4.1 The revised draft was noted.

5 Council Tax Reduction Appeals: oral report

5.1 The President explained that as of 1 April 2013 council tax benefit would be replaced by local council tax reduction schemes. Local authorities had to devise their own local scheme or use the statutory default scheme similar to the council tax benefit scheme already in place. Central government had handed over a pot of money less 10% to local authorities with an instruction that pensioners would not be affected by the shortfall. It was open to local authorities to make good the 10% reduction in funding from other sources, and some were doing so, but others were not.

5.2 Council tax benefit appeals were heard in the Social Entitlement Chamber of the First-tier Tribunal but CTR appeals would be heard in the VTE as they were council tax appeals under s. 16 of the Local Government Finance Act 1992. Some CTR appeals would be heard by an FTT judge on loan to the VTE, sitting with a VTE chairman, pursuant to an amendment in the Local Government Finance Act 2012, but the more straightforward cases would be heard by the VTE membership.

5.3 The consequences of the introduction of council tax reduction appeals were that VTS staff, chairmen and members would need training in order to prepare for the new work. DCLG estimated 14,000 appeals in the first year: 7,500 of these would be outside the VTE jurisdiction; 7,500 would require a hearing, of which 3,500 would be complex appeals to be heard by an FTT judge and a chairman, and 3,500 would be straightforward appeals to be dealt with by traditional panels. New regulations had been made by DCLG which permitted VTS staff to strike out proceedings which were outside the Tribunal's jurisdiction (i.e. were a challenge to a scheme rather than the application of the scheme to the appellant). This would require a Practice Statement to identify which members of staff would be authorised to exercise these judicial powers. The Tribunal Business Arrangements would also need amending. The President reported that he had renewed his request to the Minister to take urgent steps to remove or overcome the requirement that a VTE chairman must sit with the FTT judge. DCLG would be monitoring the numbers closely.

6 Adding a party where another person might incur council tax liability as a result of an appellant's successful appeal

6.1 The draft was noted and the President would disseminate widely once finalised.

7 VOA consultation on proposed programmes for NDR appeals

7.1 Mr Colston proposed that the practice of publishing details of draft programmes on the VOA website for consultation be discontinued, which would allow proposals and appeals to be dealt with more efficiently. Mr Masella felt that this might have a detrimental effect on listing as parties might then argue that there was no agreement for their appeal to be put into a particular

programme. The matter would be discussed outside the meeting.

8 Whether Statements of Case are public documents

8.1 The President had drafted this document in response to an earlier question by Mr Schurder. However, Mr Schurder raised further queries, namely, whether information in a Statement of Case could be used by a representative for another appeal and whether Statements of Case could be passed to colleagues or third parties. The President would consider further.

9 Review of Practice Statement A7-1: Non-Domestic Rates: Disclosure and Exchange

9.1 Discussion took place on the President's note and a revised version would be circulated in due course.

10 Any other business

10.1 Mr Schurder reported that he was concerned about the increasing practice of VTS Case Management Officers to e-mail all parties to a VT hearing seeking responses by a fixed time as to whether their cases will be proceeding to a hearing. Whilst the PBs appreciate the difficulty that the VTS has with too many cases having been listed and not settled, it is not helpful for the VTS to have instituted yet another process, especially when there is no consistency in the approach or in the timing of issue and period allowed for response. Mr Masella explained that the process was helpful as, in some cases, parties were providing useful case management information. The VTS is reviewing its processes.

10.2 Mr Penfold queried whether Statements of Case could be amended for postponed appeals which had a revised hearing date. The Registrar agreed to check this for him.

10.3 Mr Anderson agreed to provide members with the hearing statistics up to April 2013.

11 Date of next meeting

11.1 Members would be consulted about the date of the next meeting.

20 May 2013

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President