



## Valuation Tribunal Users' Group

### Minutes of the Meeting held at Black Lion House on 7 October 2013

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

#### 1 Apologies for absence

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

#### 2 Minutes of the meeting held on 24 July 2013

2.1 The minutes were confirmed subject to one change at 3.2 ("DCLG").

2.2 The following matters were raised:

Minute 5.3: Mr Anderson had previously requested specific details on the case where the VTS had taken a week to post a postponement notification, but the details had not yet been provided. He was aware that there had been a number of IT issues which created delays in issuing some notices. Furthermore, on occasions staff had agreed to a postponement with the parties but not sought the necessary notice to be issued from the IT system until some time after the event. He had amended the internal process to address this.

Minute 9.2: Mr Bestow had provided a direct response to Mr Schurder on members being advised of pertinent comments made in decisions of other members. He explained that a chairman's comments could not be binding on the Tribunal. The instruction to chairmen was not to make such comments. The President clarified that in certain circumstances a panel might make criticisms of the actions of a party or representative but that they must be sure of their facts and in any event they should be referred to him for approval before being issued.

### **3 Revised Practice Statements:**

VTE/PS/A4: *Postponements, Adjournments and Stays* (draft 13)

3.1 The President agreed to consider amendments to paragraphs 5 (a) and 13 before publication.

VTE/PS/A7:-1: *NDR (Rating List 2010): Disclosure and Exchange* (revised draft 1) and covering note.

3.2 The President would consider whether as part of the process of challenging a deficient Statement of Case at a hearing a party must notify the other party in advance.

VTE/PS/A8: *Sending and Delivering Documents* (revised draft 1)

3.3 An amendment would be made regarding need for possible adjournment if delay had been caused by using the wrong email address.

VTE/PS/A11: *Council Tax Reduction Appeals* (revised draft 1)

3.4 Ms Freeth raised comments regarding the wording of any Order where the appeal was allowed by default.

3.5 Mr Masella stated that CTR decisions would not be published on the VTS website. The President, Registrar and Mr Masella would discuss this further.

3.6 The President reported on the latest position on CTR including arguments the appellant's representative tried to introduce at a hearing about discretionary relief under s. 13A(1)(c) when the respondent and the Tribunal thought the dispute was in connection with the calculation under s. 13A(1)(a). Ms Freeth believed the regulations required a Billing Authority to consider any application for CTR as an application for discretionary relief as well. Ms Freeth offered to provide the Registrar with the details.

VTE/PS/C3: *Publication of Decisions* (revised draft 1)

3.7 Some minor amendments were suggested to paragraphs 1 and 16 which the President would consider.

**4 VTE/PS/A7-2: NDR (Rating List 2010): Disclosure and Exchange (draft 6)**

4.1 The President thanked those present for their contributions which had highlighted a number of areas for him to consider:

- There was agreement that the Rebuttal Statement be optional.
- Should the hearing notice be served 14 weeks before hearing date (amend VTE/PS/A2)?
- Whether the time frame for parties to produce documentation (10, 6, 3 was proposed) should be altered.
- The date for implementation (not before January 1).
- The arrangements for those outstanding appeals that had already been listed at least once prior to introduction.

**5 Whether Statements of Case are public documents**

5.1 Mr Pearce stated that advice from the VOA legal team would be with the President within a fortnight. It was agreed that this advice would be circulated to the Group.

**6 Transfer to FTT: Update**

6.1 The President reported that a decision had not yet been reached as a solution to the staff pension problem had not yet been found. It was now at ministerial or near-ministerial level.

**7 Any other business**

7.1 There was none.

**8 Date of next meeting**

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

13 November 2013

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President