



Valuation Tribunal Users' Group

Minutes of the Meeting held at Black Lion House on 27 January 2014

Present:	Professor Graham Zellick QC (Chairman)	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
	Michael Pearce	VOA
	Mary Hardman	VOA
	Carla-Maria Heath	LGA
	Martin McTague	FSB
	Christopher Lewsley	PEBA
	Louise Freeth	CTR
In attendance:	Liz Cowie	DCLG
	Amy Dusanjeh	Secretary

1 Apologies for absence and new membership

- 1.1 Anne Galbraith (VTS) and Peter O'Connell (Federation of Small Businesses) tendered their apologies.
- 1.2 Dr Christopher Lewsley was welcomed to his first meeting of the Users' Group in succession to Ms McIntosh on behalf of the Planning & Environment Bar Association. He would be alternating attendance at future meetings with Mr Cain Ormondroyd.
- 1.3 Mr Justice Lindblom, President of the Lands Chamber of the UT, and Mr Martin Rodger QC, Deputy President of the Lands Chamber of the UT, had been added to the circulation list for information. Mr Rodger was interested in attending a future meeting.
- 1.4 Siobhan McGrath, President, FTT Property Chamber and Donald Scannell,

Registrar, UT Lands Chamber, had stepped down from the Group.

2 Minutes of the meeting held on 13 November 2013

2.1 The minutes were confirmed.

2.2 The change in administration for Area 6 had led to some short-notice hearings which Mr Anderson acknowledged was an IT error consequent on the transfer which had now been resolved.

2.3 On a few occasions, Statements of Case had been received by the VOA but not by the Tribunal. Mr Guy reported that in the absence of receipts he was unable to prove Statements of Case had been issued on time, but it was accepted that this would normally result in reinstatement.

3 Update on transfer to FTI

3.1 The President reported that before the end of last year Ministers had concluded that it was not possible to transfer the VTE to the First-tier Tribunal and the VTS to HMCTS. This was because the staff pension problem could not be resolved at the present time. However, the Cabinet Office Minister believed there might be opportunities for operational efficiencies in transferring VTE and VTS from DCLG to MoJ sponsorship, and this was now being explored by officials.

3.2 The VTE would thus remain a free-standing Tribunal. Thought was now being given to whether recruitment of new members was necessary.

4 & 5 DCLG Consultation: *Checking and Challenging your Rateable Value (December 2013) and Implications for VTE/PS/A7-2: NDR Appeals: Procedure Prior to Hearing (Draft 9)*

4.1 The President introduced Liz Cowie, DCLG, who had recently taken over as the project lead for NDR reform.

4.2 He informed the Group that he had been aware of the radically changing background while drafting PS A7-2 but had pressed ahead anyway as Ministers had, at that time, yet to go public. He had thus had an opportunity to influence the drafting of the consultation paper. Since the consultation paper was published, the President had had a meeting with DCLG and VOA officials.

4.3 The professional representatives asked that PS A7-2 should nevertheless be introduced for appeals prior to the new regulations.

4.4 Ms Hardman explained that the VOA would be unable to deliver IT processes in line with PS A7-2 as they were already stretching resources to accommodate the proposed 1 October changes. She did not think that the introduction of PS A7-2 would be possible.

4.5 The President told the Group that the Government's proposals went further than he had (or could have) gone in drafting PS A7-2 and he welcomed the proposed changes.

4.6 The professional representatives doubted whether the Rateable Value Information Sheet (RVIS) would be helpful. Mr Pearce explained that testing had been carried out with regard to the quality and quantity of information it contained; and it was found that unrepresented ratepayers preferred basic information as it was easier to understand and less likely to lead to confusion. Mr Hetherington pointed out that 93% of appeals were representative-led.

4.7 The President emphasized that he could not do anything further until he saw the form of the regulations. He saw difficulties in introducing PS A7-2 for a transitional period; but if the changes did not occur, PS A7-2 would be revived. He invited the VOA to consider whether they could introduce any measures that would be helpful in respect of existing appeals unaffected by the new proposals.

a) Fees

4.8 The President had urged the inclusion in the paper of a proposal to introduce a fee in order to appeal to the VTE, but the Government eventually decided not to pursue the point.

b) Permission to appeal to the UT

4.9 The President had also pressed for this to be included in the consultation, but government lawyers had taken the view that it was not permissible under the existing legislation. Sir Keith Lindblom, Judge Rodger and the President disagreed. It was still under consideration within government.

c) Flow chart

4.10 The President illustrated what the process might look like post-October. The professional representatives asked whether the chart could be shared and the President readily gave his consent.

6 Update on Council Tax Reduction appeals

6.1 As at week-ending 24 January 2014, there had been:

- 480 CTR appeals received;
- 63 listed, (22 non-FTT judge, 41 FTT judge);
- 35 heard by the Tribunal (vast majority non-FTT judge cases);
- 2 further hearings scheduled;
- 69 scheduled for hearing; and
- 100 awaiting further information.

6.2 Ms Freeth reported that any future change in numbers depended largely on whether Billing Authorities changed their CTR schemes and she did not envisage any changes as it would mean that the BAs would have to go out to consultation again.

6.3 One or two BAs seemed unaware of the consequence of ignoring the standard directions in PS A11 with judgment for the appellant by default.

6.4 The President highlighted the outstanding appeals against refusal of discretionary payments which he would be hearing shortly.

7 Are Statements of Case public documents?

7.1 Mr Pearce suggested additional wording to the draft and Mr Schurder questioned the need for client's consent. A revised draft would be brought to the next meeting for further consideration.

8 Any other business

8.1 Mr Hetherington voiced concern about the impact of Practice Statement A4: *Postponements, Adjournments and Stays* (VTE/PS/A4: 5 November 2013), but the President emphasized that it was the intention to introduce a more rigorous system.

8.2 Mr Anderson would circulate Quarter 3 statistics following the meeting.

9 Date of next meeting

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

28 April 2014

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President