



Valuation Tribunal Users' Group

Minutes of the Meeting held at Black Lion House on 13 October 2014

Present:	Professor Graham Zellick QC (Chairman)	VTE
	Jon Bestow	VTE
	Tony Masella	VTS
	Lee Anderson	VTS
	Mark Higgin	RICS
	Blake Penfold	RICS
	Ian Charman	RSA
	Andrew Hetherton	RSA
	Richard Guy	IRRV
	Peter Scrafton	IRRV
	Michael Pearce	VOA
	Mary Hardman	VOA
	Carla-Maria Heath	LGA
	Martin McTague	FSB
	Cain Ormondroyd	PEBA
	Louise Freeth	IRRV
Observer:	Martin Rodger QC	Lands Chamber (Upper Tribunal)
In attendance:	Amy Dusanjeh	Secretary

Mr Martin Rodger QC, Deputy President of the Lands Chamber of the Upper Tribunal, was warmly welcomed to the meeting.

1 Apologies for absence

- 1.1 Anne Galbraith (VTS), Jerry Schurder (IRRV) and Peter O'Connell (FSB) tendered their apologies.

2 Minutes of the meeting held on 28 July 2014

- 2.2 The minutes were confirmed.
- 2.3 There were no matters arising.

3 Office move

3.1 The office and hearing rooms would be moving to 120 Leman Street, E1 on 17 October 2014. All relevant bodies such as IRRV, RSA and RICS had been informed and the move should not impact on IT continuity.

4 Recruitment of new tribunal members

4.1 The President reported that the business case for recruitment needed to be signed off by the Lord Chancellor before discussions with the Judicial Appointments Commission could begin.

5 Practice Statement A7-2 (draft 10)

5.1 The President explained his thinking behind the new paragraph 5.

5.2 Mr Penfold, on behalf of the professional representatives, thought that there was little advantage in having the Grounds of Appeal required by para. 5.

5.3 Mrs Hardman stated that the VOA continued to be uncomfortable with the proposed Practice Statement but in the event of its going ahead favoured the inclusion of the new para. 5. She felt, however, that ratepayers would be very likely to await the Reasons for Assessment and not settle before then, a view with which the professional representatives agreed.

5.4 The President saw formidable difficulties in introducing a procedure that would lead to fewer early settlements.

6 NDR Listing arrangements

6.1 Mr Penfold was concerned about those cases postponed before the Statement of Case had been provided and then relisted with less than six weeks before the hearing date. The President suggested that the original timetable should be adhered to where the postponement was because a party could not attend on the hearing date. The necessary amendments would be made to the relevant Practice Statements.

7 Revisions to RICS publications

7.1 Mr Penfold reported that the RICS was revising three publications relating to rating appeals: 1. *Rating Consultancy Code of Practice*; 2. *Rating Appeals Guidance Note*; and 3. *Guidance Note on Contractor's Test Valuation*.

8 Applications for reinstatement

8.1 The President agreed to make some changes to the form.

9 Citation of case law

9.1 This would be brought back to the next meeting. [Post-meeting note: no guidance had been issued to staff.]

10 Advocate/expert witness/witness of fact: role of VO's representative

10.1 The President highlighted an issue which had implications at hearings.

10.2 The VO was often represented at a hearing by a colleague who did not have familiarity with the appeal and was not the author of the Statement of Case. That representative then informed the panel that he/she could not be regarded as an expert able to answer questions on the content of the Statement of Case. The President emphasized that the VO was able to send any representative it chose to a hearing but it must not then be allowed to prejudice the interests of the appellant. The appeal should proceed, with panels drawing the necessary inferences and conclusions arising from any inability of the VO's representative to present expert evidence or answer questions. It was important to decide cases on the evidence available on the day and not to adjourn to allow a different representative to attend.

10.3 The VOA confirmed they had issued instructions to staff and Mr Pearce would let the President have a copy in order to reinforce the message to Tribunal members and staff.

11 Any other business

11.1 The President explained that parties on the reserve list for NDR hearings could be asked if they were willing for their appeal to be heard with less than the three clear working days' notice required by the Practice Statement, but this could happen only with their express agreement.

12 Date of next meeting

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

26 January 2015

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President