



Valuation Tribunal Users' Group

Minutes of the Meeting held at 120 Leaman Street on 25 February 2016

Present:	Tony Masella	VTS and Chairman of the Group
	Anne Galbraith	VTS
	Lee Anderson	VTS
	Jon Bestow	VTS (and Registrar for VTE)
	Martin Young	VTE
	Mark Higgin	RICS
	Blake Penfold	RICS
	Simon Green	RICS
	Andrew Hetherington	IRRV
	Gordon Heath	IRRV
	Susan Kidd	VOA
	Michael Pearce	VOA
	Carla-Maria Heath	LGA
	Mike Heiser	LGA
	Cain Ormondroyd	PEBA
	Louise Freeth	

1 Apologies for absence

- 1.1 Alf Clark (VTE), Ian Charman (RSA), Martin Davenport (RSA) and Jerry Schurder (RICS) tendered their apologies.
- 1.2 Simon Green attended his first meeting as a replacement for Jerry Schurder (IRRV).
- 1.3 The Chairman welcomed Gordon Heath (IRRV) to his first meeting.

2 Minutes of the meeting held on 9 December 2015

- 2.2 The minutes were confirmed subject to minor amendments.

3. Matters arising

- 3.1 (8.2) Ms Freeth confirmed that she had held discussions with IRRV colleagues on the subject of CTR training sessions for BA staff. The Chairman indicated that he was happy to pursue this matter as it was important BAs understood expectations at the hearing.

(6.1) Mr Penfold queried whether any further information had been received in relation to prioritisation of appeals by small businesses. It was confirmed that no formal approach on this subject has been made to VOA or VTS.

(9.3) Mrs Galbraith confirmed that the report from the Triennial Review team was still awaited.

(9.4) The Chairman confirmed that there had been no further e-comms issues arising as a consequence of the change in VTS Wide Area Network provider.

4 CT Issues (inc. CTR underpayments)

4.1 The Chairman confirmed that a decision from the January hearing, dealing with CTR underpayment appeals, was still awaited. It was recognised that the decision has a bearing on all other outstanding CTR underpayment appeals (believed to be around 400) and that given the existing delay it was important to communicate progress in a timely manner to affected parties. The Chairman indicated that he would hope that a decision of this importance would be available by the end of April 2016 at the latest as it was understood that some of the appellants may now be being pursued by billing authorities.

4.2 Mr Anderson circulated workload statistics which focused on the clearance of listed CT and NDR appeals between 1 Apr and 31 Dec 2015. Ms Freeth indicated that it would be helpful to show a breakdown of the volume of successful / unsuccessful CT Reduction appeals.

5 Update on NDR Reform

5.1 Mr Hetherington understood that there had been over 200 responses to the DCLG consultation on Check, Challenge, Appeal (CCA), a significant increase to the volume of responses received during a 2014 consultation exercise headed Checking and Challenging your Rateable Value. Transparency of information being made available remained the major issue in terms of responses and uncertainty appeared to exist about the detail and timing of information being released by the VOA to substantiate the entries in the rating list. Professional representatives also sought clarity from the VOA on whether the existence of a Check or Challenge would be public information. A number of proposed amendments had been referred to the Enterprise Bill Committee, these focused in the main on VOA disclosure of information and timelines for CCA. In particular, a number of landlords had given support to early disclosure of rental information by VOs. Mr Pearce did suggest that rather than rely on the VOA providing information, landlords could openly publish rental information as they were in fact the primary source of this data.

5.2 Mr Heath and Mr Heiser expressed concern about the proposed changes. Local Authorities were hoping that system changes would increase certainty and therefore assist in the budget setting process. Their view, contrary to that of DCLG, was that the revised process and timelines would create greater uncertainty.

5.3 VOA representatives confirmed that significant work had already been undertaken to ensure an effective IT platform was in place to deliver CCA. An “Agile” methodology had been adopted to development. The process was currently at Discovery phase which seeks to accurately capture user requirements before moving on to an “Alpha” build phase. Mr Anderson confirmed that the linkage through the HMRC Aspire platform would not be replicated under CCA. There will be a complete separation between VOA and VT IT with systems exchanging information based on common standards. The VT were also adopting an Agile approach in line with Government Digital Service requirements.

6 Exchange and Disclosure Pilot

6.1 The Chairman circulated paperwork providing details on the proposed NDR pilot. It was noted that the standard direction was not tabled for the agreement of the meeting. The pilot itself would provide opportunity for parties to offer views about the success or otherwise of the revised arrangements. Feedback was however sought on the content of the explanatory note as to whether it appropriately covered the core areas or needed to offer further clarification.

6.2 It was the intention to start the pilot no later than 1 May 2016 by issuing notices of hearing with a 14 week lead in time to hearing. This was a controlled pilot that was likely to be restricted to Billing Authorities in Kent and Leicestershire. It was anticipated that 2000 to 3000 appeals would be listed under the pilot exercise over a period of 3 to 6 months. More detailed communications will be provided ahead of the pilot commencing.

6.3 Steps had been taken to reduce the IT implications for parties to appeal. Private Practice and VOA representatives undertook to take the proposals away and assess the potential impact. Some initial concerns were expressed about the file size for full case submissions given restrictions on incoming email traffic. Mr Penfold undertook to provide a sample of a full case submission by way of example.

6.4 The Chairman emphasised that the circulation of pilot documentation was restricted to VTUG representatives at this stage and asked that this be kept confidential pending initial discussions and feedback.

7 Woolway and Mazars - Update

7.1 The meeting was informed that the VOA is awaiting further legal advice on the issue of scope of proposal. The matter is likely to progress through the tribunal with identified test cases once the parties are in a position to proceed.

8. Any other business

8.1 Mrs Kidd had been made aware from her network about concerns relating to treatment by VTE Panels of VOA and Agent caseworkers as advocate or expert witness. She understood that at certain hearings caseworkers were being restricted from giving evidence as expert witness due to the fact that they had not personally inspected the appeal hereditament. The Chairman pointed out that when acting as an expert witness the overriding duty is to the tribunal to whom the expert evidence is given. A caseworker's "experience, knowledge and expertise" does not simply go away just because he/she has not physically inspected the appeal property. The required 'experience and expertise' could come from them having valued similar properties in similar locations. It could, therefore, be feasible for caseworkers to still be experts even though they had not physically inspected themselves. Mr Bestow indicated that the current VTE advice in this area may need to be looked at again as it appears that there may be some inconsistency in terms of interpretation.

Mr Ormondroyd offered the view that an inspection provided factual evidence only and was largely irrelevant in terms of determining whether an individual could offer evidence to the panel as an expert.

It was clarified that the status of the caseworker or representative was a matter for the panel to consider and not an issue that should be directed by the Clerk ahead of the hearing.

8.2 Mr Bestow reported on a recent case that he had been involved in. The appeal, listed to hearing in February 2016, had been outstanding for 3 years and previously postponed from earlier hearings. An A10 application had been agreed by a VP following application by the ratepayer's representative. It was apparent that there had been little engagement between the parties in the lead up to the hearing and once it became apparent that the hearing was to be chaired by a VP, the VOA sought to facilitate discussions to resolve the appeal only a few days ahead of the hearing. Mr Bestow expressed concern that scarce resource had been allocated and that arrangements for a 3 day hearing needed to be cancelled at the last minute with cost and inconvenience to the tribunal. A request was made for the VOA to consider centralising the management of A10 appeals to ensure greater consistency in appeal management

8.3 Mr Anderson referred to the latest NDR appeal clearance statistics. He

identified that significant differences existed across regions; London and the North West were identified as a case in point with large variances in percentage of postponed and heard cases. Although recognising that there are specific factors which influence activity in some areas, it was thought sensible to look at and build on examples of good practice. The lack of engagement between parties continued to be an overriding concern however, it was hoped that movement of VOA staff from revaluation to casework would result in improvements post April 2016.

9. Date of next meeting

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

4 May 2016

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Tony Masella
Chairman