



## Valuation Tribunal Users' Group

### Minutes of the Meeting held at 120 Leaman Street on Monday 17 July 2017 at 2pm

<b>Present:</b>	Tony Masella	VTS and Chairman of the Group
	Lee Anderson	VTS
	Gary Garland	President VTE
	Jon Bestow	VTS (Registrar)
	Blake Penfold	RICS
	Jerry Schurder	RICS
	Tom Emlyn Jones	RSA
	Tim Johnson	RSA
	Alan Colston	VOA
	Stuart Moss	VOA
	Liz Ratcliff	VOA
	Mike Heiser	LGA
	Andrew Hetheron	IRRV
	Nicola Hunt	Secretary

## 1 Welcome and apologies for absence

1.1 The Chairman welcomed all attendees to the meeting.

1.2 Apologies were received from Mark Higgin (RICS), Gordon Heath (IRRV), Louise Freeth (IRRV for CTR), Michael Pearce (VOA), Mary Hardman (VOA), Carla-Maria Heath (LGA) and Cain Ormondroyd (PEBA).

## 2 Minutes of the meeting held on 21 February 2017

2.1 The minutes of the meeting held on 21 February 2017 were accepted as an accurate record and confirmed.

## 3 Matters arising

3.1 Mr Schurder asked for clarification of the maximum size file the VTS system will accept; Mr Anderson advised that 10 mb per email is the maximum. He was not aware of any major problems being experienced in documentation being received, if files are too large an error message will be delivered to the sender advising them of the size limit; the files would then need to be broken down and

emailed separately. Mr Penfold thought it prudent to clarify the size limit formally; **The VTS agreed to publish advice on file sizes on its website.**

#### **4 Consolidated Practice Statement & Experience to date of the operation of the new VTE Standard Directions**

4.1 It was agreed items 3 and 4 of the agenda would be discussed together. Mr Masella reported that the Consolidated Practice Statement had been published on the VTS website and was effective from 1 July 2017. It is a live document which has reduced 29 Practice Statements to 11 to simplify the process. He added that the first hearing under the new Standard Directions took place today.

4.2 Mr Bestow recently attended three CPT Events; so far all feedback of the new process has been positive. The general opinion is that it is a vast improvement to the old process resulting in more cases being settled earlier, although problems are being experienced in certain areas of London. Mr Masella explained that in recognition of the London issues, initially London will have fewer cases listed compared to other areas until the new process settles down.

4.3 Mr Anderson circulated the Q1 Non Domestic Rating clearance statistics. He noted that the number of postponed cases had reduced to 36% as a result of requests being dealt with in a more robust manner; although it is still higher than it should be. He added that 9% of cases were agreed prior to a hearing, 25% were withdrawn and decisions were issued in 2% of cases.

4.4 Figures for July have not been provided because this would be a moving target and the full impact of the new process would not be seen. He advised that for the roll out of the new listing process post pilot, apart from in London, around 200 cases are being listed per hearing, (in Yorkshire tomorrow there are 245 cases listed). The average agreement rate under this new process is now 19%, double what it was under the previous arrangements. The average rate for postponements is 6%, which mirrors the pilot last year.

4.5 The hearing in London today (Area 6) had 75 cases listed where there had been no contact, no unexpected parties attended, there were two evidence bundles and two cases heard. It was very pleasing how the hearing proceeded under the new arrangements. It is anticipated that there will be challenges to be faced in future, but they will be dealt with as they arise.

4.6 Mr Schurder stated that it is not only in London where problems are experienced. He has found the VOA do not always engage at the 12 week point in other areas too; if this continues it will need addressing. Mr Garland pointed out that it is irrespective whether the other party engages as the representative will need to prepare their case in any event, whether or not they have been able to discuss the appeal with the VOA.

4.7 Mr Colston had found the initial results encouraging, although there has been teething problems he thought generally the new process is working well. There has been a lack of contact on both sides which needs to be worked on. Mr Moss confirmed that the VOA has been pro-active instructing staff to fully engage with parties to discuss appeals once the appellant has made first contact in line with the Directions; if this doesn't happen he needs details of instances where there has been no response/engagement in order to investigate. Mr Garland felt that everyone needs to approach this with an open mind as it appears there has been fault on both sides. It is hoped the situation will improve as parties become familiar with the new process. Mr Colston added that he prefers the new arrangements as it very much mirrors the process under CCA, but recognises that there will be mistakes on both sides in the early days.

4.8 Mr Emlyn Jones was concerned that some agents will get caught out when submitting their submissions as they may not be aware of the changes to the process under the new Direction. He felt more steps have been introduced which could cause stress and more strike outs will be likely, especially if there is no contact with the VOA. Mr Moss confirmed that even if contact is late VOA staff will discuss cases, the 'door won't be closed' if target dates are missed.

4.9 Mr Garland explained that there seems to be a misconception of the Direction; late submission does not mean parties should stop negotiating, cases should still be prepared and Tribunals will deal with cases justly and fairly. Professional representatives need to understand the new process and the expectation is that they are aware of the revised processes as they are acting on behalf of their clients in a Tribunal environment as paid professionals.

4.10 Concern was expressed by the professional representatives about difficulties experienced trying to engage in negotiations with the VOA (especially in the South West). Mr Penfold reported that changes to the 2010 Directions had been discussed at various CPT and one of the barriers is the constant change of case workers which causes uncertainty who they are dealing with. Mr Emlyn Jones gave an example where four different case workers had been involved for similar cases; Mr Moss advised that where this occurs to contact the Team Leader to see if it can be arranged for one case worker to deal with all the cases.

4.11 Mr Penfold asked whether the listing policy could be reviewed to ensure similar appeals are heard together rather than listed in isolation. Mr Masella explained that the VTS lists appeals according to the programmes allocated by the VOA. Mr Moss explained that although they try to put similar cases in the same programme it is not always possible to batch them together and miscellaneous programmes are sometimes set up as a result of low receipt volumes in certain areas. Mr Masella agreed that similar cases should be listed together, and whilst surprised that this is not done as part of the programming process by the VOA, he would instruct staff to check for similar appeals when putting together a hearing and not just look at the programme label, although this will be far more labour intensive. He added that where agents are aware there are other associated

appeals this should be made aware at the point the notice of hearing is issued so that they may be addressed.

4.12 Mr Anderson confirmed that the VTS is happy to work with parties to agree suggested groupings for future hearings. It was noted that if a case is listed in isolation, similar cases can be discussed even if they aren't listed together - although as volumes of appeals increase resources will be stretched moving forward with CCA.

4.13 Mr Moss queried whether under the new Directions, if a party has submitted a Statement of Case and then a postponement request is granted, is it necessary for the other party to then submit their Statement of Case? It was agreed that it depends on the circumstances surrounding the case. Mr Bestow explained that once a postponement is granted the case will start again from the beginning as it will be subject to a new hearing notice and, therefore, new Direction. If the evidence bundle has not changed it can be used again, or if new information is acquired a new bundle can be submitted. The VTS will need to be informed if a party wishes to use an evidence bundle submitted previously. **Mr Bestow agreed to draft an explanation for members of staff which will also be published to clarify what is required.**

4.14 Mr Johnson asked how it will be possible for the 11 cases listed for hearing tomorrow to be heard? Mr Masella explained that the VTS had arrangements in place to hold a second tribunal if necessary. Mr Anderson added that the VTS will be as flexible as possible and address any issues as they arise.

## **5 Update on IT preparation for CCA**

5.1 Mr Anderson reported that a meeting had been held with the Agents' Electronic Community representatives and that by the end of next week the back office system will be up and running to accept, acknowledge and register appeals, with ongoing work continuing to meet the front end.

## **6 Position in respect of civil penalties under CCA**

6.1 The regulations should be published in the very near future, no significant changes are anticipated. Mr Bestow had attended a CPT Event where the possibility of multiple penalties was raised, he was of the opinion this was unlikely and there would only be one penalty.

## **7 Council Tax reduction appeals update**

7.1 Mr Bestow confirmed the situation has not improved, default judgments are still being issued against billing authorities and difficulties have arisen with various

schemes. He pointed out that many of the new members are lawyers and are meticulous when challenging schemes and that they will expect evidence and case law to support cases. Mr Heiser was asked to use his LGA contacts to raise this matter with the billing authorities, as well as Mr Hetherton in terms of his IRRV involvement.

## **8 Workload analysis**

8.1 This was discussed fully under items 3-4 of the agenda. Mr Penfold asked for the outstanding figures of rating appeals; Mr Anderson confirmed a figure around 230,000, although this is expected to rise to 240,000.

## **9 Any other business**

9.1 Mr Schurder raised the issue of members inspecting properties following the comment made by the Upper Tribunal in a recent decision where they expressed surprise that no inspection had taken place. Mr Garland confirmed that if the panel feel there is doubt about evidence submitted and an inspection is required there are no restrictions to stop it, but inspections should only take place when there is benefit to be gained.

9.2 Mr Bestow advised those present to sign up on the VTS website to receive alerts when ViP is published. In the last issue there was an interesting article on stayed appeals; he added that the VTS can provide assistance in identifying any significant cases.

## **10 Date of next meeting**

10.1 The meeting closed at 3:40pm; Nicola Hunt will circulate a date in due course for the next meeting to take place during September.



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Tony Masella  
Chairman