



Valuation Tribunal Users' Group

Minutes of the Meeting held at 120 Leaman Street on Wednesday 13 September 2017 at 11:00am

Present:	Tony Masella	VTS & Chairman of the Group
	Lee Anderson	VTS
	Gary Garland	VTE (President)
	Jon Bestow	VTS (Registrar)
	Blake Penfold	RICS
	Jerry Schurder	RICS
	Tom Emlyn Jones	RSA
	Tim Johnson	RSA
	Andrew Hetherington	IRRV
	Michael Pearce	VOA
	Alan Colston	VOA
	Liz Ratcliff	VOA
	Greg Warren	Federation of Small Businesses
	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), Mary Hardman (VOA), Stuart Moss (VOA), Carla-Maria Heath (LGA), Mike Heiser (LGA) and Cain Ormondroyd (PEBA).

2 Minutes of the meeting held on 17 July 2017

2.1 The minutes of the meeting held on 17 July 2017 were accepted as an accurate record and confirmed.

3 Invalidity appeal procedure under the Consolidated Practice Statement (CPS)

3.1 Michael Pearce asked for clarification of the appeal procedure in respect of invalid cases because there was no explicit provision in the CPS. Jon Bestow explained that there is no standard direction because the case only relates to the facts of whether or not the appeal is invalid. There is no requirement for exchange; the appellant makes an appeal and the VOA provide information as to why they believe the case is invalid. If there are exceptional circumstances an application can be made for the appeal to be treated as a complex case.

4 Listing practice where appeals on a single issue are not programmed together

4.1 Blake Penfold outlined the problems being experienced where similar appeals are not being placed in the same programme and are then listed separately. Tony Masella confirmed VTS staff list cases according to VOA programmes, but checks are made to identify appeals on the same property which should be listed together. Should a representative receive a notice of hearing and be aware of other similar appeals to be listed, contact should be made with the VTS at that point and staff will try and address this if possible. However, it does not necessarily follow that simply because appeals are located in the same road that they should be listed together as the grounds of appeal or type of property could be different. It was sensible that appeals on a single building should be heard together. Gary Garland added that any material fact that affects an appeal must be reported to the VTS straight away so any issues can be resolved and no further listing errors occur.

4.2 Alan Colston pointed out that while the VOA try to programme similar cases together this depends on the date of receipt and reason for the appeal. He advised that when parties receive programme notification from the VOA they are able to request other similar appeals are placed in the same programme.

4.3 It was confirmed that all listings are published on the VTS website and searches can be performed for a particular hearing date. Andrew Hetherington felt it would be useful if the website showed all live appeals rather than just the cases which are listed; Lee Anderson added that this was not feasible.

5 Practice Note on Postponements & Adjournments and process requirements following Postponement or Adjournment

5.1 The 'Practice Note on Postponements & Adjournments' was circulated prior to the meeting; following this some clarification was requested. Michael Pearce referred to para 3 as he was unclear if when a postponement is granted does the whole process start again or is it just the hearing date that moves? Jon Bestow confirmed that the old timetable for disclosure continues and it is just the hearing date which moves, unless parties apply for bespoke directions. Gary Garland explained that his and Tony Masella's aim was to keep the process simple and he hoped that this will resolve the confusion previously experienced.

5.2 Jerry Schurder pointed out that the new process means there will have to be changes made to their IT system because alerts are triggered at particular points in the process, for example when evidence bundles are to be submitted. Lee Anderson suggested that if the postponement notice is the trigger on their system the VTS would be willing to issue notices at the date of the hearing rather than before, therefore removing the need for any changes to be made to the IT systems. VTS staff can confirm to parties a case has been postponed, but not issue the notice.

5.3 Tony Masella advised the various professional bodies present the importance of ensuring their members are clear what the new process is given that there are changes and some of their members may still not be aware of them. **The document will be**

published on the VTS website with an explanatory note.

6 Impact of new Directions

6.1 The CPS came into force from 1 July 2017; the process is still bedding in and has been a learning curve. The statistics look promising, with only 60 cases out of 16,169 listed were adjourned by a panel due to overcapacity on the day. Evidence bundles are received two weeks before the hearing date and some cases are still being settled during this period. Clerks have to judge whether it will be necessary to run a second hearing, which can be difficult at external venues. Tony Masella pointed out that the aim is to ensure all cases requiring a hearing are given one and he will continue to monitor progress, which may mean finding alternative venues that can accommodate late changes.

6.2 Once an evidence bundle is submitted parties are expected to attend the hearing or their case will be dismissed. Blake Penfold thought it may be useful to remind parties that cases can be heard in absence providing the evidence bundle has been submitted and the VTS notified, rather than request a postponement. It appears problems are being experienced in concentrated areas; therefore adjustments may need to be made to reduce the number of cases listed in those areas and increase listings elsewhere to ensure the highest number of cases possible are settled. It may be practical to hold more hearings in London regardless of where the appeal property is located if the rating firm is London based as there are two hearing rooms there.

6.3 Lee Anderson reported that at the end of August 2017 16,000 cases were listed, 22% of which were agreed, 43% withdrawn, 6% postponed, 1% adjourned and 28% decided (of which 2% required written decisions and 26% were dismissed). Where evidence bundles are submitted 61% of cases are agreed or withdrawn prior to the hearing. During the meeting in July Lee reported that there were 230,000 NDR cases outstanding; this has now reduced to 170,000.

6.4 Gary Garland explained that even when a tentative agreement is reached the case will still proceed and it must not be assumed the VO will request the agreed figure is confirmed; parties must comply with directions and attend the hearing until an agreement form is fully signed. He has received many applications requesting cases to be reinstated because they have been dismissed in the absence of the representative and a fully signed agreement form. He pointed out that requesting a reinstatement is not the solution to this issue. The panel will only accept a fully signed agreement form, however if agreement has been reached and both parties email the VTS prior to the hearing stating the agreed figure the case will be treated as agreed.

6.5 Since the introduction of the CPS, Lee Anderson has started mapping the activities of various rating firms which could be very useful when predicting which cases will run going forward. He added that if any of the representatives present would like to discuss his findings for their company outside of this meeting to contact him direct.

6.6 Blake Penfold felt non-engagement prior to the 10 week period is becoming normal in some areas and that simultaneous exchange could resolve this. Tony Masella explained that the process was clearly set out and failure of the parties to adhere to timeliness came with risks. Alan Colston felt generally the new directions were working

well and reported that the VOA ran workshops covering the new Tribunal Directions in August for all relevant staff to ensure everyone understands the new requirements. He added that when cases are acknowledged the contact details of the case workers are provided so parties can make contact. He felt that sometimes professional representatives were contacting the VOA very close to the 10 week deadline which meant VOs needed further time to consider and respond to the points made. On occasion, there was poor practice on both sides which will improve as the new directions bed down.

6.7 Tom Emlyn Jones felt that there may be some unfairness given that the ratepayer's representative would be struck out if agents do not comply yet the VO is not penalised. It was explained that failure to comply by the VO meant that their evidence would be barred.

7 Provision of copies of PD Forms & Forms of Return to appellants and VTE – clarification of CPS at PS11 para B1 & page 37 para 11 [for CT appeals] & PS2 paras 3 & 5(c) [for NDR appeals] references to 'copies of documents'

7.1 Michael Pearce questioned the requirement under the CPS to provide parties with copies of confidential forms of return. He explained that while parties are able to view these documents at any VOA office or in tribunal, under regulation 17(3) the VOA cannot provide copies to parties, but the CPS seemed to override this. Following some debate, it was felt that this requirement may not be compatible to justice, but it was understood the regulations were currently worded in that way.

8 VTE approach when panel presented by floor areas which differ

8.1 Jerry Schurder asked for clarification on the VTE approach if parties cannot agree areas. He gave an example of a case heard recently where the areas had not been agreed and the panel accepted the VO's areas because their inspection had taken place on a later date. Gary Garland pointed out that when there is a disagreement the panel must decide what evidence they will accept.

9 The "A" in CCA

9.1 The VTS had not received any appeals under this process as yet. Lee Anderson explained that the back office system is about to go live having been tested in the development environment. Work is ongoing regarding the interface into the new system with the VOA and agents, although the full solution isn't yet finalised appeals can be received and registered.

10 Possible further amendments to The Alteration of Lists & Appeals Regulations

10.1 There was no news on when these regulations would be published.

11 Council Tax reduction appeals update

11.1 As there was a need for billing authorities to be educated on what is required of them when attending hearings, Tony Masella has been in contact with IRRV to provide speakers at IRRV Forums around the country to educate BA's on dealing with all appeal types.

12 Workload analysis

12.1 This item was discussed fully under item 6 on the agenda.

13 Any other business

13.1 Blake Penfold asked if the workload analysis data could be circulated; **Lee Anderson agreed to do so.**

13.2 Jon Bestow pointed out that following various articles in the media by Mazars ('staircase tax'), nothing has been brought to the attention of the VTS by the parties regarding any difficulties. The professional bodies did not have any concerns on progress of discussions with the VOA.

13.3 Michael Pearce referred to para 2 of the application for complex case procedure of the CPS. He questioned where it states the request must be submitted prior to the listing of the appeal, he wondered how this would work because it wouldn't become apparent to the parties that an issue is complex until after a case is listed. It was felt that parties should know when cases are complex, but requests must be made as soon as possible. Late applications can be submitted but an explanation will be required as to why it is late.

14 Date of next meeting

14.1 The meeting closed at 1:30pm; the next meeting will take place on 4 December 2017.



.....
Tony Masella
Chairman