



Valuation Tribunal Users' Group

Minutes of the Meeting held at Black Lion House on 22 July 2010

Present:	Professor Graham Zellick QC	VTE
	Jon Bestow	VTE
	Anne Galbraith	VTS
	Antonio Masella	VTS
	Mark Higgin	RSA
	John Elcox	RSA
	Richard Guy (substitute)	IRRV
	Roger Messenger	IRRV
	Jerry Schurder	RICS
	Blake Penfold	RICS
	Michael Pearce	VOA
	Roger Culcheth	(Federation of Small Businesses)

1 Apologies:

Geoff Fisher (IRRV), Stephen Wright (VOA), Carla-Maria Heath (LGA), Melanie McIntosh (PEBA) and Donald Scannell (Lands Chamber, Upper Tribunal).

2. Minutes of the meeting held on 28 June 2010

2.1 The President welcomed everyone to the fifth meeting of the Group, in particular Richard Guy (IRRV) who was deputising for Geoff Fisher.

2.2 Mr Penfold mentioned that an issue he had raised at the last meeting had not been included in the minutes. The President asked for details following the meeting so that the point could be added to the agenda for the next meeting.

2.3 Mr Messenger asked for minute 6.5 to be reworded to make it clear that all the professional bodies, not just the RICS, were concerned about having to produce statements of case.

2.4 Mr Guy asked for clarification of minute 3.2 as he was not present at the last meeting. The President explained that the move to the First-tier Tribunal should produce an amendment as he felt it was wrong in principle.

2.5 Mr Schurder asked for minute 3.1 to be amended as he was not making any personal comment about the appropriateness of there being no right of

appeal in the circumstances described.

2.5 Subject to the above, the minutes were confirmed.

3. Matters arising

3.1 There were no matters arising.

4. *Listed Appeals Where the Parties Have Reached Agreement*

4.1 The time period should be 14 days where an offer has been made as it was considered seven days was not a reasonable period for paperwork to be returned. It was also explained that striking out was not considered an appropriate response to the situations described unless the matter had already been adjourned once to allow paperwork to be completed or to secure agreement of any other parties. The President would make the necessary changes to the draft.

4.2 The President asked about the Lands Tribunal procedure of using consent orders. It was reported that the LT used consent orders where agreement had been reached between the parties as there was no other disposal possible. That problem did not arise in the VTE and the President would make further enquiries.

5. *Applications for reinstatement following striking out and withdrawal and lifting of a bar*

5.1 The changes to this draft were noted.

6 *Calculating time and sending and delivering documents*

6.1 Mr Pearce asked for clarification as to whom the documents would be served on. He reported that some appellants were sending documents to various VOA recipients and wondered whether there should be a specific postal address/fax/email address. Various solutions were suggested and timings within the draft were clarified. The President and Registrar would make a few changes to the draft to mirror discussions.

7. *Non-Domestic Rates: Disclosure and Exchange*

7.1 There was discussion on various points in the draft, in particular as to whether the statement of case could be resubmitted before the deadline if it was not considered a reasonable submission by the VTE. The President felt that if it had been judicially looked at this would not be possible. Comments were noted by the President and he would make any necessary changes.

7.2 Annex 1: The changes were noted by the Group.

7.3 Flow chart: Michael Pearce volunteered to produce a revised flow chart with further lines added to include striking out. This was considered to be of value to the parties and could be used for training purposes.

7.4 Mr Penfold queried the position of any interested parties who were not the appellants or the respondents, i.e. in liquidation appeals. The Registrar would investigate.

7.5 IT implications: Mr Masella reported that he had spent some time developing process-maps to reflect the Practice Statements to date. Given that there were no further fundamental changes to these, it would be possible to implement IT changes by January 2011. Some of the professional bodies were concerned about lead-in time for IT changes as they too required to make changes to their own systems. The President confirmed that the NDR Practice Statement would apply only to 2010 appeals and only to appeals where the notice had been sent out after 1 January 2011.

8 Any other Business

8.1 Mr Penfold queried progress on regulations changes regarding NDR withdrawals. The Registrar stated the draft regulations were still awaiting approval but confirmed that correction slips had been issued in respect of other NDR matters.

8.2 Mrs Galbraith provided an update on the possible move to the new Tribunal system. She explained that CLG had recently received ministerial approval for consideration of a move to a First-tier Lands, Property and Housing Chamber and initial discussions would commence in the Autumn. The RPTS might move as early as April 2011.

8.3 The President also reported on a seminar he had attended of relevant tribunal heads and other interested parties chaired by Mr Justice Morgan at the request of the Senior President of Tribunals.

8.4 Mr Guy felt that the Tribunal's communications could be improved. It was agreed that Practice Statements on the website needed to be more prominent. Mr Masella agreed to review this. The President also indicated that new leaflets would soon be published and issued.

9. Date of next meeting

9.1 The next meeting would take place on October 20 at 10.30am at Black Lion House.

20 October 2010

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President