



## Valuation Tribunal Users' Group

### Minutes of the Meeting held at Black Lion House on 20 October 2010

<b>Present:</b>	Professor Graham Zellick QC	VTE
	Jon Bestow	VTE
	Anne Galbraith	VTS
	Antonio Masella	VTS
	Andrew Hetherton (substitute)	RSA
	John Elcox	RSA
	Richard Guy (substitute)	IRRV
	Geoff Fisher	IRRV
	Jerry Schurder	RICS
	Blake Penfold	RICS
	Michael Pearce	VOA
	Roger Culcheth	(Federation of Small Businesses)

#### 1 Apologies:

1.1 Mark Higgin (RSA), Roger Messenger (IRRV), Carla-Maria Heath (LGA), Stephen Wright (VOA), Melanie McIntosh (PEBA) and Donald Scannell (Lands Chamber, Upper Tribunal).

1.2 The President welcomed everyone to the sixth meeting of the Group, in particular Andrew Hetherton (RSA) who was deputising for Mark Higgin and Richard Guy who was substituting for Roger Messenger (IRRV).

#### 2 + 3. Minutes of the meeting held on 22 July 2010 and Matters arising

##### Minute 6:

3.1 The President invited comments on the revised Practice Statement: *Calculating Time and Sending and Delivery Documents*, which was similar to practice in the courts.

3.2 Mr Pearce reported that data protection and IT security concerns led the Valuation Office Agency to discourage use of electronic service for delivery or receipt of documents. Members voiced their concern at this.

3.3 The President observed that he could not dictate to parties how to serve or receive documents but it was clearly an issue between representatives and

the VOA. He suggested finding out the position in other courts and tribunals and keeping the Group informed of developments.

3.4 The difference between paragraphs 5 and 6 and 11 and 12 was between delivery to a particular address and service on a particular person.

3.5 There seemed to be some uncertainty created by the Practice Statement which the President hoped to clarify by making further changes to the draft in order to remove any ambiguity.

#### **Minute 8.1:**

3.5 It was understood that the revised NDR withdrawal regulations were drafted, but were yet to be signed off by a Minister.

#### **4. *Non-Domestic Rates: Disclosure and Exchange***

##### **Length of Statement of Case**

4.1 It was noted that a typical Statement of Case would be about two pages, but some cases would require a longer document. It was not possible to specify length in the Practice Statement.

4.2 The President appreciated the anxiety in the profession and said that he would produce a commentary on the Practice Statement which he hoped would be helpful. He would also monitor the situation closely following its introduction and any necessary changes could be made.

##### **Flow Chart**

4.3 Thanks were expressed to Michael Pearce for the additional work done on the Registrar's flow chart. It was generally agreed that the chart would be extremely useful.

##### **Interested parties who are neither appellant nor respondent**

4.5 The Registrar outlined the regulations with regard to interested parties. If an appellant withdrew, the interested party could become the appellant. However, if a withdrawal form had not been signed by the appellant, the appeal would be struck out and the interested party would need to make his own proposal at the appropriate time. The Registrar would investigate whether the appellant would be made aware of an interested party.

## **Forms of notices**

4.6 Mr Guy asked that a notice of hearing show the name/contact details of the clerk assigned to a particular hearing and that this information appear on the notice of acknowledgement to a proposal, rather than as a reference to the hereditament concerned. He thought that this would make the process more user-friendly especially if using email as a method of logging appeals. Mr Masella thought there might be IT implications but would try to find a solution.

## **Listing of appeals**

4.7 Mr Guy reported that it was difficult as a single practitioner to ascertain when to take annual leave. It was explained that holiday commitments constituted a good reason for postponing an appeal.

## **5. Mixed CT and non-domestic appeal lists**

5.1 The Registrar explained that it was not possible to have separate lists of council tax and NDR appeals. The solution lay in proper case management and timetabling.

## **6 Transfer to the First-tier Tribunal**

6.1 The President provided an update on the first meeting of the working group which consisted of representatives from the MoJ, Tribunals Service, CLG, VTE and VTS. Ministers had earlier given the green light for exploratory talks to begin and the aim was to identify issues involved in the transfer. The two main issues arising were staff pensions and the future of the membership.

6.2 The Government's announcement on arm's length bodies had since made clear that the VTE and VTS would be abolished and transferred to the FTI and Tribunals Service respectively.

6.3 The Government were about to introduce a Public Bodies Bill which would allow arm's length bodies such as the VTS to be abolished by order. The VTE's jurisdiction would be transferred under the Tribunals, Courts and Enforcement Act.

6.4 The new Lands, Property and Housing Chamber was expected to be established by next spring with the RPTS transferring initially. The Public Bodies Bill should come into force next autumn and the transfer of the VTS/VTE was anticipated to occur late 2011 or early 2012. The existing regulations would remain until a single set would be introduced for the new chamber. It was not known when a public consultation would commence.

**7. Any other Business**

7.1 Mr Pearce raised the issue of barring the Valuation Officer by comparison with striking out. It was noted that placing a bar on the VO would mean that a decision could not be appealed by the VO once the Tribunal had determined the matter. However, an application to lift a bar could be sent to the clerk before the hearing.

20 June 2011

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President