



## Valuation Tribunal Users' Group

### Minutes of the Meeting held at 120 Leaman Street on 3 August 2015

<b>Present:</b>	Professor Graham Zellick QC (Chairman)	VTE
	Jon Bestow	VTS
	Blake Penfold	RICS
	Andrew Hetherton	RSA
	Richard Guy	IRRV
	Peter Scrafton	IRRV
	Michael Pearce	VOA
	Mary Hardman	VOA
	Christopher Lewsley	PEBA
	Carla-Maria Heath	LGA
	Louise Freeth	

**In attendance:** Amy Dusanjh Secretary

#### **1 Apologies for absence**

1.1 Tony Masella (VTS), Anne Galbraith (VTS), Lee Anderson (VTS), Mark Higgin (RICS), Ian Charman (RSA), Jerry Schurder (IRRV), Peter O'Connell (FSB), and Martin McTague (FSB) tendered their apologies.

#### **2 Minutes of the meeting held on 11 May 2015**

2.2 The minutes were confirmed subject to minor amendments.

#### **3. Matters arising**

3.1 None.

#### **4 Recruitment of Tribunal members**

4.1 Approximately 80 applications had been received. The President was no longer involved in the exercise owing to his imminent retirement.

## 5 Draft revised Practice Statements

- *A2: Listing of non-domestic rating appeals*

5.1 Mr Penfold highlighted his concern about the risk of a strike-out if no contact had been made with the Tribunal prior to compilation of the final list. He felt this would disadvantage representatives who had submitted compliant Statements of Case. The President felt strongly that the proposed revision needed to remain to ensure parties adhered to the practice set out. Further revisions were suggested and Mr Penfold reserved the right to inform the Group if the arrangements were not working.

- *A11: Council Tax Reduction Appeals*

5.2 The President explained that the only cases that would now come before an FTT judge were those which specifically raised novel, important, difficult or contentious points of law. Chairmen who sat with FTT judges on these cases had already received training and further training would be provided to the clerks.

5.4 The President indicated that it was the respondent billing authority's responsibility to inform the Tribunal as soon as possible if the appeal were not suitable to be heard by a lay panel and this would be incorporated in the Practice Statement.

5.3 Underpayment of council tax as a result of recalculation of CTR entitlement was the issue in many of these cases. One specific issue was that neither the legislation nor BAs' schemes dealt with miscalculation owing to official error. As official error was not provided for in most BA schemes, the appeals were therefore outside the Tribunal's jurisdiction. It was intended to advise appellants that their appeals would have to be struck out but that they could apply to the BA for discretionary relief under s.13A(1)(c), from which decision an appeal would then lie to the VTE.

5.4 Ms Freeth suggested a webinar/web alert to communicate issues to the IRRV membership. The Registrar would send her the relevant information.

- *C5: Statements of Reasons in Council Tax Liability Appeals*

5.3 The President explained that it had recently come to light that the short decision issued in all CTR and CTL appeals failed to inform appellants that they could within 14 days request a full reasoned decision. The amendment would ensure that this would in future be clearly stated on the decision notice.

## 6 NDR reform: Enterprise Bill

6.1 The VOA and Jon Bestow, the Registrar, reported that they had been involved in meetings convened by DCLG on NDR reform. Tony Masella and Lee Anderson had also been involved in discussions.

6.2 Mr Hetherton stated that he was keen to conduct a series of seminars for the professional bodies in order to formulate a response to the consultation and would be writing to DLCCG for further information on the timetable.

**7 Draft President's Guidance Note: Skeleton Arguments**

7.1 The Group felt that this was a helpful statement and should be issued.

**8. Any other business**

8.1 Mr Penfold queried meetings of the Group in the period until a new President was in post. He felt it important that meetings should continue to be held. The President reminded the Group that it was a joint VTE-VTS body and he hoped the Chief Executive of the VTS would convene meetings during the interregnum and that where possible at least one of the Vice-Presidents would be present.

8.2 The Group asked to place on record their deep appreciation and gratitude to the President for establishing the Users' Group and for the direction and clarity he had provided during his six and a half years in post. The President said that he had relied heavily on the forum and it had been immensely valuable to him. He enjoyed working with all the members and thanked them for their help.

**9. Date of next meeting**

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

9 December 2015

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Tony Masella  
Chairman