



Valuation Tribunal Users' Group

Minutes of the Meeting held at 120 Leaman Street on 4 May 2016

Present:	Tony Masella	VTS and Chairman of the Group
	Anne Galbraith	VTS
	Lee Anderson	VTS
	Jon Bestow	VTS (and Registrar for VTE)
	Martin Young	VTE
	Fiona Dickie	VTE
	Mark Higgin	RICS
	Blake Penfold	RICS
	Jerry Schurder	RICS
	Andrew Hetherington	IRRV
	Ian Charman	RSA
	Martin Davenport	RSA
	Gordon Heath	IRRV
	Andrew Hetherington	IRRV
	Michael Pearce	VOA
	Mary Hardman	VOA
	Alan Colston	VOA
	Paul Bevan	VOA
	Carla-Maria Heath	LGA
	Mike Heiser	LGA
	Christopher Lewsley	PEBA

1 Apologies for absence

- 1.1 Alf Clark (VTE), Andrew Edwards (VOA), Martin McTague (FSB), Louise Freeth (CTR) and Peter O'Connell tendered their apologies.
- 1.2 Peter O'Connell informed the Chairman by email that he would be stepping down from the VTUG as he would shortly be leaving the FSB. The Chairman would liaise with FSB officials about FSB representation following Peter's departure.
- 1.3 The Chairman took the opportunity to congratulate Martin Davenport on his recent appointment as President of the Rating Surveyors' Association.

2 Minutes of the meeting held on 25 February 2016

2.2 The minutes were confirmed.

3. Matters arising

3.1 (8.2) Mr Bestow explained that he continued to have some concerns regarding the VOA's approach to A10 appeals.

(7.1) Mr Colston confirmed that the VOA had now had legal advice in respect of the Mazars' case and that they had shared their approach with the professional bodies. Mrs Hardman confirmed that none of the Mazars' cases (on the issue of scope of proposal) had been stayed and were easy to identify.

4 Exchange & Disclosure pilot

4.1 The Chairman invited comments on the Explanatory note and the Standard Directions which he had circulated prior to the meeting. He informed that the NDR Exchange and Disclosure pilot would commence on July 1.

4.2 The Chairman explained that this pilot, due to last for six months, focused on the billing authorities within the counties of Kent and Leicestershire. It was aimed at encouraging discussions at an earlier stage in the current process so that information was more readily available which would allow conscious decisions to be made regarding whether the matter should be progressed to an actual hearing. There would of course be lessons learnt, which would be helpful in determining whether this should be released nationally or not.

4.3 Mrs Hardman sought clarification on the criteria that would measure the success of the pilot. Mr Anderson reported that the existing process was cumbersome on administration and one of the measures of success would be to reduce the number of cases running through to Tribunal. Early settlement of cases needed to increase and late settlements needed to be reduced, whilst unnecessary paper flow also needed to be addressed. Mrs Hardman thought that the wider picture needed to be reviewed, not just the impact on the Tribunal. She also enquired how this would impact on Check Challenge and Appeal (CCA).

4.4 The Chairman pointed out that this pilot, and even if implemented nationally, had no bearing on CCA. It should be borne in mind that on 1 April 2017 there would still be a significant number of 2010 rating List appeals outstanding that would require a process for them to be resolved.

4.5 Ms Dickie reported that the opportunity being presented would create cost savings for all parties but only if they engaged in early discussions 14 weeks before the hearing date. She considered that there would be further savings in

judicial resources, i.e. fewer reinstatement applications etc, and more meaningful hearing days. She did not think it would be difficult to measure success internally as qualitative and quantitative responses would be forthcoming from all parties, as well as VTS staff.

4.6 Mr Heiser felt that another measure of success could be to compare the number of appeals, by type and rateable value, resolved in the pilot area against the non-piloted areas.

4.7 Mr Schurder expressed his view that simultaneous exchange of evidence would create a fairer balance as requiring the appellant to go first could run the risk of the VOA taking a less engaging approach. Ms Dickie reiterated that the simultaneous exchange should take place at the 14-week stage when discussions should occur between the parties. She highlighted that if parties did not comply with the Directions, automatic strike-out would no longer occur, but, where applicable, the Tribunal would impose necessary sanctions within its powers. Varying the Directions was also discussed and it was highlighted that there would *not* be any possibility to vary the deadline two weeks before the hearing.

4.8 File size clarification was sought by the professional bodies, as well as a request to make clear on the explanatory note the position of interested parties. The default position of filesize exchange was 10MB and considering hearing bundles would expand to 20MB, it was considered that they be sent as multiple emails. Mr Penfold would send Ms Dickie some proposed words to include on litigants in person.

4.9 Mr Pearce sought advice on whether late submission of regulation 17(3) evidence would be permitted; Ms Dickie confirmed that any application would be considered by the Tribunal who would comply and exercise the powers under its procedural regulations.

4.10 It was made clear that for the new process to work, engagement had to take place early in the process. The Group were invited to make clear as soon as possible any points that were not covered or open to misinterpretation within the Explanatory Note. The Directions had been system embedded and could not be amended at this stage.

5 Update on NDR Reform

5.1 As government was in a purdah period, there was no further updates available under this item.

5.2 Mr Heiser confirmed that discussions had begun between the Department of Communities and Local Government (DLCG) and LGA on implementing a 100% business rates retention. Mr Bestow considered that the role of

Authorities in the appeal process as a potential interested party in appeals where they are not the ratepayer could be perceived as having changed from ensuring the value is correct to protecting their income in 2020 if they retain all revenue from rates collected. This was a matter which might need to be addressed in appeal reform.

6 Update on CTR appeals activity

6.1 The CTR overpayments decision had been issued and was now published on the website.

7. Any other business

7.1 Mr Anderson would shortly circulate NDR and CT statistics for the end of the year.

7.2 Mr Bestow reported that a Billing Authority had disputed the Tribunal's jurisdiction and powers under 13A(1)(c) discretionary relief.

7.3 Mr Bestow highlighted a case - which incorporated a hopeless order as well as reasoning within the decision where the taxpayer had been successful - that had been reviewed and set aside, only for the LO to adjust the valuation list leaving the appellant with a large bill and no appeal. He questioned whether this was a morally acceptable action by the LO.

7.4 Mr Higgin queried an update re a new President. It was highlighted that the selection and recruitment responsibility lay solely with the Judicial Appointments Commission.

8. Date of next meeting

8.1 Members would be consulted via email about the date of the next meeting in September.

26 September 2016

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Tony Masella
Chairman