

Council Tax Valuation

Your appeal and preparing for your Valuation Tribunal hearing





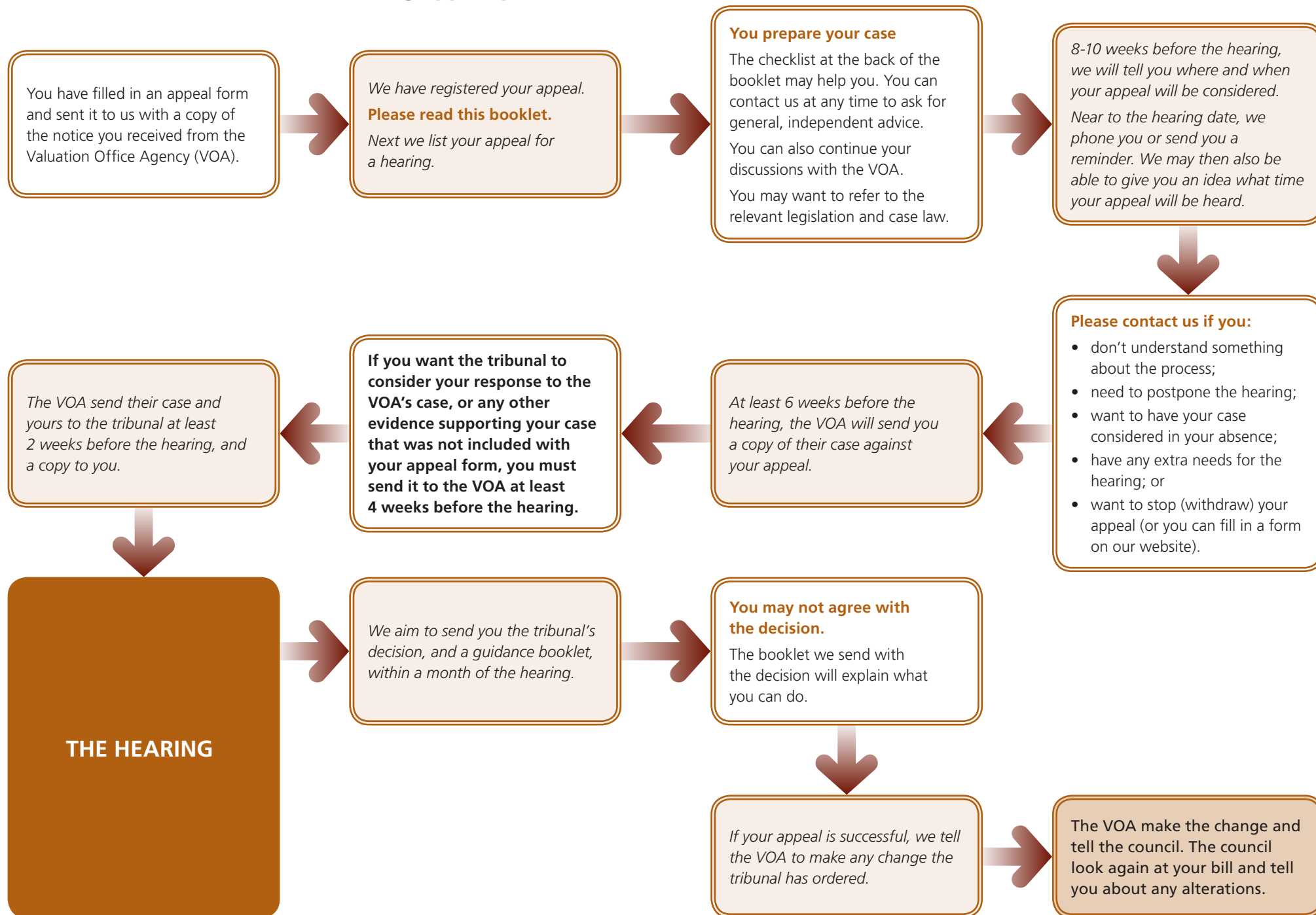
If you would like a copy of this booklet in another format or language, please let us know.

We aim to treat everyone fairly. We will not treat anyone making an appeal less favourably for any reason.

This guide does not cover every point about the Valuation Tribunal. Our staff will reply to any reasonable request you have for advice on our procedures but we cannot offer detailed advice on your appeal.

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Valuation Tribunal council tax banding appeal process



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Technical terms

adjourn

Stop the hearing for a time because a discussion or some other information is needed before a decision can be made.

council

The local authority (billing authority) that sends out council tax bills.

direction

The tribunal's written instructions that you and the VOA must follow.

dismiss

The panel turns down your appeal and you no longer have a case with us.

invalidity notice

A notice from the VOA stating that they have not accepted your proposal as valid, and their reasons for this.

panel

The members of the Valuation Tribunal who hear your appeal.

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proposal

The letter or form that you sent to the VOA asking them to alter the valuation list.

strike out

The panel decides to stop considering your appeal because you failed to keep to a direction.

valuation list

A list of all the domestic properties in a council's area.

Valuation Office Agency (VOA)

The government body that places homes in council tax bands.

The 'listing officer' in the VOA has to keep the valuation list correct.

Valuation Tribunal

The name that covers both the judicial body that hears appeals against council tax and business rates (the Valuation Tribunal for England) and the administrative body that supports it (the Valuation Tribunal Service).

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Why have I received a notice of acknowledgement?

1. You have made an appeal to the **Valuation Tribunal** against a decision you received from the **Valuation Office Agency (VOA)**. Our notice tells you that we have registered your appeal and gives our contact details. It shows the information we have about your appeal including the appeal number, which you should quote if you contact us. If any of the information on the notice is wrong, please let us know.
2. By law, we have to let the Valuation Office Agency (VOA) know that you have made an appeal, and we send them a copy of your appeal form.

About this booklet

3. This booklet looks at appeals against decisions the VOA make about council tax banding (valuation) and against invalidity notices they issue.
4. The booklet gives you information about us, the notices you receive from us, the service we provide and what happens next. The information will be useful to you throughout the whole appeals process, so please keep this booklet as you may need to refer to it.
5. Words or phrases in **bold** and **blue** in this booklet are explained under the heading 'Technical terms' on page 2.
6. Throughout this booklet we refer to the president's Practice Statement. You can download this from our website at www.valuationtribunal.gov.uk or ask us for a copy at any time.

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What is the Valuation Tribunal?

7. The Valuation Tribunal for England was established by Act of Parliament to decide disputes about council tax and non-domestic rates.
8. It is an independent judicial body (like a court) and is not connected to the Valuation Office Agency (that set council tax bands and rateable values on properties) or to the **council** (that decide on liability, exemptions and discounts for council tax and send out council tax and rates bills).
9. The tribunal is made up of a president, vice-presidents, chairmen and ordinary members. The president and vice-presidents are judicial office holders appointed by the Lord Chancellor. The chairmen and members are volunteers, appointed by the Judicial Appointments Commission. They do not have to have any relevant professional qualifications (though some do), but need to have the necessary skills and experience and receive training. Appeals are normally heard by a panel of two (a chairman and member), assisted by a clerk who offers advice on the relevant law, practice and procedure and usually puts the panel's decision and reasoning into writing.
10. The tribunal is supported by the Valuation Tribunal Service, which also was established by Act of Parliament and provides the staff, training, office services and so on.

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How does the tribunal work?

11. The tribunal must follow law and procedure relevant to its appeal process. These are set out in formal regulations (see page 23), supported by a Practice Statement made by the tribunal's president.
12. The tribunal aims to be as informal as possible, but as a judicial body its hearings are structured. This is for everyone's benefit.
13. There are no fees to pay for these types of appeals and the service is entirely free. The tribunal cannot order anyone to pay the costs or expenses of the other side, whatever the outcome of the appeal.
14. You can present your own case or be represented by someone else. (We cannot provide anyone to represent you.)
15. Hearings are in public, unless there are exceptional grounds for the hearing to be in private. The grounds are set out in the Practice Statement (Private or closed hearings).
16. The tribunal's decisions are public documents, and are published on the website. It is possible to apply for certain information to be removed from a decision before it is published. There is more about this in the Practice Statement (Publication of decisions).

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Do I still need to pay my council tax?

17. Even though you have appealed you must, by law, still make the payments shown on your bill.

What happens before the hearing?

18. **You will need to prepare your case before the hearing. You must show the panel that it should allow your appeal.**

You may want to do the following

19. Contact the **VOA**. You can try to settle your appeal with them right up until the date of the hearing. **If you reach a settlement before the hearing date, you must let us know immediately.** If your appeal cannot be settled, it is helpful to the panel and to you if you and the VOA have agreed facts.
20. You can get advice from Citizens Advice at www.citizensadvice.org.uk. You can get advice and help from an independent property valuer. You can get contact details from the internet or local business and phone directories. You can also get advice from a legal adviser, though it is unlikely you will get legal aid. To find out what help may be available, contact Civil Legal Advice. Their phone number is 0345 345 4345 and their email address is emailhelp@civillegaladvice.org.uk. There is more information about the scheme on www.gov.uk/legal-aid.
21. You may want to come along to another hearing to see what happens. If you do, please contact the office to find out on what dates this would be possible.

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You will receive a notice of hearing

22. This will tell you when and where the tribunal will hear your appeal. Normally, this is within six months of receiving the appeal and we will give you 10 weeks' notice of the hearing.
23. **The notice will also include a direction. It is very important that you read this as it tells you what you need to do.**
24. If you tell us you will be coming to the hearing, we will be able to plan the day better and may be able to give you an idea of what time your appeal will be heard.
25. **If you cannot come to the tribunal hearing, you can:**
 - send a representative (see paragraph 58);
 - ask the **panel** to hear the case without your being there (see paragraph 52); or
 - contact us to ask for another hearing date, if you have a good reason for not being able to attend. Please note that it may be some time before we can give you a new date. There is more about this in the Practice Statement (Postponements and adjournments).

How do I prepare my case before the hearing?

This guide gives information about council tax banding (paragraphs 26 to 43) and invalidity notice appeals (paragraphs 44 to 51). Please read the information that applies to your appeal. Other information in the booklet applies to both types of appeal.

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Council tax banding appeals

26. At least six weeks before the hearing, the **VOA** should send you their full case. This will include any evidence of the prices other properties sold for and the bands they are in. The VOA's evidence can appear fairly formal but we do not expect you to present your evidence in the same way as the VOA.
27. You should make sure that your case explains the issues that you and the VOA disagree about and the decision you want from the tribunal. Set out your arguments that support your case (including any legislation or case law) and enclose any evidence that you have to support this.
28. The banding is based on the price the VOA assume your property would have sold for on **1 April 1991**, even if your property was not sold or even built on this date.

The ranges of values in the bands are as follows.

Band A – up to and including £40,000

Band B – over £40,000 and up to and including £52,000

Band C – over £52,000 and up to and including £68,000

Band D – over £68,000 and up to and including £88,000

Band E – over £88,000 and up to and including £120,000

Band F – over £120,000 and up to and including £160,000

Band G – over £160,000 and up to and including £320,000

Band H – over £320,000

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29. Generally, the best reason to put a property into a particular band would be the price a property was sold for on or near to 1 April 1991. It can be difficult to work out what a property might have been worth in 1991, particularly if it was not built at that time. You may be able to find information about other properties in the area that were sold around this date. If these properties are very similar to your own, the prices they sold for may be good evidence of how much yours would have sold for then.
30. The VOA will have checked that the details they have about your property are correct and told you in their decision notice about any information they considered when they reviewed your property's band. At least six weeks before the hearing, they must send you a copy of their case, including their arguments, evidence, legislation, case law and details of the selling prices of properties they consider to be similar to yours. You then have the right to ask the VOA for information about the selling prices of up to four other properties that you have identified. If the VOA provide selling prices of more than four properties, you can ask for information on the same number of properties you have identified.
31. If you cannot find any good information about selling prices, you may be able to find information about the bandings of similar properties. Since council tax started in 1993, many disagreements about bandings have been settled following appeals, or have been seen to be accepted because no appeals have been made. These settled or accepted bandings may be good evidence of the correct banding.

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32. Your local **council** holds a copy of the **valuation list**, which shows the bandings of all properties in your council's area. You can look at the list and compare the bandings of your property and any other properties that you think are similar. You can also see information about the bandings for all properties in England on the Valuation Office Agency's website at www.voa.gov.uk.
33. Copies of old newspapers are often available at libraries, and can provide some details of properties which were for sale in 1991. These will only show the asking prices and often have few details about the properties, but you may be able to use this information to ask the VOA for evidence of property sales.
34. Some banks and building societies produce lists that show changes in property prices. But these lists are based on information about different types of properties over very wide areas, and so they may not be an accurate guide as to how much a particular property has changed in value.
35. In recent years, several website services have been set up which show sales of properties since April 2000, based on information from the Land Registry. These may help you to make comparisons, but please remember that it is 1991 values that matter.
36. If you are going to use evidence of the sales or bandings of other properties, it is important that you find as much information as possible about the location, age and size of each property involved. The VOA may be able to help you find out more details about any similar properties if you ask them.

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37. You can find more information about how properties are valued by looking at section 2 of the Council Tax Guidance Manual on our website at www.valuationtribunal.gov.uk.
38. You can also see tribunal decisions about other council tax appeals on the Decisions and lists section of our website. But a decision made by one panel may not necessarily be followed by another panel (unless it is a decision the tribunal's president or vice-president has made on a point of law).
39. You may also find useful information on the following websites:
www.gov.uk
www.voa.gov.uk
40. The main legislation that applies to these appeals is shown on page 23.
41. Whether you hear from the VOA or not, **at least four weeks before the hearing**, you must send the VOA (not us) any more evidence you want to be considered or any challenges you want to make to their case, if you received it. If you do not want to add anything, your case will be decided on the information you put in and included with your appeal form.

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42. If you need more time, you must write to us to ask if this is possible and also let the VOA know. The tribunal will not allow you to present extra information at the hearing if this was not included in the information you sent to the VOA, unless it was not available at that time.
43. At least two weeks before the hearing, the VOA will send their case and yours to us. They will also send you a copy, by post or email depending on which you have told them you prefer.

Council tax invalidity notice appeals

44. An invalidity notice is a notice from the VOA stating that they have not accepted your **proposal** as valid, and their reasons for this. You can appeal against this notice and argue that your proposal is indeed valid. The most common reasons for a proposal not being valid are listed below.
 - You made the proposal too late. For example, you made it after the legal time limit.
 - You did not fill in the proposal properly. For example, you did not give reasons why you believed that the banding was wrong or you did not give full information about a decision the Valuation Tribunal or a higher court made that you thought was relevant to your case.
 - You did not have the right to make a proposal. For example, you were not the occupier, owner or tenant of the property when you made the proposal.
 - The Valuation Tribunal or a higher court has already considered an appeal based on the same facts and relating to the same property.

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45. You will need to convince the panel that the reason given by the VOA is wrong.
46. When considering an appeal against an invalidity notice, the tribunal cannot also consider whether your property has been placed in the correct band. It is concerned only with whether your proposal is valid. If the tribunal decides that your proposal is valid, it will consider your band at a later date.
47. You can find more information about making a valid council tax proposal by looking at section 5 of the Council Tax Guidance Manual on our website at www.valuationtribunal.gov.uk.
48. The tribunal expects that you will have exchanged all your evidence with the VOA before making your appeal and certainly before the hearing.
49. You can see tribunal decisions about other appeals on our website. But a decision made by one panel may not necessarily be followed by another panel (unless it is a decision of the president or a vice-president on a point of law).
50. You may also find useful information on the following websites:
www.gov.uk
and
www.voa.gov.uk.
51. The main legislation that applies to these appeals is shown on page 23.

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Do I need to come to the hearing?

52. It is very helpful if you come to the hearing so that you can put your case, answer any questions the panel has and ask questions of the VOA. Our statistics show that your appeal is more likely to be successful if you do attend or are represented. However, it is possible for your appeal to be dealt with without you being there.

A hearing in your absence

If you want the panel to hear your council tax banding case without you, you must ask us at least 24 hours before the hearing. For an invalidity notice appeal, you must send us and the VOA the points you want to make, in writing, 14 days before the hearing. The VOA will still come to the hearing. If the panel considers that it is not able to deal properly with your appeal in this way, it may **adjourn** to another date for you to attend.

A decision without a hearing

If an appeal is decided on written statements only, this is known as a decision without a hearing and neither you nor the VOA will be there. If you ask us to deal with an appeal in this way and the VOA object to this, we will let you know as both sides have to agree to this. The panel may ask you or the VOA for more evidence. The panel may decide that it can deal with the case only by holding a hearing, or may **strike out** or **dismiss** your appeal if you fail to keep to any **direction** it makes.

You can find more details in the Practice Statement (Decisions without a hearing).

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Am I likely to win my appeal?

53. We are independent and have to be impartial so, although we can advise you about general procedure, we cannot advise you about whether you have a good case for making an appeal or whether your appeal is likely to be successful. Each case is considered on its merits. The success rate for appeals heard by a panel varies, but for all appeal types, when the person making the appeal attends or is represented, about one in three or four appeals is allowed (in full or in part). You may find it helpful to visit the Decisions and lists section of our website, where you can search for previous decisions on appeals like yours.
54. Shortly before the hearing, unless we know that your appeal has been settled, we will phone or send you a hearing reminder notice to find out whether you will be coming to the hearing. Then we can see if we can offer individual appointment times to those whose cases are being heard that day.

Who will be at the hearing?

The panel

55. Usually two members will hear your appeal, although occasionally a chairman may sit alone. One of the members will chair the hearing. Paragraphs 8 and 9 tell you more about the tribunal.

The clerk

56. The clerk is a paid employee who acts as an adviser on points of procedure and law. The decision is made only by the members of the panel, but the clerk is responsible for writing up their decision.

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A representative of the VOA

57. You will have already been in contact with the member of the VOA staff who is at the hearing during the discussion of your dispute.

You

58. You can come to the tribunal hearing or you can have a representative (for example, a friend, a solicitor or a surveyor) speak for you, whether or not you will be there yourself. However, if you are not attending the hearing, you must let us know in writing, before or at the hearing, who will be representing you. If you are appealing against an invalidity notice, you should bring four copies of your case to the hearing (one for each member of the **panel**, the clerk and the VOA representative).

Members of the public

59. The hearing is open to members of the public. Usually the only other people at a hearing are either waiting for their cases to be heard, or observing what happens at a hearing before their own hearing day.
60. The panel may hear your appeal in private if you ask us before the hearing, but you must have an exceptional reason for this. There are more details in the Practice Statement (Private or closed hearings).

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What happens at a hearing?

61. The hearing is as informal as possible and we will try to put everyone at ease, but these are legal proceedings and so it is impossible to avoid all formality.
62. The panel and the clerk will have a copy of your case (sent by the VOA) and you should go through this, explaining what you want to change, and what evidence you have to prove it should change.
63. You may call witnesses.
64. The panel will normally follow the procedure set out in the Practice Statement (Model Procedure).
65. The panel will decide who will put their case first. This will normally be you, but if you would prefer to give your case first or second, please let us know.
66. During the hearing:
 - the panel will ask you and the VOA to present your cases;
 - you will be able to ask the VOA questions;
 - the VOA will be able to ask you questions; and
 - the panel and the clerk can ask you and the VOA questions.

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67. Before the panel retires to make its decision, it will ask you if you would like to summarise your case (in other words, go over the main points of your case again).
68. The panel may decide to inspect the property or the area it is in, though this is rare.
69. The tribunal's decision is not usually announced at the hearing, but is sent to you in writing.

How long does a hearing last?

70. Hearings usually last about an hour. However, it depends on the case and how much evidence each side presents.

What if I have extra needs?

71. **Please let us know in good time.**
72. If you have any extra needs, (for example, relating to your sight, hearing or mobility), please tell us and we will do our best to help. We will cover the cost of providing a suitable place or any equipment that is needed to hear your appeal. We may also, in very special circumstances, arrange for the hearing to be held in your own home or somewhere that allows you full access. There are more details in the Practice Statement (Private or closed hearings).

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73. If you have problems understanding English, we can provide an interpreter. Please tell us which language you speak. Please note that the interpreter will not be an expert on council tax and will not be able to make your case for you. They will only translate what is said. We can also provide someone to help you communicate, for example, a signer. We will pay the costs of providing this help.
74. Our website has more guidance, which you can access using BrowseAloud, a feature which allows you to have the text read out or to download as an MP3 file, in English or another language.

After the hearing

You will receive a notice of decision

75. The notice gives you, and everyone else involved in the appeal, the tribunal's decision. The decision notice contains a summary of the reasons for the decision. It will not be a full record of what everyone said and all the evidence presented, but will explain why the tribunal made the decision it did. The notice also confirms the information that we will keep as a record of your appeal. By law, these records have to be available for the public to see, for six years. If any of the facts in this notice is wrong, please let us know so that we can correct it.
76. We will also send you a guidance booklet explaining what happens next, or you can see this at any time on our website.

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Can you award costs?

77. No. There is no power to order one side to pay the expenses of the other, whatever the outcome. You have to meet your own expenses (and the expenses of anyone representing you) in preparing your case and coming to the hearing.

Complaints

78. You may complain about the way our staff have handled your case or treated you by writing first to the office you have been in contact with. If they cannot deal with your complaint, they will pass it to the Service Delivery Manager. Please mark your envelope or email 'COMPLAINT'.
79. You can download a copy of our Customer Charter and Complaints Policy from our website, or you can ask us for a copy.
80. You can also complain to the tribunal president about the behaviour of a member or members of the panel, for example if you think they made inappropriate comments or were impolite.
81. You cannot complain about the decision. The only way to object to a decision is to appeal. There is more information in the booklet 'The Valuation Tribunal's decision on your appeal' which you will receive with your decision or you can download it from our website.

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How do I contact the tribunal?

82. It is usually better to contact the office that sent you any notices. (Their details will be on the notice we send you and it is on the Valuation Tribunal's website at www.valuationtribunal.gov.uk.)
83. Our national phone number is 0300 123 2035.
84. When you contact us, please tell us your appeal number.

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Relevant legislation

Local Government Finance Act 1992 gives the general law.

Council Tax (Situation and Valuation of Dwellings) Regulations 1992, Statutory Instrument 1992 No 550 (as amended)

(This gives details about the assumptions that have to be made when placing a property in a valuation band.)

Council Tax (Alteration of Lists and Appeals) (England) Regulations 2009, Statutory Instrument 2009 No 2270 as amended

and

Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, Statutory Instrument 2009 No 2269 as amended

(These set out the rules under which we and the Valuation Office Agency have to deal with any council tax valuation appeals.)

Please remember that some parts of this legislation have changed and there may be further changes. You will need to check that the legislation you use is up to date. Larger public and law libraries hold copies of legislation. You can also see legislation on the following website at www.legislation.gov.uk.

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Hearing checklist for council tax banding appeals

This is for your use, to help you prepare for your hearing.

You don't need to return it to us.

1 I have read the booklet, Your appeal and preparing for your Valuation Tribunal hearing.

2 I have agreed facts with the Valuation Office Agency (VOA) about my property (for example, the size and any important dates).

3 I have some evidence to support my case, with bands or selling prices of similar properties.

4 I understand that the following might help me prepare my evidence.

- Looking at the valuation list.
- Researching old local newspapers for estate agents' adverts or looking at estate agents' details of property sales.
- Looking at property-price websites.
- Asking the VOA for sales information on properties I think are similar to mine. (You can only do this once you have received details from the VOA about the sales of properties they think are similar to yours.)
- Looking at the VTS website to see other council tax decisions and the Council Tax Guidance Manual.

5 I received the VOA's case at least six weeks before the hearing and I sent them my response and any extra evidence I prepared at least four weeks before the hearing.

6 I know what my options are if I cannot or do not want to attend a hearing. (See paragraph 52 in the booklet.)

7 I have decided that I would like someone to represent me and I have let the VTS know who that person is.

8 I have spoken to the VTS about my extra needs. (See paragraphs 71-74 in the booklet.)

9 I know the time and place of the hearing.

10 I have let the VTS know that I (or my representative) will be attending.

If you have any questions about what happens at the hearing or what you need to do to prepare, please contact us on **0300 123 2035** or visit our website at **www.valuationtribunal.gov.uk**.

When you contact us, please tell us your appeal number which will be on all letters and documents we send you.

Valuation Tribunal

Telephone: 0300 123 2035

www.valuationtribunal.gov.uk